



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 3, 2012

TO: Hamilton County Drainage Board

RE: Mud Creek-Sand Creek Drainage Area, George Burke Drain, Silverleaf Arm

Attached is a petition and plans for the proposed relocation of the Mud Creek-Sand Creek Drainage Area, George Burke Drain, Silverleaf Arm. The relocation is being proposed by Saratoga Holdings LLC. The proposal is to relocate the drain across parcel 13-11-25-00-00-008.000, owned by Saratoga Holdings, LLC, parcel 13-11-25-00-00-006.000 & 13-11-25-00-00-006.001 owned by Richard & Nancy Lowery and parcel 13-11-25-00-00-005.000 owed by Chris & Mary Burden Lowery as part of the Silverleaf, Section 1 project per plans by Schneider Corporation, Job No. 8015.101, Sheets C104-C607, revision date July 1, 2011.

Per the plans, the Silverleaf Arm will begin at Structure 606, which drains the Silverleaf detention area. The existing drain will be intercepted at Structure 605 (Station 95+30) and routed west to outlet into Mud Creek at Structure 600. The structures involved include 600, 601, 602, 603, 604, 605 & 606.

This line will consist of the following:

24" RCP 74 ft. 24x38" RCP (Eliptical) 161 ft. 30" RCP 1,173 ft.

The total length of the new arm shall be 1,408 feet. The 994 feet of original drain downstream of the new pipe between Station 95+30 and 105+24 across the Lowery property shall remain as regulated drain and therefore continue to be maintained. This proposal will add 1,408 feet to the drain's total length.

On August 28, 2006, the George Burke Drain was made a part of the Mud Creek-Sand Creek Drainage Area per my report dated June 8, 2006 and approved by the Drainage Board as recorded in the Hamilton County Drainage Board Minutes Book 9, pages 399-401.

The cost of the relocation is to be paid by Saratoga Holdings, LLC. The developer has provided the surety in the form of cash payment in the amount of \$6,000 as authorized by the Drainage Board on August 22, 2011 as recorded in the Hamilton County Drainage Board Minutes Book 13, page 542.

Attached is a Non-enforcement request. The easement for the new drain arm will be 30' wide per the attached legal descriptions per Instrument No. 2008051738 and 2008051739 and the secondary plat for Silverleaf as recorded in the Hamilton County Recorder's Office. I recommend approval of the Non-enforcement by the Board.

The project falls under the requirements as set out in IC 36-9-27-52.0. Therefore, a hearing is required for the petition. I recommend the Board set a hearing date for November 26, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenton C. Ward', written in a cursive style.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

Gasb 34 Asset Price & Drain Length Log

Drain-Improvement: George Burk: Silverleaf Relocation

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
RCP	24	74	74	0	18.00 LF	1,332.00
RCP - ELIPTICAL	24X38	161	161	0	52.25 LF	8,412.25
RCP	30	1173	1173	0	24.60 LF	28,855.80

Sum: 1408 1408 0 \$38,600.05

Final Report: _____

Comments:

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: George Burk Drain)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

Saratoga Holdings, LLC (hereinafter "Petitioner"),
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a
section of the George Burk Drain, and in support of
said petition advises the Board that:

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

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


Signed

CORB Y D THOMPSON, MANAGER
Printed
SARATOGA HOLDINGS, LLC

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Mud Creek/Sand Creek Drainage Area, George Burke Drain, Silverleaf Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Mud Creek/Sand Creek Drainage Area, George Burke Drain, Silverleaf Arm** came before the Hamilton County Drainage Board for hearing **on November 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.

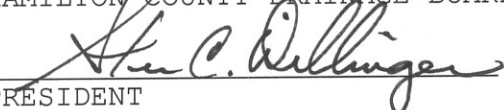
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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.

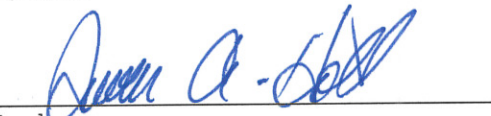
Mud Creek/Sand Creek Drainage Area, George Burke Drain, Silverleaf Arm be and is hereby declared established.

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

N/C
3

2008051738 EASEMENTS \$0.00
12/23/2008 10:13:08A 3 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

DOCUMENT CROSS REFERENCE INSTRUMENT NO. 9116843

DRAINAGE EASEMENT

THIS INDENTURE WITNESSETH: That Richard & Nancy Lowery

(referred to herein as the "Grantor") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby convey to the Board of Commissioners of Hamilton County, ("Grantee") a non-exclusive perpetual easement through, upon, over, along and across the following described real property located in Hamilton County, Indiana, ("the Easement") to-wit;

See Exhibit A.

This Easement is granted for the purpose of providing overland or subsurface paths and courses for the construction, maintenance, preservation of storm drainage. The Grantor reserves for themselves and their successors and assigns the right to use the Easement for any uses which are not inconsistent with the purposes herein. However, in the event the Grantor, or their successors, elect or desire to do any construction or alterations to the Real Estate within the Easement, they shall do so only upon approval of the Grantee. The Grantor further agrees that they shall not grant any easements to any other utilities, or other persons, through the real estate described herein, without the consent of the Grantees, and if said grants are given, those easements shall be subject to the Grantee's rights to regulate and permit construction or alteration with the Easement.

In the event the Grantee, its employees, or contractors are required to come upon the real estate contained in the Easement to replace, restore, or clear any drainage structures, ditches, drains, or swales contained therein, the Grantee shall only be liable to restore the Grantor's real estate to its previous grade, and to re-seed and undertake erosion control measures as are required by 327 IAC15-5 as amended. The Grantee, its employees, or contractors shall not be liable to Grantor, or his successor in title, for any improvements to the real estate, landscaping, sod, or any other improvements within the Easement which are damaged in the course of the repair of the drainage structure, ditches, drains, or swales contained in the Easement area.

1 of 3
Form revised 01/02/02

Adobe PDF Fillable Form

This Drainage Easement and the agreements herein shall run with the land and shall be binding upon and inure to the benefit of the Grantor and its successors and assigns and upon the Grantee and its successors.

IN WITNESS WHEREOF, The Grantor has executed this Drainage Easement on this
17 day of October, 2006

GRANTOR

p Richard Lowery
p Nancy Lowery

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Subscribed and sworn to before me, a Notary Public this 17th day of October,
2006 personally appeared the within named Richard & Nancy Lowery
_____ and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.



Julie Gibson
Julie A. Gibson

Notary Public,
Residing in Hamilton County, IN

My Commission Expires
01/05/2013

This instrument prepared by Michael A. Howard, Attorney at Law, 694 Logan Street, P.O. Box 309,
Noblesville, Indiana 46060, (317) 773-4212.

2 of 3
Form revised 01/02/02

Adobe PDF Fillable Form

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Michael A. Howard

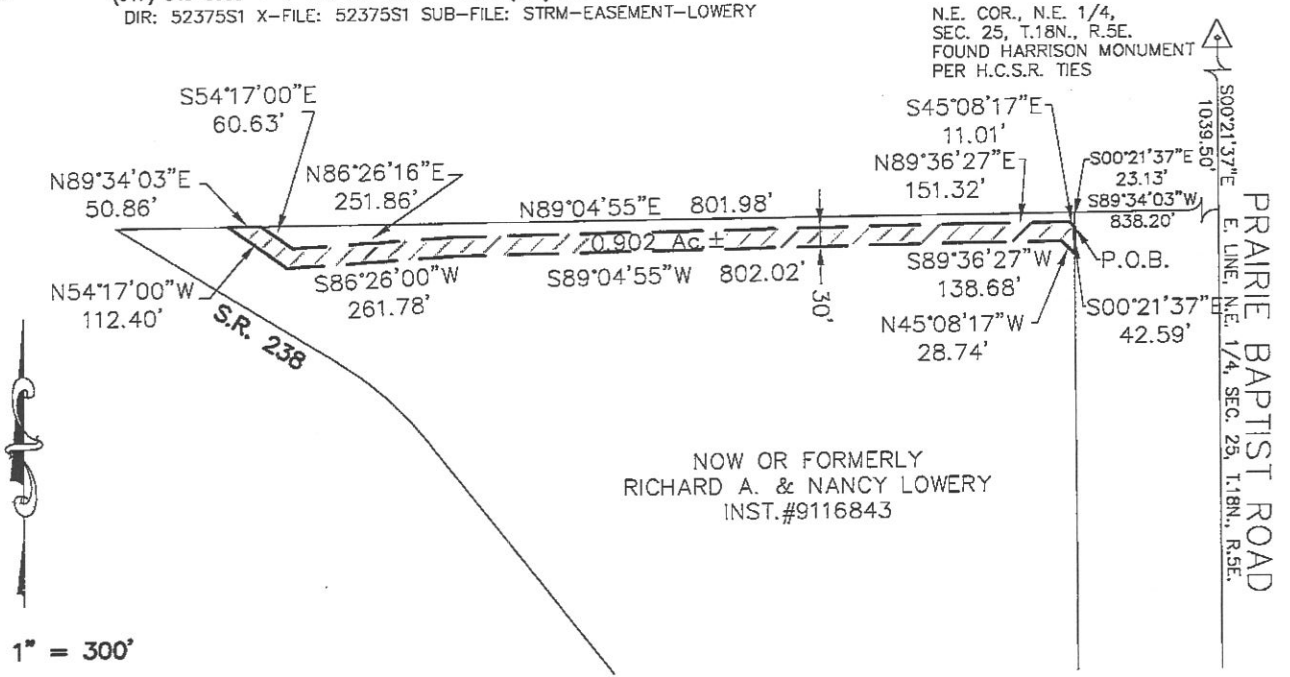


CONSULTING ENGINEERS LAND SURVEYORS

9940 Allisonville Rd. - Fishers, IN 46038
(317) 849-5935 - 1-800-728-6917 - FAX: (317) 849-5942
DIR: 52375S1 X-FILE: 52375S1 SUB-FILE: STRM-EASEMENT-LOWERY

JOB ID _____

CONTROL # 52375S1



STORM EASEMENT DESCRIPTION

A part of the Northeast Quarter of Section 25, Township 18 North, Range 5 East, Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section; thence South 00 degrees 21 minutes 37 seconds East along the East line of said Quarter Section 1,039.50 feet; thence South 89 degrees 34 minutes 03 seconds West 838.20 feet to the Northeast corner of the real estate described in Instrument Number 9116843 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 21 minutes 37 seconds East along the East line of said real estate 23.13 feet to the POINT OF BEGINNING of this description; thence continuing South 00 degrees 21 minutes 37 seconds East 42.59 feet; thence North 45 degrees 08 minutes 17 seconds West 28.74 feet; thence South 89 degrees 36 minutes 27 seconds West 138.68 feet; thence North 54 degrees 17 minutes 00 seconds West 112.40 feet to the North line of said real estate; thence North 89 degrees 34 minutes 03 seconds East along said North line 50.86 feet; thence South 54 degrees 17 minutes 00 seconds East 60.63 feet; thence North 86 degrees 26 minutes 16 seconds East 251.86 feet; thence North 89 degrees 04 minutes 55 seconds East 801.98 feet; thence North 89 degrees 36 minutes 27 seconds East 151.32 feet; thence South 45 degrees 08 minutes 17 seconds East 11.01 feet to the place of beginning, containing 0.902 acres, more or less.

August 11, 2006
(R)KRG (F)WAB
Revise: August 24, 2006

Curtis C. Huff
Registered Land Surveyor
No. 80040348



SHEET 1 OF 1
EXHIBIT "A"

NK
(3)

2008061739 EASEMENTS \$0.00
12/23/2008 10:13:08A 3 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

DOCUMENT CROSS REFERENCE INSTRUMENT No. 9116841

DRAINAGE EASEMENT

THIS INDENTURE WITNESSETH: That Richard & Nancy Lowery

(referred to herein as the "Grantor") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby convey to the Board of Commissioners of Hamilton County, ("Grantee") a non-exclusive perpetual easement through, upon, over, along and across the following described real property located in Hamilton County, Indiana, ("the Easement") to-wit;

See Exhibit A.

This Easement is granted for the purpose of providing overland or subsurface paths and courses for the construction, maintenance, preservation of storm drainage. The Grantor reserves for themselves and their successors and assigns the right to use the Easement for any uses which are not inconsistent with the purposes herein. However, in the event the Grantor, or their successors, elect or desire to do any construction or alterations to the Real Estate within the Easement, they shall do so only upon approval of the Grantee. The Grantor further agrees that they shall not grant any easements to any other utilities, or other persons, through the real estate described herein, without the consent of the Grantees, and if said grants are given, those easements shall be subject to the Grantee's rights to regulate and permit construction or alteration with the Easement.

In the event the Grantee, its employees, or contractors are required to come upon the real estate contained in the Easement to replace, restore, or clear any drainage structures, ditches, drains, or swales contained therein, the Grantee shall only be liable to restore the Grantor's real estate to its previous grade, and to re-seed and undertake erosion control measures as are required by 327 IAC15-5 as amended. The Grantee, its employees, or contractors shall not be liable to Grantor, or his successor in title, for any improvements to the real estate, landscaping, sod, or any other improvements within the Easement which are damaged in the course of the repair of the drainage structure, ditches, drains, or swales contained in the Easement area.

1 of 3
Form revised 01/02/02

Adobe PDF Ffillable Form

This Drainage Easement and the agreements herein shall run with the land and shall be binding upon and inure to the benefit of the Grantor and its successors and assigns and upon the Grantee and its successors.

IN WITNESS WHEREOF, The Grantor has executed this Drainage Easement on this
17 day of October, 2006

GRANTOR

p Richard Lowery
p Nancy Lowery

STATE OF INDIANA)
) SS:
 COUNTY OF HAMILTON)

Subscribed and sworn to before me, a Notary Public this 17th day of October,
 2006 personally appeared the within named Richard + Nancy Lowery
 _____ and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.



Julie Gibson
Julie A. Gibson

Notary Public,
 Residing in Hamilton County, IN

My Commission Expires

01/05/2013

This instrument prepared by Michael A. Howard, Attorney at Law, 694 Logan Street, P.O. Box 309,
 Noblesville, Indiana 46060, (317) 773-4212.

2 of 3
 Form revised 01/02/02

Adobe PDF Ffillable Form

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Michael Howard



CONSULTING ENGINEERS LAND SURVEYORS

9940 Allisonville Rd. • Fishers, IN 46038
(317) 849-5935 • 1-800-728-6917 • FAX: (317) 849-5942
DIR: 52375S1 X-FILE: 52375S1 SUB-FILE: STRM-EASEMENT-LOWERY

JOB ID _____

CONTROL # 52375S1

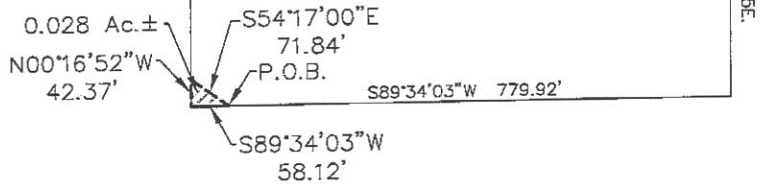
EAST 136TH STREET

N. LINE, W. 1/2, N.E. 1/4, SEC. 25, T.18N., R.5E.

N.E. COR., W. 1/2, N.E. 1/4,
SEC. 25, T.18N., R.5E.



SCALE: 1" = 300'



STORM SEWER EASEMENT

A part of the West Half of the Northeast Quarter of Section 25, Township 18 North, Range 5 East, Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Half Quarter Section; thence South 00 degrees 16 minutes 52 seconds East along the East line of said Half Quarter Section 1,039.50 feet to the Southeast corner of the real estate described in Instrument Number 9116841 in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 34 minutes 03 seconds West along the South line of said real estate 779.92 feet to the POINT OF BEGINNING of this description; thence continuing South 89 degrees 34 minutes 03 seconds West along said South line 58.12 feet to the Southwest corner of said real estate; thence North 00 degrees 16 minutes 52 seconds West parallel with said East line and along the West line of said real estate 42.37 feet; thence South 54 degrees 17 minutes 00 seconds East 71.84 feet to the place of beginning, containing 0.028 acres, more or less.

September 12, 2006
R(cccc) F(X)X

Curtis C. Huff
Curtis C. Huff
Registered Land Surveyor
No. 80040348



SHEET 1 OF 1
EXHIBIT "A"

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

***Mud Creek/Sand Creek Drainage Area,
George Burke Arm, Silverleaf Arm***

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 **Mud Creek/Sand Creek Drainage Area, George Burke Arm, Silverleaf Arm** on **November 26, 2012** at **9:45 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 **Mud Creek/Sand Creek Drainage Area, George
Burke Arm, Silverleaf Arm**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **November 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