

SURVEYOR'S OFFICE

# Hamilton County

*Kenton C. Ward, CFM*  
*Surveyor of Hamilton County*  
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*Suite 188*  
*One Hamilton County Square*  
*Noblesville, Indiana 46060-2230*

November 13, 2020

To: Hamilton County Drainage Board

Re: Vermillion Drain, The Enclave at Vermillion, Sec. 5 Arm

Attached is a petition filed by North Connecticut Development Corporation (Republic Development), along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Vermillion Drain, The Enclave at Vermillion, Sec. 5 Arm to be located in Fall Creek Township. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, 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. As per the plans by Weihe Engineers, Project No. W170032-5, the drain will consist of the following:

12" RCP	781 ft.
15" RCP	302 ft.
18" RCP	307 ft.
21" RCP	358 ft.
24" RCP	79 ft.
6" SSD	877 ft.
Open drain	4,918 ft.

The total length of the drain will be 7,622 feet.

The open drain length listed above includes the following: The straight-line length through Pond 18 between Str. 125 and Str. 114; Str.194 and Str. 114; Str. 140 and Str. 114; and Str. 128 and Str 114.

Existing Pond 19 length is listed in the report for the Enclave at Vermillion, Sec. 4, which is also proposed at this time. See Sec. 4 report for more information.

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 sub-surface drains within the street right-of-way are being included due to the streets within the subdivision being under the jurisdiction of the Hamilton County Highway. As such there will not be street trees within the right-of-way but will be behind the sidewalk on the individual lots per Hamilton County Highway Department requirements. This complies with the Hamilton County Drainage Board's discussion of July 19, 2018 regarding street trees. (See Hamilton County Drainage Board Minutes Book 18, pages 204 to 206).

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$65.00 per platted lot, \$10.00 per acre for common areas, with a \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain for Section 4 will be \$2,438.40.

The detention ponds (pond #18 & 19) are to be considered part of the regulated drain. This is consistent with the ponds in other Vermillion sections. The maintenance of the pond shall include the inlets and outlet as part of the regulated drain. The maintenance of the pond such as sediment removal, and erosion control along the banks, mowing and aquatic vegetation 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 petitioner has submitted surety for the proposed drain at this time. The sureties which are in the form of Letters of Credit from the developer are as follows:

Agent: Standard Financial Corporation  
Date: October 28, 2020  
Number: 1404ENC5  
For: Storm Sewers  
Amount: \$179,348.4  
HCDB-2020-00023

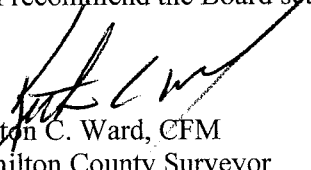
Agent: Standard Financial Corporation  
Date: October 28, 2020  
Number: 1405ENC5  
For: Erosion Control  
Amount: \$59,637.54  
HCDB-2020-00024

Agent: Standard Financial Corporation  
Date: October 28, 2020  
Number: 1406ENC5  
For: Monumentation  
Amount: \$4,368.00  
HCDB-2020-00025

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 designated as an Urban Drain.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request will be for the reduction of the regulated drain easement to those easement widths as shown on the secondary plats for The Enclave at Vermillion, Sec. 5 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for December 14, 2020.



Kenton C. Ward, CFM  
Hamilton County Surveyor  
KCW/stc

**Vermillion Drain #364**

Enclave at Vermillion Sec. 5 Arm

SUBNE-2020-00006

This subdivision has 7,622' of drain.

Hearing: 12/14/2020 at 12:00 P.M.

Parcel	Owner	Description	Rate	Benefit	MntAsmt	Percent
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 533	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 534	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 535	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 536	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 537	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 538	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 539	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 540	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 541	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 542	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 543	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 551	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 552	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 553	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 611	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 612	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 613	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 614	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 615	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 616	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 617	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 618	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 619	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 620	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 621	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 622	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 623	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 624	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 625	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 626	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 Lot 627	Regulated Subd	One Lot	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 CA A, 0.20 Ac	Regulated Subd	0.20	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 CA B, 0.18 Ac	Regulated Subd	0.18	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 CA C, 2.84 Ac	Regulated Subd	2.84	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 CA D, 2.89 Ac	Regulated Subd	2.89	\$65.00	2.67%
Not assigned yet.	North CD Inc.	S8 T17 R6 Enclave at Vermillion Sec. 5 CA E, 0.01 Ac	Regulated Subd	0.01	\$65.00	2.67%
99-99-99-99-999.001	Hamilton Co. Highway Dept.	S8 T17 R6 Enclave at Vermillion Sec. 5 Roads	Regulated Subd	9.84	\$98.40	4.04%
Total: 31 Lots &						100.00%
						\$2,438.40

STATE OF INDIANA )  
 )  
COUNTY OF HAMILTON )

FILED

MAY 06 2020

TO: HAMILTON COUNTY DRAINAGE BOARD  
% Hamilton County Surveyor  
One Hamilton County Square, Suite 188  
Noblesville, IN. 46060-2230

OFFICE OF HAMILTON COUNTY SURVEYOR

In the matter of Enclave @ Vermillion Subdivision, Section  
Five Drain Petition.

Petitioner is the owner of all lots in the land affected by the proposed new regulated drain. The drainage will affect various lots in Enclave at Vermillion, Section 5, a subdivision in Hamilton County, Indiana. The general route of such drainage shall be in existing easements and along public roads as shown in the plans on file in the Surveyor's Office.

Petitioner believes that the cost, damages and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land likely to be benefited thereby. Petitioner believes the proposed improvements will:

- (a) improve public health
- (b) benefit a public street
- (c) be of public utility

Petitioner agrees to pay the cost of construction of the drainage system and requests periodic maintenance assessments by the Board thereafter.

The Petitioner also agrees to the following:

1. To provide the Drainage Board a Performance Bond or Non-Revocable Letter of Credit for the portion of the drainage system which will be made a regulated drain. The bond will be in the amount of 120% of the Engineer's estimate. The bond will be in effect until construction of 100% of the system is completed and so certified by the Engineer.
2. The Petitioner shall retain an Engineer throughout the construction phase. At completion of the project the Petitioner's Engineer shall certify that the drainage system which is to be maintained as a regulated drain has been constructed as per construction plans.
3. The Petitioner agrees to request in writing to the County Surveyor any changes from the approved plan and must receive written authorization from the County Surveyor prior to implementation of the change. All changes shall be documented and given to the Surveyor to be placed in the Drain file.
4. The Petitioner shall instruct his Engineer to provide a reproducible print on a 24" x 36" Mylar of the final design of the Drainage System. This shall be submitted to the County Surveyor prior to the release of the Performance Bond.
5. The Petitioner shall comply with the Erosion Control Plan as specified on the construction plans. Failure to comply with the Erosion Control Plan shall be determined by the Board as being an obstruction to the drainage system. The County Surveyor shall immediately install or repair the needed measures at Petitioners cost as per IC 36-9-27-46.

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** *Nerzett CD, Inc.*

*Douglas B. Wagner*  
\_\_\_\_\_  
Signed

Douglas B. Wagner, Sr. Vice President  
\_\_\_\_\_  
Printed Name

May 1, 2020  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Printed Name

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Date

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Signed

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Printed Name

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Date

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Signed

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Printed Name

\_\_\_\_\_  
Date



**NON-ENFORCEMENT OF DRAINAGE EASEMENT IN SUBDIVISIONS**

STATE OF INDIANA )  
 )  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON  
COUNTY DRAINAGE BOARD

At the request of North CD, Inc. The Hamilton County Drainage Board considered the extent of the drainage easement on the Vermillion Drain in the Enclave at Vermillion, Section 5 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 Recorders Office.
2. It will not object to the improvement of said real estate beyond such distance, and
3. Other Conditions: \_\_\_\_\_

SIGNED: Douglas B. Wagner, Sr. VP. Douglas B. Wagner North CD, Inc.  
 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

SUBNE-2020-00006