

R.L.W.

SURVEYOR'S OFFICE
Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495
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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

March 1, 2016

TO: Hamilton County Drainage Board

RE: Morrow – Follett Drain – J.W. Morrow Arm – Partial Vacation

Attached is a partial vacation request and additional documentation submitted by Wayne Overbey, owner of parcel 16-09-25-12-01-009.000 in Clay Township.

The portion of the Morrow – Follett Drain to be vacated is the J.W. Morrow Arm from Sta. 27+27 to Sta. 30+26 per the original 1906 legal description. This is portion of the original tile installed in 1906 to provide drainage for the entire western side of the original downtown of Carmel. The Morrow tile was supplemented in 1928 with the large R.J. Follett tile, which lies down the middle of 1st Street NW in this area, to provide additional drainage capacity for the growing downtown area of Carmel. In 1990, the City of Carmel installed a larger pipe along the Monon Trail to provide more drainage capacity for the increasing amount of impervious area with in their downtown area. All 3 of these tiles are part of the Morrow – Follett Regulated Drain system and all 3 do provide drainage to different parts of the downtown area of the City of Carmel today.

The proposed vacation will remove 299 feet of 22” tile from the total length of the J.W. Morrow Arm of Morrow – Follett Drain.

The tile has been previously modified with a City of Carmel road project and the remaining portion of tile from Sta. 27+27, south to Sta. 24+37, is connected to the curb inlet box on the north side of 2nd Avenue NW. The 2nd Avenue NW drainage system drains west and connects into the 72” Morrow – Follett Drain, City of Carmel Reconstruction Arm along the Monon Trail. The original tile is capped with concrete just north (downstream) of the inlet structure.

On the north end, the tile was also modified with a City of Carmel road project that takes drainage from 3rd Avenue NW, west to the 72” Morrow – Follett Drain, City of Carmel Reconstruction Arm along the Monon Trail. At Sta. 30+26, the drain is connected to a manhole in 3rd Avenue NW, but is capped off with concrete to force the flow down the new system to the west.

A video of the tile between the stations to be vacated was provided by the City of Carmel. A review of this video does show one spot of partially collapsed tile, but still open to low flow, and some sedimentation in the bottom of the tile. This is not out of the ordinary for a 110 year old tile and it is still capable of flow that would equal or exceed the runoff from the current drainage area of this portion of the tile.

Due to the previous drain modifications and the City of Carmel road projects, the drainage area for this portion of the tile between Sta. 27+27 and Sta. 30+26 has been reduced to the city block bound by 2nd Ave NW, 3rd Ave NW, 1st Street NW, and 2nd Street NW, excluding the paved street areas. The parcels that receive benefit from this tile are in the table below.

| Parcel | Acreage | Owner |
|----------------------------|----------|------------------------------|
| 16-09-25-12-01-009.000 | 0.24 Ac. | Wayne & Kathleen Overbey |
| 16-09-25-12-01-010.000 | 0.27 Ac. | Dixiana Packard |
| 16-09-25-12-01-011.000 | 0.24 Ac. | Dixiana Packard |
| 16-09-25-12-01-012.000 | 0.24 Ac. | Max & Jo Anne Waples |
| 16-09-25-12-01-038.000 | 0.19 Ac. | Robert & Ruth Brown |
| 16-09-25-12-01-039.000 | 0.16 Ac. | Emma Tilman |
| 16-09-25-12-01-040.000 | 0.10 Ac. | JW Land Management LLC |
| 16-09-25-12-01-041.000 | 0.10 Ac. | Tamara Mattingly |
| 16-09-25-12-05-001.000 | 0.15 Ac. | Steven & Jacque Kirsh |
| 16-09-25-12-05-002.000 | 0.15 Ac. | Robert II & Christine Roache |
| 16-09-25-12-05-003.000 | 0.15 Ac. | James & Dona Rice |
| Partial Alley Right of Way | 0.10 Ac. | City of Carmel |

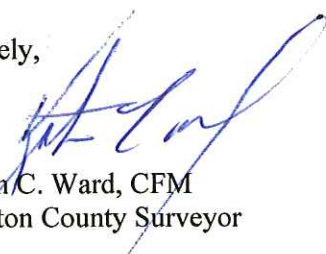
The drain is currently not set up for maintenance assessment and is maintained by the City of Carmel, so this will not change any assessments for the Morrow – Follett Drain on these parcels. Per the letter dated February 9, 2016 from Jeremy Kashman, City Engineer, the City of Carmel is in support of this request.

Mr. Overbey's request dated February 10, 2016 discusses two lines as shown on his attachment to his letter. The black line shown on the map attachment is the location of the regulated drain. The red line is the location of the drain per the GIS. Please be aware that the location shown on the GIS is per the 1906 legal description and was not field verified. This confusion also carries on to the letters dated December 30, 2015 from Jo Anne Waples and Dixiana Packard and Mr. Overbey's letter to the City of Carmel dated February 2, 2016. Please be aware that there is only one line, not two as stated in the aforementioned letters.

I believe that the requested partial vacation meets the requirements for vacation as set out in IC 36-9-27-34(d).

I recommend the Board set a hearing for this item as set out in IC 36-9-27-37 for April 25, 2016.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Morrow-Follett Drain, J. W. Morrow Arm Partial Vacation

Station 27+27 to Station 30+26

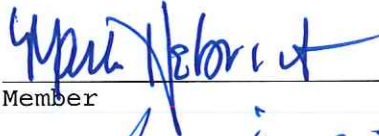
On this 25th day of April, 2016, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Morrow-Follett Drain, J. W. Morrow Arm Partial Vacation - Station 27+27 to Station 24+37.

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 Morrow-Follett Drain, J. W. Morrow Arm Partial Vacation - Station 27+27 to Station 24+37.

HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD IN THE MATTER OF THE
Morrow-Follett Drain, J. W. Morrow Arm Partial Vacation

NOTICE is hereby given that a request by the Hamilton County Surveyor for the **PARTIAL VACATION OF THE J. W. MORROW ARM TO THE MORROW-FOLLETT DRAIN** across the Wayne Overby Property, Parcel No. 16-09-25-12-01-009.000 (Station 27+27 to Station 30+26 per the original 1906 Legal Description) has been filed and that a hearing is scheduled for April 25, 2016 at 9:00 A.M. on that request.

Objections to the VACATION of the drain must be filed in writing not less than five (5) days before the date of the hearing.

The Board will consider whether the drain performs the function for which it was designed and constructed; whether the expense of maintenance outweighs the benefits to be derived therefrom, and whether the abandonment thereof will not be detrimental to the public welfare.

HAMILTON COUNTY DRAINAGE BOARD

ATTEST: Lynette Mosbaugh
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Morrow-Follett Drain, J. W. Morrow Arm Partial Vacation

NOTICE

Notice is hereby given pursuant to Indiana Code 36-9-27-63 (before codification in 1981) that this Board, prior to final adjournment on **April 25, 2016** issued an order adopting the partial vacation, filed the same and made public announcement thereof at the hearing and ordered publication. Copies of the schedule of assessments and order are on file in the office of the Hamilton County Surveyor. If judicial review of the findings and order of the Board is not requested pursuant to Indiana Code 36-9-27-65(f) within twenty (20) days from the date of this publication, the order shall be conclusive.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY

10 Feb 2016

Mr. Kenton Ward
Hamilton County Surveyor

RE: Clarification of Vacation Request

The section of drain pipe that I am requesting vacation is, as best as I can ascertain, called the Morrow Arm of the Morrow Follett Drain. I am requesting the vacation of the section between 2nd St NW to 3rd St NW, parallel to 1st Ave NW.

The drawing included shows a solid black line from 2nd St NW to 3rd St NW, which is the subject drain pipe. This drain is plugged at the 2nd St NW structure (located in the yard of 210 1st Ave NW) with concrete and is completely collapsed at my property located at 240 1st Ave NW. This pipe was camera surveyed in November and December and indicated no water flow in this section of drain pipe. Signed statements by Dixie Packard and Jo Anne Waples indicate that the three lateral pipes connecting to this section of drain pipe are inactive and not draining into the pipe.

The red dotted line parallel and to the west of the solid black line does not appear to exist. On Friday, February 5th, a trench perpendicular and across the line of travel of the red dotted line was dug on my property and this pipe was not located.

I think the GIS map incorrectly indicates the red dotted line as another line, but should be the same as the solid black line.

I hope this is informative and helpful in your decision.

Best Regards,



Wayne Overbey PE

Date: 02 Feb 2016

To: Mr. Jeremy Kashman, P.E.

CC: John Thomas, Julia Litchfield

Subject: Drain Pipe Vacation

Mr. Kashman,

After investigation by the City of Carmel, a determination concerning the drain pipe that runs in a north direction between 2nd St NW and 3rd St NW has been reached. This drain may be the JW Morrow Arm of the Morrow Follett Drain. A camera survey has determined that this drain is plugged (concrete) at the 2nd St NW drain structure and is collapsed at my property at 240 1st Ave NW.

I propose to plug this pipe at the 3rd St NW drain structure and also plug the pipe at the property line between my property at 240 1st Ave NW and 220 1st Ave NW (Dixie Packard's property). I plan to crush this pipe in place and backfill. I will place a monument in the ground to indicate the location of the pipe at my property line and the 220 1st St NW property. This drain pipe runs directly under my proposed residence.

There is a question as to whether there are two drain pipes that run parallel between 1st St NW to 3rd St NW or just one. The GIS mapping appears to indicate two; I propose to dig a trench perpendicular to the line of travel of these pipes at the far west end of my property to determine if the second drain pipe actually exists.

I hope you find this proposal satisfactory and agree to allow me to proceed forward.

Best Regards,

A handwritten signature in black ink, appearing to read "Wayne Overbey". The signature is written in a cursive style with a large initial "W".

Wayne Overbey, PE

Dec 30, 2015

To: Mr Kenton Ward, Hamilton County Surveyor

Subject: Morrow Follett (?) Storm Drain Line

I, Jo Anne Waples, am the owner of a parcel located at 210 1st Avenue NW (Parcel: 16-09-25-12-01-012.000).

Two storm water drains cross my properties; one storm drain (regulated drain) crosses near the west boundary of my properties and the other pipe crosses near the center of my properties (this line does not appear on the Hamilton County GIS map of regulated drains). The subject of this statement concerns the drain line crossing near the center of my property; which may be known as the Morrow Follett drain (the name of the subject drain pipe needs to be confirmed).

During the recent November and December 2015 investigation by the City of Carmel's Street Department of the subject drain line (between 2nd St NW and 3rd St NW), a camera that was inserted into this drain revealed three 4" lateral tile pipes connecting in near the top of the subject drain line, one of which is located on my property.

This statement is to confirm that the 4" tile line located directly behind my residence is not in service.

Best Regards,



Jo Anna Waples

January 4, 2016

Dec 30, 2015

To: Mr Kenton Ward, Hamilton County Surveyor

Subject: Morrow Follett (?) Storm Drain Line

I, Dixie Packard, am the owner of two parcels located at 220 1st Avenue NW (Parcel: 16-09-25-12-01-010.000) and at 0 1st Avenue NW (vacant lot) (Parcel: 16-09-25-12-01-011.000).

Two storm water drains cross my properties; one storm drain (regulated drain) crosses near the west boundary of my properties and the other pipe crosses near the center of my properties (this line does not appear on the Hamilton County GIS map of regulated drains). The subject of this statement concerns the drain line crossing near the center of my properties; which may be known as the Morrow Follett drain (the name of the subject drain pipe needs to be confirmed).

During the recent November and December 2015 investigation by the City of Carmel's Street Department of the subject drain line (between 2nd St NW and 3rd St NW), a camera that was inserted into this drain revealed three 4" lateral tile pipes connecting in near the top of the subject drain line, two of which are on my property.

In addition, the camera survey confirmed that the subject line was plugged at some point in time by concrete at the drain collection box located on the 210 1st Avenue NW property and the line has collapsed at the 240 1st Avenue NW property. There was no standing water in the subject drain pipe, indicating no water is going into this drain pipe.

This statement is to confirm that neither of the 4" tile lines on my properties is in service. One of the 4" tile pipes is located directly behind the structure located at 220 1st Avenue NW. This tile pipe was taken out of service more than 20 years ago; this pipe was once connected to the gutter downspouts of the structure.

The second 4" tile pipe is located on my vacant lot and is not in service. There are no field drains on this lot.

In summation, neither of the two 4" tiles located on my two parcels is in service.

Best Regards,

Dixiana Packard

Dixiana Packard
1/4/2016

Date: 02 Feb 2016

To: Mr. Jeremy Kashman, P.E.

CC: John Thomas, Julia Litchfield

Subject: Drain Pipe Vacation

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There is a question as to whether there are two drain pipes that run parallel between 1st St NW to 3rd St NW or just one. The GIS mapping appears to indicate two; I propose to dig a trench perpendicular to the line of travel of these pipes at the far west end of my property to determine if the second drain pipe actually exists.

I hope you find this proposal satisfactory and agree to allow me to proceed forward.

Best Regards,



Wayne Overbey, PE

Dec 30, 2015

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This statement is to confirm that the 4" tile line located directly behind my residence is not in service.

Best Regards,



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January 4, 2016

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The second 4" tile pipe is located on my vacant lot and is not in service. There are no field drains on this lot.

In summation, neither of the two 4" tiles located on my two parcels is in service.

Best Regards,



Dixiana Packard

1/4/2016



JAMES BRAINARD, MAYOR

February 9, 2016

Mr. Kent Ward
1 Hamilton County Square
Suite 188
Noblesville, IN 46060

Re: Request to Vacate Storm Sewer between 2nd Street NW and 3rd Street NW

The City of Carmel received a request from Mr. Wayne Overbey, a property owner at 240 1st Ave NW, to vacate the storm sewer between 2nd Street NW and 3rd Street NW. The property owner would like to construct a home over the existing pipe and was not able to due to the location of the existing storm sewer. The City has televised the storm sewer and found that the southern end of the pipe was sealed in concrete at 210 1st Avenue NW and the northern end of the storm sewer discharges into an inlet along 3rd Street NW. Portions of this storm sewer pipe are collapsing and infiltrated by tree roots. The homeowners along the storm sewer provided letters indicating their lateral connections to the storm sewer have been disconnected.

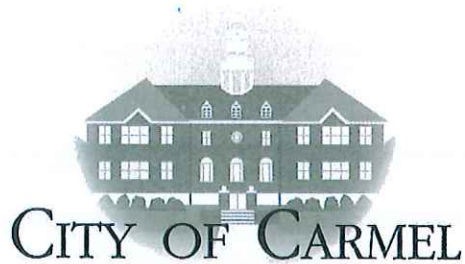
Wayne Overbey is petitioning the Hamilton County Drainage Board to vacate this storm sewer. The City of Carmel is in support of vacating the line provided the homeowner at 240 1st Avenue has the pipe sealed at the inlet on 3rd Street NW and places a monument to indicate the location of vacated storm sewer.

Please see the attached letter from Wayne Overbey and the affected property owners.

Respectfully,

Jeremy Kashman, P.E.
City Engineer

DEPARTMENT OF ENGINEERING
ONE CIVIC SQUARE, CARMEL, IN 46032 OFFICE 317.571.2441 FAX 317.571.2439
EMAIL: engineering@carmel.in.gov



JAMES BRAINARD, MAYOR

February 9, 2016

Mr. Kent Ward
1 Hamilton County Square
Suite 188
Noblesville, IN 46060

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Respectfully,

Jeremy Kashman, P.E.
City Engineer



Funding was from Hamilton County, the City of Carmel, the Town of Fishers, the City of Noblesville, and the City of Westfield. The aerial photography was acquired and produced by Quantum Spatial. QC was done in-house by Hamilton County.