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Mary L. Clark  
HAMILTON County Recorder IN  
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RESOLUTION NO. DB-03-12-12A

A RESOLUTION OF THE HAMILTON COUNTY DRAINAGE BOARD  
CONCERNING VARIANCE APPROVAL FOR THE CITY OF WESTFIELD

WITNESS THAT:

WHEREAS, the City of Westfield (“the City”), has acquired, or is in the process of acquiring, approximately four hundred sixty-six (466) acres of land (“the Real Estate”) to be used for a recreational project titled Grand Park; and,

WHEREAS, the Real Estate is generally bounded on the north by 191<sup>st</sup> Street; on the south by 186<sup>th</sup> Street; on the west by Springmill Road, and on the east by Tomlinson Road, in Washington Township, Hamilton County, Indiana, and is more particularly described in the three (3) attached Exhibit A’s and shown on the attached Exhibit B’s and,

WHEREAS, on the 14<sup>th</sup> day of July, 2011, the City applied to the Hamilton County Drainage Board (“the Drainage Board”), for variances from the detention and the discharge rate standards imposed by the Drainage Board for the three (3) watersheds which benefit the Real Estate (“the Variances”); and,

WHEREAS, the three (3) watersheds which benefit the Real Estate and are regulated drains under the jurisdiction of the Drainage Board, are the watershed for Little Eagle Creek Drain; the watershed for the Anna Kendall Drain; and the watershed for the Cool Creek Drain (George Seybold Arm) (all collectively referred to as “the Watersheds”); and,



WHEREAS, the following Hamilton County Tax Parcels are part of the Real Estate served by the Little Eagle Creek Drain:

08-05-26-00-00-001.000	08-05-26-00-00-015.000
08-05-26-00-00-002.003	08-05-26-00-00-018.000
08-05-26-00-00-002.002	08-05-26-00-00-017.000
08-05-26-00-00-010.002	08-05-26-00-00-010.001
08-05-26-00-00-010.102	08-05-26-00-00-014.000

; and,

WHEREAS, the following Hamilton County Tax Parcels are part of the Real Estate served by the Anna Kendall Drain:

08-05-26-00-00-002.002	08-05-26-00-00-011.000
08-05-26-00-00-002.000	08-05-26-00-00-014.000
08-05-26-00-00-005.000	08-05-26-00-00-013.001
08-05-26-00-00-015.000	08-05-26-00-00-012.000
08-05-26-00-00-010.102	08-05-26-00-00-014.001
08-05-26-00-00-010.002	08-05-35-00-00-001.000
08-05-26-00-00-010.000	08-05-35-00-00-002.000
08-05-26-00-00-010.003	08-05-35-00-00-002.001
08-05-26-00-00-009.001	08-05-35-00-00-003.001
08-05-26-00-00-009.002	08-05-35-00-00-003.000
08-05-26-00-00-009.000	08-05-35-00-00-003.002
08-05-26-00-00-010.001	08-05-35-00-00-007.000

; and,

WHEREAS, the following Hamilton County Tax Parcels are part of the Real Estate served by the Cool Creek Drain (George Seybold Arm):

08-05-26-00-00-006.000	08-05-25-00-00-060.000
08-05-26-00-00-008.000	08-05-25-00-00-058.000
08-05-26-00-00-008.001	08-05-25-00-00-059.000
08-05-25-00-00-001.000	08-05-25-00-00-056.000
08-05-25-00-00-005.000	08-05-26-00-00-009.002
08-05-25-00-00-008.000	08-05-26-00-00-009.000
08-05-25-00-00-009.000	08-05-25-00-00-057.000
08-05-25-00-00-010.000	08-05-35-00-00-007.000
08-05-25-00-00-011.000	08-05-36-00-00-004.000
08-05-25-00-00-013.000	08-05-36-00-00-004.001
08-05-25-00-00-016.000	09-05-36-00-00-006.000
08-05-25-00-00-017.000	

; and,



WHEREAS, the Drainage Board, at its regularly scheduled meeting on September 12, 2011 approved a drainage plan for the Real Estate which included approval of the Variances; and,

WHEREAS, the Variances for each of the Watersheds allowed the City to develop the Real Estate in a manner which reduced the on-site detention requirements and increased the maximum discharge rates for surface water into each of the Watersheds as shown on the Report of the Hamilton County Surveyor, dated July 19, 2011, which is attached as Exhibit C; and,

WHEREAS, it is necessary for the Drainage Board to approve the written terms and conditions of Variances and to record this Resolution in the Office of the Hamilton County Recorder.

IT IS THEREFORE RESOLVED by the Hamilton County Drainage Board as follows:

1. The City of Westfield, pursuant to the motion approved by the Drainage Board on the 12<sup>th</sup> day of September, 2011, is hereby granted Variances from the terms of the existing detention and discharge standards of the Drainage Board for the development of the Real Estate, as described in the Report of the Hamilton County Surveyor, dated July 19, 2011, which is attached hereto and marked Exhibit C.
2. The Variances of the on-site detention requirements and the allowable discharge rates of the Drainage Board for each of the Watersheds is subject to the following terms and conditions:
  - a. The Variances only apply if the Real Estate is used for the purposes described for the Grand Park Recreation Project presented to the Hamilton County Surveyor and the Drainage Board, including the Drainage Computation Summary prepared by American Structurepoint, Inc., dated July 19, 2011, (all collectively referred to as "the Development Plan").

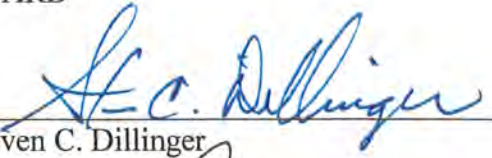


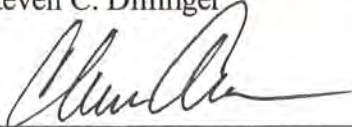
- b. In the event the Real Estate or any portion thereof is developed by the City or its designee for recreational purposes in a manner substantially different than shown on the Development Plan, and that development increases the discharge rates into any of the Watersheds, the terms and conditions of the Variances shall be void and of no force and effect, unless the Drainage Board approves the changes of the discharge rates within the applicable watershed.
- c. In the event any of the Real Estate is developed by a party other than the City or its designee, and the new use or uses are not the type of recreational uses shown in the Development Plan, (“the Non-Conforming Uses”) the Variances shall be void for the parcels of the Real Estate used for Non-Conforming Uses and those parcels must comply with the then existing detention and discharge standards of the Drainage Board.
3. The Drainage Board, as the entity having jurisdiction over the Anna Kendall Drain, Little Eagle Creek Drain, and Cool Creek Drain, retains unto itself jurisdiction to enforce the terms and conditions of the Variances.
4. This Resolution shall be recorded in the Office of the Hamilton County Recorder, and the Variances from the detention and discharge rates described herein shall only be for the benefit of the City and its designees as owners of the Real Estate under the terms described herein. None of the terms of the Variances shall be construed to benefit any landowner of any part of the Real Estate unless the ownership and use of the parcel of Real Estate complies with the terms of the Variances described in this Resolution.

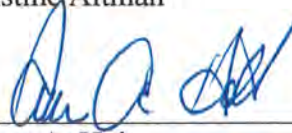
5. This Resolution is in full force and effect retroactive to the approval of the Variances on September 11, 2011, and is intended to reflect the terms and conditions of the Variances as requested by the City and approved by the Drainage Board on that date.

ALL OF WHICH IS RESOLVED by the Hamilton County Drainage Board this 12<sup>th</sup> day of March, 2012.

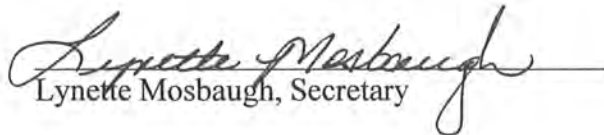
HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
Steven C. Dillinger

  
\_\_\_\_\_  
Christine Altman

  
\_\_\_\_\_  
Steven A. Holt

ATTEST:

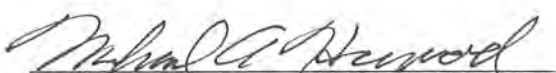
  
\_\_\_\_\_  
Lynette Mosbaugh, Secretary



STATE OF INDIANA        )  
  )SS:  
COUNTY OF HAMILTON )

Subscribed and sworn to before me, a Notary Public this 12<sup>th</sup> day of March, 2012, personally appeared the within named Steven C. Dillinger, Christine Altman, and Steven A. Holt, as members of the Hamilton County Drainage Board, and Lynette Mosbaugh, as Secretary of the Hamilton County Drainage Board and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.

  
Notary Public, *Michael A. Howard*  
Residing in Hamilton County, IN

My Commission Expires:

*April 27, 2015*

This instrument prepared by Michael A. Howard, Attorney at Law, 694 Logan Street, Noblesville, Indiana, 46060, 773-4212.  
I affirm, under the penalties of perjury, that I have taken reasonable care to redact each social security number in the document.  
Michael A. Howard



## EXHIBIT "A"

A part of the Northwest Quarter of Section 26 and the Southwest Quarter of Section 26, Township 19 North, Range 3 East of the Second Principal Meridian in Washington Township, Hamilton County, Indiana, and shown on EXHIBIT "B" attached herewith and made a part of this description by reference, described as follows:

Commencing at the Northwest corner of said Southwest Quarter, designated Point "001" on said EXHIBIT "B"; thence along the North line thereof North 89 degrees 46 minutes 55 seconds East 11.38 feet to the POINT OF BEGINNING designated point 002 on said EXHIBIT "B"; thence North 01 degrees 32 minutes 48 seconds West 85.55 feet to point "003" as shown on said EXHIBIT "B"; thence North 89 degrees 54 minutes 07 seconds East 2057.43 feet to point "004" as shown on said EXHIBIT "B"; thence South 00 degrees 04 minutes 54 seconds West 120.00 feet to point "005" as shown on said EXHIBIT "B"; thence South 89 degrees 53 minutes 55 seconds West 67.15 feet to point "006" as shown on said EXHIBIT "B"; thence South 01 degrees 07 minutes 36 seconds East 547.82 feet to point "007" as shown on said EXHIBIT "B"; thence South 88 degrees 21 minutes 46 seconds West 33.66 feet to point "008" as shown on said EXHIBIT "B"; thence North 00 degrees 00 minutes 00 seconds East 119.92 feet to point "009" as shown on said EXHIBIT "B"; thence North 90 degrees 00 minutes 00 seconds West 284.61 feet to point "010" as shown on said EXHIBIT "B"; thence North 00 degrees 00 minutes 00 seconds East 195.23 feet to point "011" as shown on said EXHIBIT "B"; thence South 42 degrees 21 minutes 05 seconds West 30.71 feet to point "012" as shown on said EXHIBIT "B"; thence South 75 degrees 56 minutes 52 seconds West 233.27 feet to point "013" as shown on said EXHIBIT "B"; thence South 20 degrees 53 minutes 50 seconds West 273.84 feet to point "014" as shown on said EXHIBIT "B"; thence South 89 degrees 54 minutes 21 seconds East 351.87 feet to point "015" as shown on said EXHIBIT "B"; thence South 00 degrees 05 minutes 20 seconds West 227.00 feet to point "016" as shown on said EXHIBIT "B"; thence North 89 degrees 54 minutes 40 seconds West 352.00 feet to point "017" as shown on said EXHIBIT "B"; thence South 00 degrees 05 minutes 20 seconds West 405.00 feet to point "018" as shown on said EXHIBIT "B"; thence North 89 degrees 54 minutes 40 seconds West 305.00 feet to point "019" as shown on said EXHIBIT "B"; thence South 00 degrees 05 minutes 20 seconds West 215.00 feet to point "020" as shown on said EXHIBIT "B"; thence South 82 degrees 23 minutes 23 seconds West 89.57 feet to point "021" as shown on said EXHIBIT "B"; thence North 89 degrees 54 minutes 40 seconds West 54.93 feet to point "022" as shown on said EXHIBIT "B"; thence South 00 degrees 05 minutes 20 seconds West 614.00 feet to point "023" as shown on said EXHIBIT "B"; thence South 56 degrees 23 minutes 56 seconds West 79.32 feet to point "024" as shown on said EXHIBIT "B"; thence South 73 degrees 56 minutes 44 seconds West 135.19 feet to point "025" as shown on said EXHIBIT "B"; thence North 89 degrees 50 minutes 21 seconds West 238.11 feet to point "026" as shown on said EXHIBIT "B"; thence North 00 degrees 09 minutes 39 seconds East 318.71 feet to point "027" as shown on said EXHIBIT "B"; thence South 89 degrees 50 minutes 11 seconds West 468.09 feet to the West line of said Southwest Quarter designated point "028" on said EXHIBIT "B"; thence along said West line North 00 degrees 10 minutes 02 seconds East 1700.47 feet to point "029" as shown on said



EXHIBIT "B"; thence North 89 degrees 45 minutes 58 seconds East 495.01 feet to point "030" as shown on said EXHIBIT "B"; thence North 00 degrees 12 minutes 38 seconds East 99.33 feet to point "031" as shown on said EXHIBIT "B"; thence South 89 degrees 38 minutes 37 seconds West 482.62 feet to point "032" as shown on said EXHIBIT "B"; thence North 01 degrees 32 minutes 48 seconds West 36.55 feet to point "Point" as shown on said EXHIBIT "B"; to the POINT OF BEGINNING, and containing 65.441 acres, more or less.

Prepared by:

DLZ Indiana, LLC

360 Century Building

36 South Pennsylvania Street

Indianapolis, Indiana 46204

On October 11, 2011

Alan Brent Cleveland

Registered Land Surveyor, Number LS80880007

Within the State of Indiana





# EXHIBIT "B"

**FILE COPY**

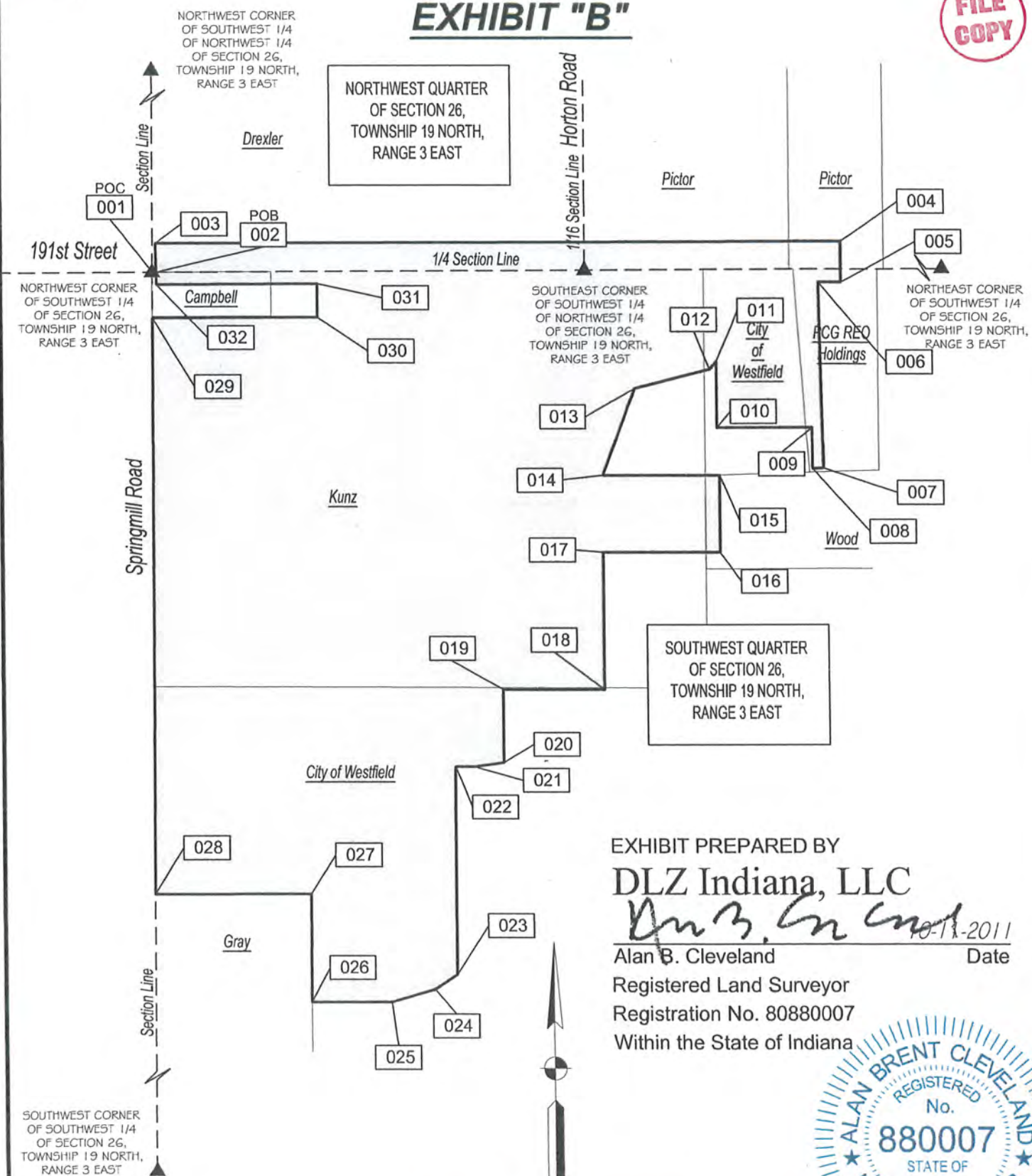
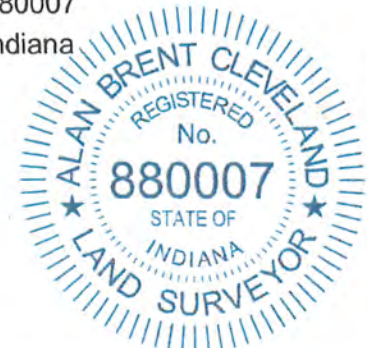
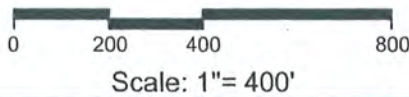


EXHIBIT PREPARED BY  
**DLZ Indiana, LLC**  
*Alan B. Cleveland* 10-11-2011  
 Alan B. Cleveland Date  
 Registered Land Surveyor  
 Registration No. 80880007  
 Within the State of Indiana



Shaded Area is the Approximate Easement



DLZ Project Number 1163-0759-90  
 Washington Township  
 Hamilton County

**DLZ INDIANA, LLC**  
 360 Century Building  
 36 South Pennsylvania Street  
 Indianapolis, Indiana 46204  
 Tel 317 633-4120 Fax 317 633-4177  
 www.dlz.com





## EXHIBIT "A"

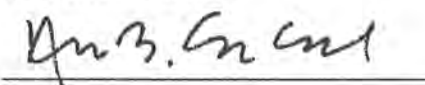
A part of the Northwest Quarter, the Southwest Quarter, the Southeast Quarter, the Northeast Quarter of Section 26, the Northwest Quarter and the Northeast Quarter of Section 35 in Township 19 North, Range 3 East of the Second Principal Meridian in Washington Township, Hamilton County, Indiana, and shown on the EXHIBIT "B" attached herewith and made a part of this description by reference, described as follows:

Commencing at the Northwest corner of said Southwest Quarter of Section 26, designated point "001" on said EXHIBIT "B"; thence along the North line thereof North 89 degrees 46 minutes 55 seconds East 2066.40 feet to the POINT OF BEGINNING designated point "002" on said EXHIBIT "B"; thence North 00 degrees 04 minutes 54 seconds East 81.22 feet to point "003" on said EXHIBIT "B"; thence North 89 degrees 54 minutes 07 seconds East 999.04 feet to point "004" on said EXHIBIT "B"; thence South 01 degrees 17 minutes 40 seconds West 383.33 feet to point "005" on said EXHIBIT "B"; thence South 02 degrees 44 minutes 03 seconds West 337.83 feet to point "006" on said EXHIBIT "B"; thence South 00 degrees 52 minutes 12 seconds West 187.52 feet to point "007" on said EXHIBIT "B"; thence South 61 degrees 27 minutes 23 seconds East 14.71 feet to point "008" on said EXHIBIT "B"; thence South 89 degrees 54 minutes 40 seconds East 17.34 feet to point "009" on said EXHIBIT "B"; thence South 37 degrees 06 minutes 13 seconds West 71.03 feet to point "010" on said EXHIBIT "B"; thence South 47 degrees 23 minutes 11 seconds West 60.75 feet to point "011" on said EXHIBIT "B"; thence South 42 degrees 28 minutes 04 seconds West 61.72 feet to point "012" on said EXHIBIT "B"; thence South 22 degrees 38 minutes 23 seconds West 28.69 feet to point "013" on said EXHIBIT "B"; thence South 82 degrees 07 minutes 20 seconds West 193.59 feet to point "014" on said EXHIBIT "B"; thence South 09 degrees 06 minutes 39 seconds East 157.19 feet to point "015" on said EXHIBIT "B"; thence South 01 degrees 03 minutes 12 seconds West 120.42 feet to point "016" on said EXHIBIT "B"; thence South 31 degrees 49 minutes 31 seconds East 65.08 feet to point "017" on said EXHIBIT "B"; thence North 72 degrees 39 minutes 24 seconds East 163.55 feet to point "018" on said EXHIBIT "B"; thence South 12 degrees 04 minutes 35 seconds East 67.20 feet to point "019" on said EXHIBIT "B"; thence South 45 degrees 16 minutes 27 seconds East 114.78 feet to point "020" on said EXHIBIT "B"; thence South 89 degrees 54 minutes 40 seconds East 784.10 feet to point "021" on said EXHIBIT "B"; thence South 00 degrees 10 minutes 20 seconds West 1240.11 feet to point "022" on said EXHIBIT "B"; thence South 89 degrees 47 minutes 53 seconds West 1190.57 feet to point "023" on said EXHIBIT "B"; thence South 89 degrees 47 minutes 53 seconds West 2633.94 feet to point "024" on said EXHIBIT "B"; thence North 00 degrees 06 minutes 08 seconds West 121.42 feet to point "025" on said EXHIBIT "B"; thence North 89 degrees 50 minutes 18 seconds East 449.80 feet to point "026" on said EXHIBIT "B"; thence North 00 degrees 29 minutes 32 seconds East 352.03 feet to point "027" on said EXHIBIT "B"; thence North 01 degrees 08 minutes 27 seconds West 76.15 feet to point "028" on said EXHIBIT "B"; thence North 90 degrees 00 minutes 00 seconds East 248.11 feet to point "029" on said EXHIBIT "B"; thence North 73 degrees 56 minutes 44 seconds East 135.19 feet to point "030" on said EXHIBIT "B"; thence North 56 degrees 23 minutes 56 seconds East 79.32 feet to



point "031" on said EXHIBIT "B"; thence North 00 degrees 05 minutes 20 seconds East 614.00 feet to point "032" on said EXHIBIT "B"; thence South 89 degrees 54 minutes 40 seconds East 54.93 feet to point "033" on said EXHIBIT "B"; thence North 82 degrees 23 minutes 23 seconds East 89.57 feet to point "034" on said EXHIBIT "B"; thence North 00 degrees 05 minutes 20 seconds East 215.00 feet to point "035" on said EXHIBIT "B"; thence South 89 degrees 54 minutes 40 seconds East 305.00 feet to point "036" on said EXHIBIT "B"; thence North 00 degrees 05 minutes 20 seconds East 405.00 feet to point "037" on said EXHIBIT "B"; thence South 89 degrees 54 minutes 40 seconds East 352.00 feet to point "038" on said EXHIBIT "B"; thence North 00 degrees 05 minutes 20 seconds East 227.00 feet to point "039" on said EXHIBIT "B"; thence North 89 degrees 54 minutes 21 seconds West 351.87 feet to point "040" on said EXHIBIT "B"; thence North 20 degrees 53 minutes 50 seconds East 273.84 feet to point "041" on said EXHIBIT "B"; thence North 75 degrees 56 minutes 52 seconds East 233.27 feet to point "042" on said EXHIBIT "B"; thence North 42 degrees 21 minutes 05 seconds East 30.71 feet to point "043" on said EXHIBIT "B"; thence South 00 degrees 00 minutes 00 seconds West 195.23 feet to point "044" on said EXHIBIT "B"; thence North 90 degrees 00 minutes 00 seconds East 284.61 feet to point "045" on said EXHIBIT "B"; thence South 00 degrees 00 minutes 00 seconds West 119.92 feet to point "046" on said EXHIBIT "B"; thence North 90 degrees 00 minutes 00 seconds East 679.18 feet to point "047" on said EXHIBIT "B"; thence North 00 degrees 58 minutes 49 seconds West 550.66 feet to point "048" on said EXHIBIT "B"; thence South 89 degrees 49 minutes 23 seconds West 579.74 feet to point "049" on said EXHIBIT "B"; thence North 00 degrees 04 minutes 54 seconds East 38.78 feet to the Point OF BEGINNING, and containing 132.274 acres, more or less.

Prepared by:  
 DLZ Indiana, LLC  
 360 Century Building  
 36 South Pennsylvania Street  
 Indianapolis, Indiana 46204  
 On October 12, 2011

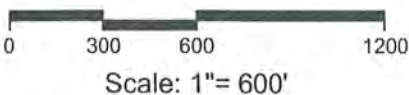
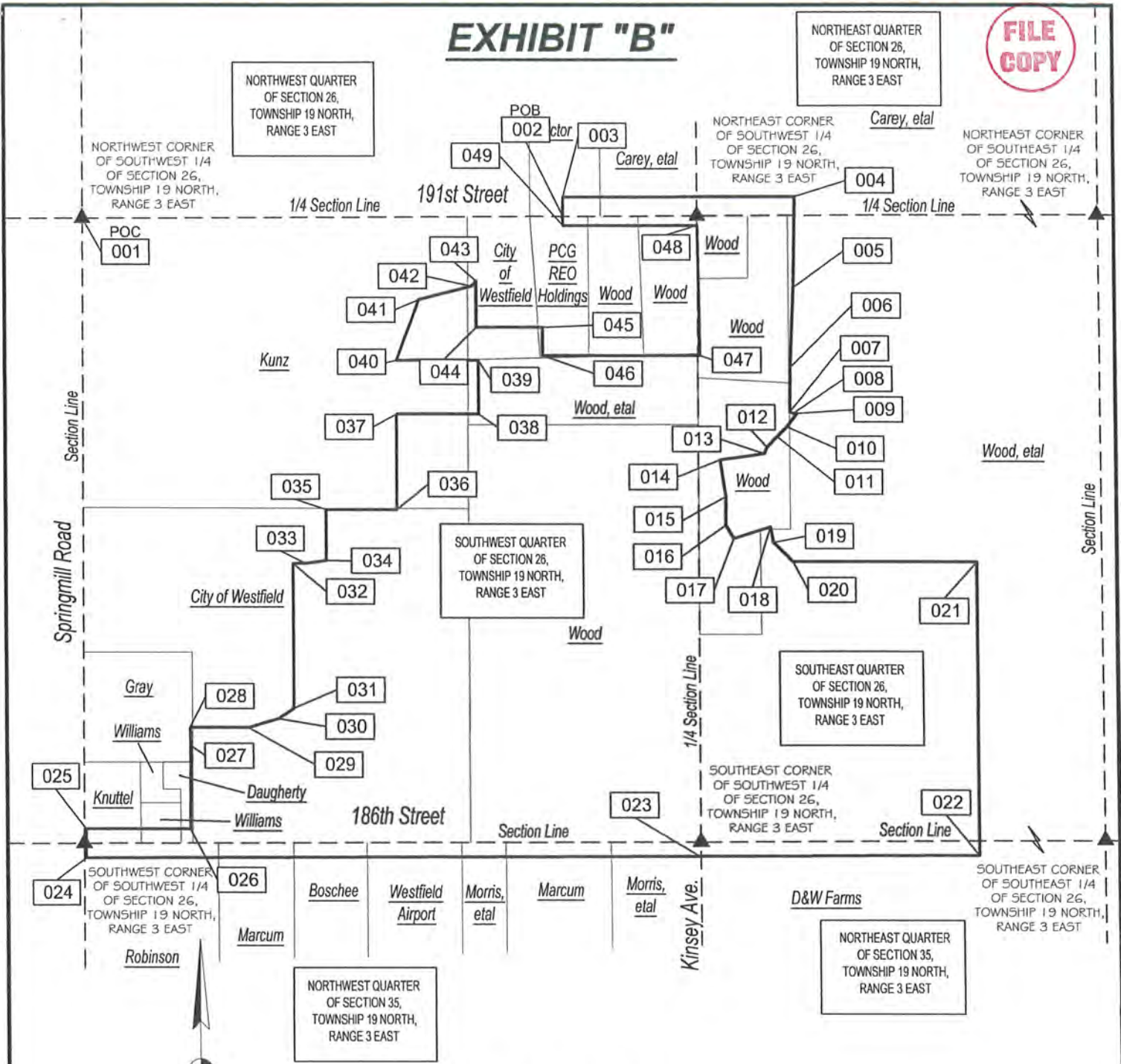


Alan Brent Cleveland  
 Registered Land Surveyor, Number LS80880007  
 Within the State of Indiana



# EXHIBIT "B"

**FILE COPY**



Shaded Area is the Approximate Easement

EXHIBIT PREPARED BY

**DLZ Indiana, LLC**

*Alan B. Cleveland* 10-11-2011  
 Alan B. Cleveland Date

Registered Land Surveyor  
 Registration No. 80880007  
 Within the State of Indiana



DLZ Project Number 1163-0759-90

Washington Township  
 Hamilton County

**DLZ INDIANA, LLC**  
 360 Century Building  
 36 South Pennsylvania Street  
 Indianapolis, Indiana 46204  
 Tel 317 633-4120 Fax 317 633-4177  
 www.dlz.com



## EXHIBIT "A"

A part of the Northwest Quarter and the Southwest Quarter of Section 25, the Northeast Quarter and Southeast Quarter of Section 26, the Northeast Quarter of Section 35 and the Northwest Quarter of Section 36 in Township 19 North, Range 3 East of the Second Principal Meridian in Washington Township, Hamilton County, Indiana, and shown on the EXHIBIT "B" attached herewith and made a part of this description by reference, described as follows:

Commencing at the Northwest corner of said Southeast Quarter of Section 26, designated point "001" on said EXHIBIT "B"; thence along the North line thereof North 89 degrees 54 minutes 07 seconds East 417.01 feet to the POINT OF BEGINNING designated point "002" on said EXHIBIT "B"; thence North 01 degrees 17 minutes 40 seconds East 80.02 feet to point "003" as shown on said EXHIBIT "B"; thence North 89 degrees 54 minutes 07 seconds East 2137.99 feet to point "004" as shown on said EXHIBIT "B"; thence North 88 degrees 55 minutes 12 seconds East 649.28 feet to point "005" as shown on said EXHIBIT "B"; thence North 88 degrees 45 minutes 55 seconds East 604.51 feet to point "006" as shown on said EXHIBIT "B"; thence South 01 degrees 14 minutes 05 seconds East 20.00 feet to point "007" as shown on said EXHIBIT "B"; thence North 88 degrees 45 minutes 55 seconds East 341.25 feet to point "008" as shown on said EXHIBIT "B"; thence South 01 degrees 14 minutes 05 seconds East 20.00 feet to point "009" as shown on said EXHIBIT "B"; thence North 88 degrees 45 minutes 55 seconds East 1150.98 feet to point "010" as shown on said EXHIBIT "B"; thence South 05 degrees 30 minutes 14 seconds West 120.48 feet to point "011" as shown on said EXHIBIT "B"; thence South 88 degrees 44 minutes 31 seconds West 869.56 feet to point "012" as shown on said EXHIBIT "B"; thence South 33 degrees 30 minutes 30 seconds East 635.21 feet to point "013" as shown on said EXHIBIT "B"; thence Southeasterly 1572.60 feet along an arc to the right, having a radius of 2768.82 feet subtended by a long chord having a bearing of South 17 degrees 14 minutes 14 seconds East and a length of 1551.55 feet to point "014" as shown on said EXHIBIT "B"; thence South 89 degrees 10 minutes 59 seconds West 455.09 feet to point "015" as shown on said EXHIBIT "B"; thence South 00 degrees 02 minutes 30 seconds West 550.00 feet to point "016" as shown on said EXHIBIT "B"; thence North 89 degrees 44 minutes 13 seconds East 517.07 feet to point "017" as shown on said EXHIBIT "B"; thence South 03 degrees 43 minutes 05 seconds East 120.15 feet to point "018" as shown on said EXHIBIT "B"; thence South 89 degrees 10 minutes 59 seconds West 605.34 feet to point "019" as shown on said EXHIBIT "B"; thence Westerly 172.44 feet along an arc to the right, having a radius of 760.00 feet, having a radius of 760.00 feet subtended by a long chord having a bearing of North 84 degrees 19 minutes 01 seconds West and a length of 172.07 feet to point "020" as shown on said EXHIBIT "B"; thence North 77 degrees 49 minutes 01 seconds West 129.44 feet to point "021" as shown on said EXHIBIT "B"; thence Westerly 145.21 feet along an arc to the left, having a radius of 640.00 feet subtended by a long chord having a bearing of North 84 degrees 19 minutes 01 seconds West and a length of 144.90 feet to point "022" as shown on said EXHIBIT "B"; thence South 89 degrees 10 minutes 59 seconds West 1610.15 feet to point "023" as shown on said EXHIBIT "B"; thence South 89 degrees 47 minutes 53 seconds West 1466.33 feet to point "024" as shown on said EXHIBIT "B"; thence North 00 degrees 10 minutes 20

seconds East 1240.11 feet to point "025" as shown on said EXHIBIT "B"; thence North 89 degrees 54 minutes 40 seconds West 784.10 feet to point "026" as shown on said EXHIBIT "B"; thence North 45 degrees 16 minutes 27 seconds West 114.78 feet to point "027" as shown on said EXHIBIT "B"; thence North 12 degrees 04 minutes 35 seconds West 67.20 feet to point "028" as shown on said EXHIBIT "B"; thence South 72 degrees 39 minutes 24 seconds West 163.55 feet to point "029" as shown on said EXHIBIT "B"; thence North 31 degrees 49 minutes 31 seconds West 65.08 feet to point "030" as shown on said EXHIBIT "B"; thence North 01 degrees 03 minutes 12 seconds East 120.42 feet to point "031" as shown on said EXHIBIT "B"; thence North 09 degrees 06 minutes 39 seconds West 157.19 feet to point "032" as shown on said EXHIBIT "B"; thence North 82 degrees 07 minutes 20 seconds East 193.59 feet to point "033" as shown on said EXHIBIT "B"; thence North 22 degrees 38 minutes 23 seconds East 28.69 feet to point "034" as shown on said EXHIBIT "B"; thence North 42 degrees 28 minutes 04 seconds East 61.72 feet to point "035" as shown on said EXHIBIT "B"; thence North 47 degrees 23 minutes 11 seconds East 60.75 feet to point "036" as shown on said EXHIBIT "B"; thence North 37 degrees 06 minutes 13 seconds East 71.03 feet to point "037" as shown on said EXHIBIT "B"; thence North 89 degrees 54 minutes 40 seconds West 17.34 feet to point "038" as shown on said EXHIBIT "B"; thence North 61 degrees 27 minutes 23 seconds West 14.71 feet to point "039" as shown on said EXHIBIT "B"; thence North 00 degrees 52 minutes 12 seconds East 187.52 feet to point "040" as shown on said EXHIBIT "B"; thence North 02 degrees 44 minutes 03 seconds East 337.83 feet to point "041" as shown on said EXHIBIT "B"; thence North 01 degrees 17 minutes 40 seconds East 303.30 feet to the POINT OF BEGINNING, and containing 270.809 acres, more or less.

Prepared by:

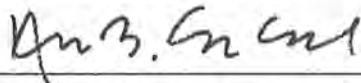
DLZ Indiana, LLC

360 Century Building

36 South Pennsylvania Street

Indianapolis, Indiana 46204

On October 13, 2011



Alan Brent Cleveland

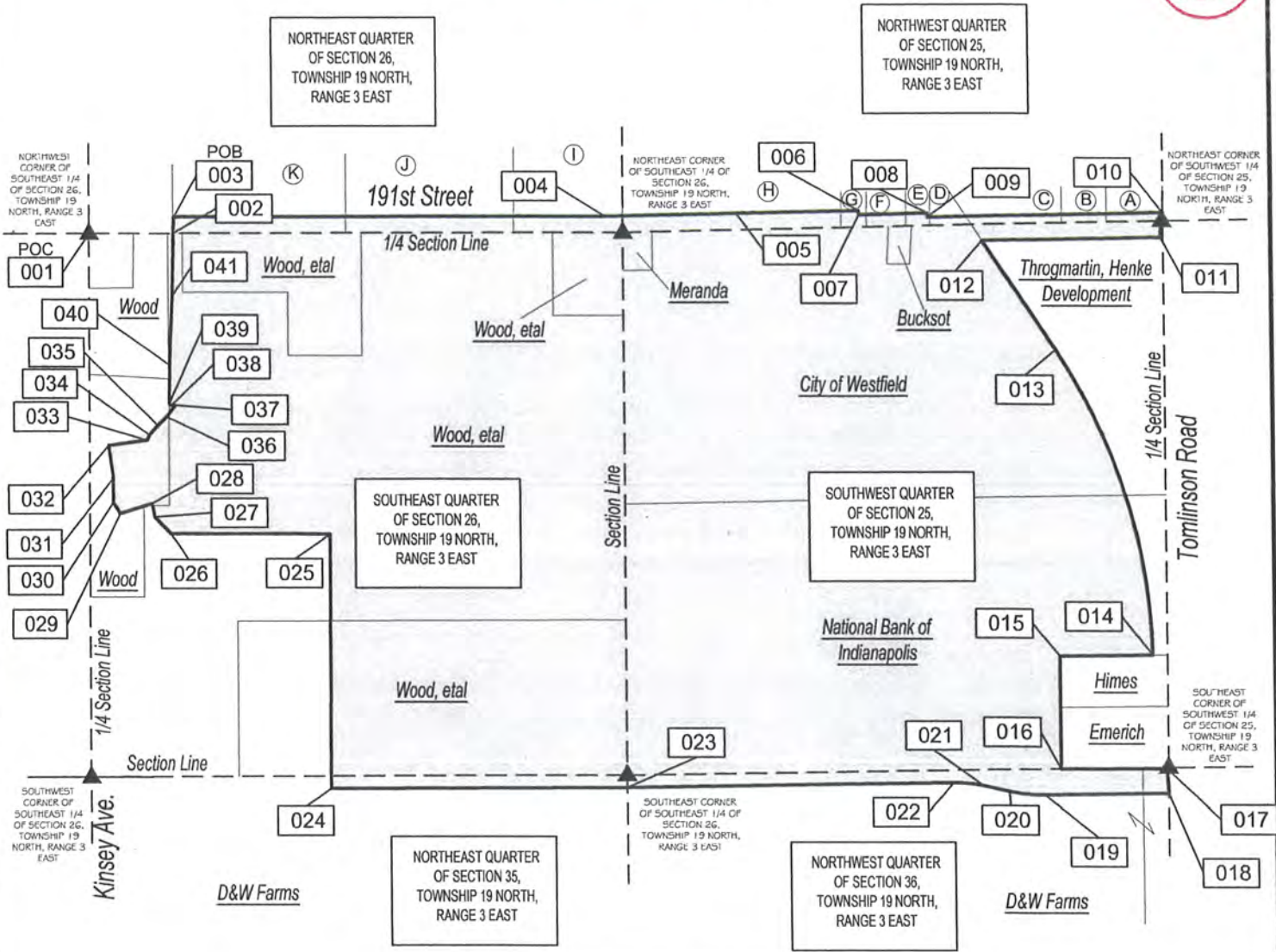
Registered Land Surveyor, Number LS80880007

Within the State of Indiana



# EXHIBIT "B"

FILE COPY



(A) Hodson	(G) Disher
(B) Gilchrist	(H) Gerth
(C) Sanders	(I) Merrill, et al
(D) Harmon	(J) Wroblewski
(E) Harmon	(K) Merrill, et al
(F) Fredriks	

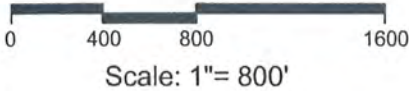


EXHIBIT PREPARED BY  
**DLZ Indiana, LLC**

*Alan B. Cleveland* 10-13-2011  
 Alan B. Cleveland Date

Registered Land Surveyor  
 Registration No. 80880007  
 Within the State of Indiana



Shaded Area is the Approximate Easement

DLZ Project Number 1163-0759-90  
 Washington Township  
 Hamilton County

**DLZ INDIANA, LLC**  
 360 Century Building  
 36 South Pennsylvania Street  
 Indianapolis, Indiana 46204  
 Tel 317 633-4120 Fax 317 633-4177  
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*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*

July 19, 2011

Hamilton County Drainage Board

**RE: Westfield Grand Park – Variance Request Staff Report - REVISED**  
**191<sup>st</sup> Street and Tomlinson Road**

Attached is a request by the City of Westfield, requesting variance from the following ordinances and standards in connection with the Grand Park project:

- 1.) 3 variances from the Hamilton County Stormwater Technical Standards Manual, Section 302.02. This section reads:

General Release Rates

Control devices shall limit the discharge to a rate such that the post-developed release rate from the site is no greater than 0.1 cfs per acre of development for 0-10 year return interval storms and 0.3 cfs per acre of developed area for 11 - 100 year return interval storms. The above fixed general release rates may be set at a lower value by HCSO for certain watersheds if more detailed data becomes available as a result of comprehensive watershed studies conducted and/or formally approved and adopted by HCSO. The applicant shall confirm the applicable release rates with HCSO prior to initiating the design calculations to determine whether a basin-specific rate has been established for the watershed.

Additional Information:

The area the Grand Park project encompasses affects the Little Eagle Creek Drain, Anna Kendall Drain, and Cool Creek Drain. Since 3 different drains with different downstream landowners are involved, there are 3 separate variances request.

The City of Westfield and their engineer, American Structurepoint, is requesting that pervious areas (grass) be allowed to release under the old standards (10 year post developed at the 2 year existing and the 100 year post developed at the 10 year existing). The impervious areas (buildings and parking) will be designed to General Release Rates per Section 302.02.



## Staff Recommendations:

Since this project has been on a very tight time schedule and some of this data was just received today, the information was not sent to Clark Dietz, the Cool Creek watershed consultant, for review. Clark Dietz could provide input and look at the impact on the drains, if they are asked to review the data behind these variance requests.

Below are comparisons with the allowable release rates (cfs) and pipe sizes:

Anna Kendall Drain

Watershed Acreage: 111 acres

Existing Peak Discharge: 42.39 cfs – 2 year storm  
 92.63 cfs – 10 year storm  
 239.97 cfs – 100 year storm

Allowable Peak Discharge per Standards: 11.1 cfs – 0 to 10 year storm  
 33.3 cfs – 11 to 100 year storm

Proposed Allowable Peak Discharge per Variance Request: 33.47 cfs – 0 to 10 year storm  
 78.57 cfs – 11 to 100 year storm

Pipe size for Peak Discharge – 36 inch RCP based on Standards  
 Twin 48 inch RCP based on Variance Request

Little Eagle Creek Drain

Watershed Acreage: 63 acres

Existing Peak Discharge: 31.93 cfs – 2 year storm  
 72.05 cfs – 10 year storm  
 175.34 cfs – 100 year storm

Allowable Peak Discharge per Standards: 6.3 cfs – 0 to 10 year storm  
 18.9 cfs – 11 to 100 year storm

Proposed Allowable Peak Discharge per Variance Request: 21.26 cfs – 0 to 10 year storm  
 49.91 cfs – 11 to 100 year storm

Pipe size for Peak Discharge – 24/30 inch Pipe based on Standards  
 36 inch RCP based on Variance Request

Cool Creek Drain (George Seybold Arm)

Watershed Acreage: 292 acres

Existing Peak Discharge: 78.64 cfs – 2 year storm  
186.20 cfs – 10 year storm  
472.41 cfs – 100 year storm

Allowable Peak Discharge per Standards: 29.2 cfs – 0 to 10 year storm  
87.6 cfs – 11 to 100 year storm

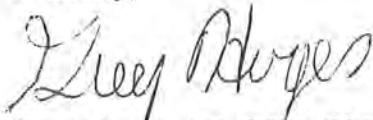
Proposed Allowable Peak Discharge per Variance Request: 57.42 cfs – 0 to 10 year storm  
143.32 cfs – 11 to 100 year storm

Pipe size for Peak Discharge – 48 inch RCP based on Standards (final pond to drain)  
48 inch RCP based on Variance Request (final pond to drain)

This request reduces the required on-site detention storage volume and increases the allowable discharge rate for the project, therefore, allowing more runoff to enter the regulated drains quicker. The argument is that they are taking agricultural land and making it mostly grass, so the impact is minimal. That argument would have some merit, if the project was not installing a massive drainage system to remove the runoff quickly from the grass area. The new land use will not mimic the old agricultural land use (with an agriculture drainage system) and the Time of Concentration will be less on this very large project. With this happening on a project at or near the top of the watershed for each drain, it may have a negative impact on the entire length of the drain. I would be concerned that a situation of unintended negative impacts as is being experienced in Fishers on Sand Creek may result.

Since the proposed variance requests do not offer a positive benefit to the watershed for the regulated drains and we believe the standards that are in place should be enforced; therefore, we withhold support for these variances.

Sincerely,



Greg Hoyes, AC, CFM, CPESC  
Plan Reviewer