

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

September 21, 2016

To: Hamilton County Drainage Board

Re: William Lehr Drain, Joseph & Brooks Arm, Hood's Meadow, Lot 1 - Fiore Nursery Reconstruction

Attached are petition and plans for the proposed reconstruction of the William Lehr Drain, Joseph & Brooks Arm. This project is to be paid for by Fiore Nursery. The proposal is to reconstruct the existing tile drains currently on parcel 10-11-16-00-00-008.001 (proposed Fiore Nursery site) owned by Fiore Properties of Indianapolis, LLC; parcel 10-11-16-00-00-009.000, owned by S&T Land Holdings, LLC; parcel 10-11-16-00-00-010.001 owned by Steven L & Tina S Hood; parcel 10-11-16-00-00-015.000 owned by Hilary A Brockman; and pipes under the Greenfield Avenue right-of-way owned by the City of Noblesville per the 'Fiore Nursery - Lot 1 of Hood's Meadow' project plans by Stoepelwerth and Associates, Job No. 74030PRD-S1, dated 6/27/2016.

Per the plans, the upstream end of this extension will begin at an existing manhole near the south right-of-way line of Greenfield Avenue which is at Station 49+94 of the existing L.N. Joseph & Eli Brooks Drain (1893). A new pipe will cross under Greenfield Avenue and outlet into a new open ditch, which will replace the existing parallel 12" drain tiles. The ditch will flow north 860 feet as an open ditch along the site's east property line. At the north end of the ditch, a storm pipe will connect the open ditch to the existing drain via a proposed manhole at Station 60+45 of the Joseph & Brooks Drain (1893).

This reconstruction will consist of the following:

860' of open drain 206' of 24" RCP

The RCP listed above consists of that storm pipe between Structures 400 and 401 and Structure 402 and the existing structure south of Greenfield Avenue on Sheets C600 and C601 on the attached plans.

The newly installed drain will have a length of 1066'. The existing 1051' of the LN Joseph & Eli Brooks Arm (installed 1893) between existing stations 49+94 and 60+45 will be removed and abandoned. This proposal will add 15' of additional footage to the drain's total length.

Note: An existing 16" regulated drain tile will remain intact in this vicinity. It is located east of the property line with Hoods Gardens (parcels 10-11-16-00-00-014.000 and 10-11-16-00-00-010.001) and generally runs parallel with the proposed reconstruction. This tile is a portion of the LN Joseph Arm (installed 1952). Where it parallels the reconstruction, it consists of 1014' of 16" tile between existing stations 60+45 and 70+59. This is to provide drainage for any remaining private tiles east of the reconstruction area.

The LN Joseph & Eli Brooks Drain was established in 1893 (See Reviewers Report, December 7, 1893) and combined with the William Lehr Drain, Booth-White and Joseph Drains in 1967. The drains are currently on a maintenance program which was approved at hearing on December 4, 1967 (See Minutes Book 1, Page 23).

The cost of the project is to be paid by the developer. The petitioner has submitted surety for the proposed drain at this time. The surety which is in the form of a Letter of Credit from the developer is as follows:

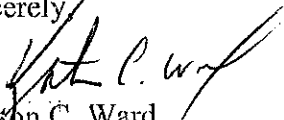
Agent: 1st Farm Credit Services
Date: October 3, 2016
Expiration Date: October 1, 2017
Number: 7789129300
For: Fiore Properties -- Indianapolis, LLC
Reconstruction of the Lehr drain
Amount: \$64,382.00

A Non-enforcement has been submitted for the drain on the Fiore property. The request is for the encroachment on the west side of the drain to be 35' from the top of bank of the open ditch, as measured at right angles. The non-enforcement should be approved by the Board upon approval of the proposed reconstruction.

This project site is part of the Lehr Drain, LN Joseph & Eli Brooks Arm Deferred Assessment Area. At the time of assessment, Parcel 10-11-16-00-00-008.000 had 43.49 acres benefited with a reconstruction assessment of \$34,278.82. This parcel has recently been platted as Hood's Meadow, which includes two lots and dedicated right-of-way. Fiore Nursery is Lot 1 of Hood's Meadow. The assessment was paid in full by S & T Land Holding on September 15, 2016.

I recommend the Board set a hearing date for November 28, 2016

Sincerely,



Kenton C. Ward
Hamilton County Surveyor

KCW/stc

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: Fiore Nursery)
 Hamilton County, Indiana)

FILED
SEP 07 2016

OFFICE OF HAMILTON COUNTY SURVEYOR

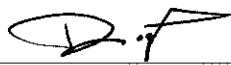
PETITION FOR RELOCATION AND RECONSTRUCTION

 PRD Associates, Inc. (hereinafter "Petitioner"),

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the William Lehr Drain Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the William Lehr Drain Drain runs.
2. Petitioner plans to develop its real estate with roads, buildings, utilities, storm drains, sanitary sewers and other structures.
3. Petitioner's proposed development of its real estate will require relocation and reconstruction of a portion of the William Lehr Drain Drain, as specifically shown on engineering plans and specifications filed with the Hamilton County Surveyor.
4. The work necessary for the proposed relocation and reconstruction will be undertaken at the sole expense of the Petitioner and such work will result in substantial improvement to the William Lehr Drain Drain, without cost to other property owners on the watershed of the William Lehr Drain Drain.
5. Proposed relocation and reconstruction will not adversely affect other land owners within the drainage shed.
6. Petitioner requests approval of the proposed relocation and reconstruction under IC 36-9-27-52.5.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County Drainage Board authorizing relocation and reconstruction of the William Lehr Drain Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.



Signed _____

David M Fiore

Printed _____

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE


William Lehr Drain, Joseph & Brooks Arm, Hood's Meadow Lot 1
Fiore Nursery Reconstruction

Station 49+94 to Station 60+45

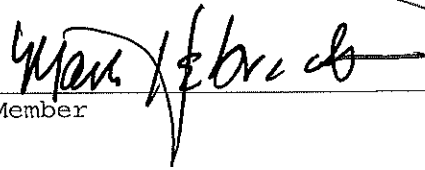
On this 28th day of November, 2016, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the William Lehr Drain, Joseph & Brooks Arm, Hood's Meadow Lot 1, Fiore Nursery Reconstruction - Station 49+94 to Station 60+45.

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 William Lehr Drain, Joseph & Brooks Arm, Hood's Meadow Lot 1, Fiore Nursery Reconstruction - Station 49+94 to Station 60+45.

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
*William Lehr Drain, Joseph & Brooks Arm, Hood's Meadow Lot 1, Fiore
Nursery Reconstruction*

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *William Lehr Drain, Joseph & Brooks Arm, Hood's Meadow Lot 1, Fiore Nursery Reconstruction* came before the Hamilton County Drainage Board for hearing on *November 28, 2016*, 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.

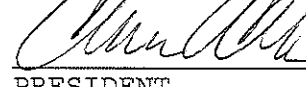
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included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

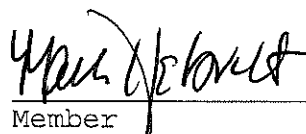
Wherefore, it is ORDERED, that the proposed Reconstruction of the *William Lehr Drain, Joseph & Brooks Arm, Hood's Meadow Lot 1, Fiore Nursery Reconstruction* be and is hereby declared established.

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




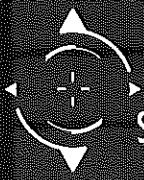
PRESIDENT



Member

Member

ATTEST: 
Executive Secretary



STOEPPELWERTH

ALWAYS ON

ofc: 317.849.5935
fax: 317.849.5942

7965 East 106th Street
Fishers, IN 46038-2505
www.stooppelwerth.com

September 7, 2016

Hamilton County Surveyor's Office
One Hamilton County Square
Suite 188
Noblesville, Indiana 46060

Attention: Steve Cash

Re: Fiore Nursery

FILED

SEP 07 2016

OFFICE OF HAMILTON COUNTY SURVEYOR

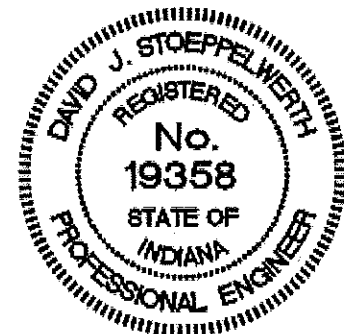
Dear Mr. Cash;

Please accept this Engineer's Estimate for the above-referenced project. The estimate is as follows:

· Demolition (existing trees)	\$17,000.00
· Earthwork (900 x 40)	\$10,672.00
· Structures (3ea)	\$7,500.00
· 24" RCP (208')	\$12,480.00
· Road Repair	\$4,000.00
· Traffic Control	\$2,000.00
	\$53,652.00

If you have any questions, please give Keith Gilson a call at (317) 570-4702.

David J. Stooppelwerth, P.E.
Professional Engineer
No. 19358



Cc: Ed Rockhill

KRG/meb

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LAND DEVELOPMENT SUPPORT SOLUTIONS

ENGINEERING | SURVEYING

COPY



Sycamore Branch • 1350 W. Prairie Drive • Sycamore, IL 60178 • (815) 756-3440 • (800) 766-3276 • Fax (815) 756-7886

Irrevocable Standby Letter of Credit
Letter of Credit Number: 7789129300
Issue Date: October 3, 2016

HCDB-2016-00039

Beneficiary:
Hamilton County Board of Commissioners
One Hamilton County Square
Noblesville, IN. 46060
ATTN: Surveyor's Office Plan Reviewer

Applicant:
Fiore Properties – Indianapolis, LLC
11460 Greenfield Ave.
Noblesville IN, 46060

Issue Date: October 3, 2016
Expiration Date: October 1, 2017
Amount: \$64,382.00
Letter of Credit No.: 7789129300

RE: Fiore Properties – Indianapolis, LLC
Reconstruction of the Lehr drain

We hereby establish our Irrevocable Standby Letter of Credit No. 7789129300 in your favor for the account of Fiore Properties – Indianapolis, LLC up to an aggregate amount of \$64,382.00 available by your endorsed draft(s) at sight drawn on the 1st Farm Credit Services.

Endorsed drafts to be accompanied by the following document(s):

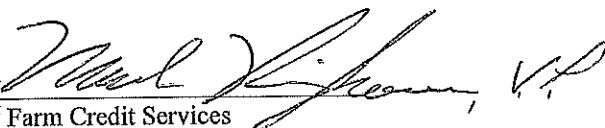
- 1.) Original Letter of Credit and any amendments.

Endorsed draft(s) must be marked "Drawn under 1st Farm Credit Services Irrevocable Standby Letter of Credit No. 7789129300 dated October 3, 2016"

We hereby agree with you that drafts drawn under and in strict compliance with the terms of this credit will by duly honored by us upon presentation at this office on or before our close of business on October 1, 2017, or any automatically extended expiration date.

It is a condition of this Irrevocable Standby Letter of Credit that it shall be automatically extended without amendment for additional periods of one year from the present and each future expiration date, unless, not less than thirty (30) days prior to such expiration date we notify the Beneficiary in writing, by registered mail to the Beneficiary 's address, that we elected not to extend this Irrevocable Standby Letter of Credit, provided, that under no circumstances shall this Irrevocable Standby Letter of Credit be automatically extended without amendment for any period extending beyond the date that is eight (8) years after the Issue Date listed above.

Except as otherwise expressly stated herein, this Letter of Credit is issued subject to the International Standby Practices of the International Chamber of Commerce, Publication 590 ("ISP98"). This Letter of Credit shall be deemed to be a contract made under the laws of the State of Indiana and shall, as to matters not governed by ISP98, be governed by and construed in accordance with the laws of the State of Indiana, other than its conflict of laws rules, which would result in the application of the law of any jurisdiction other than the laws of the State of Indiana.

By: 
1st Farm Credit Services
Mark Ringhouse, VP

Stamp: OCT 14 2016
Stamp: 00000000000000000000000000000000

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

*William Lehr Drain, Joseph & Brooks Arm
Hood's Meadow, Lot 1, Fiore Nursery Reconstruction*

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 Lehr Drain, Joseph & Brooks Arm, Hood's Meadow, Lot 1, Fiore Nursery Reconstruction** on November 28, 2016 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 Lehr Drain, Joseph & Brooks Arm,
Hoods Meadow Lot 1, Fiore Nursery Reconstruction

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **November 28, 2016** 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.

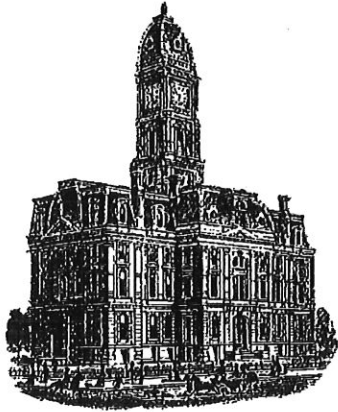
The Board issued an order declaring the proposed improvement established. Such findings and order were marked filed and are available for inspection in the Office of the Hamilton County Surveyor.

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: Christine Altman
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY



Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495
Tax (317) 776-9628

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

To: Hamilton County Drainage Board

April 8, 2021

Re: William Lehr Drain: Joseph & Brooks Arm – Fiore Nursery Reconstruction

Attached are as-builts and other information for Fiore Nursery Reconstruction. 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 were made to the drain, which will alter the plans submitted with my report for this drain-dated September 21, 2016. The report was approved by the Board at the hearing held November 26, 2021. (See Drainage Board Minutes Book 17, Pages 204-206) The changes are as follows: the open ditch was lengthened from 860 feet to 900 feet. The 24" RCP was shortened from 206 feet to 137. This was because changes were made at structure 400 to 401. Structure 400 and the 69 feet of 24" RCP was not installed. The existing 12" tiles were tied into a modified structure 401. Structure 401 was changed from an end section to an Inlet Structure with a grated top. It also has 3 ft stub of 12" concrete tile serving as inlet for the open ditch to the south. The existing 12" tiles that make up the Joseph and Brooks arm were connected at this structure. The length of the drain due to the changes described above is now **1037 feet**. It should be noted that the reconstruction removed 1051 feet of existing drain.

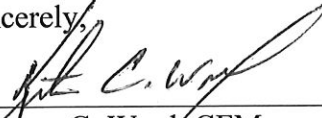
The non-enforcement was approved by the Board at its meeting on November 28, 2016 and recorded under instrument #2017011029.

The following sureties were guaranteed by 1st Farm Credit Services and released by the Board on its April 12, 2021 meeting.

Bond-LC No: 7789129300
Amount: \$64,382.00
For: Lehr Reconstruction
Issue Date: October 3, 2016

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

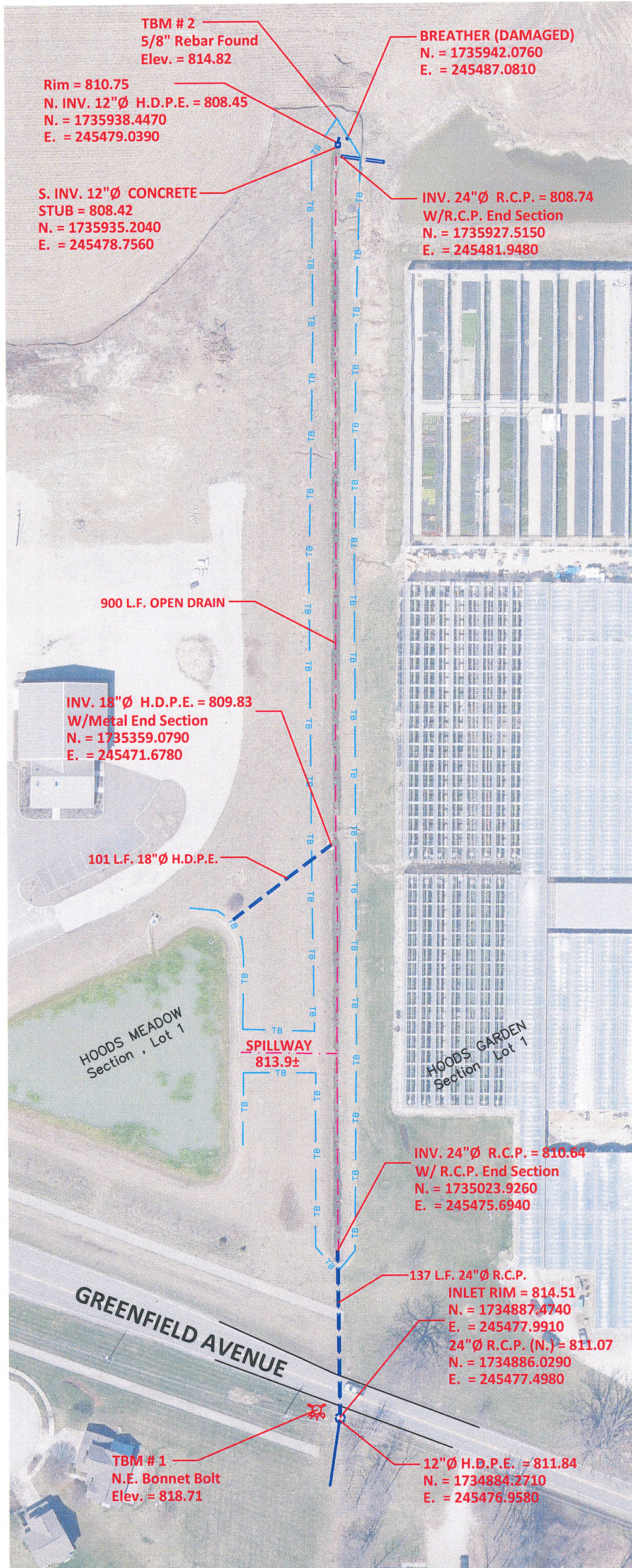
Sincerely,

A handwritten signature in black ink, appearing to read "Kenton C. Ward", written over a horizontal line.

Kenton C. Ward, CFM
Hamilton County Surveyor

HAMILTON COUNTY SURVEYOR'S OFFICE

"AS-BUILT" RECORD DRAWING WILLIAM LEHR DRAIN / JOSEPH & ELI BROOKS ARM



0' 50' 100'

Scale: 1" = 100'

F.B. #14 Page 20-21
Drawn By: Brian K. Rayl, PS
DATE: 2-11-2021

THE AS-BUILT SURVEY USED THE FOLLOWING DATUM:
HORIZONTAL DATUM: NAD 1983 (CONUS) INDIANA EAST 1301
VERTICAL DATUM: (NAVD 88) (GEOID 18)

"AS-BUILT" CERTIFICATION

"AS BUILT" INFORMATION COLLECTED BY HAMILTON COUNTY SURVEYOR'S OFFICE. I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF, A TRUE AND CORRECT REPRESENTATION OF THE LOCATIONS AND ELEVATIONS OF THE "AS-BUILT" REGULATED DRAIN IMPROVEMENTS. INFORMATION OBTAINED BY FIELD SURVEY ON 2/4/2021 Field Book #14 Pages 20 -21

CERTIFIED BY:


B.K.R.

BRIAN K. RAYL, PS
PROFESSIONAL SURVEYOR
INDIANA LICENSE NO. 20100070

DATE: MARCH 2, 2021



THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR SURVEYOR LOCATION REPORT

	This information was gathered for input into the Hamilton County Geographic Information System (GIS). This document is considered an official record of the GIS.
	Entry Date: <u>2021</u>
	Entered By: <u>SLM</u>



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