



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

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

February 8, 2017

To: Hamilton County Drainage Board

Re: William Knight Drain, Marcum Arm

Attached is a drain map and the original petition filed by Doris Marcum for an Arm to the William Knight Regulated Drain located in Washington Township, Section 11, Township 18 North, Range 3 East.

### **History**

The original petition was presented to the Board on February 10, 2014 (see Hamilton County Drainage Board Minutes Book 15, Pages 342-244) to regulate an existing 10 inch diameter private drain tile which connects to the William Knight Regulated Drain. At that meeting it was stated that the existing 10-inch tile was clay material and 358-feet in length on Parcel #08-09-11-00-00-021.000 owned by Doris M. Marcum, 203 E. 161st Street, Westfield, IN 46074, located in Washington Township, Section 11, Township 18 North, Range 3 East.

A public hearing for the petition was held on April 28, 2014. A report from the Hamilton County Surveyor was presented at this meeting. There was discussion concerning the petition and the item was tabled to the next Board meeting on May 12, 2014 (see Hamilton County Drainage Board Minutes Book 15, Pages 398-401).

There was further discussion concerning the petition at the May 12, 2014 Board meeting and the item was tabled to a future date (see Hamilton County Drainage Board Minutes Book 15, Page 408).

At the Board meeting on November 10, 2014, a report by the Hamilton County Surveyor dated November 3, 2014 was presented to the Board. The report indicates, among other things, (1) that the area is experiencing increased precipitation amounts as well as increased rainfall intensities; (2) that the development to the north of 161<sup>st</sup> Street has managed the runoff and lowered the peak flow draining through the Marcum property; (3) that a surface swale along the west property line would be more costly than replacing the existing pipe; and (4) that it is likely that the age of the 10-inch tile and the increases in precipitation amounts has led to the deteriorating condition of the tile. The item was tabled to a future date. (see Hamilton County Drainage Board Minutes Book 16, Pages 2-6).

On November 14, 2014, the Hamilton County Surveyor met with representatives of the City of Westfield to discuss the possibility of cost sharing for the construction of a drainage outlet for future improvements to 161<sup>st</sup> Street across the Marcum property.

At the Board meeting on January 12, 2015, the matter was discussed and road drainage issues within the right-of-way of 161<sup>st</sup> Street were identified and the original petition was approved (see Hamilton County Drainage Board Minutes Book 16, Pages 78-79).

The Hamilton County Surveyor and several members of his staff met with representatives of the City of Westfield to discuss the project on March 22, 2016. The Surveyor was to provide to the City the topographic survey information from a recent survey completed by the Surveyor for use in establishing a top of casting elevation within the 161<sup>st</sup> Street right-of-way for drainage of future roadway improvements. This meeting was summarized for the Board at the meeting on March 28, 2016 (see Hamilton County Drainage Board Minutes Book 16, Page 504).

On April 26, 2016, the Hamilton County Surveyor received via email from Phil Sunderling, Project Manager for the City of Westfield, an electronic copy of a letter dated April 20, 2106 from Mayor J. Andrew Cook, Mayor of the City of Westfield to Kenton C. Ward, Surveyor that outlined the commitment of the City of Westfield to provide the 50% share in cost for the project and indicating that the project will provide an immediate solution to the issues being experienced on the Marcum property as well as providing a positive outlet to convey standing water from 161<sup>st</sup> Street that has been an issue for many years.

A progress update on this project was provided to the Board on May 9, 2016. It was agreed that the project has become more than a private drain petition. Westfield will drain the future road improvements to this area and will need an outlet. It was also stated that Westfield has agreed to pay half the cost of the project (see Hamilton County Drainage Board Minutes Book 15, Page 554).

### **Existing Tile**

The age of the existing, private 10" clay private tile is not known. The tile discharged to the William Knight Regulated Drain at the former Station 13+77. The tile was intercepted at a new structure (Structure 112) that was constructed with the recent William Knight Reconstruction project. The tile runs from Structure 112 to the north/northwest approximately 360 feet to the west property line of parcel #08-09-11-00-00-021.000. There are several holes in the soil above the existing tile on the Marcum property. There are two complaints on file for this tile: The first on May 13, 2009 from Doris Marcum and the second on August 19, 2013 from Doris Marcum.

### **Project Summary**

The project includes the installation of 552.75-LF of 18" HDPE Pipe and two 48" manholes. The new tile will be connected to the new structure installed with the recent William Knight Reconstruction project (Structure 112). From this structure, the first 215-LF follows the alignment of the existing 10-inch tile to the north/northwest. The tile then continues an additional 69.03-LF off of the alignment of the existing tile to Structure 113 where the tile turns north, parallel to the property line, a distance of 268.72-LF to Structure 114 at the south right-of-way of 161<sup>st</sup> Street. The existing tile continues to the west off of the Marcum property approximately 72-LF north of Structure 113. The existing tile will be connected to the new tile at this location. The design of the new tile system allows for future movement of the tile to the west and south property lines while maintaining a reasonable slope in the tile in the event that the tile is moved as the property is developed.

No part of the existing tile will become a part of the regulated drain system. The tile on the Marcum property that will be part of the regulated drain will be new tile.

### **Easement**

A Regulated Drain easement is needed over the new tile and will need to be recorded. The new easement will be 30-feet in width (centered on the proposed tile) and run solely on Parcel #08-09-11-00-00-021.000. The Surveyor is of the opinion that a 30-foot width easement is adequate for future maintenance of this tile. Ms. Marcum has already indicated verbally that they would be willing to dedicate such easement at no cost to the County. A meeting has been scheduled with Ms. Marcum on February 9, 2017 to execute the easement.

### Permits

No permits are required for this project. The Surveyor will confirm if approval of the construction entrance from 161<sup>st</sup> Street is required from the City of Westfield.

### Project Cost

The estimated cost of the project is itemized below. Survey, Design and Construction Plan production was completed by staff from the Hamilton County Surveyor's Office. Construction staking and development of As-Built drawings of the completed project will be completed by the Hamilton County Surveyor's Office. As such, there are no costs for these services in the itemized project cost below.

<i>Line Item</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Cost</i>	<i>Total Cost</i>
12" HDPE (0-5' Deep)	15	LF	\$17.75	\$266.25
18" HDPE (0-5' Deep)	552.75	LF	\$26.88	\$14,857.92
48" Manholes	2	EA	\$3,600.00	\$7,200.00
Castings	2	EA	\$400.00	\$800.00
Tree Removal	4	EA	\$1,250.00	\$5,000.00
Disposal of Excess Soil Material	180	CY	\$20.00	\$3,600.00
Erosion Control	1	LS	\$1,620.00	\$1,620.00
Clearing (14,000-SF)	1	LS	\$1,500.00	\$1,500.00
Shaping New Berm	1	LS	\$1,000.00	\$1,000.00
Wye Tile Connection	2	EA	\$500.00	\$1,000.00
Existing Tile Removal and backfill	132	LF	\$5.00	\$660.00
5" clay tile connection	1	EA	\$250.00	\$250.00
Swale grading	553	LF	\$3.00	\$1,659.00
Fence Repair	1	EA	\$2,725.00	\$2,725.00
Seeding with Watering (0.3-acres)	1	LS	\$2,500.00	\$2,500.00
			Subtotal	\$44,638.17
			15% Contingency	\$6,695.73
			Engineering	\$-
			Survey	\$-
			Construction Staking	\$-
			As-Builts	\$-
			Total Cost	\$51,333.90

**Project Funding**

Per a letter from Mayor Andy Cook dated April 20, 2016, the City of Westfield has agreed to pay for 50% of the cost of the project, which is equal to \$25,666.95. In the opinion of the Hamilton County Surveyor, the maintenance fund balance for the Cool Creek Drain (#345) exceeds the amount reasonably needed for maintenance within the watershed in the foreseeable future. Therefore, the Surveyor recommends that a portion of this balance be transferred to this reconstruction project. The maintenance fund transfer is as outlined in IC 36-9-27-45.5. The current maintenance fund balance for the Cool Creek Drain is \$1,332,932.58 and up to \$25,666.95 will be transferred for this project.

**Changes to the Drain**

The project will be known as the Marcum Arm to the William Knight Drain and will be 552.75-feet in length and will increase the length of the William Knight Drain by 552.75-feet.

**Maintenance of Drain**

The Surveyor also believes that the 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.

**Benefitted Parcels**

Parcels benefitted by this drain are currently assessed for the Cool Creek Drain. Therefore no changes in the current assessment shall be required.

I believe no damages will result to the landowners. Damages are set at zero (0).


The following tracts are affected by the proposed arm:

Parcel	Owner
08-09-11-00-00-021.000	Marcum, Doris M
08-09-11-00-00-020.000	Ferraro, Joseph P. and Georgia A.
161 <sup>st</sup> Street R/W	City of Westfield, Indiana

The project will (1) provide an outlet for the drainage system of the future improvements to 161<sup>st</sup> Street; (2) intercept storm water runoff that drains from north to south under 161<sup>st</sup> Street; (3) will resolve an issue of standing water on the north side of 161<sup>st</sup> Street due to the 161<sup>st</sup> Street culvert being submerged on the south side of 161<sup>st</sup> Street; and (4) will resolve the issues being experienced by Ms. Marcum.

I recommend that the Board set a hearing for this proposal for March 27, 2017.

Sincerely,

  
 Gary R. Duncan, Jr., P.E.  
 Hamilton County Surveyor's Office

M/C  
⑥  
14 Feb

2017005961 EASEMENTS \$0.00  
02/09/2017 10:55:07A 6 PGS  
Jennifer Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

DOCUMENT CROSS REFERENCE #2000055627

DRAINAGE EASEMENT

THIS INDENTURE WITNESSETH: That **Doris M. Marcum, as trustee of the James C. Marcum & Doris M. Marcum Revocable Living Trust**, (referred to herein as the "Grantor") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby convey to the Board of Commissioners of Hamilton County, ("Grantee") a non-exclusive perpetual easement through, upon, over, along and across the following described real property located in Hamilton County, Indiana, ("the Easement") to-wit;

See Exhibit A and Exhibit B

This Easement is granted for the purpose of providing overland or subsurface paths and courses for the construction, maintenance, preservation of storm drainage. The Grantor reserves for themselves and their successors and assigns the right to use the Easement for any uses which are not inconsistent with the purposes herein. However, in the event the Grantor, or their successors, elect or desire to do any construction or alterations to the Real Estate within the Easement, they shall do so only upon approval of the Grantee. The Grantor further agrees that they shall not grant any easements to any other utilities, or other persons, through the real estate described herein, without the consent of the Grantees, and if said grants are given, those easements shall be subject to the Grantee's rights to regulate and permit construction or alteration with the Easement.

In the event the Grantee, its employees, or contractors are required to come upon the real estate contained in the Easement to replace, restore, or clear any drainage structures, ditches, drains, or swales contained therein, the Grantee shall only be liable to restore the Grantor's real estate to its previous grade, and to reseed and undertake erosion control measures as are required by 327 IAC15-5 as amended. The Grantee, its employees, or contractors shall not be liable to Grantor, or his successor in title, for any improvements to the real estate, landscaping, sod, or any

other improvements within the Easement which are damaged in the course of the repair of the drainage structure, ditches, drains, or swales contained in the Easement area.

This Drainage Easement and the agreements herein shall run with the land and shall be binding upon and inure to the benefit of the Grantor and its successors and assigns and upon the Grantee and its successors.

IN WITNESS WHEREOF, The Grantor has executed this Drainage Easement on this 9th day of February 2017

GRANTOR

Doris M. Marcum

Doris M. Marcum, as trustee of the James C. Marcum & Doris M. Marcum Revocable Living Trust

STATE OF INDIANA )  
 ) SS:  
COUNTY OF HAMILTON )

Subscribed and sworn to before me, a Notary Public this 9th day of February, 2017 personally appeared the within named **Doris M. Marcum** and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal



Janet M. Hansen

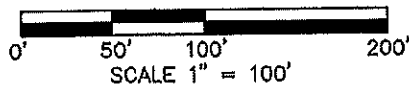
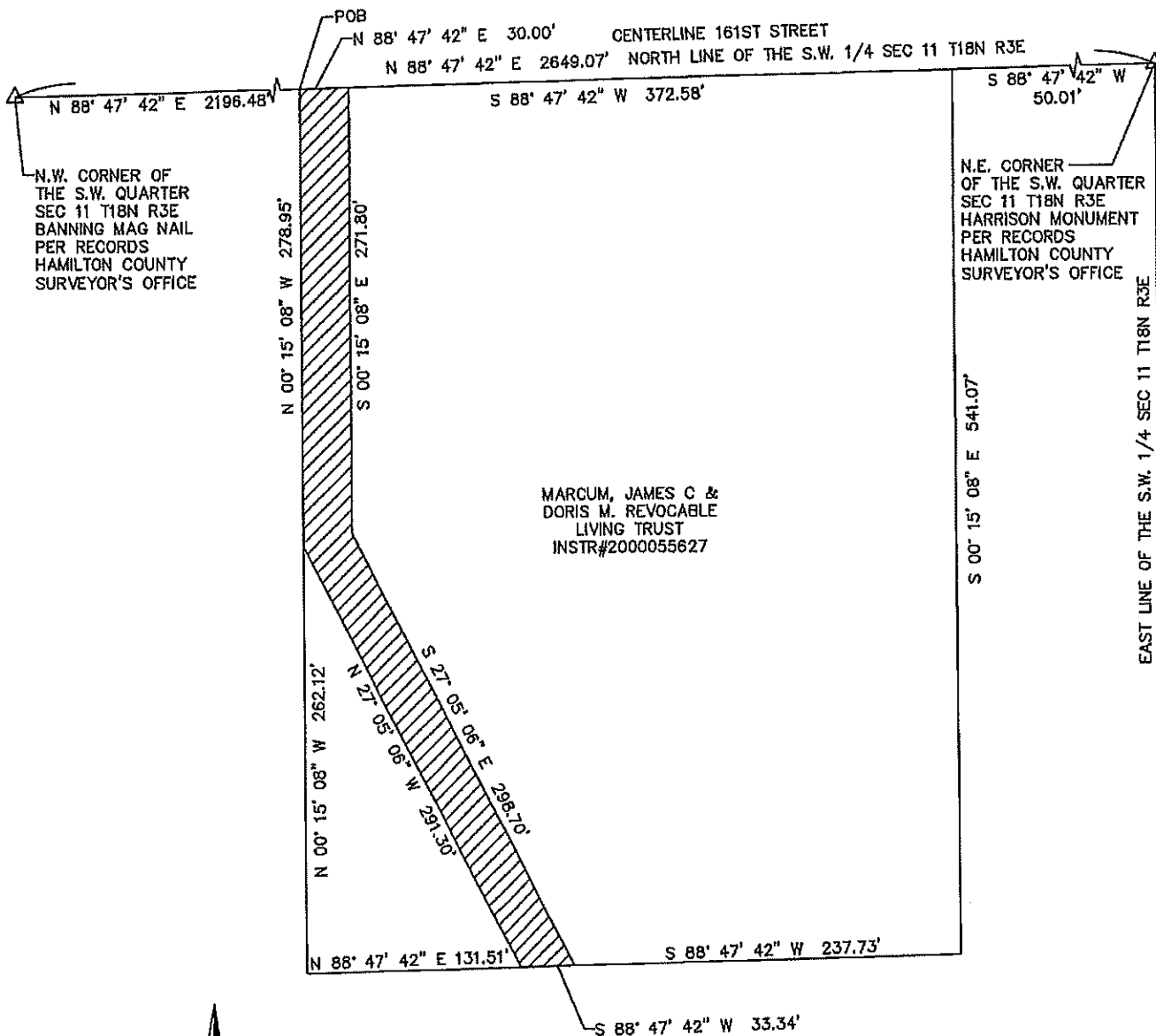
Notary Public,  
Residing in Hamilton County, IN

My Commission Expires: June 23, 2024

This instrument prepared by Michael A. Howard, Attorney at Law, 694 Logan Street, P.O. Box 309, Noblesville, Indiana 46060, (317) 773-4212.

I, Gary R. Duncan, Jr., affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in the document, unless required by law.

# EXHIBIT A



**HAMILTON COUNTY, INDIANA**  
 HAMILTON COUNTY SURVEYOR'S OFFICE  
 HAMILTON COUNTY GOVERNMENT AND  
 JUDICIAL CENTER  
 ONE HAMILTON COUNTY SQUARE, SUITE 188  
 NOBLESVILLE, IN 46060  
 PHONE: (317) 776-8495  
 FAX: (317) 776-9628  
 SURVEYOR@HAMILTONCOUNTY.IN.GOV

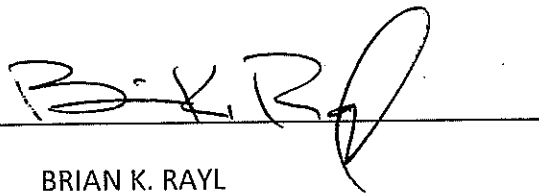


EXHIBIT B

FOR LEGAL DESCRIPTION PURPOSE EASEMENT ONLY  
NOT A FIELD SURVEY

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 3 EAST, SAID POINT MARKED BY A BANNING MAG NAIL AND RUNNING THENCE NORTH 88 DEGREES 47 MINUTES 42 SECONDS EAST 2196.48 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO **THE POINT OF BEGINNING** OF THIS DESCRIPTION, SAID POINT ALSO BEING THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED BY INSTRUMENT NUMBER 2000055627 SAID POINT ALSO BEING SOUTH 88 DEGREES 47 MINUTES 42 WEST 452.59 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 11, THENCE NORTH 88 DEGREES 47 MINUTES 42 SECONDS EAST 30.00 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, THENCE SOUTH 00 DEGREES 15 MINUTES 08 SECONDS EAST 271.80 FEET PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, THENCE SOUTH 27 DEGREES 05 MINUTES 06 SECONDS EAST 298.70 FEET TO THE SOUTH LINE OF SAID TRACT OF LAND, THENCE SOUTH 88 DEGREES 47 MINUTES 42 SECONDS WEST 33.34 FEET ALONG THE SOUTH LINE OF SAID TRACT OF LAND AND PARALLELL WITH THE NORTH LINE OF SAID QUARTER SECTION, THENCE NORTH 27 DEGREES 05 MINUTES 06 SECONDS WEST 291.30 FEET TO A POINT ON THE WEST LINE OF SAID AFOREMENTIONED TRACT, THENCE NORTH 00 DEGREES 15 MINUTES 08 SECONDS WEST 278.95 ALONG THE WEST LINE OF SAID TRACT OF LAND PARALLELL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER SECTION TO THE POINT OF BEGINNING; BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 11 TOWNSHIP 18 NORTH, RANGE 3 EAST AND CONTAINING 0.39 ACRES, MORE OR LESS, SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS OF RECORD

BY:



BRIAN K. RAYL  
PROFESSIONAL SURVEYOR  
INDIANA LICENSE NO. LS20100070  
DATE: NOVEMBER 22, 2016



PREPARER'S STATEMENT: I AFFIRM UNDER THE PAINS AND PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. BRIAN K. RAYL

TRUSTEE AUTHORITY AFFIDAVIT

STATE OF INDIANA)  
SS:  
COUNTY OF Hamilton)

Doris M. Marcum, being first duly sworn upon her oath deposes and says:

That she is Trustee of a trust under an agreement dated the 3 day of NOVEMBER 2000 and pursuant to the Trust agreement she has full authority to manage the affairs of said Trust and sign and execute documents on its behalf, and that her authority has not been revoked; that she is therefore, fully authorized and empowered to convey to the Board of Commissioners of Hamilton County, Indiana real estate of this Trust, and that on the date of execution of said deed it had full authority to so act.

Doris M. Marcum  
Trustee Signature

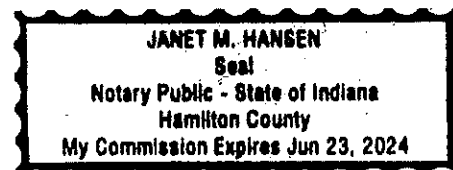
DORIS M. MARCUM  
Printed

Subscribed and sworn to before me this 9th Day of February, 2017.

Janet M. Hansen  
Notary Public

Janet M. Hansen  
Printed

My Commission Expires: June 23, 2024  
County of Residence: Hamilton



This instrument prepared by: Michael A. Howard Attorney at Law

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in the document, unless required by law. Kenton C. Ward

MARCUM



**Board of Works**  
Andy Cook  
Randy Graham  
Kate Snedeker

**Clerk Treasurer**  
Cindy J. Gossard

April 20, 2016

Hamilton County Surveyor's Office  
1 Hamilton County Square  
Suite 188  
Noblesville, IN 46060

ATTN: Kenton C. Ward, Surveyor

RE: Cool Creek Drain – Marcum Arm

Dear Mr. Ward:

First of all, I want to thank you all for working collaboratively with the City in an effort to improve the drainage along 161<sup>st</sup> and surrounding watershed. We greatly appreciate your efforts.

Please receive this letter as a commitment on behalf of the City of Westfield to provide the 50% share in cost for the reconstruction of the Marcum Arm through Mrs. Marcum's property along 161<sup>st</sup> Street. Not only will this immediately solve Mrs. Marcum's safety and drainage issues, but this will provide a positive outlet that will help convey standing water from 161<sup>st</sup> Street which has been a problem for many years.

If you need anything additional, please let me know.

Sincerely,

J. Andrew Cook  
Mayor

**Public Works Department**

(317) 804-3100 office  
(317) 804-3190 fax

2706 East 171st Street  
Westfield, IN 46074  
[westfield.in.gov](http://westfield.in.gov)

cc: Jeremy Lollar, City of Westfield  
Phil Sundling, City of Westfield  
Wes Rood, City of Westfield  
Gary Duncan, HCSO  
Andy Conover, HCSO  
Luther Cline, HCSO  
Brian Rayl, HCSO

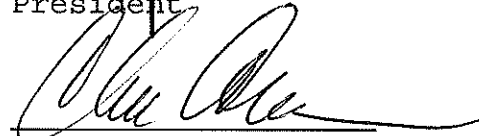
FINDINGS AND ORDER  
CONCERNING THE MAINTENANCE OF THE  
William Knight Drain,  
Marcum Arm

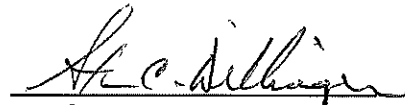
On this 27<sup>th</sup> day of March, 2017, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *William Knight Drain, Marcum Arm*


Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

  
President

  
Member

  
Member

Attest:   
Executive Secretary

STATE OF INDIANA     )  
                              )    ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
*William Knight Drain, Marcum Arm*

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *William Knight Drain, Marcum Arm* came before the Hamilton County Drainage Board for hearing on *March 27, 2017*, 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.

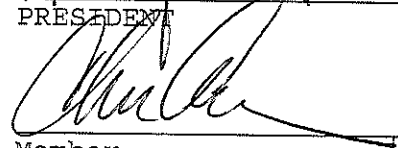
The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

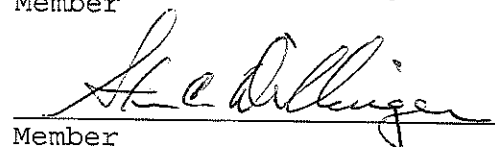
Wherefore, it is ORDERED, that the proposed Reconstruction of the *William Knight Drain, Marcum Arm* be and is hereby declared established.

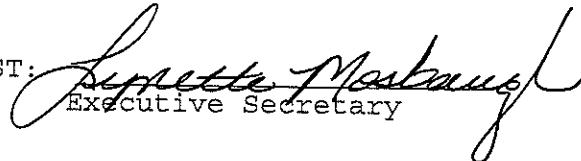
Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
PRESIDENT

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

ATTEST:   
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

*William Knight Drain, Marcum Arm*

NOTICE

To Whom It May Concern and: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the William Knight Drain, Marcum Arm on March 27, 2017 at 9:00 A.M. in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed by the Drainage Board have been filed and are available for public inspection in the office of the Hamilton County Surveyor.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY

STATE OF INDIANA     )  
                          ) SS                 BEFORE THE HAMILTON  
                          )  
COUNTY OF HAMILTON )                 DRAINAGE BOARD

IN THE MATTER OF William Knight Drain, Marcum Arm

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **March 27, 2017** adopted the reconstruction report of the Surveyor and the Amended Schedule of damages and assessments including annual assessment for periodic maintenance, finding that the costs, damages and expense of the proposed improvement would be less than the benefits which will result to the owner of lands benefited thereby.

The Board issued an order declaring the proposed improvement established. Such findings and order were marked filed and are available for inspection in the Office of the Hamilton County Surveyor.

If judicial review of the findings and order of the Board is not requested pursuant to Article VIII of the 1965 Indiana Drainage Code as amended within twenty (20) days from the date of publication of this notice, the findings and order shall become conclusive.

HAMILTON COUNTY DRAINAGE BOARD

BY: Mark Heirbrandt  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY