

KCW



SURVEYOR'S OFFICE
Hamilton County

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November 16, 2021

To: Hamilton County Drainage Board

Re: William Lehr Drain, Marilyn Woods Reconstruction

Attached are plans and petition for the reconstruction of the William Lehr Drain, in Marilyn Woods Subdivision. This proposal includes a non-enforcement and a variance request. This project is to be paid for by Apollo Developers LLC. As part of a new residential subdivision, the proposal is for the re-grading of the banks of the existing open drain, installation of box culvert and the installation of a detention diversion structure in the flowline of the open drain which will serve as the main detention control structure for the proposed Marilyn Woods subdivision. As part of this reconstruction, the regrading provides storm water storage volume. This is to be constructed per project plans for Marilyn Woods, Sec.1, by HWC Engineering, Job No. 2021-108, dated July 2021.

The subdivision project site is located at the northwest corner of 141th and Marilyn Road, in the City of Noblesville, Indiana. This project is located on parcels 13-11-22-00-00-019.000 and 13-11-22-00-00-020.000 owned by Marilyn Woods LLC.

Per the plans, the proposed overbank regrading begins at the south side of Marilyn Woods subdivision at an existing culvert on the north side of 141st Street and extends north following the existing flow line through the subdivision (approximately 863'). Then, partway through the site, a 92' long 8'x 4' box culvert will be installed to accommodate a proposed road crossing the drain. From this box culvert, the overbank regrading will continue north (approximately 760') and end approximately 135' from the north property line at the proposed diversion structure. The diversion structure will be installed with a 10' long 18" RCP.

The reconstruction will consist of the following:

- 1603' of Open Drain (overbank regrading)
- 92' of 8'x 4'Reinforced Box Culvert
- 10' of 18" RCP (Diversion Str.)

The proposed reconstruction will occur in-line along the existing flowline of existing regulated drain. Therefore, the overall length of the Wm Lehr drain will remain the same. The reconstruction location equates to existing Sta. 0+57 to Sta. 17+62 with a total length of 1705 linear feet.

The original Lehr Drain was established per the Viewer's Report to the Hamilton County Board of Commissioners filed August 7, 1901 and approved September 2, 1901. The Lehr Drain was reconstructed across this site and other parcels, per my report dated December 18, 2013 and was approved by the Board at hearing on January 27, 2014. See Minutes Book 15 pages 302, 382-384, 572. The filter strips installed with the 2014 reconstruction will be re-established with this project.

The easement for this reconstruction will include the existing easement for the William Lehr Drain, as well as drainage easement for Common Area "1A" and "1B" and right-of-way for Sjolholm Way as per the secondary plat for Marilyn Ridge, Sec. 1 as recorded in the office of the Hamilton County Recorder. To accommodate the subdivision grading and lots adjacent to the common area and drain, as well as, a pedestrian path, a Non-enforcement has been submitted. I recommend approval of the Non-enforcement at this time. Note: A Non-enforcement will also be required for future Sec. 2.

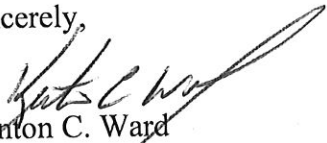
The variance request is for the diversion structure proposed within the flowline of the open drain which will facilitate the detention within the proposed detention pond (Lake #1) and overbank areas. The detention pond (Lake #1) is not to be considered part of the regulated drain. The maintenance of the pond such as sediment removal, and erosion control along the banks, 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 pond was designed will be retained, thereby, allowing no fill or easement encroachments.

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

The subdivision is annexed by the City of Noblesville. Noblesville has required the developer to post surety for the onsite storm system. With the exception of the regulated drain, the inspection and maintenance of the subdivision's storm water drainage system and storm water quality BMP falls under the jurisdiction of the City of Noblesville.

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

Sincerely,



Kenton C. Ward
Hamilton County Surveyor

KCW/scash

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA


IN RE: _____)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

_____ Neil Goradia _____ (hereinafter "Petitioner"),
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a
section of the _____ William Lehr _____ 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 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, 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, without cost to other property owners on the watershed of the _____ William Lehr _____ 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, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.



Signed
Neil Goradia

Printed

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, Marilyn Woods Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **William Lehr Drain, Marilyn Woods Reconstruction** came before the Hamilton County Drainage Board for hearing **on December 13, 2021**, 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, Marilyn Woods 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