

Mr. Dillinger made the motion to approve the Surveyor's report for the Booth-Snead reconstruction, seconded by Mrs. Clark and approved unanimously.

Mr. Howard entered at this time.

Village of WestClay:

The following were present for this discussion: Mr. George Sweet, Mr. Terry Hebert, Mr. Parks Pifer and Mr. Jose Kreutz.

Mr. Kreutz, from Brenwick, approached the Board. He stated that, for Mrs. Clark's benefit, at the previous meeting on November 22, 1999, the reason for the appearance was to request permission to install a thirty (30") inch high concrete wall around three of the lakes in the Village of WestClay project. He stated that the wall would serve two purposes. The first and foremost purpose was for erosion control and the second was for an architectural look that Brenwick Development was trying to achieve with the rest of the project. Mr. Kreutz stated that the wall did not comply with the ordinance as far as the grading of the lake edges. He stated that the Surveyor's Office had issued a stop work order on the project. He stated that he was before the Board with what his company thought was the best solution to the situation. Five or six different ideas were explored to make the situation liability proof. He stated that the conclusion was that anything that would provide a way out of the lake would also encourage entrance into the lake. He then presented a copy of a letter that was addressed to the Surveyor that stated that Brenwick Development believed that best solution would be to indemnify the county. (See file. See end of minutes for Insurance Policy and Covenant Amendment) The insurance policy should cover the issue of potential liability. Mr. Kreutz stated that from a technical standpoint the wall had been constructed to meet IDNR standards. It also complies with the EPA's Phase II of the NPDES regulations. Mr. Kreutz also presented a cross section drawing of the wall. He stated that he requested that the Board review and approve a non-enforcement request and that the Board rescind the stop work order on the project.

Mr. Dillinger stated that he had been out to see the walls with Mr. Kreutz and inspected the situation. He stated that he agreed with Mr. Kreutz and Brenwick Development that any thing that would provide a way out would also encourage entrance into the ponds. He stated that he did not see it as a risk situation to allow the wall.

Mr. Howard stated that he had reviewed the Second Amendment to the Declarations and made recommendations for some changes. Those changes had been included in the documentation. He stated that he had also reviewed the policy for the indemnity and stated that it did not comply with what Mr. Kreutz had proposed. Mr. Howard stated that it was for three million more than what was proposed, thus providing more coverage. Mr. Howard stated that with the covenant making the Homeowners Association responsible for the policy he believed that the Drainage Board and Board of County Commissioners would be protected from any liability. He stated that the forms were in proper form.

Mr. Dillinger made the motion to approve the design of the lakes and to approve the non-enforcement, seconded by Mrs. Clark.

Mrs. Clark asked if the Surveyor was comfortable with the design of the lake?

The Surveyor stated that with the liability issue aside the design would work.

The motion was approved unanimously.

Mr. Dillinger made the motion to rescind the stop work order, seconded by Mrs. Clark and approved unanimously.

Section 52.5 Hearing - Orville Keys-North Gray Road Business Park:

Mr. Jim Steckley was present for this hearing.

Mr. Steckley approached the Board. He stated that he had been working with the Surveyor in an effort to rebuild his buildings that burned down about two years ago. He stated that the plans had been approved and that he had requested easement non-enforcement. He stated that he had also requested that a portion of the drain be vacated. The Surveyor had recommended that Mr. Steckley also reconstruct a portion of the Orville Keys drain.

The Surveyor presented his report to the Board for approval.

"To: Hamilton County Drainage Board

December 13, 1999

Re: Orville Keys Drain

Attached is a petition and plans for the proposed relocation of the Orville Keys Drain. The relocation is being proposed by James R. Steckley, owner, North Gray Road Business Park. The proposal is to relocate a portion of the main drain between Sta. 0 and Sta. 6+50. The new drain will begin in the Southwest corner of tract 08-10-08-00-00-026.000 and run East to Sta. 6+50 (intersection of the main line and Arm 2). A 30 foot drainage easement shall be recorded along the West line of the above-mentioned tract.

The total length of new tile shall be 322 feet of 10" concrete tile. The 650 feet of original tile drain between Sta. 0 and Sta. 6+50 shall be vacated. This proposal will remove 328 feet of the drains total length.

The cost of the relocation is to be paid by James R. Steckley. Because the project is to be paid by the petitioner and is within the boundaries of the petitioner's property, the project falls under the requirements as set out in IC 36-9-27-52.5. Therefore, a hearing is not required for the petition.

The petitioner has provided the Performance Bond as follows:

Name of Bonding Co.: Metro Bank
 Letter of Credit #: 1152
 Letter of Credit Date: October 25, 1999
 Letter of Credit Amount: \$2,500.00
 Letter of Credit Term (1Year Max): October 25, 2000

I recommend approval of the relocation by the Board at this time.

Also attached is a non-enforcement for this site for the construction of the dry detention basin. This is for Arm 2 of the drain. I also recommend approval by the Board to reduce the easement to 50 feet by parallel lines along the South property line of the tract.

Kenton C. Ward
 Hamilton County Surveyor

KCW/kkw "

Mr. Steckley approached the Board. He stated that he had been working with the Surveyor in an effort to rebuild his buildings that burned down about two years ago. He stated that the plans had been approved and that he had requested easement non-enforcement. He stated that he had also requested that a portion of the drain be vacated. The Surveyor had recommended that Mr. Steckley also reconstruct a portion of the Orville Keys drain.

Mr. Dillinger made the motion to approve the reconstruction, vacation and non-enforcement for the Orville Keys drain, seconded by Mrs. Clark and approved unanimously.

Non-enforcement-U. G. Mitchner Drain:

Ms. Marcia Cossell was present for this item.

Ms. Cossell approached the Board and stated that the reason the request was made was for existing garage, house and deck. The request was for parcel 17-10-34-03-04-002.000. Ms. Cossell stated that the non-enforcement was required for the bank to be able to close on a loan. She asked the Board to grant the encroachment.

Mr. Holt asked what was the recommendation by the Surveyor's Office?

Mr. Kurt Wanninger approached the Board. He stated that the Surveyor's Office recommended approval of the non-enforcement request.

Mr. Dillinger made the motion to approve the non-enforcement request, seconded by Mrs. Clark and approved unanimously.

Section 52.5 Hearing-Oliver Shoemaker Drain-Fishers Trade Center Phase II:

The following were present for this hearing: Mr. Jim Moxey and Mr. Mark Thompson.

The Surveyor presented his report to the Board for approval.

"To: Hamilton County Drainage Board

December 13, 1999

Re: Oliver Shoemaker Drain

Hamilton County Drainage Board
Court House
Noblesville, Indiana

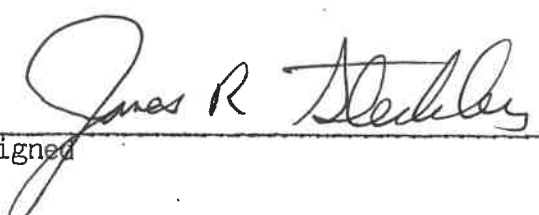
IN RE: Orville Keys Drain
Hamilton County, Indiana

PETITION FOR RELOCATION AND RECONSTRUCTION

James R. Steckley (hereinafter "Petitioner"),
hereby petitions the Hamilton County Drainage Board for authority to re-
locate and improve a section of the Orville Keys Drain,
and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the
Orville Keys 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 Orville Keys
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 Orville Keys
Drain, without cost to other property owners on the watershed of
the Orville Keys Drain.

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


Signed

James R. Steckley
Printed Name