

SURVEYOR'S OFFICE

Hamilton County

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

August 7, 2008

To: Hamilton County Drainage Board

Re: Tunis Garard Drain – Legacy Partial Vacation

Attached is a partial vacation request submitted by Platinum Properties LLC, managing member of East Carmel LLC. The request is for a portion of the drain that will be within the limits of the Legacy Subdivision now being developed.

The Tunis Garard Drain was constructed in 1900 (Commissioners Court December 5, 1900) and partially reconstructed in 1928 as the John Owen Reconstruction (DR 4, pages 240, 241, and 243). The drain is currently on a maintenance program per my report dated June 1, 1981, which was approved at hearing on August 3, 1981.

The portion of the Tunis Garard Drain to be vacated is as follows:

Tunis Garard Drain – Arm 4	Sta. 0+00 to Sta. 2+51	6” Clay Tile
Tunis Garard Drain – John Owen Arm	Sta. 0+00 to Sta. 3+50	10” Clay Tile
Tunis Garard Drain – Arm 6	Sta. 0+00 to Sta. 1+65	6” Clay Tile
	Sta. 1+65 to Sta. 8+62	7” Clay Tile
Tunis Garard Drain – Arm 5	Sta. 0+00 to Sta. 3+91	6” Clay Tile

The vacation is being proposed due to the construction of the drainage facilities for the Legacy Subdivision. The maintenance of the new facilities will be done by the City of Carmel. The proposed vacation will vacate 1,854 feet of regulated drain, with the tile sizes as listed above. The tiles are being properly capped and markers set at the new end of the tile locations.

The watershed for the Tunis Garard Drain will not be changed at this time, but will be as future development of the Legacy project takes place. The exact watershed break can be determined as we review each section of Legacy and have more detail as to what areas will be draining to both the Warner and Garard Drains.

I believe that the requested partial vacation meets the requirements for vacation as set out in IC 36-9-27-34. I recommend the Board set a hearing for this item as set out in IC 36-9-27-37(a) for October 27, 2008.

A handwritten signature in black ink, appearing to read 'K. Ward', with a long, sweeping horizontal stroke extending to the right.

Kenton C. Ward
Hamilton County Surveyor

KCW/pll

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD IN THE MATTER OF THE
Tunis Garard Drain, Legacy Partial Vacation

NOTICE is hereby given that a request by the Hamilton County Surveyor to PARTIALLY VACATE THE **Tunis Garard Drain, Legacy Partial Vacation** of Arm 4 of the Tunis Garard Drain, Station 0+00 to Station 2+51; John Owen Arm of the Tunis Garard Drain, Station 0+00 to Station 3+50; Arm 6 of the Tunis Garard Drain, Station 0+00 to Station 1+65 and Station 1+65 to Station 8+62; and Arm 5 of the Tunis Garard Drain, Station 0+00 to Station 3+91 for the Legacy Project per plans by Stoeppelwerth & Associates prepared for East Carmel, LLC has been filed and that a hearing is scheduled for **October 27, 2008** at **9:05 A.M.** on that request.

Objections to the VACATION of the drain must be filed in writing not less than five (5) days before the date of the hearing.

The Board will consider whether the drain performs the function for which it was designed and constructed; whether the expense of maintenance outweighs the benefits to be derived therefrom, and whether the abandonment thereof will not be detrimental to the public welfare.

HAMILTON COUNTY DRAINAGE BOARD

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Tunis Garard Drain, Arm 4-----Sta. 0+00 to Sta. 2+51
 Tunis Garard Drain, John Owen Arm - Sta. 0+00 to Sta. 3+50
 Tunis Garard Drain, Arm 6-----Sta. 0+00 to Sta. 1+65
 Sta. 1+65 to Sta. 8+62
 Tunis Garard Drain, Arm 5-----Sta. 0+00 to Sta. 3+91

NOTICE

Notice is hereby given pursuant to Indiana Code 36-9-27-63 (before codification in 1981) that this Board, prior to final adjournment on **October 27, 2008** issued an order adopting the partial vacation, filed the same and made public announcement thereof at the hearing and ordered publication. Copies of the schedule of assessments and order are on file in the office of the Hamilton County Surveyor. If judicial review of the findings and order of the Board is not requested pursuant to Indiana Code 36-9-27-65(f) within twenty (20) days from the date of this publication, the order shall be conclusive.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060

Tunis Garard Drain #141

Partial Vacation for The Legacy Subdivision.

Hearing: 10/27/08

This will vacate 1,854' of old drain.

*No change in current maintenance assmt.

Parcel	Owner	Address	City	Description1	Ac Ben	MntAsmt	Percent
17-10-23-00-00-001.003	East Carmel LLC	9757 Westpoint Dr, Ste 600	Indianapolis, IN 46256	S23 T18 R4 328.45 Ac	180.50	*	*



Variance Application

HAMILTON COUNTY SURVEYORS OFFICE
One Hamilton County Square
Noblesville, Indiana 46060
317-776-8495 fax: 317-776-9628

DV2007-0022

Type of Variance: Deviation from Standards 105.01 Standard Number
 Deviation from Ordinance _____ Ordinance & Section

Drain Name: Tunis Gerard Township: Clay

Project Name: The Legacy at Conner Prairie Parcel Number: 17-10-23-00-00-001.000

Applicant's Name: East Carmel, LLC Contact Person: Tim Walter

Address: 9551 Delegates Row; Indianapolis, IN; 46240

Phone: (317) 818-2900 Fax: ()

Variance Requested: Request to Fill in the Floodplain of West Fork White River.

Reason for Variance: The creation of a road to connect both sides of the proposed development and to provide for residential lots overlooking a proposed stormwater park.

I hereby request permission to vary from the standards of the Hamilton County Surveyor's Office or an ordinance of Hamilton County. I request to be placed on the agenda of the Hamilton County Drainage Board for consideration of this variance request.

[Signature] SENIOR PROJECT MANAGER 11/1/07
Applicant's Signature Title Date

FOR BOARD USE ONLY

AGREEMENT WILL BECOME EFFECTIVE UPON APPROVAL. SIGNED THIS 13th DAY OF November 20 07. BY THE HAMILTON COUNTY DRAINAGE BOARD.

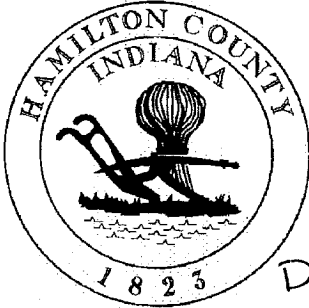
[Signature]
PRESIDENT OF DRAINAGE BOARD

[Signature]
MEMBER OF DRAINAGE BOARD

[Signature]
MEMBER OF DRAINAGE BOARD

SURVEYOR'S OFFICE USE ONLY

Permit #: _____ Check: _____ Review Date: _____ Hearing Date: _____
Reviewed By: _____ Surveyor Reviewed: _____



Variance Application

HAMILTON COUNTY SURVEYORS OFFICE
One Hamilton County Square
Noblesville, Indiana 46060
317-776-8495 fax: 317-776-9628

DV2007-00021

Type of Variance: Deviation from Standards 302.09 Standard Number 405.04
 Deviation from Ordinance _____ Ordinance & Section _____

Drain Name: Tunis Gerard Township: Clay

Project Name: The Legacy at Conner Prairie Parcel Number: 17-10-23-00-00-001.000

Applicant's Name: East Carmel, LLC Contact Person: Tim Walter

Address: 9551 Delegates Row; Indianapolis, IN; 46240

Phone: (317) 818-2900 Fax: () _____

Variance Requested: Request to manage stormwater runoff within floodplain of West Fork White River

Reason for Variance: Depressional storage on-site will exceed pre and post development 100 year storm volumes.

I hereby request permission to vary from the standards of the Hamilton County Surveyor's Office or an ordinance of Hamilton County. I request to be placed on the agenda of the Hamilton County Drainage Board for consideration of this variance request.

[Signature] SENIOR PROJECT MANAGER 11/1/07
Applicant's Signature Title Date

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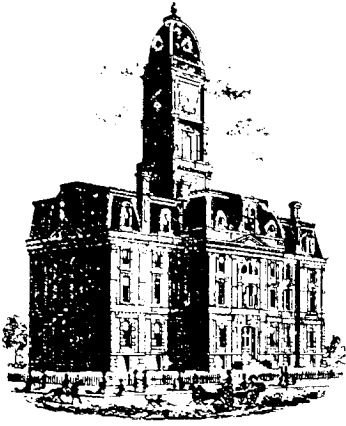
[Signature]
PRESIDENT OF DRAINAGE BOARD

[Signature]
MEMBER OF DRAINAGE BOARD

[Signature]
MEMBER OF DRAINAGE BOARD

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Permit #: _____ Check: _____ Review Date: _____ Hearing Date: _____
Reviewed By: _____ Surveyor Reviewed: _____



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November 5, 2007

Hamilton County Drainage Board

RE: Legacy – Variance Request Staff Report
Tunis Gerard Drain – Southwest Corner of 146th and River Road (Earlham Property)

Attached is a request by East Carmel, LLC (Platinum Properties), requesting variance from the following ordinances and standards in connection with the Legacy project:

- 1.) A variance from the No Fill in the Floodplain Ordinance, 4-26-99-C #6, and the Hamilton County Stormwater Technical Standards Manual, Section 105-01.A.
- 2.) A variance from Detention in the Floodplain, Hamilton County Stormwater Technical Standards Manual, Section 302.09.

Additional Information:

This request for fill in the floodplain of the Tunis Gerard Regulated Drain, which is backwater from the West Fork of the White River, and is at the northeast corner of the Legacy project. The request is to allow filling of an area of floodplain to connect buildable areas outside the floodplain and provide a road connection with River Road. Please see attached information from Williams Creek Consult for further explanation. The request is for fill of the floodplain with 3 to 1 replacement of the lost floodplain storage. The second variance is to allow the required on-site detention area to be placed in a “stormwater management area” within the floodplain area.

Staff Recommendations:

This project does meet or exceed the Drainage Board policy for the ratio for a variance, with the final design reviewed by Christopher Burke Engineering providing a 3 to 1

compensation ratio for the earthen fill. The detention volume within the floodplain is being compensated with a 1.6 to 1 ration and all allowable release rates for the site are being met. With this information, the Surveyor's Office does not give a positive or negative recommendation to this project, but does not oppose approval. If approved by the Board the Surveyor's Office would suggest the following conditions:

- 1.) Upon approval, submittal of an engineer's estimate or contractor bid for the cost of the cut and fill within the floodplain area, erosion control within the floodplain area, and cost of as-built topographical data for the floodplain compensation area.
- 2.) Developer provides a Performance Bond or Letter of Credit for 120% of the cost of the work being performed above in #1, with Hamilton County Board of Commissioners as the insured party.
- 3.) Developers Engineer provides an as-built topographical survey of the floodplain compensation area. This is to be reviewed by HCSO and Drainage Board Consultant (Christopher Burke Engineering).
- 4.) When the HCSO and Drainage Board Consultant approve the as-built topographical survey, the bond will be considered for release. The bond will not be recommended for release to the Drainage Board until all outstanding billings by the Drainage Board Consultant have been paid in full.

Sincerely,



Greg Hoyes, AC, CFM
Plan Reviewer

October 19, 2007

MEMORANDUM

TO: Mr. Kenton C. Ward, CFM – Hamilton County Surveyor
Mr. Greg Hoyes – Plan Reviewer

FROM: Kerry M. Daily, E.I., CFM, CPESC – CBBEL, Indianapolis

PROJECT: **The Legacy Development
Tunis Gerard Regulated Drain
CBBEL Project No. 05-575 (I)**

The proposed Legacy Development will be located southwest of the intersection of 146th Street and North River Road in Delaware Township. The site is also located within the limits of the City of Carmel. The White River lies just south of the proposed project site and the Tunis Gerard Regulated Drain tiles flow through the site generally from north to south. Compensatory floodplain storage for the project will be provided at the project site, with some floodplain storage provided within a stormwater detention basin located within the floodplain.

The conceptual plans and modeling provided to date indicate that the proposed project will be in compliance with the allowable release rate provisions of the local standards. The proposed floodplain storage areas will provide compensatory floodplain volume at a minimum ratio of at least three (3) to one (1) for the proposed earthen fill within the floodplain at the site. While the stormwater detention and compensatory floodplain storage will be provided at the same facilities at the project site, the compensatory floodplain storage volume and the stormwater detention storage volume have been accounted for separately and independently in the design calculations and the floodplain storage/detention facilities have been conceptually designed for the cumulative total of both volumes. Therefore, it appears that sufficient storage will be provided for both on-site stormwater events and backwater flood events along the White River. The proposed project should not have an adverse impact on the White River ~~Creek~~ floodplain.

Although the stormwater detention scheme, as designed, appears to be effective in reducing stormwater runoff regardless of the White River flood stages, a variance from the Hamilton County Surveyor's Office may still be necessary for the location of stormwater detention within the floodplain.

No error or omission in the plans, calculations or applications (whether said plans, calculations or applications have been reviewed by the review engineer or not) shall permit or release the applicant and designer from constructing this work in any other manner than that provided for in the local standards.

pc: Williams Creek Consulting

M05-575I3

**Legacy at Conner Prairie
Narrative - Variance Requests**

Background

Legacy at Conner Prairie is located south of 146th street and west of River Road, Carmel, Hamilton County, Indiana. The project is divided into two main drainage basins, east and west. The western basin will incorporate traditional engineering techniques to manage stormwater. This variance request pertains to the eastern basin which receives approximately 290 acres of surface drainage. Approximately 90 acres is within the delineated floodplain of the West Fork White River. East Carmel, LLC (Applicant) proposes to convert the majority of the floodplain area into a stormwater management area that will serve as a park and is generally depicted as area "T" on the attached concept drawing of the development.

Variance Request – Fill in Floodplain

Development is proposed on the east and west sides of the floodplain area. The Applicant is requesting a variance to fill in the floodplain to allow construction of a road crossing and the enhancement of the perimeter of the floodplain area. Approximately 25.4 ac-ft of fill is proposed to be placed in the floodplain, and approximately 76.2 ac-ft of compensatory excavation is proposed to facilitate the park design which represents a 3:1 compensation ratio. This proposal will increase the total volume of the West Fork White River floodplain on the Legacy project by 50.8 ac-ft.

Variance Request – Stormwater Management within Floodplain Area

The Legacy development includes a proposed park within the floodplain area that features open water, wetlands, and native plantings to promote a naturalized passive use. The Applicant is requesting a variance to manage stormwater for the eastern basin of the development within this park area. Approximately 29.1 ac-ft of stormwater runoff is proposed to be managed within the park area. An approximate additional 46.6 ac-ft of compensatory excavation is proposed within the park area which represents a 1.6:1 compensation ratio providing an additional floodplain storage volume of 17.5 ac-ft. In addition, the size of the floodplain areas and storage volume available within the 90 acre proposed park system allows stormwater and/or floodwater within the park to recede in compliance with allowable release rates under the Hamilton County Stormwater Technical Standard Manual. All storm events have been analyzed including the unlikely event of a 100 year storm occurring at the Legacy simultaneously with the White River reaching 100 year storm peak capacity immediately adjacent to the project. In other words, due to the compensatory excavation provided by this proposal, the on-site stormwater volume will not impact the existing base flood elevation for this site.

Compensatory and hydraulic calculations have been submitted to Christopher B. Burke Engineering (CBBE) for review. CBBE has concurred with the submittal information as is indicated by the attached memorandum.

Summary

Upon approval of the above variance requests, the Legacy development will enhance the existing West Fork White River floodplain on property located in the southwest corner of River Road and 146th Street by constructing a park that will include wetlands enhancements, native prairie plantings and passive uses such as trails and observation areas. In addition, the overall volume of the floodplain area will be increased by approximately 68 ac-ft. within the park area.

FINDINGS AND ORDER

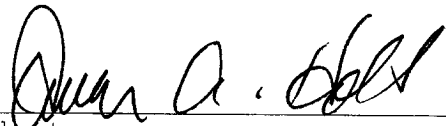
CONCERNING THE PARTIAL VACATION OF THE

Tunis Garard Drain, Arm 4-----Sta. 0+00 to Sta. 2+51
Tunis Garard Drain, John Owen Arm - Sta. 0+00 to Sta. 3+50
Tunis Garard Drain, Arm 6-----Sta. 0+00 to Sta. 1+65
Sta. 1+65 to Sta. 8+62
Tunis Garard Drain, Arm 5-----Sta. 0+00 to Sta. 3+91

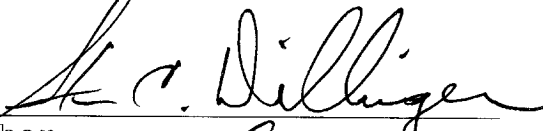
On this *27th day of October 2008*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Tunis Garard Drain, Arm 4, Sta. 0+00 to Sta. 2+51; Tunis Garard Drain, John Owen Arm, Sta. 0+00 to Sta. 3+50; Tunis Garard Drain, Arm 6, Sta. 0+00 to 1+65 and Sta. 1+65 to Sta. 8+62; Tunis Garard Drain, Arm 5, Sta. 0+00 to Sta. 3+91.*

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 *Tunis Garard Drain, Arm 4, Sta. 0+00 to Sta. 2+51; Tunis Garard Drain, John Owen Arm, Sta. 0+00 to Sta. 3+50; Tunis Garard Drain, Arm 6, Sta. 0+00 to 1+65 and Sta. 1+65 to Sta. 8+62; Tunis Garard Drain, Arm 5, Sta. 0+00 to Sta. 3+91..*

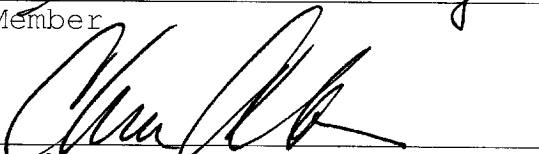
HAMILTON COUNTY DRAINAGE BOARD




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
Tunis Garard Drain, The Legacy

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Tunis Garard Drain, The Legacy* came before the Hamilton County Drainage Board for hearing on *October 27, 2008*, 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.

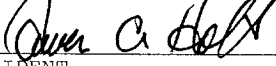
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included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

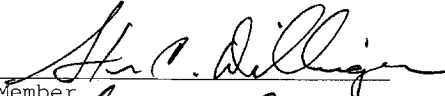
Wherefore, it is ORDERED, that the proposed Reconstruction of the *Tunis Garard Drain, The Legacy* be and is hereby declared established.

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



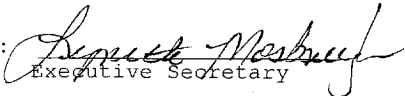
PRESIDENT



Member



Member

ATTEST: 
Executive Secretary