



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

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

June 9, 2022

To: Hamilton County Drainage Board

Re: Mud Creek – Sand Creek Drainage Area – TJ Patterson Drain Arm, Hyde Park Phase 3 Reconstruction

Attached are plans and petition for the reconstruction of the TJ Patterson Drain Arm by MAB Capital Investments, LLC to facilitate the construction of Hyde Park Phase 3. This proposal also includes a Non-enforcement and two Variance requests. This project is to be paid for by MAB Capital Investments, LLC. As part of a new multi-use development, the proposal is for the installation of an open drain / detention area which will replace the existing open swale and tile installed in 1901. This project will also include new storm pipes. In addition to providing storm water detention, the wet pond will improve a long-standing maintenance issue, where the existing swale is poorly drained due to the lack of slope. The project site is located south of 141st and on both sides of Brooks School Road, in the City of Noblesville. This affects the following existing parcel: 13-11-22-00-00-008.000 owned by MAB Capital Investments, LLC. Instr. No: 2019-59131, and the Brooks School Road right-of-way owned by the City of Noblesville.

This reconstruction is to be constructed per project plans for Hyde Park, Phase 3, by Kimley-Horn, KHA Project No. 17018900, dated May 11, 2022.

Per the plans, the reconstruction begins near the southeast corner of Hyde Park and extends west following the existing flow line (approximately 1190' as Pond 2) to the east right-of-way line of Brooks School Road. A new pipe will be installed under Brooks School Road north of the existing drain installed in 2016. Then, near the west right-of-way line, the open drain (West Pond) will continue west approximately 1158'. New storm sewer will be installed at the SW corner of the West Pond connecting to existing storm sewer, which was installed in 2002 as part of the 2002 "Brooks Chase Offsite Relocation." New storm pipe will also be installed at the NW corner of West Pond, which will connect to the existing drain at that location.

The reconstruction will consist of the following:

2348' of Open Drain
221' of 36" RCP

30' of 24" RCP
63' of 42" RCP

The total length of new drain installed with this petition is 2,662'. The proposed reconstruction will occur in-line along the existing flowline of existing regulated drain. The 2,516' of existing swale installed as part of the 2002 Brooks Chase Offsite Relocation on parcel 13-11-22-00-00-008.000 (on both sides will be vacated and replaced with open drain as Pond 2 & West Pond, located on each side of Brooks School Road. The following portions of existing drain tile will be vacated and removed: The existing TJ Patterson tile installed in 1901 from Sta 74+78 to approximately Sta. 86+92; Arm 2 installed in 1901 from Sta. 0+00 to Sta.0+90; and Arm 1 installed in 1901 from Station 9+93 to 10+35. Note: The two existing pipes under Brooks School road will remain.

Regarding easement, a non-enforcement has been submitted for approval. The request is for the non-enforcement to be 30' from the top of bank for the open drain (West Pond and Pond 2) and the right-of-way for the new storm sewer crossing under Brooks School Road.

As previously stated, the construction of the wet pond within the flowline of the TJ Patterson drain is designed to improve the existing flow problems that currently exists in the existing swale and to reduce the amount of maintenance. The detention ponds are to be considered 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 owner. 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.

This proposal for Hyde Park Phase 3 includes two variance requests which are addressed in separate staff reports. The first variance request is for the linear detention area proposed within the flowline of the open drain. The second variance request is for the proposed fill in the flood plain and the construction of floodplain compensatory storage per the Board's 3:1 policy.

The cost of the project is to be paid by the developer. The petitioner has not yet submitted surety for the proposed drain reconstruction at this time. Per the Board's policy, if approved, I recommend the developer submit surety in the amount of 120% of the engineer's estimate for the above reconstruction.

The original TJ Patterson drain was established per Commissioner's Court records dated May 7th, 1901 (See C.R. 13, pages 144-145, 188, 197, 245. and C.R. 14 pages 46, 328). The Gwinn and Martin petitioned to repair the TJ Patterson Drain, July 22, 1930 &/or March 15, 1930. (See D.R. 4 page 288.

On January 24, 2022, the Board vacated portions of the drain on parcel 13-11-22-00-00-008.000, owned by MAB Capital Investments, LLC. Instr. No: 2019-59131 as part of the Mud Creek – Sand Creek Drainage Area – TJ Patterson Drain Arm, Hyde Park Phase 1 Partial Vacation, as per my report dated November 3, 2021. See Drainage Board minutes book 20

pages 280-282 for more information. Previously, in 2014, the drain upstream of this location (Sta. 45+64 to Sta. 59+35) was vacated on parcel 13-11-23-00-00-011.000 and is known as the Mud Creek – Sand Creek Drainage Area, TJ Patterson Arm, Corporate Parkway Vacation. (Note: The “Corporate Parkway” road name was later changed to Cabela’s Parkway at this location). The vacation was approved by the Board on July 28, 2014 as per my letter dated June 9, 2014. See minutes book 15, pages 480-481 for more information. In 2002, the existing swale was installed as part of the TJ Patterson – Brooks Chase Offsite Relocation per my report dated September 23, 2002 and approved by the Board on October 28, 2002. See Drainage Board Minutes Book 6, pages 467-470.

This proposal meets the criteria for reconstruction of a regulated drain as laid out in IC-39-9-27-52.0. I recommend the Board set the hearing for July 25, 2022.

Sincerely,



Kenton C. Ward
Hamilton County Surveyor

KCW/scash

Mud Creek/Sand Creek Drainage Area

T.J. Patterson Arm

Hyde Park Phase 3 Reconstruction

The length of the reconstructed drain will be 2,662'.

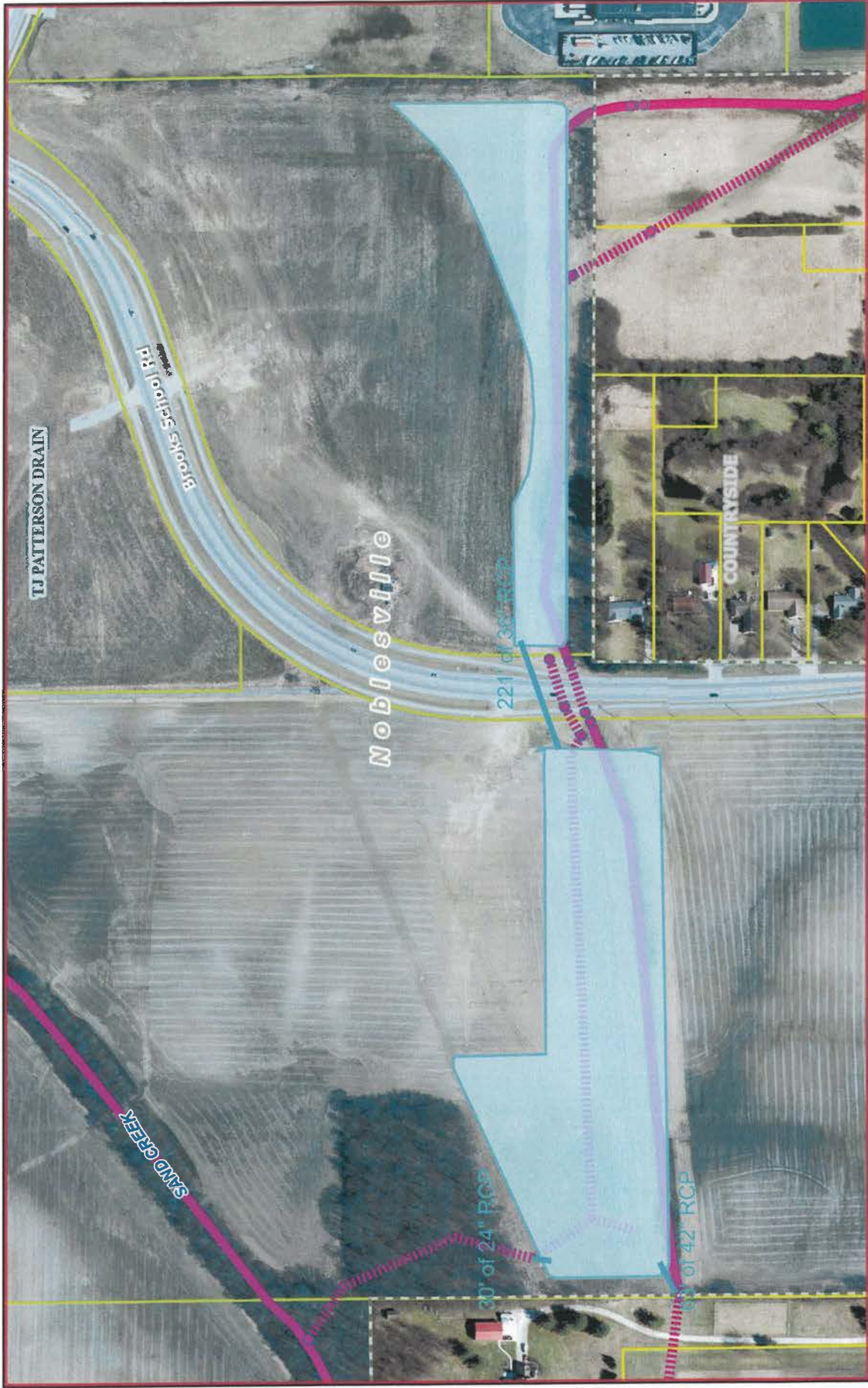
The tile from Sta 74+78 to 86+92 & Ara 1 from 9+93 to 10+35 & Arm 2 from 0 to 0+90 replace by reconstructed drain. INDNE-2022-00018 will reduce easement to 30' for open drain (West Pond & Pond 2) & ROW & new storm sewer crossing Brooks School Rd.

*Cost of reconstruction to be paid by the developer. No change in current assessment.

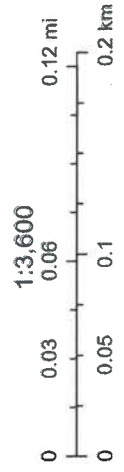
Hearing: **07-25-22**

Parcel	Owner	Description	Benefit	Mnt Asmt	Rec Asmt	% of Total
13-11-22-00-00-008.000	MAB Capital Investments LLC	S22 T18 R5 118.96 Ac	*	*	*	*
99-99-99-99-999.008	City of Noblesville	S22 T18 R5 Brooks School Rd	*	*	*	*

Mud Creek Sand Creek Drainage Area, Tj Patterson Arm - Hyde Park Phase 3 Reconstruction



June 9, 2022



- Rivers & Streams Subdivisions Drainage Structures
- Minor Roads Regulated Drains Drain Name
- CLOSED DRAIN
 - OPEN DRAIN
 - All Other Structures
 - Parcels

Hamilton County compiled this map. Although strict accuracy standards have been employed, Hamilton County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission.
 Author: Hamilton County

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

FILED

MAR 08 2022

OFFICE OF HAMILTON COUNTY SURVEYOR

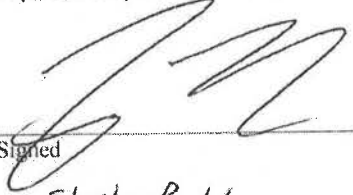
IN RE: _____)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

_____ MAB Capital Investments, LLC (hereinafter "Petitioner"),
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a
section of the _____ TJ Patterson _____ Drain, and in support of
said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the _____ TJ Patterson _____ 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 _____ TJ Patterson _____ 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 _____ TJ Patterson _____ Drain, without cost to other property owners on the watershed of the _____ TJ Patterson _____ Drain.

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



Signed
Stephen Ball

Printed

January 15, 2022

Hamilton County Drainage Board
c/o Mr. Kent Ward
County Surveyor
One Hamilton County Square, #188
Noblesville, Indiana 46060

FILED

MAR 09 2022

OFFICE OF HAMILTON COUNTY SURVEYOR

Dear Drainage Board Members,

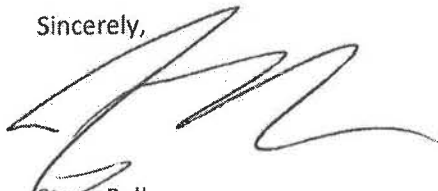
We respectfully request portions of the following legal drains be vacated and as highlighted in the attached exhibit.

- TJ Patterson Drain (347) 20-inch tile from STA 85+40 to 74+78
- TJ Patterson Drain (347) (ARM 2) Tile from STA 0+00 to 0+90

Upon inspection by the County Surveyor's Office and proposed construction of the development on the site, it was determined that these segments of pipe will no longer be needed. The vacations requested and highlighted in the attached exhibit would remove the above segments of pipe from the legal drain system.

We thank you for your time and please feel free to contact me at (317) 716-6943 if you have any questions.

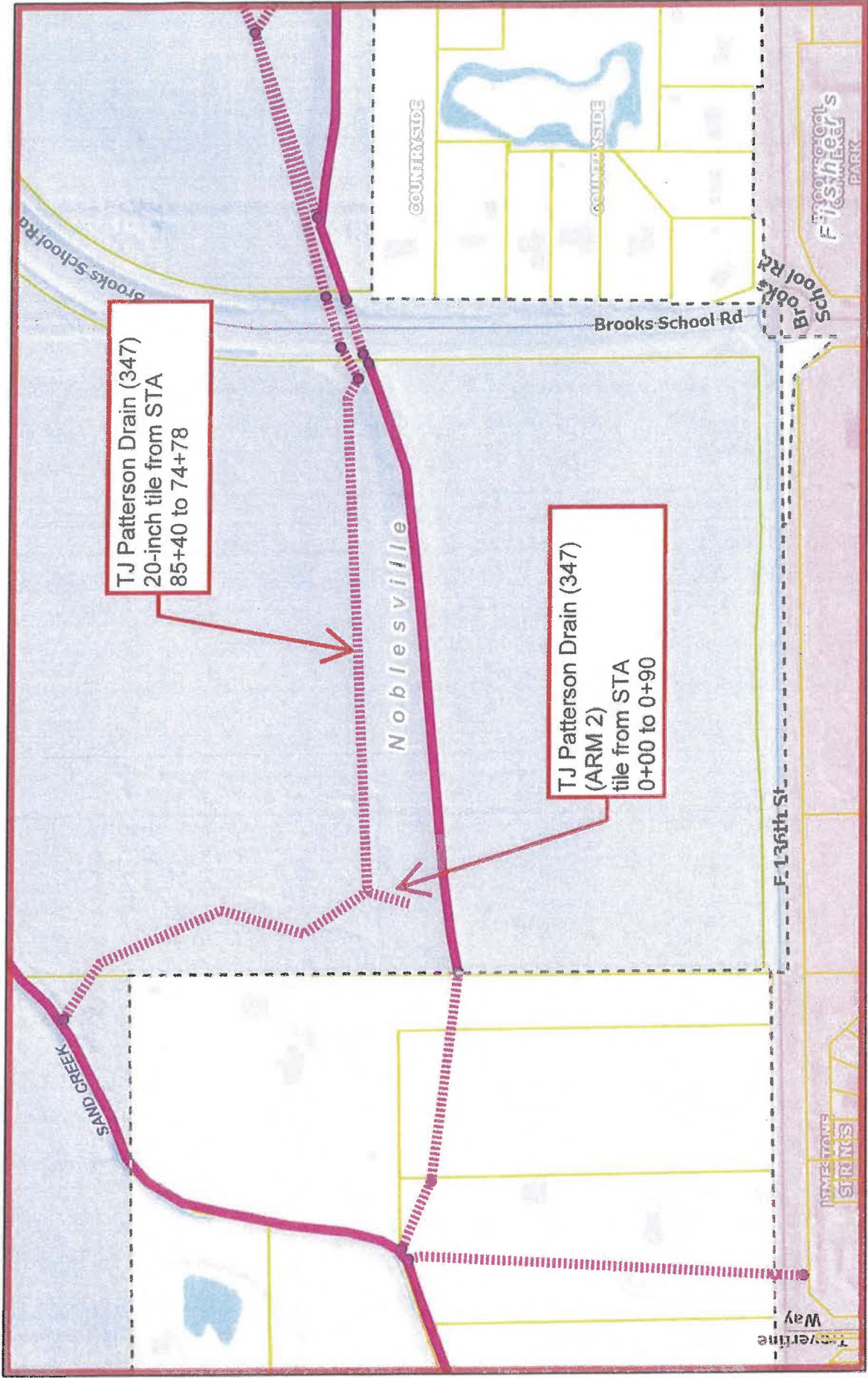
Sincerely,



Steve Ball

MAB Capital investments, LLC

Hamilton County, Indiana

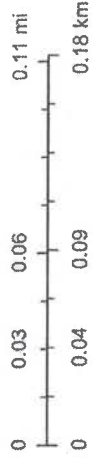


January 15, 2022

Regulated Drains Drainage Structures

- CLOSED DRAIN ● All Other Structures
- OPEN DRAIN □ Parcels

1:3,360





NON-ENFORCEMENT OF DRAINAGE EASEMENT ON INDIVIDUAL TRACTS

FOR RECORDER'S OFFICE USE ONLY

FILED

MAR 09 2022

STATE OF INDIANA)
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD

OFFICE OF HAMILTON COUNTY SURVEYOR

WHEREAS, MAB Capital Investments, LLC ("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. 13-11-22-00-00-008.000 ("the Real Estate"); and,

WHEREAS, the Real Estate is described in the Deed of the Landowner(s) in Deed Book, Page or Instrument No. 2017028484 in the Office of the Hamilton County Recorder; and,

WHEREAS, the Real Estate is subject to a Drainage Easement for the TJ Patterson 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 Parking and Buildings within the Drainage Easement subject to N/A

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 25 feet from the each 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.

INDONG-2022-00018



NON-ENFORCEMENT OF DRAINAGE EASEMENT ON INDIVIDUAL TRACTS

Tax Parcel Number 13-11-22-00-00-008.000

Drain Name TJ Patterson

THIS AGREEMENT WILL BECOME EFFECTIVE UPON DRAINAGE BOARD APPROVAL.

Dated this 7th day of March, 2022, by the Landowner(s).

LANDOWNER(s)

By: [Signature]

By: _____

Printed: Stephen Ball - MAB Manager

Printed: _____

STATE OF INDIANA)
)SS:
COUNTY OF HAMILTON)

MICHAEL TIMKO
Notary Public - Seal
Boone County - State of Indiana
Commission Number 707585
My Commission Expires Nov 14, 2025

Subscribed and sworn to before me, a Notary Public this 7 day of MARCH, 2022, personally appeared the within named STEPHEN BALL, and as Landowner(s) and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.

My Commission Expires:

Nov. 14, 2025

[Signature]
Notary Public,

Residing in Boone 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

INONE-2022-0018