



SURVEYOR'S OFFICE  
**Hamilton County**

*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*

August 17, 2012

To: Hamilton County Drainage Board

Re: Miller-Carson Drain Reconstruction  
Atlanta-OCRA Stormwater Improvement Grant

On December 19, 2011 the Town of Atlanta made a request of the Hamilton County Drainage Board (HCDB) to approve the engineering contract of Triad Associates and expedite the reconstruction hearing of the Miller-Carson Regulated Drain (see Hamilton County Drainage Board Minutes Book 14, pages 63-68). The construction of said project needed to begin by June 7, 2012 in order to apply for a second OCRA Grant by June 8, 2012 to upgrade Atlanta's Wastewater Treatment Facility to comply with IDEM's agreed order. The Hamilton County Drainage Board complied with the request.

On March 12, 2012 the Hamilton County Surveyor's Office received the preliminary construction plans for the project. The Town of Atlanta appeared at the Drainage Board meeting on the same day and asked the Hamilton County Drainage Board to set the reconstruction hearing for May 14, 2012 and to publically bid the project and open the bids on May 3, 2012 prior to the public hearing. The accelerated schedule was necessary to meet the OCRA Grant Application mentioned above (see Hamilton County Drainage Board Minutes Book 14, pages 109-111). The Hamilton County Drainage Board approved this request.

The reconstruction report dated March 20, 2012 (see Hamilton County Drainage Board Minutes Book 14, 2012, page 134) was written prior to construction plan approval by the County Surveyor to meet the public notice period for the public hearing. The report referenced Triad's engineers cost estimate for the project including a 48" RCP jack and bore under S.R. 19. The estimated cost was \$65,000.00. The Indiana Department of Transportation (INDOT) was sent public notice of special assessment for \$65,000.00 for the 48" RCP jack and bore per IC 36-9-27-71 plus INDOT's share of the reconstruction

assessment of \$5,959.16. INDOT did not send written notice of objection or attend the public hearing on the reconstruction project.

During the construction plan review, the County Surveyor and Triad agreed to increase the size of the 48" RCP jack and bore to a 60" RCP jack and bore under S.R. 19 to match the 60" RCP downstream. Triad increased their cost estimate for this crossing to \$80,000.00, but the public notice of assessment had been mailed to meet the public hearing date.

A pre bid meeting was held on April 25, 2012 in the Town of Atlanta and bids were received and opened on May 3, 2012. Watson Excavating was the project low bidder.

On May 14, 2012 the Hamilton County Drainage Board approved the Miller-Carson Drain Reconstruction project and associated reconstruction assessments (see Hamilton County Drainage Board Minutes Book 14, pages 152-160).

The Hamilton County Drainage Board awarded the construction contract to Watson Excavating on May 14, 2012 subject to contract documents (see Hamilton County Drainage Board Minutes Book 14, page 161). Construction contract documents were signed by Commissioner Dillinger and Town of Atlanta Council President Steve Dial on May 22, 2012. Notice of award was given to Watson Excavating on the same date. A preconstruction conference was held in Atlanta on May 29, 2012 and construction commenced on June 7, 2012.

Watsons's contract bid price for the project is \$769,890.60. Included in this lump sum bid price is the price of the 60" RCP jack and bore under S.R. 19 for \$150,000.00. This exceeds the assessment as noticed to INDOT for \$65,000.00.

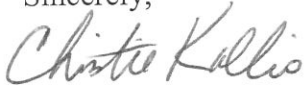
To reduce the cost of this crossing, Triad, Watson Excavating and the County Surveyor looked at other options to the 60" RCP jack and bore. The County Surveyor agreed to allow a 60" steel directional bore at S.R. 19 in lieu of the 60" RCP jack and bore. This option reduced the cost of this crossing to \$128,500.00. INDOT approved this change in specification per the attached letter from Walter Evans, P.E., dated August 3, 2012. Change Order #4 to the contract reduced the contractors bid pay item by \$21,500.00 to \$128,500.00 and was approved by the Hamilton County Drainage Board on July 23, 2012 (see Hamilton County Drainage Board Minutes Book 14, pages 210-211).

All of the work for the proposed 60" steel directional bore under S.R. 19 will be performed within existing INDOT right of way and within existing regulated drainage easement. No additional easements are required for the project. I believe no damages will result to the landowners by the reconstruction of this drain. Damages are set at zero (0).

The cost for the 60" steel directional bore under S.R. 19 will increase the special assessment to the Indiana Department of Transportation by \$63,500.00 for a revised special assessment of \$128,500.00 to the Indiana Department of Transportation, instead of the special assessment of \$65,000.00 previously noticed on April 13, 2012.

I recommend the Board set a hearing for this item for September 26, 2012.

Sincerely,



Christie Kallio, P.E.  
Hamilton County Surveyor's Office

CK/llm

STATE OF INDIANA )  
 ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE

**Miller-Carson Drain Reconstruction - Atlanta-OCRA Storm Water  
Improvement Grant (INDOT Assessment)**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Miller-Carson Drain Reconstruction - Atlanta-OCRA Storm Water Improvement Grant (INDOT Assessment)** came before the Hamilton County Drainage Board for hearing **on September 26, 2012**, 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 **Miller-Carson Drain Reconstruction - Atlanta-OCRA Storm Water Improvement Grant (INDOT Assessment)** 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



# INDIANA DEPARTMENT OF TRANSPORTATION

*Driving Indiana's Economic Growth*

Greenfield District  
32 South Broadway  
Greenfield, IN 46140

PHONE: (317) 462-7751  
FAX: (317) 467-3955

**Mitchell E. Daniels, Jr., Governor**  
**Michael W. Reed, Commissioner**

Kent Ward, Hamilton County Surveyor(Applicant)  
Triad Associates Inc.(Project Engineer)  
Hamilton County Drainage Board  
1 Hamilton County Sq. Suite 188  
Noblesville, IN 46060

August 3, 2012

Dear Mr. Ward,

As a part of Permit #E12G5CR0068, our staff is requesting a change in the permit that your contractor use the 60 in. diameter steel carrier pipe alternative instead of the 60 in. diameter reinforced concrete pipe. After much discussion with our central office staff and construction personnel, this alternative has been proven to be more effective way to promote the life expectancy of the pipe as well as being a cost-effective and a safe way to construct. I also believe that the contractor on-site is equipped to this work item.

Unfortunately when approving the permit yesterday, an error was made when it was assumed that this alternative had been described in the original permit. Jack Kimmerling, Greenfield District Permits Coordinator will follow up this request with any necessary addendum to the permit. I thought it would be important to communicate this as soon as possible for the drainage work to commence.

If you have any permit questions, please do not hesitate to ask Jack Kimmerling at (317) 467-3492.

Thank you for your patience,

Walter Evans, P.E.  
Maintenance Field Engineer, HE2  
Indiana Department of Transportation  
32 S. Broadway  
Greenfield, IN 46140  
[wevans@indot.in.gov](mailto:wevans@indot.in.gov)  
(317) 467-3943 office  
(317) 439-7254 cell

[www.in.gov/dot/](http://www.in.gov/dot/)

*An Equal Opportunity Employer*



# INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

Greenfield District  
32 South Broadway  
Greenfield, IN 46140

PHONE: (317) 462-7751  
FAX: (317) 467-3955

**Mitchell E. Daniels, Jr., Governor**  
**Michael B. Cline, Commissioner**

Hamilton County Drainage Board  
1 Hamilton County Sq. Suite 188  
Noblesville, IN 46060

September 20, 2012



To Whom it May Concern:

The Indiana Department of Transportation (INDOT) is objecting to the increase assessment of \$63,500 for the revised special assessment of \$128,500 of the Miller-Carson Drain Reconstruction, Atlanta-OCRA Stormwater Improvement grant.

The basis of objection is that total costs for the project are not known at this time. With the OCRA grant amount of \$600,000 and the projected assessments of \$594,567.50 (which includes INDOT's assessment of \$65,000), the current funds available for this project is \$1,194,567.50. This amount has not been exceeded at this time. Since federal funds are being used for this project, there is no precedent that INDOT should bare the full costs of this installation. In a 100% county funded project, the state would bear 100% of the costs. But with the 60% federal cost share, one could determine that INDOT would bear only 40% of the costs which would be \$51,400.

At this time, we request that this assessment be tabled until more information is provided.

Sincerely,

Walter Evans, P.E.  
Maintenance Field Engineer, HE2  
Indiana Department of Transportation  
32 S. Broadway  
Greenfield, IN 46140  
[wevans@indot.in.gov](mailto:wevans@indot.in.gov)  
(317) 467-3943 office  
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# HAMILTON COUNTY DRAINAGE BOARD

April 13, 2012

## Notice of Hearing on Reconstruction & Schedule of Assessments and Damages on the **Miller-Carson Drain. (Atlanta-OCRA Storm Water Improvement Grant)**

Indiana Department Of Transportation  
32 Broadway St S  
Greenfield, IN 46140

Under the Indiana Drainage Code, all land which drains directly, or indirectly, may be assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. The Drainage Board has received a reconstruction report and schedule of assessments which affects your land. The purpose of the reconstruction project is to perform work which will substantially improve the drainage for the entire watershed served by the drain.

You are hereby notified that the reconstruction report of the County Surveyor and the schedule of assessments made by the Drainage Board have been filed and are available for public inspection in the office of the County Surveyor. The chart below contains your proposed assessment and your percentage of the total reconstruction assessment.

The reconstruction report of the Surveyor and schedule of damages and benefits as determined by the Drainage Board for the proposed improvement known as the **Miller-Carson Drain (Atlanta-OCRA Storm Water Improvement Grant)** have been filed and are available for inspection in the office of the County Surveyor. The schedule of assessments shows the following lands in your name are affected as follows. This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Description of Land	Acres Benefited	Damages	Reconst. Assmt.	% of Total	Maint. Assmt.		
99-99-99-99-999.002, Special							
New structure under SR19 assessed per IC 36-9-27-71.	n/a	Zero	\$65,000.00	10.932%	No change.		
<b>The reconstruction assessment may be paid in full by November 10, 2013 or installments may be made with a 2% interest on the unpaid balance over a seven year period. Proposed installments are shown below and will run from 2013 through 2019. The due date will be May 10<sup>th</sup> &amp; November 10<sup>th</sup> of each year.</b>							
<b>Year</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
May 10	\$4,642.86	\$4,642.86	\$4,642.86	\$4,642.86	\$4,642.86	\$4,642.86	\$4,642.86
Nov 10	\$4,642.86	\$4,642.86	\$4,642.86	\$4,642.86	\$4,642.86	\$4,642.86	\$4,642.82

The hearing on the Surveyor's reconstruction report and on the schedules of damages and assessments are set for hearing at **12:05 P.M. on May 14, 2012**, in the Commissioner's Court. The law provides that objections must be written and filed not less than 5 days before the date of the hearing. Objections may be for causes as specified by law and which are available at the Surveyor's Office. Written evidence in support of objections may be filed. The failure to file objections constitutes a waiver of your right to thereafter object, either before the Board or in court on such causes, to any final action of the Board. On or before the day of the hearing before the Board, the Surveyor shall and any owner of affected lands may cause written evidence to be filed in support of or in rebuttal to any filed objections.

HAMILTON COUNTY DRAINAGE BOARD  
One Hamilton County Square, Ste. 188  
Noblesville, IN 46060-2230

*For a copy of the Surveyor's Report to the Drainage Board and a copy of the map, if applicable, please go to [www.hamiltoncounty.in.gov/drainageboardnotices](http://www.hamiltoncounty.in.gov/drainageboardnotices).*

# HAMILTON COUNTY DRAINAGE BOARD

April 13, 2012

## Notice of Hearing on Reconstruction & Schedule of Assessments and Damages on the **Miller-Carson Drain. (Atlanta-OCRA Storm Water Improvement Grant)**

Indiana Department Of Transportation  
32 Broadway St S  
Greenfield, IN 46140

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You are hereby notified that the reconstruction report of the County Surveyor and the schedule of assessments made by the Drainage Board have been filed and are available for public inspection in the office of the County Surveyor. The chart below contains your proposed assessment and your percentage of the total reconstruction assessment.

The reconstruction report of the Surveyor and schedule of damages and benefits as determined by the Drainage Board for the proposed improvement known as the **Miller-Carson Drain (Atlanta-OCRA Storm Water Improvement Grant)** have been filed and are available for inspection in the office of the County Surveyor. The schedule of assessments shows the following lands in your name are affected as follows. This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Description of Land	Acres Benefitted	Damages	Reconst. Assmt.	% of Total	Maint. Assmt.		
99-99-99-99-999.002, Road							
S1 & 2 T20 R4; S.R. 19	31.74	Zero	\$5,959.16	1.002%	No change.		
<b>The reconstruction assessment may be paid in full by November 10, 2013 or installments may be made with a 2% interest on the unpaid balance over a seven year period. Proposed installments are shown below and will run from 2013 through 2019. The due date will be May 10<sup>th</sup> &amp; November 10<sup>th</sup> of each year.</b>							
Year	2013	2014	2015	2016	2017	2018	2019
May 10	\$425.65	\$425.65	\$425.65	\$425.65	\$425.65	\$425.65	\$425.65
Nov 10	\$425.65	\$425.65	\$425.65	\$425.65	\$425.65	\$425.65	\$425.71

The hearing on the Surveyor's reconstruction report and on the schedules of damages and assessments are set for hearing at **12:05 P.M. on May 14, 2012**, in the Commissioner's Court. The law provides that objections must be written and filed not less than 5 days before the date of the hearing. Objections may be for causes as specified by law and which are available at the Surveyor's Office. Written evidence in support of objections may be filed. The failure to file objections constitutes a waiver of your right to thereafter object, either before the Board or in court on such causes, to any final action of the Board. On or before the day of the hearing before the Board, the Surveyor shall and any owner of affected lands may cause written evidence to be filed in support of or in rebuttal to any filed objections.

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*For a copy of the Surveyor's Report to the Drainage Board and a copy of the map, if applicable, please go to [www.hamiltoncounty.in.gov/drainageboardnotices](http://www.hamiltoncounty.in.gov/drainageboardnotices).*



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Miller-Carson Drain (Atlanta-OCRA Storm Water Improvement Grant)***

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 **Miller-Carson Drain (Atlanta-OCRA Storm Water Improvement Grant)** on **September 26, 2012** at **9:15 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 **Miller-Carson Drain Reconstruction,  
Atlanta-OCRA Storm Water Improvement Grant**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **September 26, 2012** 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 C. Dillinger  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY