



SURVEYOR'S OFFICE

# Hamilton County

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June 8, 2021

To: Hamilton County Drainage Board

Re: Thistlethwaite Drain, Aaron Rawlings Arm, Maple Run Sec. 5 Arm

Attached is a petition filed by Arbor Homes along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Maple Run of Sheridan Section 5 located in Adams 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 Stoepelwerth & Associates Engineering, Project No. 51510ARB-S5, the drain will consist of the following:

66" RCP	689 ft.
Open Drain	600 ft

The total length of the drain will be 1,289 feet.

The section of drain that is to become part of the regulated drain system is the storm line between Lake 4 and Lake 5 as shown on sheets C200 and C201 of the above-mentioned plans. The open drain begins at the southwest corner of Lake 5 where a regulated drain for a proposed future section of Maple Run of Sheridan will discharge and then continues north through Lake 5 to Structure #C09. Then continues as 66-inch RCP to Structure #C08, Structure #C07, Structure #C06, Structure #C05, Structure #C04, Structure #C03, Structure #C02, Structure #C01 where it discharges into Lake 4. This RCP is shown on sheet 601 of the above-mentioned plans. The open ditch is measured as a straight line through Lake 5.

The Maple Run Section 5 Arm as described above will be part of the Thistlethwaite Drain. Lake 5 is not to be considered part of the regulated drain. The maintenance of the pond shall include the outlet (Structure # C09) 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, allowing no fill or easement encroachments.

The Maple Run Section 5 Arm as described above will be part of the Thistlethwaite Drain. Maintenance of the remaining drainage facilities within Maple Run Section 5 Subdivision shall be under the Town of Sheridan and/or the Maple Run Homeowners Association. Maintenance of the BMPs within Maple Run Section 5 Subdivision shall also be under the Town of Sheridan and/or the Maple Run Homeowners Association.

Future sections of the Maple Run of Sheridan constructed west of lots 124, 235, 263 & 370 shall have regulated drain easements on the east side of the parcels to satisfy the minimum required regulated drain easements.

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. The maintenance assessment rates have been adopted by the Board at its meeting September 24, 2018, (see Drainage Board Minute Book 17, Pages 249-250). Maple Run Section 5 will be assessed at the Un-Regulated Subdivision rate of \$5.00 per acre, \$35.00 per lot and minimum.

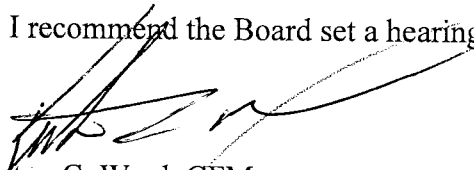
The petitioner has submitted surety for the proposed drain at this time. The amount of the bond is \$340,929.60 which represents 120% of the Engineer's Estimate of \$284,108.00. The surety which is in the form of a Performance Bond is as follows:

Agent: National Indemnity Company  
Date: March 8, 2021  
Bond Number: 70NGP185018  
For: Storm Sewers  
Amount: \$284,108.00  
HCDB-2021-00015

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 Maple Run of Sheridan Section 5 as recorded in the office of the Hamilton County Recorder.

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



Kenton C. Ward, CFM  
Hamilton County Surveyor

**Thistlethwaite Drain, Maple Run Sec. 5 Arm**

Arm to provide outlet for Maple Run Sec. 3B, 4 & 5  
 Adding 1289' of drain thru Section 5, SUBNE-2020-00022  
 Remaining drainage facilities within Maple Run Sec. 5 shall be under the Town of Sheridan and/or the HOA.

\*Cost of the construction to be paid by the developer.  
 \*No change in current maintenance assessment rates.

When Maple Run Section 5 is platted it will be set at the Un-Regulated Subdivision rate.

Hearing: **07-26-21**

Parcel	Owner	Description	Rate	Acres Benefited	RecAsl	MntAsmt	MntPer
Not assigned yet.	Arbor Homes	S6T19R3 Maple Run Sec. 5 Lake 5	Un-Regulated Subd.	*	*	*	*
Not assigned yet.	Arbor Homes	S6T19R3 Maple Run Sec. 5 Lot 124	Un-Regulated Subd.	*	*	*	*
99-99-99-99-99-009	Town of Sheridan	S6 T19 R3 Yellowleaf Dr. & Buckthorn Ln.	Road	*	*	*	*
Not assigned yet.	Arbor Homes	S6T19R3 Maple Run Sec. 5 Lot 235	Un-Regulated Subd.	*	*	*	*
Not assigned yet.	Arbor Homes	S6T19R3 Maple Run Sec. 5 Lot 263	Un-Regulated Subd.	*	*	*	*
Not assigned yet.	Arbor Homes	S6T19R3 Maple Run Sec. 5 Lot 370	Un-Regulated Subd.	*	*	*	*
01-05-06-00-02-081.000	Arbor Homes	S6T19R3 Maple Run Sec. 4 CA D, 2.70 Ac Lake 4	Un-Regulated Subd.	*	*	*	*
01-05-06-00-00-027.000	Arbor Homes	S6T19R3 Maple Run Future lot 125,234,233,264,369,368	Un-Regulated Subd.	*	*	*	*



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

STATE OF INDIANA )  
 )  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON  
COUNTY DRAINAGE BOARD

At the request of Arbor Homes The Hamilton County Drainage  
Board considered the extent of the drainage easement on the Thistlewaite Legal Drain Drain in the  
Maple Run, 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: Sean Downey Sean Downey Sean Downey on behalf of Arbor Homes  
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

SUBWF 2020-00022

HAMILTON COUNTY DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN RE: Maple Run, Section 5 )  
Hamilton County, Indiana )

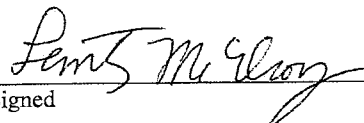
PETITION FOR RELOCATION AND RECONSTRUCTION

Arbor Homes (hereinafter "Petitioner"),

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the Thistlewaite Legal Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Thistlewaite Legal Drain runs.
2. Petitioner plans to develop its real estate with roads, buildings, utilities, storm drains, sanitary sewers and other structures.
3. Petitioner's proposed development of its real estate will require relocation and reconstruction of a portion of the Thistlewaite Legal Drain, as specifically shown on engineering plans and specifications filed with the Hamilton County Surveyor.
4. The work necessary for the proposed relocation and reconstruction will be undertaken at the sole expense of the Petitioner and such work will result in substantial improvement to the Thistlewaite Legal Drain, without cost to other property owners on the watershed of the Thistlewaite Legal Drain.
5. Proposed relocation and reconstruction will not adversely affect other land owners within the drainage shed.
6. Petitioner requests approval of the proposed relocation and reconstruction under IC 36-9-27-52.5.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County Drainage Board authorizing relocation and reconstruction of the Thistlewaite Legal Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.

  
Signed \_\_\_\_\_  
Lantz McElroy  
Printed \_\_\_\_\_

# Maple Run 5

