

SURVEYOR'S OFFICE

# Hamilton County

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January 21, 2021

To: Hamilton County Drainage Board

Re: Williams Creek, West Rail at the Station Section 4 Arm

Attached is a petition filed by Homes by Drees Homes, Inc., along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for West Rail Section 4, Williams Creek Drain to be located in Washington 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	910 ft.	24" RCP	31 ft.
15" RCP	1,010 ft.	30"	198 ft.
18" RCP	377 ft.	SSD	2,518 ft.
21" RCP	673 ft.		

The total length of the drain will be 5,717 feet.

The subsurface drains (SSD) to be part of the regulated drain are those main lines located in rear yards and common areas. The SSD's in the street will not be part of the regulated drain due to street trees and the Hamilton County Drainage Board discussion on July 9, 2018, (see Hamilton County Drainage Board Minute Book 18, pages 204 to 206). The street SSD will be the maintenance responsibility of the City of Westfield. Only the main SSD lines which are located within the platted easement are to be maintained as regulated drain. Laterals for individual lots will not be considered part the of the regulated drain. The portion of the SSD which will be regulated are as follows:

Yard SSDs

Rear yard lots 41 to 57 from 158 feet west of Str. 330 to Str. 313

Side/Rear yard lots 57 to 62 from Str. 313 to existing Str. 310.

Rear yard lot lots 69 to 74 from 52 feet northwest of Str. 303 to 53 feet northeast of existing Str. 301

The drain maintenance shall include the inlets, outlets, sub-surface drains and reinforced concrete pipes that are listed as part of the new regulated drain. The maintenance of the detention pond such as, erosion control or mowing and the maintenance of water quality BMP structures will be the responsibility of the West Rail at the Station HOA or the city of Westfield. 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.

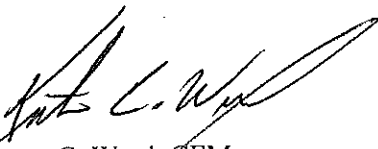
I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot to be assessed equally. I also believe that no damages will result to landowners by the constructor of this drain. I recommend a maintenance assessment of \$65.00 per lot, \$10.00 per acre for 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 \$2,466.20.

In accordance with IC 36-7-4-709, the petitioner did not submit surety for the proposed drain prior to drainage board approval. A bond will be submitted prior to the commencement of construction.

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 West Rail Section 4. The request will be for the reduction of the regulated drain easements to those easement widths as shown on the secondary plat for West Rail Section 4.

I recommend the Board set a hearing for this proposed drain for April 26, 2021.



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

STATE OF INDIANA )  
 )  
COUNTY OF HAMILTON )

FILED

NOV 19 2020

OFFICE OF HAMILTON COUNTY SURVEYOR

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

In the matter of West Rail at the Station Subdivision, Section  
Four 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 West Rail at the Station Section Four, 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

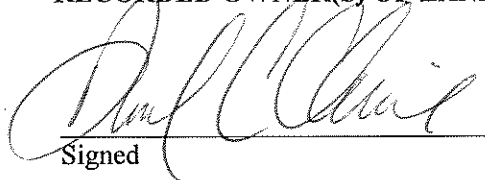
Petitioner agrees to pay the cost of construction of the drainage system and requests periodic maintenance assessments by the Board thereafter.

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**

  
Signed

PAUL C. CLAIRE  
Printed Name BEAZER HOMES

10/20/20  
Date

Signed

Printed Name

Date

Signed

Printed Name

Date

Signed

Printed Name

Date



NON-ENFORCEMENT OF DRAINAGE EASEMENT IN SUBDIVISIONS

FILED

NOV 19 2020

STATE OF INDIANA )
OFFICE OF HAMILTON COUNTY SURVEYOR
COUNTY OF HAMILTON )

BEFORE THE HAMILTON
COUNTY DRAINAGE BOARD

At the request of Beazer Homes of Indiana, LLP The Hamilton County Drainage Board considered the extent of the drainage easement on the Williams Creek Drain in the West Rail at the Station, Section 4 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:

[Handwritten signature of Paul Claire]

APPLICANT

Paul Claire, VP
PRINTED NAME

Beazer Homes of Indiana, LLP
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

Adobe PDF Fillable Form

SUBNS-2020-00024

