

Surveyor of Hamilton County Phone (317) 776-8495 Fax (317) 776-9628

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

October 6, 2008

To: Hamilton County Drainage Board

Re: Bliss Johnson Drain, Mill Grove Arm

Attached is a petition and plans for the proposed relocation of the Bliss Johnson Drain, Mill Grove Arm. The relocation is being proposed by Platinum Properties, LLC. The proposal is to relocate the drain across the following parcels as part of the Mill Grove Section 9 & Section 7 project per Section 9 Record Drawings by Stoeppelwerth & Assoc., Job. No. 31083S9 dated June 16, 2008 and per Section 6 plans, Job No. 31083, Revision date January 22, 2002 and per Section 7 plans, Job No. 31083, Revision date July 28, 2004.

Parcel 11-06-34-00-02-007.000, owned by Platinum Properties, LLC Parcel 11-06-27-00-08-036.000, owned by Platinum Properties, LLC Parcel 11-06-27-00-15-001.000, owned by Cate, Russell B. & Jennifer N. Parcel 11-06-34-00-02-006.000, owned by RH of Indiana LP Dado Ct. Right of way, owned by City of Noblesville Parcel 11-06-34-00-01-007.000, owned by Hummel, Nichola's J. & Jennifer E. Parcel 11-06-34-00-01-006.000, owned by Taylor, Megan N. & Sean G. Parcel 11-06-34-00-01-005.000, owned by Fritsche, Andrew J. & Rachel L. Parcel 11-06-34-00-02-001.000, owned by Bongard, Daniel T. Carole L. Parcel 11-06-34-00-01-004.000, owned by Mills, Gregory P. & Julia Holcombe Jt/Rs Pilot Mills Ct. Right of way, owned by City of Noblesville Parcel 11-06-27-00-14-003.000, owned by Brewer, Robert E. & Kimberly S. Parcel 11-06-34-00-01-001.000, owned by Metelmann, Paul A. Julia A. Parcel 10-06-27-00-09-056.001, owned by Platinum Properties Parcel 11-06-34-00-01-008.000, owned by Platinum Properties Parcel 10-06-27-00-11-058.001, owned by Platinum Properties Parcel 10-06-34-00-003.000, owned by M & E McMahon LLC

Per the plans stormwater is routed through Mill Grove Subdivision via a combination of open ditch, storm sewer and ponds. This drain relocation includes the main trunk line from the existing culvert under Little Chicago Road to the open drain downstream of Mill Grove where the open ditch is currently regulated drain (Sta. 67+42).

This line will consist of the following:

| <u>Str. To Str.</u> | Length | Size | Type |
|--|---|--------------------------------------|--|
| Existing culvert to Str. 294 Str. 294-295 Str. 295-296 Str. 296-297 Str. 297-288 Str. 288-289 Str. 289-290 Str. 290-291 | 85' 228' 203' 369' 295' 207' 90' 40' | 60" 60" 60" 36" - 30" | Open Ditch w/paved swale RCP RCP RCP Lake HDPE Lake RCP |
| Str. 291 – Sta.67+42 | 127' | - | Open Ditch |

Bliss Johnson Drain – Mill Grove Arm Drain Lengths

The total length of the new drain shall be 1,644 feet. The 1,288 feet of original Bliss Johnson Drain and easement between Sta. 54+54 and 67+42 shall be vacated. This proposal will add 356 feet to the drain's total length. The stationing corresponds with my previous report for the Bliss Johnson Drain, Little Chicago Road Improvements Phase 1 Project, dated June 6, 2008 and approved by the Drainage Board on June 9, 2008 as recorded in Minutes Book 11, Page 195-196. The original stationing of the Bliss Johnson Drain is per the viewer report filed with the Hamilton Circuit Court on July 27, 1940.

The cost of the relocation is to be paid by Platinum Properties LLC. The developer has provided the Performance Bond as follows:

Name of Bonding Company: Bond Safeguard Insurance Company Bond # 5027925 Bond Date: May 17, 2007 Bond Amount: \$133,644.00

Attached is a non-enforcement request. The easements for the new drain will be the drainage easements per the secondary plats for Mill Grove Section 9A recorded as Instrument No. 2007060559, Plat Cabinet 4, Slide 385; Mill Grove Section 7 recorded as Instrument No. 200400003335, Plat Cabinet 3, Slide 321; and, Mill Grove Section 6B

recorded as Instrument No. 2003000076277, Plat Cabinet 3, Slide 219 in the Hamilton County Recorder's Office. I recommend approval of the non-enforcement by the Board.

The detention ponds located in Common Areas 22 & 27 are to be considered part of the regulated drain. Pond maintenance shall include inlet, outlet, sediment removal and erosion control along the banks as part of the regulated rain. The maintenance of the ponds, such as mowing and aquatic vegetation control, will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the ponds were designed will be retained, thereby, allowing no fill or easement encroachments.

I recommend that this drain be classified as an urban drain.

I recommend that the Board set a hearing date for November 24, 2008.

Sincerely

Kenton C. Ward, CFM Hamilton County Surveyor

KCW/pll

(Revised 06/08/04)

STATE OF INDIANA

COUNTY OF HAMILTON)

TO: HAMILTON COUNTY DRAINAGE BOARD
% Hamilton County Surveyor
One Hamilton County Square, Suite 188
Noblesville, IN. 46060-2230

)

| In the matter of | Mill Grove | Subdivision, Section |
|------------------|----------------|----------------------|
| Nine A | Drain Petition | |

Petitioner is the owner of all lots in the land affected by the proposed new regulated drain. The drainage will affect various lots in <u>Mill Grove, Section Nine A</u>, a subdivision in Hamilton County, Indiana. The general route of such drainage shall be in existing easements and along public roads as shown in the plans on file in the Surveyor's Office.

Petitioner believes that the cost, damages and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land likely to be benefited thereby Petitioner believes the proposed improvements will:

- (a) improve public health
- (b) benefit a public street
- (c) be of public utility

Petitioner agrees to pay the cost of construction of the drainage system and requests periodic maintenance assessments by the Board thereafter.

The Petitioner also agrees to the following:

- 1. To provide the Drainage Board a Performance Bond or Non-Revocable Letter of Credit for the portion of the drainage system which will be made a regulated drain. The bond will be in the amount of 120% of the Engineer's estimate. The bond will be in effect until construction of 100% of the system is completed and so certified by the Engineer.
- The Petitioner shall retain an Engineer throughout the construction phase. At completion of the project the Petitioner's Engineer shall certify that the drainage system which is to be maintained as a regulated drain has been constructed as per construction plans.
- 3. The Petitioner agrees to request in writing to the County Surveyor any changes from the approved plan and must receive written authorization from the County Surveyor prior to implementation of the change. All changes shall be documented and given to the Surveyor to be placed in the Drain file.
- 4. The Petitioner shall instruct his Engineer to provide a reproducible print on a 24" x 36" Mylar of the final design of the Drainage System. This shall be submitted to the County Surveyor prior to the release of the Performance Bond.
- 5. The Petitioner shall comply with the Erosion Control Plan as specified on the construction plans. Failure to comply with the Erosion Control Plan shall be determined by the Board as being an obstruction to the drainage system. The County Surveyor shall immediately install or repair the needed measures at Petitioners cost as per IC 36-9-27-46.

The Petitioner further requests that the Drain be classified as an Urban Drain as per IC 36-9-27-69(d).

RECORDED OWNER(S) OF LAND INVOLVED

Kemeth Brasse

Signed

Signed

Kenneth Brasseur Printed Name

March 27, 2006

,

Signed

Printed Name

Printed Name

Date

Signed

Printed Name

Date

Date

,

IN RE: _____) Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

| | Platinum Properties, LLC | (hereinafter Petitioner"), |
|--------|---|--|
| hereb | y petitions the Hamilton County Drainage Board for | |
| sectio | n of the Bliss Johnson | Drain, and in support of |
| said p | etition advises the Board that: | |
| 1. | Petitioner owns real estate through which a portio | n of the Bliss Johnson |
| | Drain runs. | |
| 2. | Petitioner plans to develop its real estate with road | ls, buildings, utilities, storm drains, |
| | sanitary sewers and other structures. | |
| 3. | Petitioner's proposed development of its real estat | e will require relocation and |
| | reconstruction of a portion of the Bl | ss Johnson Drain, as |
| | specifically shown on engineering plans and speci | fications filed with the Hamilton |
| | County Surveyor. | |
| 4. | The work necessary for the proposed relocation an | d reconstruction will be undertaken at |
| | the sole expense of the Petitioner and such work w | ill result in substantial improvement to |
| | the Bliss Johnson Drain, | without cost to other property owners |
| | on the watershed of the Bliss Johnso | nDrain. |
| ١ | WHEREFORE, Petitioner requests that an Order iss | ued from the Hamilton County |
| Draina | , ge Board authorizing relocation and reconstruction | of theBliss Johnson |
| Drain, | in conformance with applicable law and plans and | specifications on file with the Hamilton |
| Count | y Surveyor. | |

enneth R Brann

Signed

Kenneth R. Brasseur Printed



Mill Grove Section 9 Engineers Estimate - Storm Sewers Original: 5/15/07 By: NJR

| Item | Unit | U | nit Cost | Quantities | Cost |
|--|---------------|---------|---------------|------------|---------|
| Storm Drainage | | | | | |
| 12" Pipe | LF | \$ | _ | \$ | |
| 12" End Section | EA | \$ | - | \$ | |
| 12" Trash Guard | EA | \$ | - | \$ | |
| 15" Pipe | LF | \$ | 16.95 | 25 \$ | 424 |
| 15" End Section | EA | \$ | 583.80 | 1 \$ | 584 |
| 15" Trash Guard | EA | \$ | 200.00 | 1 \$ | 200 |
| 18" Pipe | LF | \$ | 200.00 | \$ | 200 |
| 18" End Section | EA | \$ | _ | \$ | |
| 18" Trash Guard | EA | \$ | | \$ | |
| 21" Pipe | LF | \$ | | \$ | - |
| 21" End Section | EA | \$ | | \$ \$ | - |
| 21" Trash Guard | EA | \$ | - | 3 \$ | - |
| 24" Pipe | LF | \$ | - | 3 \$ | - |
| 24" End Section | EA | Ψ \$ | - | э \$ | - |
| 24" Trash Guard | EA | \$ | | э \$ | - |
| 27" Pipe | LF | \$ | _ | 3 \$ | - |
| 27" End Section | EA | э \$ | - | ծ Տ | - |
| 27" Trash Guard | EA | э \$ | - | 5 \$ | - |
| 30" Pipe | LF | э \$ | - | ծ \$ | - |
| 30" End Section | EA | э \$ | - | \$ \$ | - |
| 30" Trash Guard | EA | \$ | - | 3 \$ | - |
| 33" Pipe | LF | \$ | - | 5 \$ | - |
| 33" End Section | EA | \$ | - | 5 \$ | - |
| 33" Trash Guard | EA | э \$ | - | 5 \$ | - |
| 36" Pipe | LF | э \$ | - | | - |
| 36" End Section | EA | э \$ | - | \$ | - |
| 36" Trash Guard | EA | э \$ | - | \$ | - |
| 42" Pipe | LF | | - | \$ | - |
| 42 Fipe 42" End Section | | \$ | - | \$ | - |
| | EA | \$ | - | \$ | - |
| 42" Trash Guard | EA | \$ | - | \$ | - |
| 60" Pipe | LF | \$ | 103.32 | 798 \$ | 82,449 |
| 60" End Section | EA | \$ | 3,535.00 | 2 \$ | 7,070 |
| 60" Trash Guard | EA | \$ | 1,000.00 | 2 \$ | 2,000 |
| Standard Storm Manholes | EA | \$ | 1,550.20 | 1 \$ | 1,550 |
| Large Storm Manholes & Double Inlets | EA | \$ | 7,752.50 | 2 \$ | 15,505 |
| Storm Inlets | EA | \$ | - | \$ | - |
| Sand Backfill and Bedding | TON | \$ | 7.93 | 200.00 \$ | 1,586 |
| ' Sub-total | | | | . \$ | 111,370 |
| Total | | | | \$ | 111,370 |
| Monuments & Markers > Not Applicable - Property annexed by City o by Westfield MS4 permit. | f Noblesville | and g | overned | | - |
| Total | | | | · \$ | - |
| Erosion Control | LS | | NIA | | A. |
| > Not Applicable - Property annexed by City o by Westfield MS4 permit. | | and g | NA overned | NA NA | 4 |
| Total | | | | \$ | - |
| Grand Total | | | | \$ | 111,370 |
| Per Hamilton County Ordinance - Bond Amou | nt | | | 120% \$ | 133,644 |
| | | | | | |

Timothy J. Walter F.E. Indiana Registration No. 19900152

This copy is from the Digital Archive of the Hamilton County Surveyors Office; Noblesville, In 46060 9757 Westpoint Drive, Suite 600 Indianapolis, IN 46256

BY:

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD IN THE MATTER OF

Bliss Johnson Drain, Mill Grove 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 **Bliss Johnson Drain, Mill Grove Arm** on **November 24, 2008**, at **9:05 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

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Attest:Lynette Mosbaugh

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ONE TIME ONLY

| STATE | OF | INDIANA |) | | | | |
|--------|----|----------|---|----|---------|-------|----------|
| | | |) | SS | BEFORE | THE | HAMILTON |
| | | |) | | | | |
| COUNTY | OF | HAMILTON |) | | DRAINAC | GE BO | DARD |

IN THE MATTER OF Bliss Johnson Drain, Mill Grove Arm

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting November 24, 2008 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: Steven A. Holt PRESIDENT

ATTEST: Lynette Mosbaugh SECRETARY

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Bliss Johnson Drain, Mill Grove Arm Sta. 54+54 to Sta.67+42

On this 24th day of November 2008, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Bliss Johnson Drain, Mill Grove Arm, Sta. 54+54 to Sta. 67+42.

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 **Bliss** Johnson Drain, Mill Grove Arm.

HAMILTON COUNTY DRAINAGE BOARD

President

Member

Member

quette Mostary (Attest

| STATE | OF | INDIANA |) | | |
|--------|------|----------|---|-----|--|
| | | |) | ss: | |
| COUNTY | Y OF | HAMILTON |) | | |

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD NOBLESVILLE, INDIANA

IN THE MATTER OF THE RECONSTRUCTION OF THE Bliss Johnson Drain, Mill Grove Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Bliss Johnson** Drain, Mill Grove Arm came before the Hamilton County Drainage Board for hearing on November 24, 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 **Bliss Johnson Drain, Mill Grove 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:

HAMTT GE BOARD PRESTDEN

Member

Member

ATTES:



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

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

February 26, 2009

Re: Bliss Johnson - Mill Grove Arm

Attached are as-builts, certificate of completion & compliance, and other information for Mill Grove Arm. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes there were no significant changes made to the drainage plans submitted with my report for this drain dated October 6, 2008. The report was approved by the Board at the hearing held November 24, 2008 (See Drainage Board Minutes Book 11, Pages393-396). Therefore, the length of the drain remains at **1644 feet**.

The non-enforcement was approved by the Board at its meeting on November 24, 2008 and recorded under instrument # 2008058426.

The following sureties were guaranteed by Bond Safeguard Insurance Co. and released by the Board on its January 12, 2009 meeting.

Bond-LC No: 5027925 Insured For: Storm Sewers Amount: \$133,644.00 Issue Date: May 17, 2007

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM Hamilton County Surveyor

KCW/slm

CERTIFICATE OF COMPLETION AND COMPLIANCE

To: Hamilton County Surveyor

Re: Mill Grove, Section 9

I hereby certify that:

- 1. I am a Registered Land Surveyor or Engineer in the State of Indiana.
- 2. I am familiar with the plans and specifications for the above referenced subdivision.
- 3. I have personally observed and supervised the completion of the drainage facilities for the above referenced subdivision.
- 4. The drainage facilities within the above referenced subdivision to the best of my knowledge, information and belief have been installed and completed in conformity with all plans and specifications.
- 5. The drainage facilities within the above referenced subdivision to the best of my knowledge, information and belief have been correctly represented on the Record Drawings, Digital Record Drawings and the Structure Data Spreadsheet.

| Signature: | Date: June 13, 2008 |
|---------------------|-----------------------------|
| Type or Print Name: | Dennis D. Olmstead |
| Business Address: _ | 7965 East 106th Street |
| _ | Fishers, Indiana 46038 |
| Telephone Number: | (317) 849-5935 |
| SEAL | INDIANA REGISTRATION NUMBER |
| | 900012 |
| PODOL2 STATE OF | |

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