

Kenton C. Ward, Surveyo Phone (317) 776-8495 Tax (317) 776-9628

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

May 24, 2004

To: Hamilton County Drainage Board

Re: McMahon-Overdorf Drain, Noblesville Business Park Reconstruction

Attached is a petition filed by Noblesville Business Park, LLC along with easements, plans, calculations, quantity summary and surety for the Noblesville Business Park Reconstruction of the McMahon-Overdorf Drain. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable; will improve the public health; benefit a public highway and be of public utility; and that the costs, damages, and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

18" RCP	100 ft	42" RCP	484 ft	54" RCP	399 ft
36" RCP	677 ft	48" RCP	795 ft	Open Ditch	1,860 ft

The total length of the drain will be 4,315 feet.

The retention pond located between lines 1 and 2 on the plan is to be considered part of the regulated drain and has been included on the open ditch lengths listed above. The maintenance of the pond, such as mowing, will be the responsibility of the developer. The Board will retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained along with conveyance capacity. Thereby, allowing no fill or easement encroachments.

The new drain will intercept the original 1912 McMahon-Overdorf Drain at or near Sta. 24+50, which is the north line of tract 11-11-18-00-00-014.000. The new drain will replace the original drain from Sta. 0 to Sta. 24+50 of the main drain and approximately 400 feet of Arm 1. The new drain shall consist of those sections of pipe between Structures 101 to 103; 103 to 102; 103 to 104; 104 to 107; 107 to 106; 106 to 105; 107 to 107A; 107A to 109; 109 to 111; 111 to 112; 112 to 113; 113 to outlet into retention area. Also included is the pipe from the outlet

structure to the open ditch and the 730 feet of open ditch running along the west line of tract 11-11-18-00-00-010.000 parallel to the right of way for State Road 37. Structures 103 to 107 is the existing portion reconstructed as 30" RCP as part of the relocation of Arm 2 per my report dated August 12, 2002 and approved by the Board on August 12, 2002 (See minute book 6, page 407) This is being reconstructed as a 36" RCP in the reconstruction of the drain. This will add a total of 1,465 feet to the drain. The portion of the original drain from Sta. 24+50 to 34+50 (the outlet at the right of way fence for State Road 37) will not be vacated at this time.

Three additional easements will be required across the tracts which the new drain will traverse. The additional easements shall cross tracts 10-11-18-00-0()-010.000 owned by Morris E. & Ruby J. McNally. The attached easement for this tract is recorded in the office of the Hamilton County Recorder as instrument number 200400016919, recorded March 17, 2004. The additional easement shall also cross tract 10-11-18-00-00-014.000 owned by Church, Church, Hittle and Antrim Retirement Plan and Randall D. Craig. The attached easement for this tract is recorded as instrument number 200400016917, recorded March 17, 2004. The third easement shall cross tract 10-11-18-00-00-011.000 owned by Noblesville Bus ness Park, LLC. The attached easement for this tract is recorded as instrument number 200400016918, recorded March 17, 2004.

The cost of the relocation of the drain is to be paid by the petitioner, Noblesville Business Park, LLC. At this time there will not be any changes proposed to the original maintenance assessment. However, as the Noblesville Business Park develops changes in the drainage shed will occur and will require additional hearings in the future.

I believe this 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.

The petitioner has submitted surety for the proposed drain at this time. The sureties which are in the form of a Irrevocable Letter of Credit for the benefit of the Hamilton County Board of Commissioners is as follows:

> Agent: Date: Number: 310 Amount:

Community Bank March 22, 2004 \$315,000.00

I recommend the Board set a hearing for this proposed drain for June 28, 2004.

Kentoh C. Ward

Hamilton County Surveyor

KCW/llm

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Mr. Holt stated that Whispering Woods could have been reimbursed had they negotiated an agreement with the Deckards that would help the real estate community as opposed to just the Whispering Woods property.

The Surveyor stated that they would have to go in and master plan it; that would be a possibility.

Mr. Holt stated that frankly the idea that the Deckards did this for no compensation is somewhat unique.

Mr. Deckard stated that development is not his business; they do not intend to be moved off this property as quickly as it looks like they are going to be. They expect to be there for another five to ten years. If he does not get anything worked out with a developer and it makes sense to them they will stay. At that point the drain will be a great thing.

Mr. Dillinger asked the Surveyor for his opinion.

The Surveyor stated that he has no strong opinion either way; he is sure that this will be developed soon; 27 acres in the middle of an island with Fishers all the way around it; it is prime real estate. When it does happen it will be a Fishers storm sewer.

Mr. Dillinger stated that in the Surveyor's opinion the right thing to do is what.

The Surveyor stated that on the other side of the coin; if there is something that goes wrong in that area or somebody else needs to tie into it that is upstream it will need drainage availability; it could be enlarged to accept that; they don't like to paint people in corners, which they could be doing.

Mrs. Altman stated that upstream, they too could pay for a private easement. She stated that she has a real problem that they did not or they don't routinely require the County documentation that they accept for a subdivision to clearly tell people what the deal is. Their policy is that they require petition into their drainage system, then that needs to be in the granting documents or whatever they receive.

Mr. Howard asked the Surveyor when they get in on the platting procedure in these cities and towns.

The Surveyor stated that they get in on it with the primary plat and sometimes even before that.

Mrs. Altman stated that she would like to see a standard paragraph in any grant that they accept that says they will be petitioned in; that way everybody knows the deal and they are not fostering litigation afterwards.

Mr. Howard stated that shall be an assignment. This basically goes back on the development community; if the development community doesn't make a signable then they may not have drainage.

Mr. Dillinger asked if there was any other discussion.

The motion had been made and seconded to waive the requirement for a regulated drain and approved.

Mr. Holt opposed the motion.

McMahon Overdorf Drain Reconstruction - Noblesville Business Park: There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"To: Hamilton County Drainage Board February 10, 2003

Re: McMahon-Overdorf Drain,

Noblesville Business Park Reconstruction

Attached is a petition, non-enforcement request, plans, calculations, quantity summary and assessment roll for the Noblesville Business Park Reconstruction, McMahon-Overdorf Drain. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable; will improve the public health; benefit a public highway and be of public utility; and that the costs, damages, and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following: 5

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 RCP
 100 ft
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 399 ft

 36"
 RCP
 677 ft
 48" RCP
 795 ft
 Open Ditch 1,860 ft

 The total length of the drain will be 4,315 feet.
 54" RCP
 100 ft
 100 ft

The retention pond located between Lines 1 and 2 on the plan is to be considered part of the regulated drain and has been included on the open ditch lengths listed above. The maintenance of the pond, such as mowing, will be the responsibility of the developer. The Board will retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained along with conveyance capacity. Thereby, allowing no fill or

The new drain will intercept the original 1912 McMahon Overdorf Drain at or near Sta. 24+50, which is the north line of tract 11-11-18-00-00-014.000. The new drain will replace the original drain from Sta. 0 to Sta. 24+50 of the main drain and approximately 400 feet of Arm 1. The new drain shall consist of those sections of pipe between Structures 101 to 103; 103 to 102; 103 to 104; 104 to 107; 107 to 106; 106 to 105; 107 to 109; 109 to 108; 109 to 111; 111 to 112; 112 to 113; 113 to outlet into retention area. Also included is the pipe from the outlet structure to the open ditch and the 730 feet of open ditch running along the west line of tract 11-11-18-00-00-010.000 parallel to the right of way for State Road 37. Structure 101 is the existing structure constructed as part of the relocation of Arm 2 per my report dated August 12, 2002 and approved by the Board on August 12, 2002 (see minute book 6, page 407). This will add a total of 1, 465 feet to the drain. The portion of the original drain from Sta. 24+50 to 34+50 (the outlet at the right of way fence for State Road 37) will not be vacated at this time.

Also included in the relocation is an extension of the drain within the Stony Creek Industrial Park. The existing open ditch should be extended from its current terminus at Sta. 39+30 to a point at the west end at the $40^{\circ}x63^{\circ}$ CMP under Herriman Boulevard. This would involve 375 feet of open ditch and 65 feet of $40^{\circ}x63^{\circ}$ CMP. This would involve the following tracts:

18-00-00-004.041
18-00-00-004.021
18-00-00-004,121

Tracts 11-11-18-00-00-004.021 and 11-11-18-00-00-004.121 are part of lot 9 of Stony Creek Industrial Park and has platted easements for the open ditch as shown on the secondary plat in Record Book 13, Page 48 in the Recorders Office. Tract 004.041 has platted easement also and is shown on the secondary plat for lot 11 recorded in Plat Cabinet 2, Slide 194 in the Recorders Office. Therefore, additional easements is not required for these tracts for the proposed extension. This would add 440 feet to the drains length.

Tracts 11-11-18-00-00-004-021 and 11-11-18-00-00-004.121 will be assessed at the rate of \$6.00 per tract.

I believe this 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.

I recommend the Board set a hearing for this proposed drain for March 24, 2003.

Kenton C. Ward Hamilton County Surveyor

KCW/llm"

Mr. Dillinger opened the public hearing. Seeing no one present Mr. Dillinger closed the public hearing.

Mrs. Altman made the motion to approve the Surveyor's report, seconded by Mr. Holt and approved unanimously.

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STATE OF INDIANA)) ss: COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD NOBLESVILLE, INDIANA

IN THE MATTER OF THE RECONSTRUCTION OF THE McMahon Overdorf Drain, Noblesville Business Park

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the McMahon Overdorf Drain, Noblesville Business Park came before the Hamilton County Drainage Board for hearing on June 28, 2003, 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 **McMahon Overdorf Drain, Noblesville Business Park** 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:

UNTY DRAINAGE BOARD

utte fl/csba utive secretary ATTESZ

Member



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

To: Hamilton County Drainage Board

February 23, 2009

Re: McMahon-Overdorf Drain: Noblesville Business Park Reconstruction

Attached are as-builts, certificate of completion & compliance, and other information for Noblesville Business Park 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 May 24, 2004. The report was approved by the Board at the hearing held June 28, 2004. (See Drainage Board Minutes Book 7, Pages 478-480) The changes are as follows:

Structure:	Length:	Size	Material:	Up Invert:	Dn_Invert	Grade:
101-103	34	36	RCP	812.85	807.96	2.32
102-103	57	36	RCP	810.11	809.16	1.66
103-104	374	36	RCP	807.96	806.82	0.3
104-107	60	42	RCP	806.82	806.72	0.3
107-107A	227	42	RCP	806.72	805.13	0.7
107A-109	227	42	RCP	895.13	803.34	0.79
109-111	400	48	RCP	803.34	801.79	0.39
111-112	370	48	RCP	801.79	800.83	0.26
112-113	282	54	RCP	800.83	799.92	0.32
113-113A	131	54	RCP	799.92	799.4	0.4
105-106	64	36	RCP	812.4	810.34	3.22
106-107	73	36	RCP	810.34	807.44	3.97
115A-115	28	36	RCP	798.97	798.74	0.82
115-115B	43	36	RCP	798.74	798.44	0.7
RCP Pipe Totals:					Other Drain:	
					Open	
36	673				Ditch	1861
42	514				Total:	1861
48	770					
54	413					

Total: 2370

The length of the drain due to the changes described above is now 4231 feet.

The easements for this drain were filed March 17, 2004 and recorded under instrument #'s 200400016917, 200400016918, and 200400016919.

The following sureties were guaranteed by Community Bank and expired on February 14, 2005.

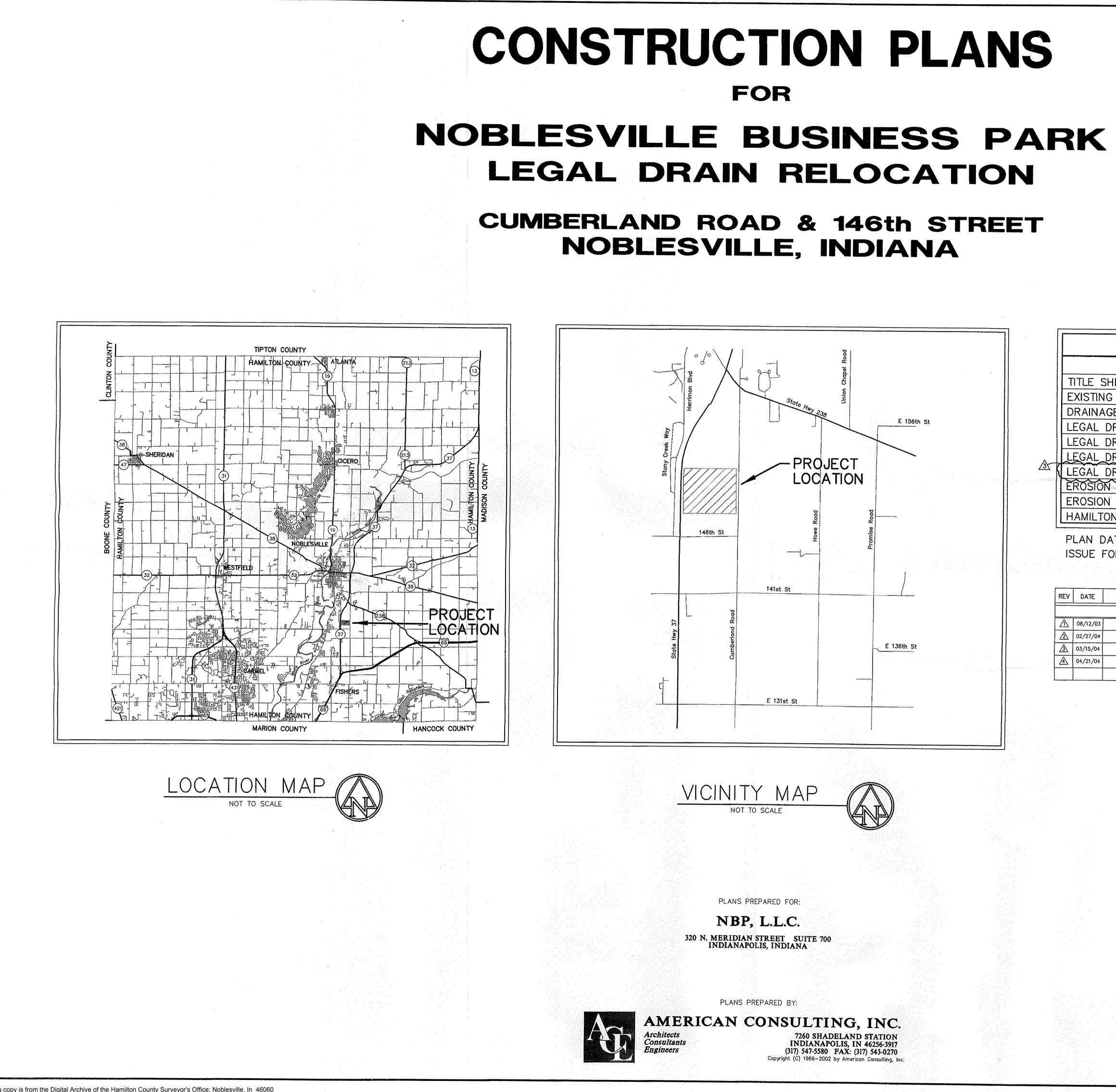
Bond-LC No: 310 Insured For: Storm Sewers Amount: \$315,000.00 Issue Date: March 22, 2004

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

Sincerely,

Kenton C. Ward, CFM Hamilton County Surveyor

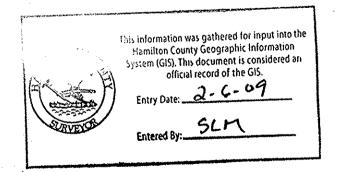
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_ DRAIN RELOCATION PLAN & PROFILE - LINE "1"	C3.1
DRAIN RELOCATION PLAN & PROFILE - LINE "1"	C3.2
_ DRAIN RELOCATION PLAN & PROFILE - LINES "2", "3"	& "4C3.3
_ DRAIN RELOCATION PLAN & PROFILE - LINES "5"	C3.4)
ON CONTROL PLAN	C4.1
ON CONTROL DETAILS	C5.1
TON COUNTY DETAILS	C5.2

PLAN DATE: 01/02/03 ISSUE FOR BIDDING: 08/01/03

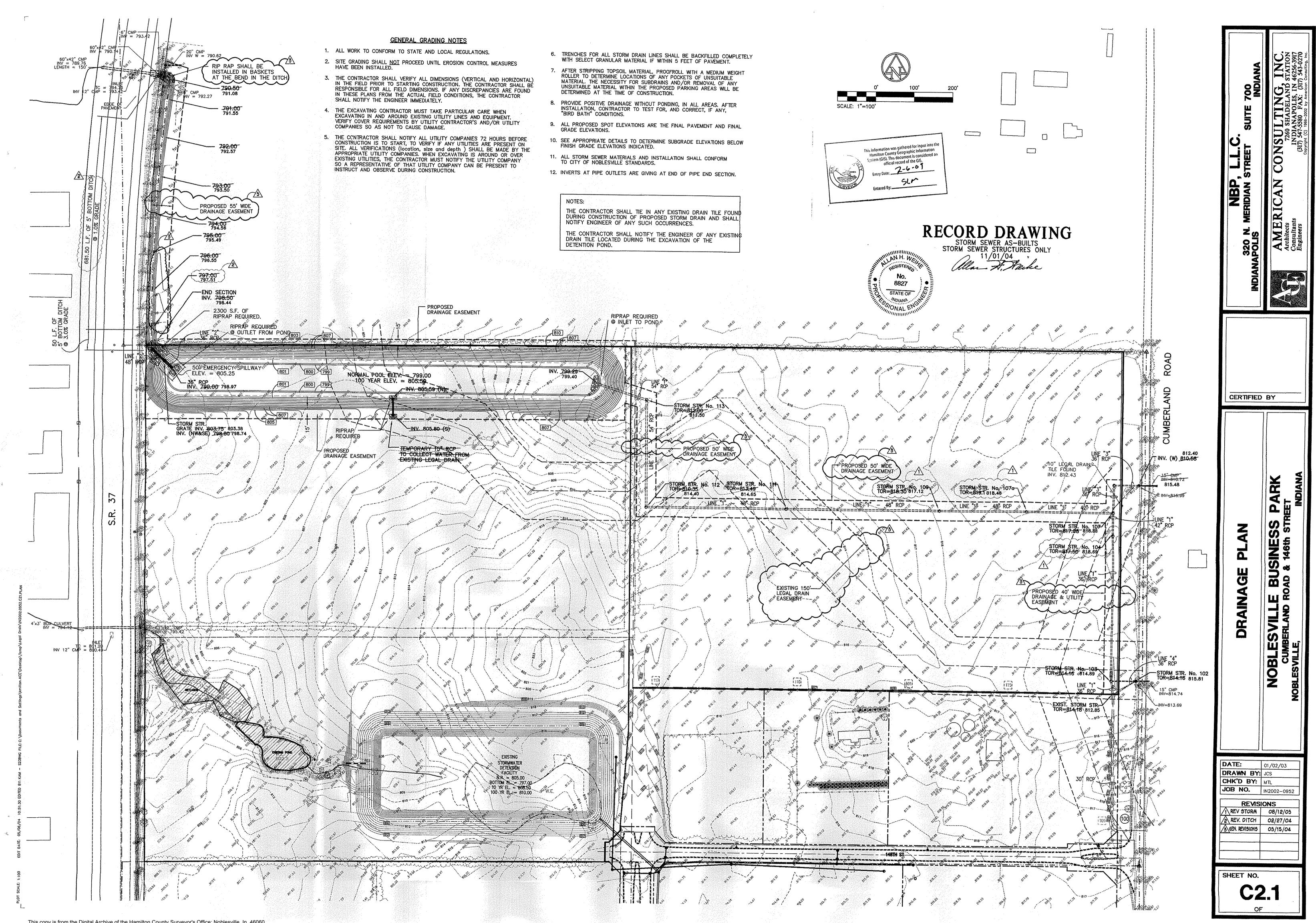
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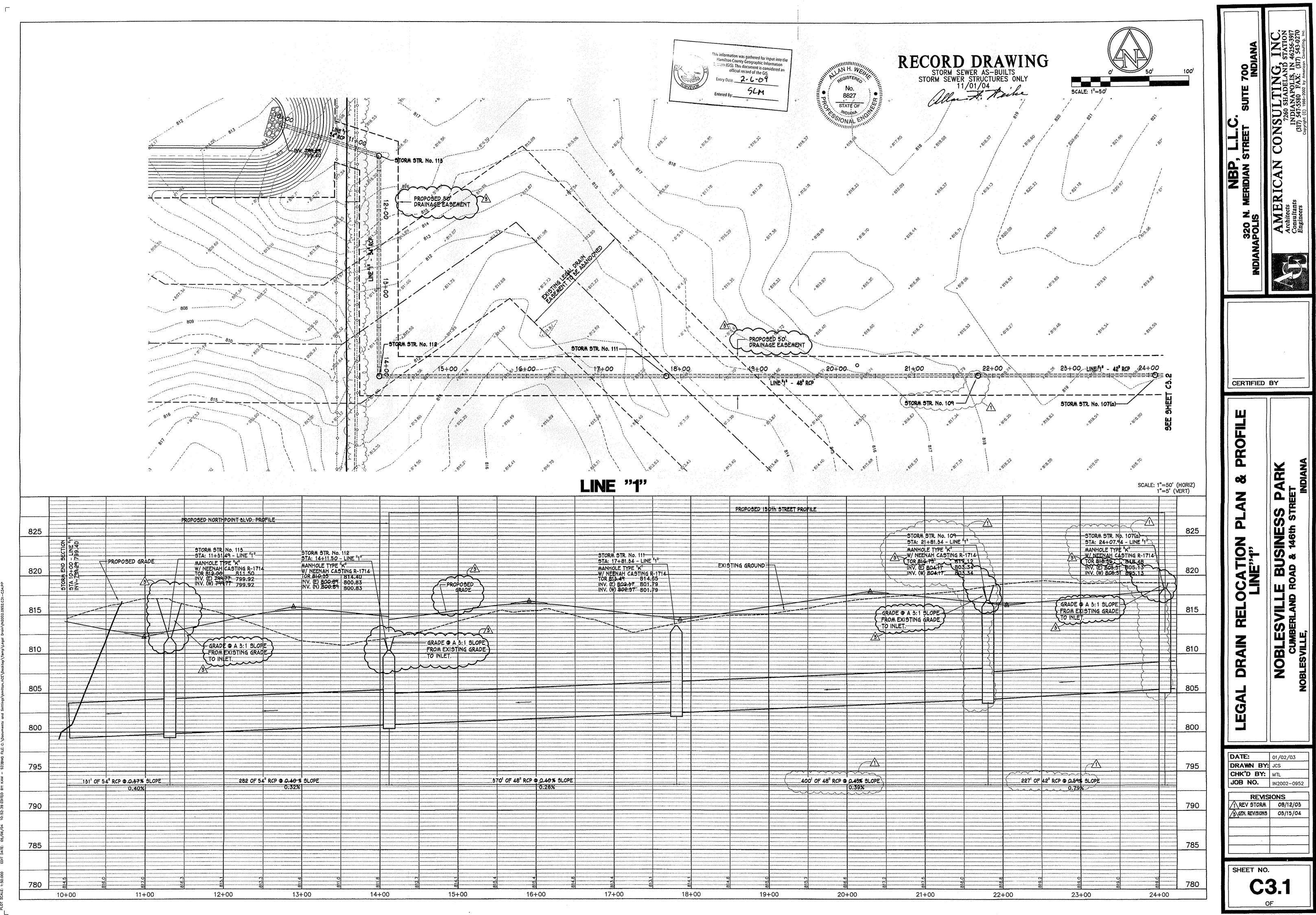




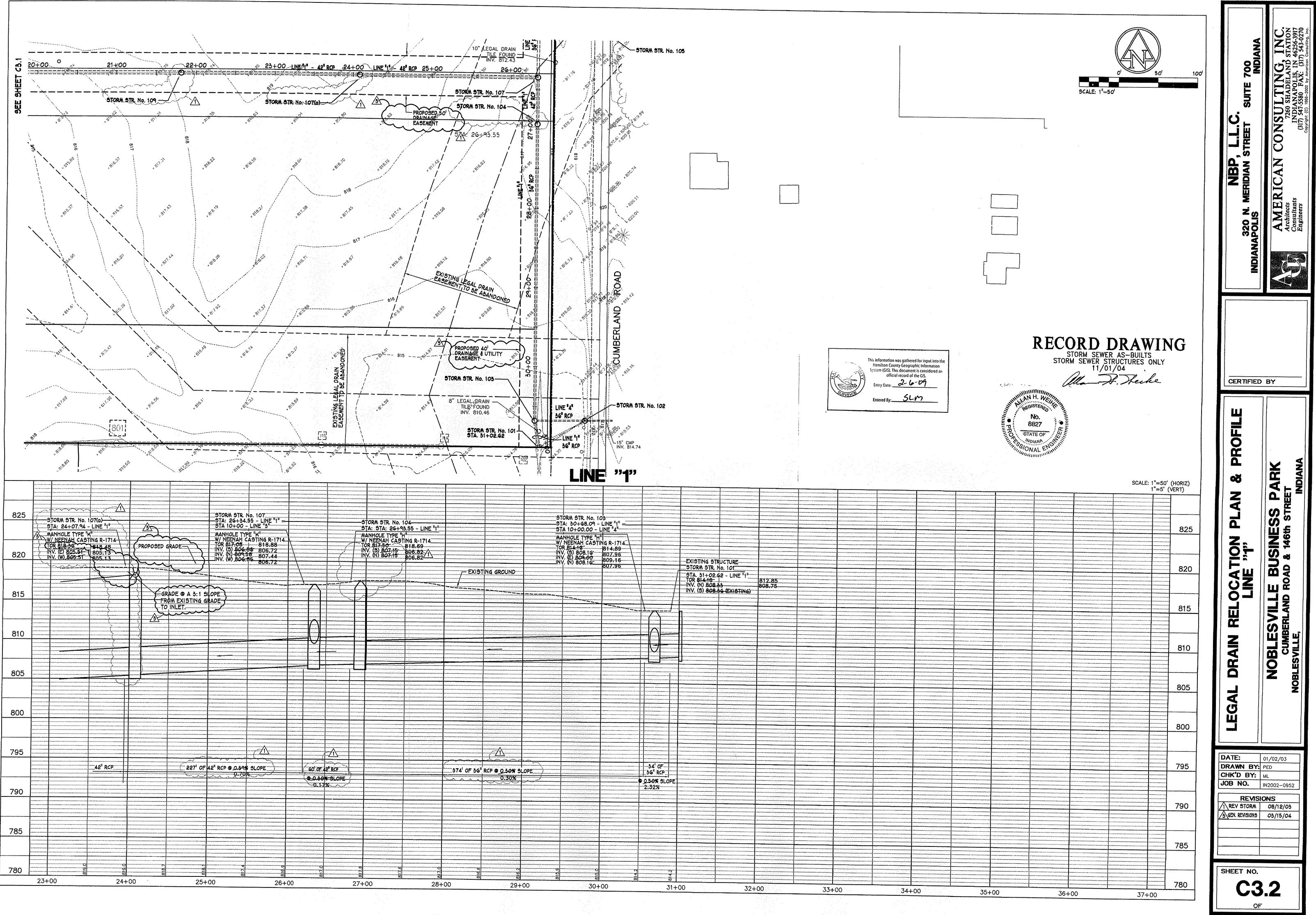


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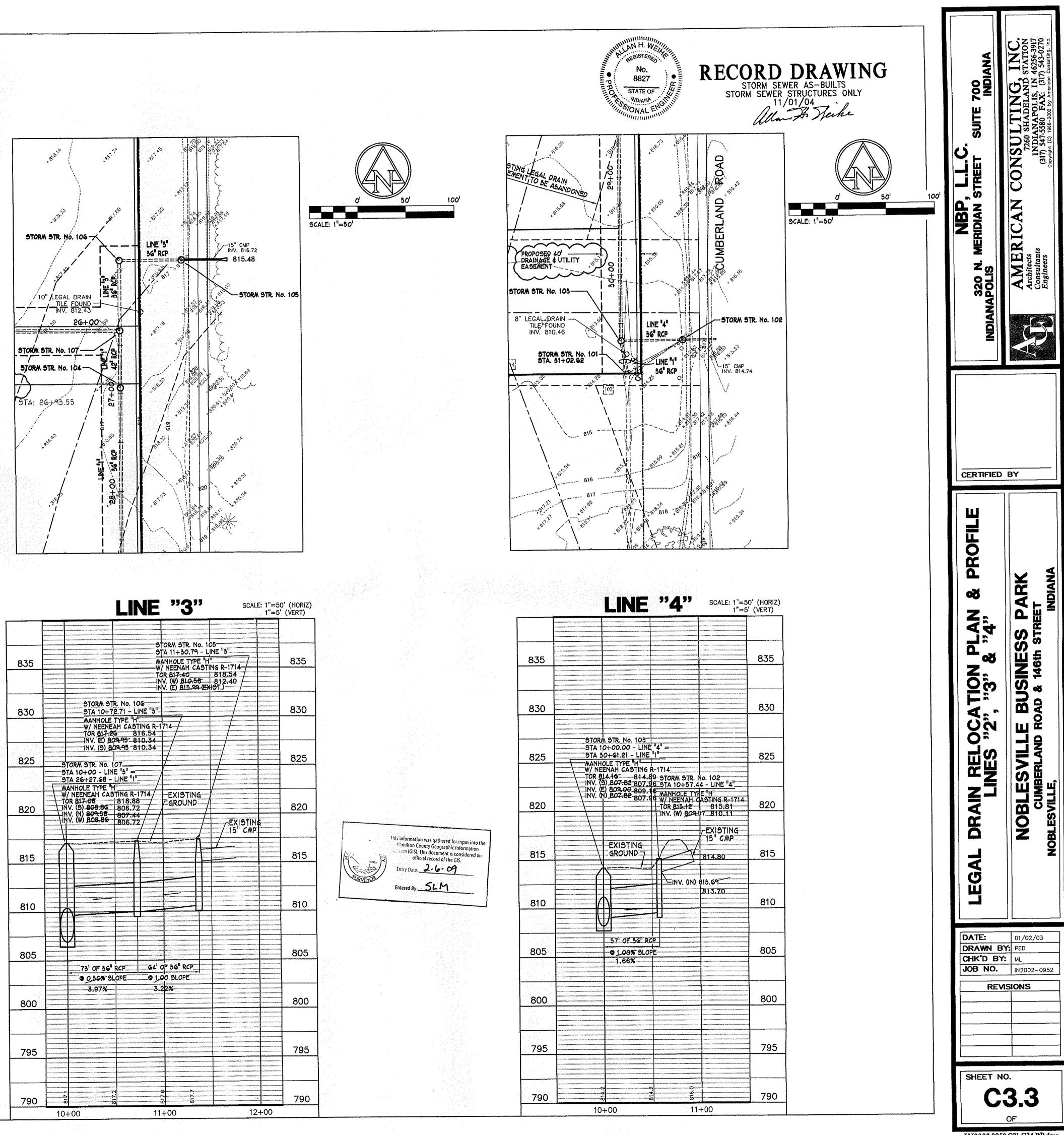
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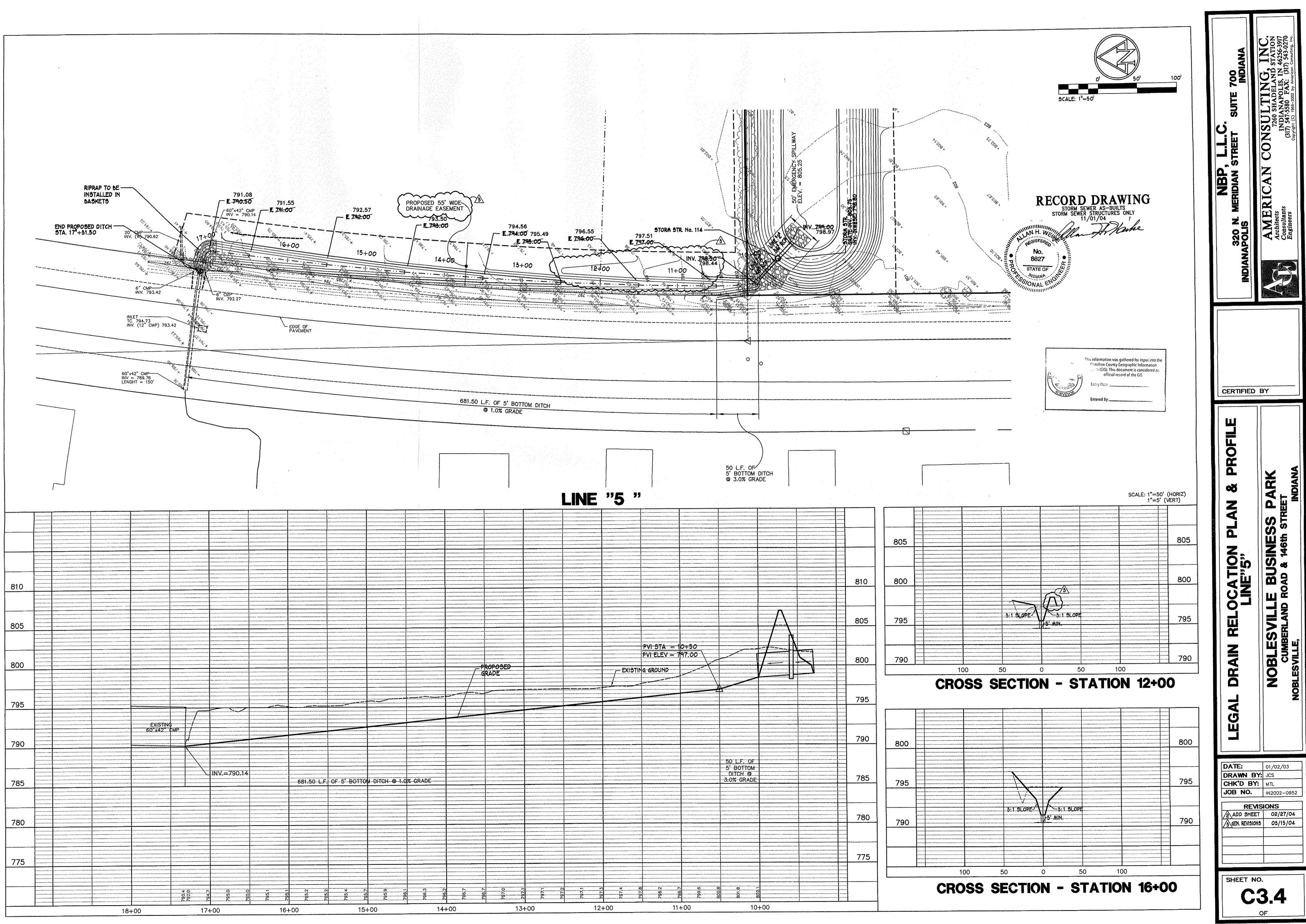
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