



*Kenton C. Ward, CFM*  
*Surveyor of Hamilton County*  
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*Noblesville, Indiana 46060-2230*

June 9, 2022

To: Hamilton County Drainage Board

Re: Mud Creek – Sand Creek Drainage Area – TJ Patterson Drain Arm, Hyde Park Phase 3 Reconstruction

Attached are plans and petition for the reconstruction of the TJ Patterson Drain Arm by MAB Capital Investments, LLC to facilitate the construction of Hyde Park Phase 3. This proposal also includes a Non-enforcement and two Variance requests. This project is to be paid for by MAB Capital Investments, LLC. As part of a new multi-use development, the proposal is for the installation of an open drain / detention area which will replace the existing open swale and tile installed in 1901. This project will also include new storm pipes. In addition to providing storm water detention, the wet pond will improve a long-standing maintenance issue, where the existing swale is poorly drained due to the lack of slope. The project site is located south of 141<sup>st</sup> and on both sides of Brooks School Road, in the City of Noblesville. This affects the following existing parcel: 13-11-22-00-00-008.000 owned by MAB Capital Investments, LLC. Instr. No: 2019-59131, and the Brooks School Road right-of-way owned by the City of Noblesville.

This reconstruction is to be constructed per project plans for Hyde Park, Phase 3, by Kimley-Horn, KHA Project No. 17018900, dated May 11, 2022.

Per the plans, the reconstruction begins near the southeast corner of Hyde Park and extends west following the existing flow line (approximately 1190' as Pond 2) to the east right-of-way line of Brooks School Road. A new pipe will be installed under Brooks School Road north of the existing drain installed in 2016. Then, near the west right-of-way line, the open drain (West Pond) will continue west approximately 1158'. New storm sewer will be installed at the SW corner of the West Pond connecting to existing storm sewer, which was installed in 2002 as part of the 2002 "Brooks Chase Offsite Relocation." New storm pipe will also be installed at the NW corner of West Pond, which will connect to the existing drain at that location.

The reconstruction will consist of the following:

2348' of Open Drain	30' of 24" RCP
221' of 36" RCP	63' of 42" RCP

The total length of new drain installed with this petition is 2,662'. The proposed reconstruction will occur in-line along the existing flowline of existing regulated drain. The 2,516' of existing swale installed as part of the 2002 Brooks Chase Offsite Relocation on parcel 13-11-22-00-00-008.000 (on both sides will be vacated and replaced with open drain as Pond 2 & West Pond, located on each side of Brooks School Road. The following portions of existing drain tile will be vacated and removed: The existing TJ Patterson tile installed in 1901 from Sta 74+78 to approximately Sta. 86+92; Arm 2 installed in 1901 from Sta. 0+00 to Sta.0+90; and Arm 1 installed in 1901 from Station 9+93 to 10+35. Note: The two existing pipes under Brooks School road will remain.

Regarding easement, a non-enforcement has been submitted for approval. The request is for the non-enforcement to be 30' from the top of bank for the open drain (West Pond and Pond 2) and the right-of-way for the new storm sewer crossing under Brooks School Road.

As previously stated, the construction of the wet pond within the flowline of the TJ Patterson drain is designed to improve the existing flow problems that currently exists in the existing swale and to reduce the amount of maintenance. The detention ponds are to be considered part of the regulated drain. The maintenance of the pond such as sediment removal, and erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the owner. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained, thereby, allowing no fill or easement encroachments.

This proposal for Hyde Park Phase 3 includes two variance requests which are addressed in separate staff reports. The first variance request is for the linear detention area proposed within the flowline of the open drain. The second variance request is for the proposed fill in the flood plain and the construction of floodplain compensatory storage per the Board's 3:1 policy.

The cost of the project is to be paid by the developer. The petitioner has not yet submitted surety for the proposed drain reconstruction at this time. Per the Board's policy, if approved, I recommend the developer submit surety in the amount of 120% of the engineer's estimate for the above reconstruction.


The original TJ Patterson drain was established per Commissioner's Court records dated May 7<sup>th</sup>, 1901 (See C.R. 13, pages 144-145, 188, 197, 245. and C.R. 14 pages 46, 328). The Gwinn and Martin petitioned to repair the TJ Patterson Drain, July 22, 1930 &/or March 15, 1930. (See D.R. 4 page 288.

On January 24, 2022, the Board vacated portions of the drain on parcel 13-11-22-00-00-008.000, owned by MAB Capital Investments, LLC. Instr. No: 2019-59131 as part of the Mud Creek – Sand Creek Drainage Area – TJ Patterson Drain Arm, Hyde Park Phase 1 Partial Vacation, as per my report dated November 3, 2021. See Drainage Board minutes book 20

pages 280-282 for more information. Previously, in 2014, the drain upstream of this location (Sta. 45+64 to Sta. 59+35) was vacated on parcel 13-11-23-00-00-011.000 and is known as the Mud Creek – Sand Creek Drainage Area, TJ Patterson Arm, Corporate Parkway Vacation. (Note: The “Corporate Parkway” road name was later changed to Cabela’s Parkway at this location). The vacation was approved by the Board on July 28, 2014 as per my letter dated June 9, 2014. See minutes book 15, pages 480-481 for more information. In 2002, the existing swale was installed as part of the TJ Patterson – Brooks Chase Offsite Relocation per my report dated September 23, 2002 and approved by the Board on October 28, 2002. See Drainage Board Minutes Book 6, pages 467-470.

This proposal meets the criteria for reconstruction of a regulated drain as laid out in IC-39-9-27-52.0. I recommend the Board set the hearing for July 25, 2022.

Sincerely,



Kenton C. Ward  
Hamilton County Surveyor

KCW/scash

HAMILTON COUNTY DRAINAGE BOARD  
NOBLESVILLE, INDIANA

FILED

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OFFICE OF HAMILTON COUNTY SURVEYOR

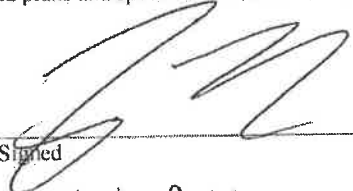
IN RE: \_\_\_\_\_ )  
Hamilton County, Indiana )

PETITION FOR RELOCATION AND RECONSTRUCTION

\_\_\_\_\_ MAB Capital Investments, LLC (hereinafter "Petitioner"),  
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a  
section of the \_\_\_\_\_ TJ Patterson \_\_\_\_\_ Drain, and in support of  
said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the \_\_\_\_\_ TJ Patterson \_\_\_\_\_ 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 \_\_\_\_\_ TJ Patterson \_\_\_\_\_ 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 \_\_\_\_\_ TJ Patterson \_\_\_\_\_ Drain, without cost to other property owners on the watershed of the \_\_\_\_\_ TJ Patterson \_\_\_\_\_ Drain.

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

  
\_\_\_\_\_  
Signed  
Stephen Ball  
\_\_\_\_\_  
Printed

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, T. J. Patterson Arm, Hyde Park  
Phase 3 Reconstruction**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Mud Creek/Sand Creek Drainage Area, T. J. Patterson Arm, Hyde Park Phase 3 Reconstruction** came before the Hamilton County Drainage Board for hearing **on July 25, 2022**, 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.

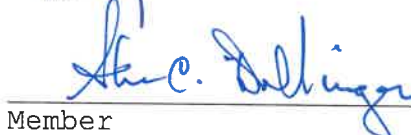
Wherefore, it is ORDERED, that the proposed Reconstruction of the **Mud Creek/Sand Creek Drainage Area, T. J. Patterson Arm, Hyde Park Phase 3 Reconstruction** be and is hereby declared established.

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



**Engineer's Preliminary Opinion of Probable Construction Cost**

<b>Name:</b> Hyde Park Phase 3	<b>Date:</b> 7/19/2022
<b>Client:</b> MAB	<b>Prepared By:</b> WAB

**TJ Patterson Legal Drain Reconstruction**

Item	Description	Unit	Quantity	Unit Price	Cost
1	Mobilization/Demobilization	LS	1	\$ 10,000.00	\$ 10,000.00
2	Strip Topsoil	CY	9,452	\$ 4.47	\$ 42,250.44
3	Muck/Cleanup Up Ditch	CY	21,394	\$ 5.52	\$ 118,094.88
4	Pond Excavation	CY	226,823	\$ 5.30	\$ 1,202,161.90
5	Topsoil Respread	CY	4,135	\$ 5.52	\$ 22,825.20
6	Finish Grading	SY	20,873	\$ 0.61	\$ 12,732.53
7	Storm Sewer	LS	1	\$ 159,720.00	\$ 159,720.00
8	Demolition	LS	1	\$ 32,521.00	\$ 32,521.00
9	Erosion Control	LS	1	\$ 56,300.00	\$ 56,300.00

Total Estimated Cost	\$ 1,656,605.95
120% of Estimate	\$ 1,987,927.14

**FILED**

JUL 21 2022

OFFICE OF HAMILTON COUNTY SURVEYOR



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Mud Creek/Sand Creek Drainage Area, T. J. Patterson Arm  
Hyde Park Phase 3 Reconstruction***

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, T. J. Patterson Arm, Hyde Park Phase 3 Reconstruction** on **July 25, 2022** at **9:00 A.M.** in Commissioners Court at the Historic Courthouse, 2<sup>nd</sup> Floor Historic Courtroom at 33 North 9<sup>th</sup> Street, 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, T. J. Patterson Arm, Hyde Park Phase 3 Reconstruction**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **July 25, 2022** 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: Christine Altman  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY