

INSTRUCTIONS FOR FILING NON-ENFORCEMENT REQUESTS FOR INDIVIDUAL TRACTS

The following are instructions for the completion of the **Non-Enforcement** form for individual tracts.

- A. The **Non-enforcement Request** and **Non-enforcement Information form** shall be submitted to the Hamilton County Surveyors Office ten (10) days prior to the Hamilton County Drainage Board meeting. The Drainage Board meetings usually take place on the 2nd and 4th Monday of each month.

- B. Request shall be on the standard form, as supplied by the Surveyors Office.

- C. The form shall be completely filled out with the following information:
 1. Name of individual, firm, partnership or corporation owning tract.
 2. Parcel number of tract as shown in the Hamilton County Auditors Office.
 3. Recording information for Deed. (From Hamilton County Auditor or Recorders Office.)
 - * If property has transferred in last 60 days, a copy of the Warranty Deed is to be returned with the application. *
 4. Name of Regulated Drain.
 5. Purpose of encroachment (fence, driveway, etc.)
 6. In the presence of a Public Notary, date and sign by the individual, officer of firm or corporation, or general managing partner of partnership. Show printed name of signatory and if joint ownership, both or all parties must sign.

- D. **A copy of a site plan, plat or engineered drawings showing what structures are proposed to encroach in the Hamilton County Drainage Easement shall be submitted with the application.**

- E. The **Surveyor** shall fill in the remaining items:
 - a.) “Subject to _____” (Other Conditions determined by Surveyor)
 - b.) Distance from the top of bank/center line of tile.
 - c.) Side of top of bank/center line of tile

- F. This form must be signed by and have printed name of owner of record as shown on the warranty deed from the Hamilton County Auditor.

- G. **For individual property owners, submit one check for seventy-five (\$75.00) dollars made payable to the Hamilton County Treasurer Office. If the petitioner is a corporation, partnership, or the project is a commercial project, then a one hundred (\$100.00) dollar check is required.**

- H. **Permit fee is a non-refundable review fee.**



NON-ENFORCEMENT OF DRAINAGE EASEMENT ON INDIVIDUAL TRACTS

FOR RECORDER'S OFFICE USE ONLY

STATE OF INDIANA)
)
COUNTY OF HAMILTON)

**BEFORE THE HAMILTON
COUNTY DRAINAGE BOARD**

WHEREAS, _____ (“the Landowner”) are owner(s) of a certain parcel of real estate located in Hamilton County, Indiana, which is commonly known as Hamilton County Tax Parcel No. _____ (“the Real Estate”); and,

WHEREAS, the Real Estate is described in the Deed of the Landowner(s) in Deed Book _____, Page _____ or Instrument No. _____ in the Office of the Hamilton County Recorder; and,

WHEREAS, the Real Estate is subject to a Drainage Easement for the _____ Drain (“the Drainage Easement”) and the Landowner(s), have requested that the Drainage Board (“the Drainage Board”) waive the right to enforce certain restrictions within the Drainage Easement.

IT IS THEREBY AGREED by the Drainage Board and the Landowner(s) as follows:

1.) The Drainage Board agrees that the Landowner(s) may construct _____ within the Drainage Easement subject to _____

2.) In consideration of the consent set out in the above paragraph, the Landowner(s), on behalf of themselves, successors, and assigns, as Owners of the Real Estate acknowledge that if necessary, in order to maintain, construct, or reconstruct the drainage improvements in the Drainage Easement, the Drainage Board, its contractors and workers working under said authority, may remove all improvements located within the Drainage Easement

3.) In the event of said removal, the Landowner(s), on behalf of themselves, and successors in title to the Real Estate hereby release and waive any claim that they may have against the Drainage Board, or any contractor or workmen operating under the authority of the Drainage Board for the costs or damage to the improvements located within the Drainage Easement.

4.) The Drainage Board agrees not to enforce its easement rights beyond a distance of _____ feet from the _____ side of the top of bank and/or centerline of the tile within the Drainage Easement, unless for maintenance or construction described in Section 2 above.



NON-ENFORCEMENT OF DRAINAGE EASEMENT ON INDIVIDUAL TRACTS

Tax Parcel Number _____

Drain Name _____

THIS AGREEMENT WILL BECOME EFFECTIVE UPON DRAINAGE BOARD APPROVAL.

Dated this _____ day of _____, 20____, by the Landowner(s).

LANDOWNER(s)

By: _____

By: _____

Printed: _____

Printed: _____

STATE OF INDIANA)
)SS:
COUNTY OF HAMILTON)

Subscribed and sworn to before me, a Notary Public this _____ day of _____, 20____, personally appeared the within named _____, and _____ as Landowner(s) and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.

My Commission Expires: _____

Notary Public,

Residing in _____ County, IN

Dated this _____ day of _____, 20____, by the Hamilton County Drainage Board.

HAMILTON COUNTY DRAINAGE BOARD

ATTEST:

President

Lynette Mosbaugh, Secretary

“I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Kenton C. Ward, Surveyor”

Prepared by the Hamilton County Drainage Board: Michael A. Howard, Attorney

NON-ENFORCEMENT INFORMATION

Hamilton County Surveyor's Office
One Hamilton County Square, Suite 188
Noblesville, IN 46060
317-776-8495 fax: 317-776-9628

Name of Drain: _____ Project Name: _____

Parcel Number: _____ Township: _____

Applicant's Name: _____ Property Owner: _____

Address: _____ Property Address: _____

Phone: (____) _____ Phone: (____) _____

E-mail: _____ E-mail: _____

Contact Name: _____ Contractor-Installer: _____

Address: _____ Address: _____

Phone: (____) _____ Phone: (____) _____

E-mail: _____ E-mail: _____

Purpose of Non-enforcement: _____

Reduced to: _____ feet on _____ side of Drain.

If Utility, how many feet is line paralleling drain: _____

Plan Project / Job Number: _____

Project Location: _____

Engineering Firm: _____

Address: _____

Phone: (____) _____ E-mail: _____

****For Office Use Only****

Permit # _____ Project # _____ Check # _____