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March 2, 2023

To: Hamilton County Drainage Board

Re: County-McMahon Drain, Firm Foundation Reconstruction

Attached are petition by Firm Foundation of Indiana, Inc., and plans for the proposed reconstruction and relocation of a portion of the County – McMahon Drain, Indiana Filler Co. Arm and Indiana Filler Co. Arm 1. This project is to be paid for by the developer. In order to facilitate site improvements for the Firm Foundation headquarters, the proposal is to reconstruct the existing drain per the construction plans by Weihe Engineers called "County McMahon Drain Reconstruction" dated 1/4/2023, project No. W220205A.

The original County- McMahon Drain was established in 1928 per Hamilton County Circuit Court records, Viewers Report September 26, 1928 (Ditch Repair Book 4, page 261). The Indiana Filler Company Drain was established in 1915, per Hamilton County Circuit Court records, Viewers Report dated March 15, 1915.

The proposed Firm Foundation Headquarters is located near the southeast corner of the intersection of 206th street and State Road 19. Per the plans by Weihe, a portion of the existing drain will be reconstructed within the Firm Foundation site and will affect the following parcel: 10-06-24-00-00-003.000 owned by Firm Foundation of Indiana, Inc. .

Per the plans, the reconstruction of the main Indiana Filler Co. Arm will begin near the proposed 50' south-half right-of-way line of 206th street at a new manhole (MH #498). From there, a new pipe will drain south for 128' to an open ditch. From this location, the existing ditch will be reconstructed to the south with the downstream end of the reconstruction located near the south property line of the site.

In addition, a portion of Indiana Filler Co. Arm 1 will be reconstructed and relocated, as well. This arm currently enters the site along the east property line near the northeast corner of the site. The existing tile will be intercepted near the south right-of-way line and piped west 208' to manhole #498.

The reconstruction will consist of the following:

Main Arm:

128' of 18" RCP

824' of Open Drain

Arm 1:

208' of 12" RCP

The total length of the reconstruction will be 1,160'. This project will subtract 342' from the current overall length of the County – McMahan Drain. Within the project limits, the 1,502' of existing drain, including the existing tiles (128' of the Main Arm & 550' of Arm 1) installed in 1915 and the 824' of open ditch (main arm) installed in 1960 of the Indiana Filler Co. arms will be vacated. The drain to be vacated approximately equates to the following stations of the existing drain: Main arm tile – Sta. 6+72 to 8+00 (128'); Main arm ditch – Sta. 11+30 to 19+54 (824'); Arm 1 tile – 13+58 to 19+08 (550'). The combined total to be vacated is 1,502'.

Per the project plans, this relocation project involves the following proposed structures: Str. 497, 498 and 499.

The reconstruction will occur within the existing regulated drain easement. No additional easement is required.

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

This proposal meets the criteria for reconstruction of a regulated drain as laid out in IC-39-9-27-52.5.

I recommend approval at this time.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/stcash

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE


County-McMahon Drain, Firm Foundation Reconstruction

Main Arm Tile - Station 6+72 to Station 8+00
Main Arm Ditch - Station 11+30 to Station 19+54
Arm 1 Tile - Station 13+58 to Station 19+08

On this 13th day of March, 2023, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the County-McMahon Drain (Main Arm Tile - Station 6+72 to Station 8+00; Main Arm Ditch - Station 11+30 to Station 19+54; Arm 1 Tile - Station 13+58 to Station 19+08).

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the County-McMahon Drain (Main Arm Tile - Station 6+72 to Station 8+00; Main Arm Ditch - Station 11+30 to Station 19+54; Arm 1 Tile - Station 13+58 to Station 19+08).

HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
County-McMahon Drain, Firm Foundation Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **County-McMahon Drain, Firm Foundation Reconstruction** came before the Hamilton County Drainage Board for hearing **on March 13, 2023**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **County-McMahon Drain, Firm Foundation Reconstruction** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD



PRESIDENT



Member



Member

ATTEST:


Executive Secretary