



SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, CEM
Surveyor of Hamilton County
Phone (317) 776-8495
Fax (317) 776-9628

Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

June 26, 2020

To: Hamilton County Drainage Board

Re: Little Eagle Creek Drain; Bear Creek South Section 1B Arm

Attached is a petition filed by Homes by Pulte Homes, Inc., along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Bear Creek South Section 1B arm, Little Eagle Creek Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

Upon reviewing these plans, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

12" RCP	936 ft.	SSD	2636 ft.
15" RCP	327 ft.		
18" RCP	200 ft.		
21" RCP	161 ft.		

The total length of the drain will be 4260 feet.

The retention ponds (Lake #1, Lake #2 and Lake #3) located in Common Areas B, C and D are to be considered part of the regulated drain. The maintenance of the ponds (Lake #1, Lake #2 and Lake #3) such as sediment removal and erosion control along the banks, mowing and aquatic vegetation maintenance and control will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained, thereby, allowing no fill or easement encroachments.

The subsurface drains (SSD) to be part of the regulated drain are those located under the curbs and those main lines in rear yards. Only the main SSD lines which are located within the easement or right of way are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain. The portion of the SSD which will be regulated other than those under curbs are as follows:

Rear yard lots 94 to 98 from Str. 621 to Str. 613 with 79 linear feet of SSD to the east of Str. 613

Rear yard lots 99 to 101 from Str. 613 to structure 611

Rear yard lots 102 to 105 from Str.628 to 630 with 61 linear feet of SSD to the West of Str. 630

Rear yard lot 106 to Common Area "E" from Str. 630 to Str. 631

Rear yard lots 116 to common area B from north corner of lot 116 to Str. 646.

Rear yard lots 119 to common area A from Str. 659 to Str. 676.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot to be assessed equally. I also believe that no damages will result to landowners by the constructor of this drain. I recommend a maintenance assessment of \$65.00 per lot, \$10.00 per acre for common areas, with \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be \$2,117.00.

The petitioner has provided the performance bond as follows:

Bonding Company: RLI Insurance Company

Bond Number: CMS335543

Bond Date: May 22nd, 2020

Bond Amount: \$591,062

Attached is an easement (Recorder's Office Instrument #2020024165) granted by Peter H. Steiner conveying to the Board of Commissioners of Hamilton County a non-exclusive perpetual 30' drainage easement through, upon, over, along and across parcel 29-09-19-000-045.002-018. The easement is granted for providing overland or subsurface paths and courses for the construction, maintenance and preservation of storm drainage facilities which are part of this proposed regulated drain.

I believe this proposed drain meets the requirements for urban drain classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designed as an urban drain.

I recommend that upon approval of the above proposed drain that the board also approve the attached non-enforcement requests for section 1B. The request will be for the reduction of the regulated drain easements to those easement widths as shown on the secondary plats for Bear Creek South Section 1B.

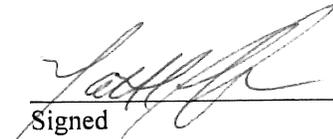
I recommend the Board set a hearing for this proposed drain for July 27, 2020.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

The Petitioner further requests that the Drain be classified as an Urban Drain as per IC 36-9-27-69(d).

RECORDED OWNER(S) OF LAND INVOLVED



Signed

Matthew Lohmeyer, Pulte Homes

Printed Name

6/28/17

Date

Signed

Printed Name

Date

Signed

Printed Name

Date

Signed

Printed Name

Date

1464

2020024165 EASEMENTS \$0.00
04/28/2020 02:40:34P 9 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

DRAINAGE EASEMENT

DOCUMENT CROSS REFERENCE Instr# 2019039682
Instrument Number

W/C
9

THIS INDENTURE WITNESSETH: That Peter H. Steiner (referred to herein as the "Grantor") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby convey to the Board of Commissioners of Hamilton County, ("Grantee") a non-exclusive perpetual easement through, upon, over, along and across the following described real property located in Hamilton County, Indiana, ("the Easement") to-wit;

See Exhibit "A" and Exhibit "B"

This Easement is granted for the purpose of providing overland or subsurface paths and courses for the construction, maintenance, preservation of storm drainage. The Grantor reserves for themselves and their successors and assigns the right to use the Easement for any uses which are not inconsistent with the purposes herein. However, in the event the Grantor, or their successors, elect or desire to do any construction or alterations to the Real Estate within the Easement, they shall do so only upon approval of the Grantee. The Grantor further agrees that they shall not grant any easements to any other utilities, or other persons, through the real estate described herein, without the consent of the Grantees, and if said grants are given, those easements shall be subject to the Grantee's rights to regulate and permit construction or alteration with the Easement.

In the event the Grantee, its employees, or contractors are required to come upon the real estate contained in the Easement to replace, restore, or clear any drainage structures, ditches, drains, or swales contained therein, the Grantee shall only be liable to restore the Grantor's real estate to its previous grade, and to reseed and undertake erosion control measures as are required by 327 IAC15-5 as amended. The Grantee, its employees, or contractors shall not be liable to Grantor, or his successor in title, for any improvements to the real estate, landscaping,

sod, or any other improvements within the Easement which are damaged in the course of the repair of the drainage structure, ditches, drains, or swales contained in the Easement area.

This Drainage Easement and the agreements herein shall run with the land and shall be binding upon and inure to the benefit of the Grantor and its successors and assigns and upon the Grantee and its successors.

IN WITNESS WHEREOF, The Grantor has executed this Drainage Easement on this 19th day of March, 2020.

GRANTOR

Pete H. Steiner

Signed Pete H. Steiner

Printed

Signed

Printed

STATE OF Indiana)
COUNTY OF Hamilton) SS:

Subscribed and sworn to before me, a Notary Public this 19th day of March, 2020 personally appeared the within named Pete Steiner

_____ and acknowledged the execution of the foregoing document.

WITNESSED my hand and official seal
ANN E THOMPSON
Notary Public, State of Indiana
Hamilton County
Commission # 690609
My Commission Expires
September 11, 2024



[Signature]
Notary Public,
Residing in Hamilton County, IN

My Commission Expires: 9/11/24

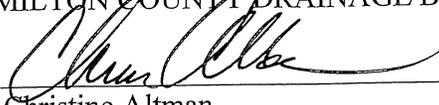
This instrument prepared by Michael A. Howard, Attorney at Law, 694 Logan Street, P.O. Box 309, Noblesville, Indiana 46060, (317)773-4212.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in the document, unless required by law.

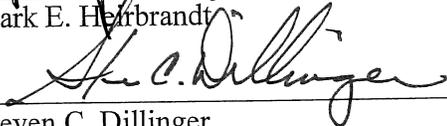
ACCEPTANCE

The undersigned Hamilton County Drainage Board does hereby accept the dedication of the above described drainage easement.

HAMILTON COUNTY DRAINAGE BOARD

By: 
Christine Altman


Mark E. Heirbrandt


Steven C. Dillinger

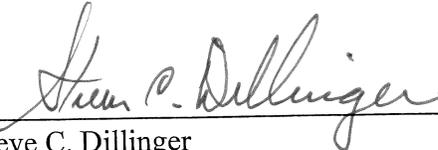
ATTEST:

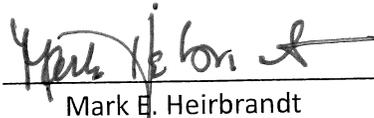
By: 
~~Lynette Mosbaugh~~ Kim Rauch, acting
Drainage Board Secretary

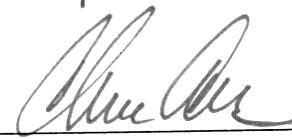
ACCEPTANCE

The undersigned Board of Commissioners of Hamilton County does hereby accept the dedication of the above described drainage easement.

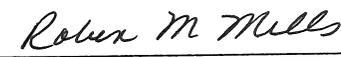
HAMILTON COUNTY BOARD OF COMMISSIONERS OF
HAMILTON COUNTY

By: 
Steve C. Dillinger


Mark E. Heirbrandt


Christine Altman

ATTEST:

By: 
Robin Mills
Hamilton County Auditor

04-27-20
DATE SIGNED

EXHIBIT "A"

GRANTOR

PARCEL #29-09-19-000-045.002-018
PETER H. STEINER
QUITCLAIM DEED
REC. AUGUST 26, 2019
INST. #2019039682

30' PERMANENT EASEMENT LAND DESCRIPTION

Part of the Southwest Quarter of Section 19, Township 18 North, Range 3 East of the Second Principal Meridian, City of Carmel, Clay Township, Hamilton County, Indiana, more particularly described as follows:

COMMENCING at the northwest corner of said quarter section, marked by a Harrison monument; thence North 89 degrees 45 minutes 03 seconds East (basis of bearings is grid North per Indiana State Plane Coordinate System - East Zone, NAD83(2011) EPOCH 2010.0000) along the north line of said quarter section a distance of 721.64 feet to the northwest corner of the Grantor's land and the POINT OF BEGINNING; thence South 00 degrees 00 minutes 44 seconds East along the west line of the Grantor's land a distance of 452.02 feet to the southwest corner of the Grantor's land, being in the centerline of an existing ditch; thence North 86 degrees 10 minutes 09 seconds East along the south line of the Grantor's land and said centerline a distance of 30.07 feet to a point 30 feet east by perpendicular measure from said west line of said Grantor's land; thence North 00 degrees 00 minutes 44 seconds West parallel with said west line a distance of 450.14 feet to said north line of said quarter section; thence South 89 degrees 45 minutes 03 seconds West along said north line a distance of 30.00 feet to the POINT OF BEGINNING, containing 0.311 acres, more or less.

THIS EXHIBIT PREPARED BY:

Michael G. Judt

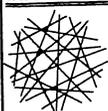
Michael G. Judt
Professional Surveyor #21500017
September 5, 2019
E-Mail: mjjudt@hwcengineering.com



Note:

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

PREPARED BY



HWC
ENGINEERING

135 N. PENNSYLVANIA ST, SUITE 2800
INDIANAPOLIS, IN 46204
317-347-3663

INDIANAPOLIS - TERRE HAUTE
LAFAYETTE - MUNCIE - NEW ALBANY

www.hwcengineering.com

BEAR CREEK SOUTH
OFFSITE STORM EASEMENT
SW 1/4 SEC. 19-T18N-R3E
CITY OF CARMEL
HAMILTON COUNTY, IN

PG 2 OF 2

DRAWN BY
MGJ

CHECKED BY
AJB

DATE
09/05/2019

SCALE
N/A

JOB NUMBER
2015-165

File Name: \\hwc-dc\Projects\Pulte Homes\2015-165 Pulte- Bear Creek Addition\Design\Easement Development\15165.xESMT-Offsite Storm.dwg, Layout: ESMT-2, Plot Date: Sep 06, 2019, Plot Time: 11:17am, By: mjjudt

2019039682 QCD \$25.00
08/26/2019 03:58:00PM 3 PGS
Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



PSI

N DULY ENTERED FOR TAXATION
Subject to final acceptance of transfer
26th day of August 2019 - SBH
Ronnie M. Mills Auditor of Hamilton County
Parcel # 17-09-19-00-00-045.002

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that Rhonda L. Wood (Grantor), in the State of Indiana QUITCLAIMS to Peter H. Steiner (Grantee) in the State of Indiana, for \$0 and other good and valuable consideration, in the following described real estate in Hamilton County, State of Indiana:

See attached Exhibit "A"

The address of such real estate is commonly known as 4535 W. 141st Street, Zionsville, IN 46077. Tax bills should be sent to Grantee at this address.

IN WITNESS WHEREOF, Grantor has executed this deed this 11th day of August,

2019.

GRANTOR:

By: *Rhonda L. Wood*
Rhonda L. Wood

EXEMPT FROM
SALES DISCLOSURES

PE

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me, a Notary Public in and for said County and State, personally appeared Rhonda L. Wood, who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

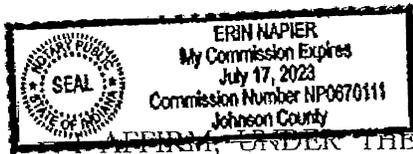
Witness my hand and Notarial Seal this 16th day of August, 2019.

My Commission Expires: 7/17/23

My County of Residence: Johnson

Erin Napier
Notary Public

Erin Napier
Printed



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.

Michael L. Einterz, Jr.
Michael L. Einterz, Jr.

This instrument prepared by: Michael L. Einterz, Jr.
EINTERZ & EINTERZ
4600 Northwest Plaza West Drive
Zionsville, Indiana 46077

Return deed to: Peter H. Steiner
4535 W. 141st Street
Zionsville, IN 46077

Send tax bills to: Peter H. Steiner
4535 W. 141st Street
Zionsville, IN 46077

EXHIBIT "A"
LEGAL DESCRIPTION

Part of the West Half of the Southwest Quarter of Section 19, Township 18 North, Range 3 East, Clay Township, Hamilton County, Indiana, more particularly described as follows: Beginning at the Northeast corner of said Half Quarter Section; thence South 00 degrees 01 minutes 09 seconds East along the East line of said Half Quarter Section a distance of 320.41 feet to the centerline of an existing ditch; thence along the approximate centerline of said ditch by the next nine courses: 1) South 89 degrees 58 minutes 51 seconds West 8.58 feet; 2) South 42 degrees 29 minutes 08 seconds West 53.99 feet; 3) South 60 degrees 59 minutes 55 seconds West 124.28 feet; 4) South 67 degrees 59 minutes 01 seconds West 108.18 feet; 5) South 87 degrees 51 minutes 30 seconds West 220.81 feet; 6) North 76 degrees 44 minutes 27 seconds West 42.26 feet; 7) South 88 degrees 00 minutes 03 seconds West 116.56 feet; 8) North 77 degrees 18 minutes 52 seconds West 55.34 feet; 9) South 86 degrees 09 minutes 44 seconds West 57.26 feet; thence North 00 degrees 01 minutes 09 seconds West parallel to the East line of said Half Quarter Section a distance of 452.02 feet to the North line of said Half Quarter Section; thence North 89 degrees 44 minutes 38 seconds East along said North line 743.48 feet to the place of beginning, containing 7.500 acres, more or less.



NON-ENFORCEMENT OF DRAINAGE EASEMENT IN SUBDIVISIONS

STATE OF INDIANA)
)
COUNTY OF HAMILTON)

BEFORE THE HAMILTON
COUNTY DRAINAGE BOARD

At the request of Pulte Homes of Indiana, LLC The Hamilton County Drainage Board considered the extent of the drainage easement on the Little Eagle Creek Drain in the Bear Creek South Section 1B Subdivision. Upon the agreement in writing by the recorded owner(s) of land involved that such owner(s) agree and covenants that neither the Hamilton County Drainage Board nor any Contractor nor Workman operating under the authority of said Board will be held liable for any damages resulting from construction, reconstruction, or maintenance of the above named drain at said location, whether to the real estate or improvements thereon the Board agreed:

1. That it will not enforce the easement beyond those shown on the Subdivision plat recorded as Instrument No. _____ and in Plat Cabinet _____ Slide _____ in the Hamilton County Records Office.
2. It will not object to the improvement of said real estate beyond such distance, and
3. Other Conditions: _____

SIGNED:

Joseph Marx

Pulte Homes of Indiana, LLC

APPLICANT

PRINTED NAME

PRINTED NAME (Owner of Land)

*****FOR BOARD USE ONLY*****

AGREEMENT WILL BECOME EFFECTIVE UPON RECORDING. SIGNED THIS
 DAY OF 20 . **BY THE HAMILTON**
COUNTY DRAINAGE BOARD.

PRESIDENT OF DRAINAGE BOARD

MEMBER OF DRAINAGE BOARD

MEMBER OF DRAINAGE BOARD

"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

Revised May 2016

SUBNE- 2020-00011

Little Eagle Creek #350

Bear Creek South Sec.1B

SUBNE-2020-00011 - Sec. 1B

This subdivision has 4,260' of drain.

To be platted from part of 17-09-19-00-00-049.002

*An easement from Peter Steiner has been granted for providing overland or subsurface paths & courses for construction, maintenance & perservation of storm drainage facilities which are part of this proposed regulated drain.

Hearing: 07/27/2020

Maintenance **Rate** **Minimum**
 Regulated Subd. \$10.00 \$65.00
 Roads \$10.00

Parcel	Owner	Description1	Description 2	Acres	MntAsmt	MntPer
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 94	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 95	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 96	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 97	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 98	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 99	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 100	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 101	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 102	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 103	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 104	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 105	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 106	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 107	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 108	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 116	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 117	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 118	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 119	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 120	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 121	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 122	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 123	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 124	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B Lot 125	Regulated Subd.	One Lot	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B CA A, 1.72 Ac	Regulated Subd.	1.72	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B CA B, 1.78 Ac	Regulated Subd.	1.78	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B CA C, 1.52 Ac	Regulated Subd.	1.52	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B CA D, 1.97 Ac	Regulated Subd.	1.97	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B CA E, 0.99 Ac	Regulated Subd.	0.99	\$65.00	3.07%
Not assigned yet	Pulte Homes of Indiana LLC	S19 T18 R3 Bear Creek South Sec. 1B CA F, 0.26 Ac	Regulated Subd.	0.26	\$65.00	3.07%
99-99-99-99-999.005	City Of Carmel	S19 T18 R3 Bear Creek South Sec. 1B Roads	Road	10.20	\$102.00	4.82%
				Sec. 1B Total: 25 Lots & 18.44	\$2,117.00	100.00%

Parcel	Owner	Description1	Description 2	Acres	MntAsmt	MntPer
17-09-19-00-00-045.002	Steiner, Peter H.	S19 T18 R3 7.50 Ac (Esmnt-Inst. 2020024165)	Description 2 Courtesy Notice	7.50	*	*