

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

October 19, 2007

To: Hamilton County Drainage Board

Re: Henry Ebbert Drain – 146th Street Reconstruction

Attached is a petition and plans for the proposed relocation and construction of the Henry Ebbert Drain. The relocation and reconstruction is being done by the Hamilton County Board of Commissioners with the construction of the 146th Street Extension East of Cumberland Road and runs through Noblesville, Wayne and Fall Creek Townships. The proposal is to reconstruct the Henry Ebbert Drain across Estridge's Anderson Hall development and the Reynolds property. This includes tracts 13-11-21-00-00-028.000, 13-11-21-00-00-026.000 (Estridge) and 13-11-21-00-00-001.000 (PH Development II). These tracts lie north and south of 141st Street, west of Promise Road.

The reconstruction is being done as part of the 146th Street Extension project per plans submitted by United Consulting Engineers & Architects, stamp dated February 16, 2006, Project Number STP-9929(040).

The new storm drain consists of the pipe lengths between the following structures:
Existing Structure 150 in Sedona, 347, 348, 349, 350, 350A, 351, 352, 353, 354, 355, 356, 357, and 358.

36" RCP Pipe – 4,417 feet
Parrell 36" RCP – 200 feet
42" RCP – 130 feet

The length of the County's portion of the new reconstructed drain will be 4,747 feet.

A section of 200 feet of parallel 36" RCP pipe under Estridge's proposed access point off Promise Road to the Anderson Hall development has been installed (see Drainage Board Minutes of January 8, 2007, Book 10, Pages 25-30). The proposed 36"

pipe will be for future drainage from the developing properties north of 141st Street in the proposed Noblesville Corporate Campus. Per the agreement with Estridge, the developer of the tracts North of 141st Street shall install the remaining portion of 36" RCP from 141st Street South to the 200' section of pipe, then continue south to Structure #519. This will be part of the regulated drain when completed.

The portion of storm pipe in Anderson Hall Sec. 1 (aka Sunny Meadows Sec. 1) between structures 520, 519 and E150 in Sedona will become part of the Henry Ebbert Drain. The 21" storm pipe outlets Lake #3 to the existing structure (E150) in Sedona.

21" RCP – 180'

The additional 180' of new drain will bring the overall length of the Henry Ebbert drain to 4927 feet.

The proposed project will also remove the existing Henry Ebbert and Laudig-Wheeler drains as follows across the Anderson Hall development property. The vacation of the drain will be as follows:

Laudig-Wheeler Drain Station 0 to 29+00 2,900 feet
Henry Ebbert Drain Station 0+10 to 21+20 2,110 feet

The total length of existing drain to be vacated is 5,010 feet. The vacation will delete 263 feet from the Henry Ebbert Drain.

The existing Henry Ebbert Drain will be destroyed across the Anderson Hall development south of 141st Street from a new storm structure set on tile at approximately Station 0+90. The tile was taken East to Structure 350A on the new 36" storm line. The portion of existing drain North of 141st Street will remain in place across the Reynolds property and will be addressed as the property develops in the future.

The new Henry Ebbert Drain will lie within acquired easements across the following tracts:

Estridge Development

Tracts 13-11-21-00-00-028.000 and 13-11-21-00-00-026.000 – Instr. #200600037396

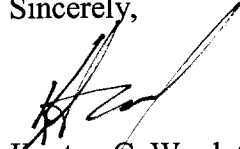
PH Development II LLC – (Formerly Jay & Martha Reynolds)

Tract 13-11-21-00-00-001.000 – Instr. #200600016832

The cost of the relocation and reconstruction is to be paid and constructed by Hamilton County. Therefore, a performance bond is not required for that section. The portion of the new system completed by Estridge for the outlet from Lake #3 of Anderson Hall Section 1 did not have surety submitted.

I recommend that the board set the hearing for November 26, 2007.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenton C. Ward', written over a faint circular stamp or seal.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: Henry-Ebbert Drain)
Hamilton County, Indiana)


PETITION FOR RELOCATION AND RECONSTRUCTION

Hamilton County Highway Department (hereinafter "Petitioner"),
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a
section of the Henry-Ebbert Drain, and in support of
said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Henry-Ebbert 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 Henry-Ebbert 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 Henry-Ebbert Drain, without cost to other property owners on the watershed of the Henry-Ebbert 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 Henry-Ebbert Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.

For and in behalf of
Hamilton County
Highway Department

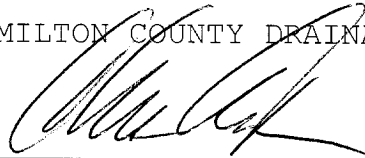

Signed
Steven Passey, PE, United Consulting Engineers
Printed

FINDINGS AND ORDER
CONCERNING THE PARTIAL VACATION OF THE
HENRY EBBERT DRAIN
STA. 0+10 TO STA. 21+20

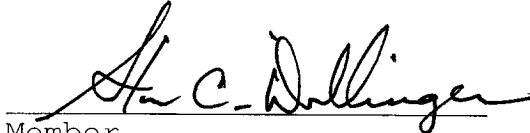
On this *26th day of November 2007*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Henry Ebbert Drain Sta. 0+10 to Sta. 21+20*.

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 **Henry Ebbert Drain**.

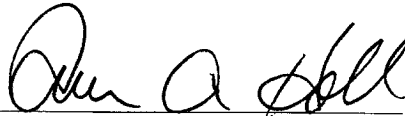
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

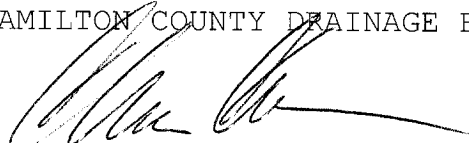
Attest: 

FINDINGS AND ORDER
CONCERNING THE PARTIAL VACATION OF THE
LAUDIG WHEELER DRAIN
STA. 0 TO STA. 29+00

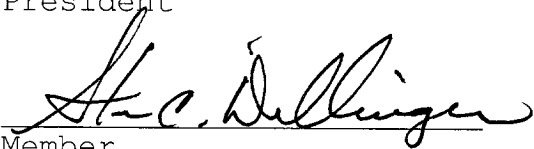
On this *26th day of November 2007*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Laudig Wheeler Drain Sta. 0 to Sta. 29+00*.

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 **Laudig Wheeler**.


HAMILTON COUNTY DRAINAGE BOARD



President




Member



Member

Attest:



STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Henry Ebbert Drain, 146th Street Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Henry Ebbert Drain, 146th Street Reconstruction* came before the Hamilton County Drainage Board for hearing *on November 26, 2007*, 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 *Henry Ebbert Drain, 146th Street 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