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October 18, 2022

To: Hamilton County Drainage Board

Re: 2022 Reconstruction of the WS Burnau Arm of the FM Musselman Drain

Attached are a petition, Construction Drawings, drain map, drainage-shed map, and schedule of assessments for the reconstruction of the WS Burnau Arm of the FM Musselman Drain.

The WS Burnau Arm of the FM Musselman Drain is located in Noblesville Township of Hamilton County and benefits properties in Sections 21 and 28 of Township 19 North, Range 5 East.

The WS Burnau Arm of the FM Musselman Drain needs reconstruction at this time due to its lack of adequate capacity, the condition of the drain due to its age, and significant standing water issues within the watershed. A petition for reconstruction of the WS Burnau Arm of the FM Musselman Drain was presented to the Drainage Board on June 8, 2015. The petition was signed by approximately 22% of the landowners within the Drainage Shed. (See Hamilton County Drainage Board Minutes Book 16, page 219).

The Construction Drawings issued initially to bidders included Sheets 1-9, 15-17, 23-25, and 30-31 from the Construction Drawings dated February 16, 2018 by VS Engineering. Of the initially issued Construction Drawings, Sheets 4, 7, 8, 9, 23, 24, and 25 were deleted and Sheets 15, 16, 17, 30, and 31 were revised by Addendum No.1 issued on September 19, 2022. Several new sheets, Addendum Sheets 1-9, were developed by the Hamilton County Surveyor's Office and added to the Construction Drawings by Addendum No.1. The attached Construction Drawings, titled "234-15 FM Musselman Burnau Arm Regulated Drain 2022 Reconstruction Project Addendum No.1", include all revisions to the Construction Drawings initially issued to bidders contained in Addendum No.1.

The proposed project will improve the flow characteristics of the drain, provide an increased capacity outlet for all areas within the watershed that experience flooding, and better drain the soil of the agricultural fields served by this drain.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway and be of public utility; and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited.

History:

Per the Report dated April 26, 1994 presented to the Drainage Board at the April 27, 1994 meeting of the Drainage Board, the original construction reports and other information for the W.S. Burnau Drain cannot be found. Information concerning this drain was drawn from other resources such as the 1932 Drain Map. The Drain consists of a main ditch and an arm. The 1994 report states that the main ditch consists of approximately 5,000-feet of tile and 350-feet of open ditch and that the arm consists of approximately 2000-feet of tile. The report states that the approximate total length of the drain is 7,350-feet. The Drain was repaired as part of the S.H. Searce Drain in 1915, 1916 and 1924. A concrete retaining wall was constructed on the outlet of the WS Burnau Arm as part of the 1928 reconstruction of the FM Musselman Drain. (See Hamilton County Drainage Board Minutes Book 3, Page 245)

Sometime after the 1994 report was presented, further investigation of the drain established the total length of the drain to be 8,117-feet. The current GASB 34 footages are listed as follows: 5,757-feet of tile, 360-feet of open ditch with a tile arm 2,000-feet in length. Pipe sizes are not included in the GASB report. It is also noted in the GASB report that the length of the drain is approximate. Through investigations and work orders, the size of the tile has been identified at various times and locations since 2007. The main tile varies in size from 8-inch to 18-inch. Arm 1 is an 8-inch tile through its full length of 2,000-feet.

The drain is located in Noblesville Township, Sections 21 and 28 of Township 19 North Range 5 East. The drain starts at a point approximately 2,400-feet east of Promise Road and 1,620-feet south of 191st Street and runs north and west to its point of discharge to the FM Musselman Drain. Arm 1 starts approximately 643-feet east of Mallery Road and 646-feet south of 191st Street and runs north and west to where it joins the main drain at approximately Station 25+77 of the main drain. This station is based on the approximate length of the drain from the GASB 34 footages. The drain is part of the FM Musselman Drain watershed.

A report dated December 19, 1985 was presented to the Drainage Board at the January 13, 1986 meeting of the Drainage Board. The report states that the Surveyor is investigating the possibility of constructing a new drain for Kentre Meadows or reconstructing the WS Burnau Drain. (See Hamilton County Drainage Board Minutes Book 2, Page 105).

At the meeting of the Drainage Board on January 22, 1991, Mr. Steven Church and Mr. Les Locke came before the Board to discuss drainage problems at 191st Street and Mallery Road. It was stated that, at that time, the Drain was not under a maintenance or reconstruction program. The Board requested that the Surveyor and the Highway Department investigate the drainage problem. (See Hamilton County Drainage Board Minutes Book 2, Page 502).

At the meeting of the Drainage Board on February 19, 1991, the Surveyor reported to the Board that the tile on the Church parcel was the WS Burnau Drain, a 10-inch tile, was running full and clean, and draining approximately 60-acres. (See Hamilton County Drainage Board Minutes Book 2, Page 502).

At the June 27, 1994 meeting of the Drainage Board the Board placed the F.M. Musselman watershed on a maintenance program. This area included the watersheds of the F.M. Musselman, E.G. Barker, W.S. Burnau and Thomas Huggins Drains. (See Hamilton County Drainage Board Minutes Book 3, pages 257-258)

On June 2, 2015 the above mentioned petition was received by the Surveyors office.

Requests for Proposal for the design of the reconstruction of the Drain were approved at the meeting of the Drainage Board on July 13, 2015 (See Hamilton County Drainage Board Minutes Book 16, Page 244).

At the meeting of the Drainage Board on August 10, 2015, six firms presented proposals for the design of the reconstruction of the Drain. (See Hamilton County Drainage Board Minutes Book 16, Page 267).

At the meeting of the Drainage Board on August 24, 2015, the County Surveyor recommended that the Board award the design services contract for the reconstruction of the drain to VS Engineering. (See Hamilton County Drainage Board Minutes Book 16, Page 272).

At the meeting of the Drainage Board on September 14, 2015, the professional services contract for the reconstruction of the drain was approved. (See Hamilton County Drainage Board Minutes Book 16, Page 291).

At the meeting of the Drainage Board on May 26, 2016, the Board approved the acquisition of easements on the Boyce, Roth, and Wampler properties needed to complete the reconstruction project. (See Hamilton County Drainage Board Minutes Book 16, Pages 559-560).

At the meeting of the Drainage Board on June 13, 2016, an amendment to the professional services contract for the reconstruction of the drain was approved. The amendment was associated with an expanded scope of services to extend the Drain to the east side of Mallery Road to provide a better outlet for a long-standing drainage issue. (See Hamilton County Drainage Board Minutes Book 16, Page 576).

A public information meeting was held on October 11th, 2016 in the Noblesville Library. Notices of the meeting were mailed to the owners of the parcels within the WS Burnau Arm watershed. The meeting was attended by the following persons: Steve Williams, Ellen Wethington, Don Wethington, Kevin Burrow, Marshelia McLane, Chad Galloway, Mary Ogle, Mike Latty and Susan Peterson.

At the meeting of the Drainage Board on March 27, 2017, the Board approved the request to obtain appraisals for the four easements needed for the project. (See Hamilton County Drainage Board Minutes Book 17, Page 320).

At the meeting of the Drainage Board on July 10, 2017, the Board accepted the value of the appraisals and approved offers being made to the parcel owners for the four easements needed for the project. (See Hamilton County Drainage Board Minutes Book 17, Page 405).

At the meeting of the Drainage Board on July 24, 2017, parcel owners addressed the Board regarding the condition of the drain, issues experienced on their properties and the work on the Wampler parcel. (See Hamilton County Drainage Board Minutes Book 17, Pages 413-420).

At the meeting of the Drainage Board on August 14, 2017, the Hamilton County Surveyors Office made a presentation to the Board regarding their investigation of the work that had been completed on the Wampler parcel. Discussion regarding the condition of the drain, issues experienced on the properties and the work on the Wampler parcel continued. (See Hamilton County Drainage Board Minutes Book 17, Pages 431-439).

At the meeting of the Drainage Board on August 28, 2017, the easements from the Wampler and Ogle properties were approved. (See Hamilton County Drainage Board Minutes Book 17, Page 466).

At the meeting of the Drainage Board on September 11, 2017, the easement from the Roth parcel was approved. (See Hamilton County Drainage Board Minutes Book 17, Page 473).

At the meeting of the Drainage Board on October 23, 2017, the easement from the Boyce parcel was approved. (See Hamilton County Drainage Board Minutes Book 17, Page 500).

At the March 12, 2018 meeting of the Drainage Board, a request was made to hold a public hearing for the reconstruction project. (See Hamilton County Drainage Board Minutes Book 18, Page 73).

The public hearing for the reconstruction project was held during the April 23, 2018 meeting of the Drainage Board. There were 18 remonstrations on file. A Surveyor's Report dated February 13, 2018 was presented to the Board. The expected total cost of the project, including a 15% contingency, was

\$1,548,509.50. The public hearing was kept open and a work session was set for May 14th, 2018. (See Hamilton County Drainage Board Minutes Book 18, Pages 110-126.)

At the June 24, 2019 meeting of the Drainage Board, a professional services agreement with VS Engineering for the development of construction drawings for a reduced scope project, in the amount of \$21,000, was approved. (See Hamilton County Drainage Board Minutes Book 18, Pages 497-499).

At the September 23, 2019 meeting of the Drainage Board, the Surveyor's Office stated that the Construction Drawings for the reduced scope project were complete. The bid date was set for October 28, 2019. (See Hamilton County Drainage Board Minutes Book 19, Pages 24-26).

The Surveyor's Office presented an update from a meeting with the landowners at the October 14, 2019 meeting of the Drainage Board. The meeting took place on October 10, 2019 and the reduced scope project was presented to the landowners. (See Hamilton County Drainage Board Minutes Book 19, Pages 29-30).

At the October 28, 2019 meeting the Board received one bid from Hoosier Pride Excavating in the amount of \$387,735.92. and referred the bid to the Surveyor's Office for review (see Hamilton County Drainage Board Minutes Book 19, page 40).

An objection letter from Mr. Latty regarding the reduced scope project was discussed at the November 12, 2019 meeting of the Drainage Board. The Board also set a continuation of the public hearing, based on the Hoosier Pride bid, for January 27, 2020 (See Hamilton County Drainage Board Minutes Book 19, Pages 55-56).

A public hearing for the reduced scope project was held at the January 27, 2020 meeting of the Drainage Board. There were six objections on file. A Surveyor's Report dated December 20, 2019 was presented to the Board. The total construction cost of the project, including a 15% contingency, was \$445,896.31. The total soft costs of the project were \$99,130.00. The reconstruction was ordered with the cost of the project "spread construction costs over the area benefitted, which is the southern portion, that those assessments to the north that are shown for the soft cost be aggregated and put in a deferred assessment to be paid by those persons who develop their land in the future for the longest period that we are allowed to by Statute and further to pull the same ratable amount of assessment charges that came from the maintenance fund for soft costs previously paid also pull that out, replace it with GDIF funds because now we have a true urban assessment for development to the north. Defer assessments for those paying currently I would suggest we defer that for a period not to exceed 10 years at the rate of 3% and approved unanimously." The construction contract with Hoosier Pride Excavating was approved. (See Hamilton County Drainage Board Minutes Book 19, Pages 125-132).

The construction contract with Hoosier Pride Excavating for the reduced scope project, in the amount of \$387,735.92, was signed at the February 24, 2020 meeting of the Drainage Board. (See Hamilton County Drainage Board Minutes Book 19, Page 155).

At the March 9, 2020 meeting of the Drainage Board, the performance bonds from Hoosier Pride Excavating for the reduced scope project were recommended for acceptance. (See Hamilton County Drainage Board Minutes Book 19, Page 171).

At the April 27, 2020 meeting of the Drainage Board, a construction update was provided that included the identification of a conflict with a Duke Energy facility. (See Hamilton County Drainage Board Minutes Book 19, Pages 199-200).

During the May 26, 2020 meeting of the Drainage Board, the Surveyor's Office presented an agreement for facility relocation requested by Duke Energy. Duke requested that the agreement be signed by the Board. The Board stated that the state Statute is clear regarding utility relocation for regulated drain

projects and requested that a letter be sent reminding Duke Energy of the statutory duty to relocate. (See Hamilton County Drainage Board Minutes Book 19, Pages 236-237).

Change Order No.1 to the construction contract for the reduced scope project was approved at the September 14, 2020 meeting of the Drainage Board. (See Hamilton County Drainage Board Minutes Book 19, Page 326).

The Certificate of Assessment was approved at the March 8, 2021 meeting of the Drainage Board. (See Hamilton County Drainage Board Minutes Book 19, Page 541).

The Final Report for the reduced scope project was presented to and accepted by the Board at the March 22, 2021 meeting of the Drainage Board. (See Hamilton County Drainage Board Minutes Book 19, Pages 564-567).

At the August 22, 2022 meeting of the Drainage Board, the bid date for the 2022 Reconstruction project was set for September 26, 2022. (See Hamilton County Drainage Board Minutes Book 20, Page 527).

Two bids were received for the 2022 Reconstruction project at the September 26, 2022 meeting of the Drainage Board. A bid of \$1,395,804.90 was received from Hoosier Pride Excavating. A bid of \$1,392,000 was received from Morphe Construction. There was a 120-day hold on the submitted bids to allow for a public hearing based on the received bids. (See Hamilton County Drainage Board Minutes Book 20, Pages 553-554).

Current Condition of the Drain:

The drain functions but is undersized and requires frequent maintenance. There is significant flooding that occurs on the properties on both the east and west sides of Mallery Road south of 191st Street. There is also significant flooding in the field northeast of the intersection of 191st Street and Mallery Road that results in saturated soil that affects crop production. In 2017, in response to standing water in the areas served by the drain, several sinkholes and water surfacing and running across the downstream properties, a repair was completed on the Latty parcel to restore the function of the drain. Per WO-2017-00094, the cost of this repair was \$38,435.90.

Based on a search of the County’s database for drainage complaints, there have been twenty-five (28) Drainage Complaints logged in to the County’s database for such complaints since 2002. The complaints are listed below.

Job #	Issue	Location
2002-215	Drain not draining; Flooding house	Mallery Road and 191st Street
2002-452	Neighbor filling yard	18953 Mallery Road
2003-391	Standing water	18770 Mallery Road
2003-475	Drain backing up in house	11439 East 191st Street
2003-513	Standing water	18993 Mallery Road
2004-246	Erosion where maintenance completed	11345 East 196th Street
2005-38	Broken tile	18751 Mallery Road
2005-53	Drain clogged	11439 East 191st Street East

2005-110	Culvert blocked	11385 East 191st Street
2006-498	Blow holes	North side of 191st St & west of Summer Rd
2009-13	Water ponding in yard; entering crawl space	18953 Mallery Road
2009-68	Large sink hole	Southwest corner of 196th St & Summer Rd
2009-82	1 hole in woods; 1 next to woods	11395 East 196th Street
2009-127	Front/Backyard flooded	18953 Mallery Road
2013-103	Sink holes	11395 East 196th Street
2014-210	Standing water	18993 Mallery Road
2015-161	Tile full of dirt	191st Street and Mallery Road
2015-190	Digging on SE corner of 191st street and Mallery Road; tile not draining	Southeast corner of 191st Street and Mallery Road
2015-455	Set new breather	East of Mallery Road; south side of 191st St
2017-109	Water flowing on surface onto property	11345 East 196th Street
2017-386	Yard flooded	11439 East 191st Street East
2017-398	Debris damaged fence. Culvert pipe needs cleaned	11390 East 196th Street
2017-403	Drain clogged	11655 East 191st Street
2017-410	Hole in pasture	11390 East 196th Street
2017-500	Old drain needs replaced due to flooding	18953 Mallery Road
2019-530	Blow hole	Michael Latty
2021-131	Standing water	Carol Hazelwood
2021-349	Several places of broken down tile	Michael Latty

There has been a total of fifteen (15) work orders since 2007 with a total value of \$59,112.87. The Work Orders are listed below.

Job #	Issue	Location	Value
2007-29	Repair holes in drain	191st Street and Summer Road	\$ 3,411.75
2007-286	Jet pipe	191st Street and Summer Road	\$ 656.25

2008-47	Set Breather	12440 East 196th Street	\$ 558.30
2009-91	Repair holes in drain	South of 196th Street/East of Promise Road	\$ 3,636.87
2009-103	Jet pipe	South of 191st Street/West of Mallery Rd	\$ 250.00
2013-86	Repair holes in drain	196th Street and Promise Road	\$ 1,057.00
2015-176	Jet pipe	191st street and Mallery Road	\$ 1,962.10
2015-177	Jet pipe	191st street and Mallery Road	\$ 890.00
2015-368	Set Breather	East of Mallery Road; South Side of 191st St	\$ 1,502.38
2016-209	Excavation to locate tile	191st street and Mallery Road	\$ 1,346.95
2017-94	Repair tile	South of 196th Street/East of Promise Road	\$ 38,435.90
2017-302	Repair tile	South of 196th Street/East of Promise Road	\$ 1,240.00
2019-319	Dig and repair blow hole	South of 196th St & East of Promise Rd	\$ 286.00
2020-395	Regrade/repair open ditch area	South of 191st St & West Mallery Rd	\$ 932.50
2022-001	Repair several places of broken down tile	11395 E 196th St, Noblesville	\$ 2,946.87

Proposed Project:

The existing tile was installed for agricultural drainage of the watershed and is not adequately sized to convey surface runoff. The proposed tile is sized to convey the runoff from the 10-year storm event in the future, developed condition with detention provided. The proposed tile system will provide a significant increase in capacity compared to the existing tile system. County standards require that new development provide detention facilities that store runoff up to the 100-year storm event and release the runoff at a reduced rate of 0.3-cfs/acre. The reduced rate was developed from the former standard that required the runoff from the 100-year storm event in the proposed condition be released at a peak rate that did not exceed the peak rate of runoff from the 10-year storm event in the existing condition. As such, this tile will also serve as an adequate outfall for future development.

The 2022 Reconstruction Project will consist of the following: 2,701-LF of 48" HDPE pipe; 117-LF of 48" RCP pipe; 7, 72" diameter precast manholes with casting; 1, 84" diameter precast manhole with casting; 1, 96" diameter precast manhole with casting; 76-LF of 18" HDPE pipe and fittings for connecting the existing tile and tile to be abandoned to the proposed 48" tile system; 4 bulkheads on the existing tile to be abandoned in-place; 20-LF of 24" CMP tile outlet; 40-LF of 36" CMP culvert; 2,623-LF of grass waterway with 6:1 side slopes; demolition and clearing; pavement removal and repair where the drain crosses 196th Street; gravel driveway removal and repair; fence removal and repair; maintenance of traffic; construction phase erosion and sediment control; removal of the existing tile; rip-rap armament at the outfall to the open ditch and at the proposed driveway culvert; Shoremax erosion control product for changes in flowline slope of the grass waterway; and seeding of the grass waterway and disturbed non-farmed areas. The project will also include incidental work to the existing open ditch regulated

drain between Stations 58+69 and 58+57 and to the abandoned open ditch between Stations 58+57 and 57+57.

The design of the grass waterway presented in the Construction Drawings initially issued for bid was revised by the Hamilton County Surveyor's Office. The final design is contained in Addendum Sheets 2-8.

The Hamilton County Highway Department recently completed a project to replace the roadway culvert under 196th Street. The proposed grass waterway will drain through this new culvert.

Any excess soil material generated from the installation of the new pipe and grass waterway shall be spread within the limits of the existing easement so as not to negatively affect the existing surface drainage flow.

The majority of the existing tile will be removed as the project is constructed. The sections of the existing tile that are not removed during construction will be abandoned in-place and connected to the new tile at various locations. A bulkhead will be installed on the existing tile to be abandoned downstream of each connection to the new tile.

Easements:

The project will occur within existing regulated drain easement. No additional easements are required for the 2022 Reconstruction Project.

Permits:

As this project is a project that will replace an existing pipe with a proposed pipe, no permits are required from IDNR, IDEM, or U.S. Army Corps of Engineers.

Changes to the Drain:

The stationing referenced in this report is based on the historic stationing listed in the County's GIS database.

The existing open ditch between Stations 61+17 and 58+57, including the existing retaining wall, will remain in place. The project includes a small amount of incidental work (flowline dredging and bank work) within the existing open ditch between Stations 58+69 and 58+57. This incidental work does not change the drain.

The existing tile upstream of Station 29+72, including Arm No.1 and the work completed in 2020, will not be affected by the 2022 Reconstruction Project.

The existing drain will be reconstructed between Stations 58+57 and 29+72.

100-feet of the existing open ditch between Stations 58+57 and 57+57 will remain but no longer be part of the regulated drain. The regulated drain will become 117-LF of 48" tile drain in this segment.

The existing tile between Stations 57+57 and 29+93 will either be removed while the new tile is constructed or abandoned in-place and removed from the County inventory. The new tile will be 2,701-LF of 48" tile between these stations.

The existing tile between Stations 29+93 and 29+72 will be removed and replaced with 26-LF of 18" tile and connect the existing tile to a new manhole.

The existing drain between Stations 58+57 and 29+72 is 2,885-feet in length and consists of 100-LF of open ditch and 2,785-LF of tile. The proposed drain will be 2,844-feet in length consisting of 2,818-LF of 48" tile, and 26-LF of 18" tile. The drain will be reduced in length 41-feet.

The regulated drain will now include a grass waterway for conveyance of runoff in excess of the capacity of the new tile. The grass waterway will parallel the main drain tile between Stations 56+84 and 30+08 and is 2,623-feet in length.

Construction Cost:

The lowest bidder was Morphey Construction. Based on the bid received, the cost of construction for this project is outlined below.

COST ESTIMATE					
Item	Description	Unit	Quantity	Unit Cost	Total Cost
H1	Pavement Demolition	SYS	66	\$90.00	\$5,940.00
H2	48" RCP with Granular Backfill	LF	71	\$360.00	\$25,560.00
H3	Pavement Repair	SYS	66	\$220.00	\$14,520.00
H4	Maintenance of Traffic	LS	1	\$89,291.00	\$89,291.00
B1	Clearing, Fence	LF	622	\$15.00	\$9,330.00
B2	Clearing, Trees	EA	7	\$2,000.00	\$14,000.00
B3	Clearing, Tree, Vegetation	Acre	1.23	\$13,000.00	\$15,990.00
B4	Gravel Drive Demolition	SYS	49	\$30.00	\$1,470.00
B5	Inlet Demolition	EA	1	\$700.00	\$700.00
B6	72" precast MH w/casting [StrA02,A03,A05,A06,A07,A08,A10]	EA	7	\$10,000.00	\$70,000.00
B7	84" Precast Manhole with Casting [Structure A04]	EA	1	\$15,000.00	\$15,000.00
B8	96" Precast Manhole with Casting [Structure A09]	EA	1	\$20,000.00	\$20,000.00
B9	48" HDPE Tile	LF	2,701	\$290.00	\$783,290.00
B10	48" RCP with Granular Backfill	LF	46	\$400.00	\$18,400.00
B11	18" HDPE Tile with Fittings	LF	76	\$145.00	\$11,020.00
B12	Existing Tile Connection	EA	4	\$1,500.00	\$6,000.00
B13	Bulkhead Existing Tile	EA	4	\$2,000.00	\$8,000.00
B14	24" CMP Tile Outlet	LF	20	\$250.00	\$5,000.00
B15	Grass Waterway	LF	2,623	\$49.00	\$128,527.00
B16	36-inch CMP Drive Culvert	LF	40	\$225.00	\$9,000.00
B17	Gravel Drive Repair	SYS	49	\$60.00	\$2,940.00
B18	Fence Repair	LF	343	\$25.00	\$8,575.00
B19	Construction Entrance	EA	2	\$2,500.00	\$5,000.00
B20	Inlet Protection	EA	1	\$350.00	\$350.00
B21	Rip-Rap with Geotextile	TON	34	\$130.00	\$4,420.00
B22	Seeding with Fertilizer and Straw Mulch	ACRE	5.4	\$11,000.00	\$59,400.00
B23	Coir Log Ditch Checks	LF	172	\$16.00	\$2,752.00
B24	Shoremax on Turf Reinforcement Mat	SYS	767	\$75.00	\$57,525.00
				Construction Cost	\$1,392,000.00
				15% Contingencies	\$208,800.00
				Estimated Staking, Grade Checks & As-builts	\$100,000.00
				Estimated Total Project Cost	\$1,700,800.00

Total Project Costs

The total cost of the project includes construction costs, contingency costs, and professional service costs. The total cost of this project is \$1,700,800.00. The various costs are outlined below:

Item	Cost
Construction Cost	\$1,392,000.00
15% Construction Contingency	\$208,800.00
Construction Staking, Grade Checks, As-Built Drawings [Estimate]	\$100,000.00
Total Project Cost	\$1,700,800.00

Project Funding:

The cost of the work within the rights-of-way of 196th Street, shall be paid by the Hamilton County Highway Department per IC 36-9-27-71. Line Items H1-H4 of the submitted bid have a total cost of \$135,311.00. With a 15% contingency, the lump sum cost to be assessed to the Hamilton County Highway Department will be \$155,607.65

The ARPA Committee and County Council have approved the funding for this project and \$1,979,206 has been appropriated. The estimated total cost is \$1,700,800. The Hamilton County Highway Department's portion is \$155,607.65 and the remaining will be \$1,545,192.35. That amount could be funded by one or two options.

1. ARP funds could pay the entire \$1,545,192.35.
2. An assessment rate of 836.06 per acre would create \$309,041.42 (20%) in collection from the shed and ARP funds could pay the other eighty (80%) percent.

I recommend the Board set a hearing for this reconstruction for November 28, 2022.



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pil

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
2022 Reconstruction of the WS Burnau Arm of the FM Musselman Drain

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **2022 Reconstruction of the WS Burnau Arm of the FM Musselman Drain** came before the Hamilton County Drainage Board for hearing **on December 12, 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.

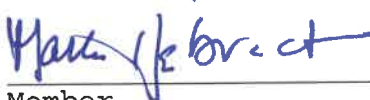
The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **2022 Reconstruction of the WS Burnau Arm of the FM Musselman Drain** 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

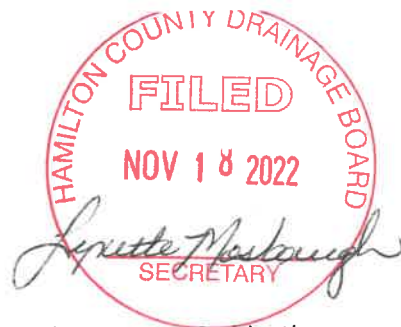

Member


Member

ATTEST: 
Executive Secretary

2022 Reconstruction of the WS Burnau Arm of the FM Musselman Drain

Property Owner	Parcel Number	Acres Benefit	Assmnt without ARPA	Assmnt with ARPA	% of Total
Goodwin, Donald L. & Wanda D.	10-07-28-00-00-005.000	14.19	\$59,318.04	\$11,863.70	3.84%
Latty, Michael D. & Cynthea R.	10-07-28-00-00-005.002	12.22	\$51,082.90	\$10,216.66	3.31%
Cook, Paul & Jaclyn R.	10-07-28-00-00-006.002	5.01	\$20,943.16	\$4,188.66	1.36%
Wethington, Ellen J.	10-07-28-00-00-013.000	5	\$20,901.36	\$4,180.30	1.35%
	10-07-28-00-00-014.000	0.4	\$1,672.12	\$334.42	0.11%
	12-07-27-00-00-012.000	11	\$45,982.98	\$9,196.66	2.98%
Wethington, Gene E. & Denise L.	10-07-28-00-00-014.004	5	\$20,901.36	\$4,180.30	1.35%
TOTALS		52.82		\$44,160.70	14.30%



To: Hamilton County Drainage Board

Subject: **WS Burnau Arm of the FM Musselman Drain**

In April of 2018 a hearing was held on the reconstruction of this arm. There were 18 objections, mostly over the cost to the benefit. The project was tabled. My recollection was that the plan was to be put in a drawer and when a development was proposed, the plan would be pulled out and the developer would pay to have the work done.

In September/October of 2019 a partial reconstruction was proposed in the southern (upper) section of the arm to address the flooding along Mallory Road. This was completed, I believe, in mid-2020; again with the understanding that any future development would be required to complete the rest of the reconstruction.

We object to the current property owners subsidizing this future development. There are 52 parcels with 43 unique owners on this arm. Per the minutes of 10/24/2022, there are 2 possible properties for development on this arm. We feel it is not right that you are asking the rest of us to subsidize this future development to the tune of 20% of the costs. Per the 10/18/22 Surveyor's report, the drain is sized to accommodate future development and not just the current, mostly agricultural, use.

The County Council has already approved funding this project using 100% ARPA money. We feel that if you want to recover some of the money, then collect it when the future development happens. There is a bit of a precedent for this just west of us with the Meadows subdivision putting in a large drain and recovering a certain amount when the next subdivision (Roudebush Farms) was later developed.

Ms. Altman has stated more than once on the various ARPA drain projects that she wants the property owners to "have skin in the game". We understand that, however, we feel asking for property owners to pay 20% of a very expensive reconstruction project consisting of so few properties and relatively small drainage area (370 acres) is too much.

Respectfully,

Donald L. Goodwin

Wanda D. Goodwin

11345 E. 196th St.
10-07-28-00-00005.000
S28 T19 R5

From the 10/18/2022 memo (Surveyor's report) to the drainage board (bold emphasis mine):

Proposed Project:

... The proposed tile is sized to convey the runoff from the 10-year storm event in the **future, developed condition with detention provided. The proposed tile system will provide a**

10-07-28-00-00-005.000

significant increase in capacity compared to the existing tile system. ... As such, this tile will also serve as an adequate outfall for future development.

Project Funding:

The cost of the work within the rights-of-way of 196th Street, shall be paid by the Hamilton County Highway Department per IC36-9-27-71. Line items H1-H4 of the submitted bid have a total cost of \$135,311.00. With a 15% contingency, the lump sum cost to be assessed to the Hamilton County Highway Department will be \$155,607.65.

The ARPA Committee and the County Council have approved the funding for this project and \$1,979,206 has been appropriated. The estimated total cost is \$1,700,800. The Hamilton County Highway Department's portion is \$155,607.65 and the remaining will be \$1,545,192.35. That amount could be funded by one or two options.

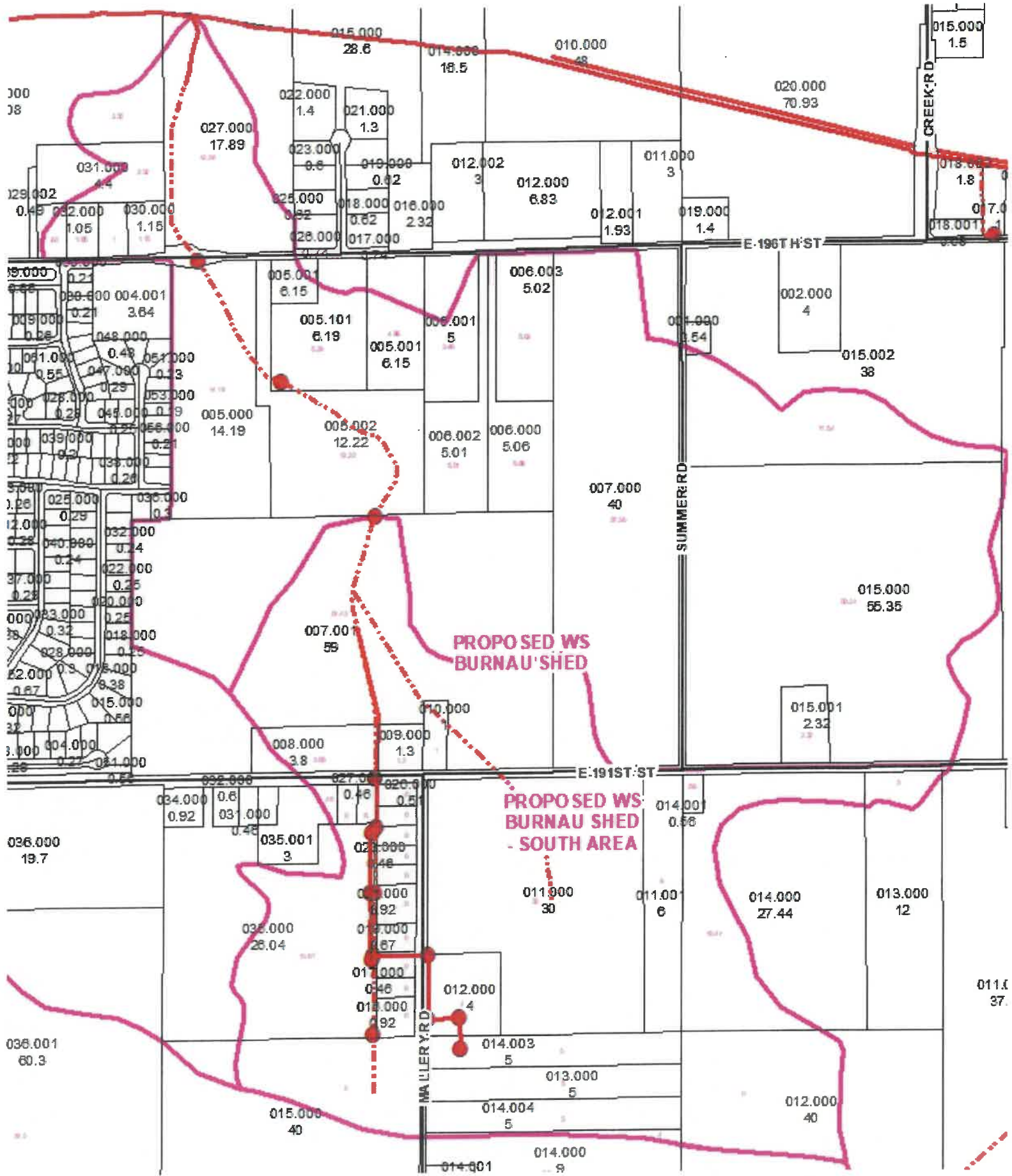
1. ARP funds could pay the entire \$1,545,192.35.
2. An assessment rate of 836.06 per acre would create \$309,041.42 (20%) in collection from the shed and ARP funds could pay the other eighty (80%) percent.

From the minutes of the 10/24/2022 drainage board meeting (bold emphasis mine):

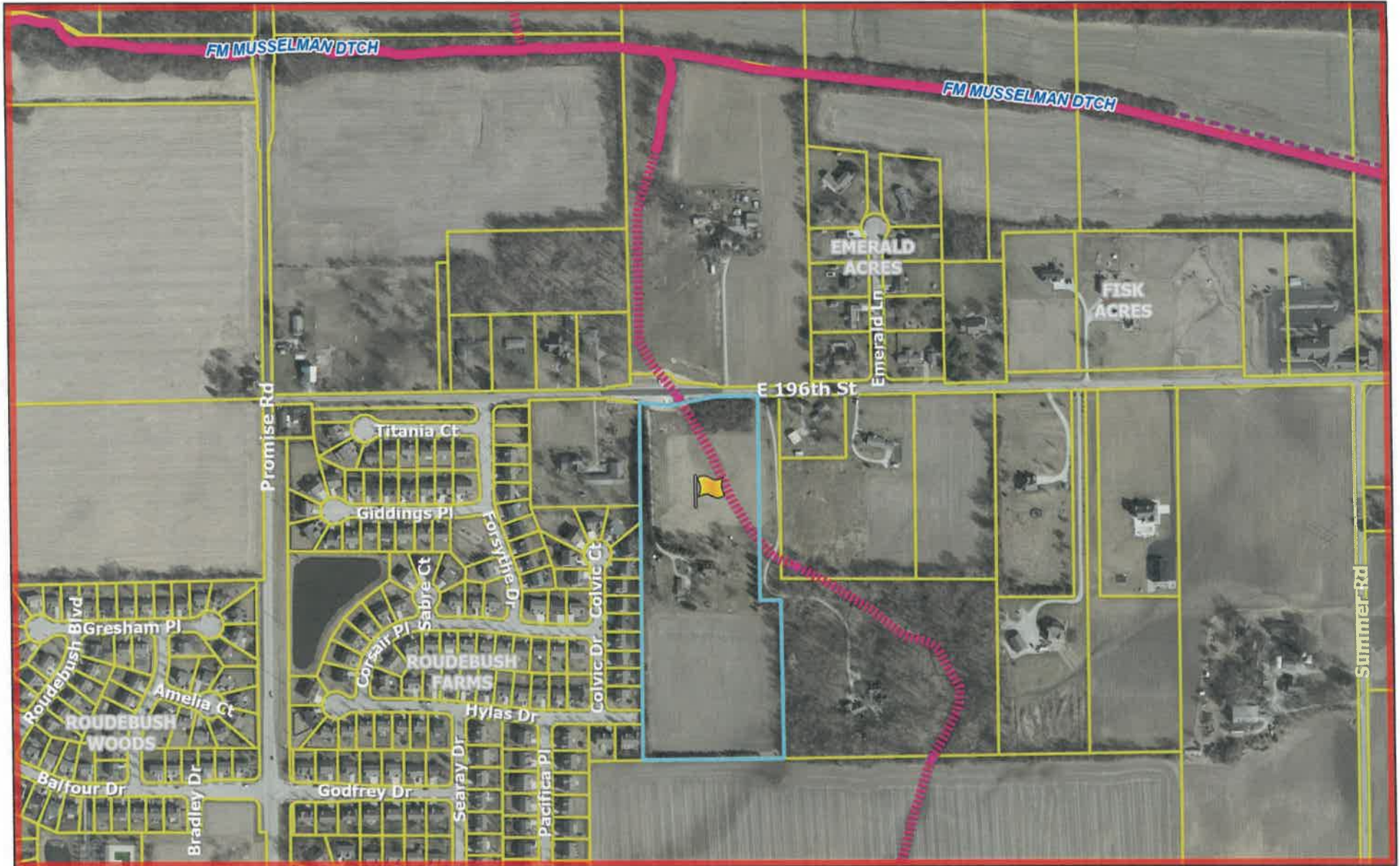
Altman stated let's make sure we show the range of assessments saying that up to "x" dollars may be used. That way we don't have to re-advertise if we look; **I'm also curious as if there's development property in these areas.**

The Surveyor stated the Burnau has two possible properties.

F.M. Musselman Drain, W.S. Burnau Arm



Burnau Arm of Musselman Drain_Goodwin Objection



November 18, 2022

1:6,000

Rivers & Streams

Subdivisions

Regulated Drains

Drainage Structures

Minor Roads

Regulated Drains Waterways

■■■■■ CLOSED DRAIN

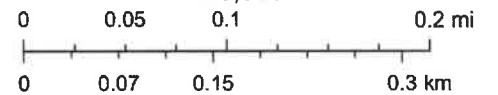
● All Other Structures

Major Roads

- - - Filter Strip

■■■■ OPEN DRAIN

□ Parcels



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November 18, 2022

To: Hamilton County Drainage Board

Re: **WS Burnau Arm of the FM Musselman Drain**



We recently received a letter outlining the possible assessment for the reconstruction of the WS Burnau Arm of the FM Musselman Drain. As the board is well aware, this project was proposed just a few years ago and the decision was made to reduce the scope and create a swale south of 191st St.

Personally, we do not have issues with flooding that affect our house or property in a negative way. We believe this project is again being proposed because ARP funds are available. It appears the board has already determined it will move forward. Below are comments about how this project will be funded that we would like to file. We wish for them to be discussed and taken into consideration prior to making funding decisions.

- Overall, we do not believe homeowners should be responsible to pay for this work. Per the surveyors' report, "this tile will also serve as an adequate outfall for future development." Small homeowners should not be responsible to subsidize future development. I reviewed and found other drain reconstruction projects costs where the "cost of reconstruction to be paid by the developer." (Examples: Vestal-Kirkendall Drainage Area, Russell Shuggart Arm; Mud Creek/Sand Creek, TJ Patterson Arm).
- Per the surveyors' report, as well as meeting minutes of the ARPA Committee and Common Council, \$1,979,206 has been appropriated for this project. The estimated cost after the Hamilton County Highway Department assessment is \$1,545,192.35. Thus, it does not seem reasonable to charge homeowners for any of the work. We believe the board should consider using ARP dollars to fully fund the project.
- Though we do not believe property owners should have to pay for this work, if they are charged, we believe the cost of the project should primarily be funded by ARP dollars with significantly less than the 20% proposed assessment to homeowners, which would present a hardship to many. As an example, in support of this resolution, we are aware of the LN Joseph and Eli Brooks Arm of the William Lehr drain reconstruction project where only approximately 4% is the proposed assessment to property owners if the project is not fully funded by ARP dollars.

Additionally, I would like to note some discrepancies found in past and current surveyors' reports. Per minutes of the final report meeting for the reduced scope project (3/21/22), Hazelwood comments, "You've done a lot but we still have a problem...we're still flooding, not as bad." In the current surveyors' report (10/18/22), the Hazelwood complaint is logged as "standing water." Thus, I find it interesting that the first paragraph under "Current Condition of

the Drain" is identical on both the surveyors' report from February 13, 2018 (page 4) and the current report (page 5), where it describes "significant flooding" to specific areas. I believe this is absolutely no longer true.

Thank you for your time and consideration of our comments.

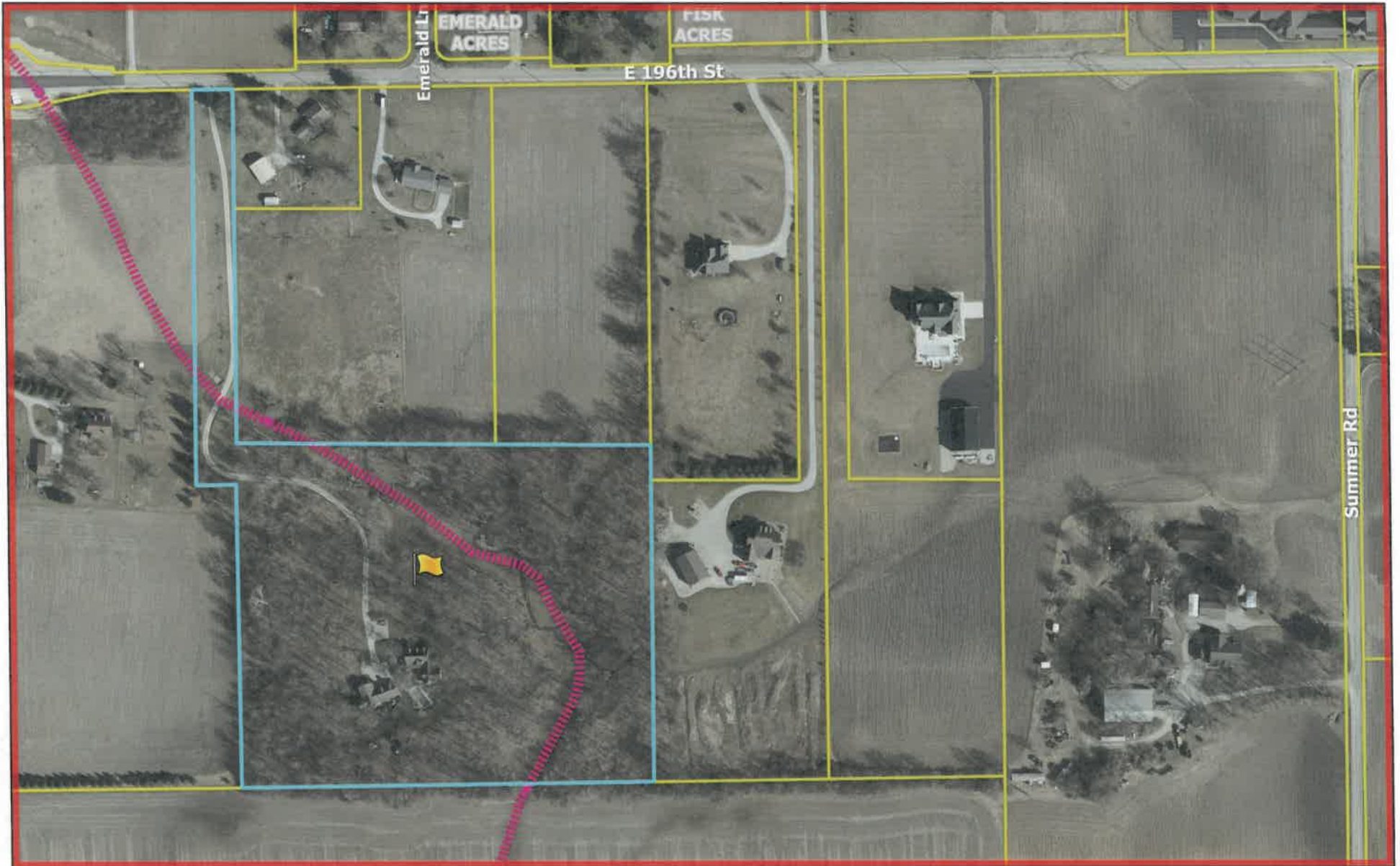
Michael D. Latty 11-18-22
Michael D. Latty

Cynthia R. Latty 11-18-22
Cynthia R. Latty

Parcel 10-07-28-00-00-005.002

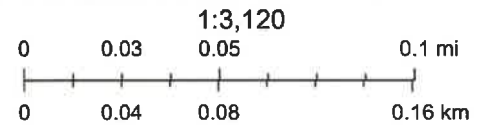
11395 East 196th St.
Noblesville, IN 46060

Burnau Arm of Musselman Drain_Latty Objection



November 18, 2022

- | | | |
|--------------|------------------|------------------------|
| Minor Roads | Subdivisions | Drainage Structures |
| Major Roads | Regulated Drains | ● All Other Structures |
| CLOSED DRAIN | ▭ Parcels | |

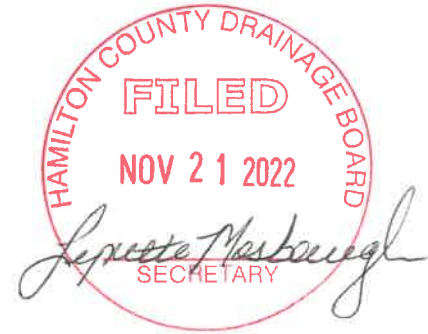


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November 16, 2022

Hamilton County Drainage Board
One Hamilton County Square, Ste. 188
Noblesville, IN 46060-2230



To Whom it May Concern:

This letter is to state our objection to the **W.S. Burnau Arm of the FM Musselman Drain** Improvements. We feel strongly that the cost and expenses we will incur extremely exceed the benefit that might result on our property.

Our first objection is the unreasonably high price. The amount of \$4,188.66 or possibly \$20,943.16 is excessive to the possibility of helping our property drain. We feel the properties on and around Mallory Road will be benefited by the drain. However, our property will not necessarily benefit from the drain and the benefits we do receive cannot possibly be valued at \$20,943.16. It appears the water will be pulled from their area and toward ours. Hopefully the water would continue to flow past us but there is no guarantee of that.

In addition to the very high cost, our property value will not increase even though we would be out \$4,188.66 or \$20,943.16.

We are under the assumption with the growth in this area that the field located to the south our property (191st and Summer) will eventually be developed into a neighborhood. If/when that is the case, a drainage plan will have to be put in place. Will this \$1.7 million project be tied into, or will it be torn out to put in the storm drains and retention ponds needed for a neighborhood?

We are a family with 4 children. We are not in a position to pay such a high amount for something that is not going to benefit us at the same value we would be spending. We live on a budget to make ends meet and keep bills paid. We prefer to not have debt to pay for a drain and it is not feasible for us to take on that amount and not go into debt. We work and plan to pay our bills, provide for our children and help with our oldest child's college tuition.

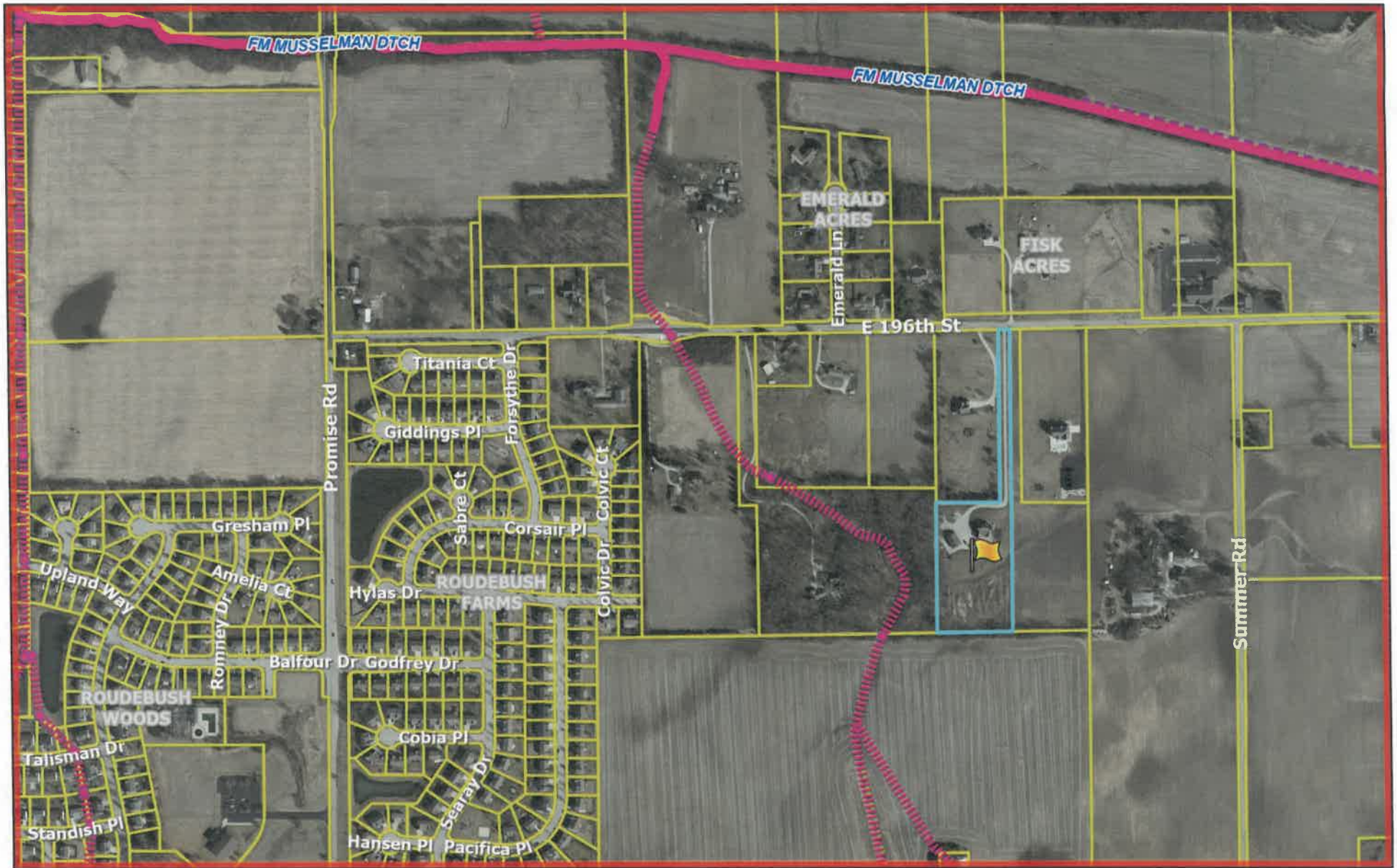
We can't fathom anyone would be ok with taking on such an exorbitant bill with a small benefit in exchange. We would ask that you consider what position it would put you in if you received a \$20k bill in the mail to keep your neighbors from flooding?

Sincerely,

Paul & Jackie Cook
Paul and Jackie Cook

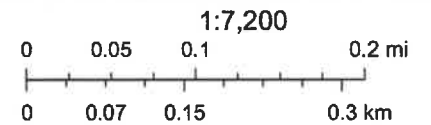
10-07-28-00-00-006.002

Burnau Arm of Musselman Drain_Cook Objection



November 21, 2022

- | | | | |
|------------------|------------------|--------------------|------------------------|
| Rivers & Streams | Subdivisions | --- Grass Waterway | — OPEN DRAIN |
| Minor Roads | Regulated Drains | Waterways | Regulated Drains |
| Major Roads | Filter Strip | — CLOSED DRAIN | • All Other Structures |



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Ellen J. Wethington
18620 Mallory Rd
Noblesville, In 46060
Nov. 17-22



Hamilton County Drainage Board

Reconstruction of the W.S. Burnham
Arm of the F.M. Musselman Drain

I'm not for the reconstruction
of the Burnham Arm of the F.M.
Musselman Drain that is costing
68,556.46

Ellen J. Wethington

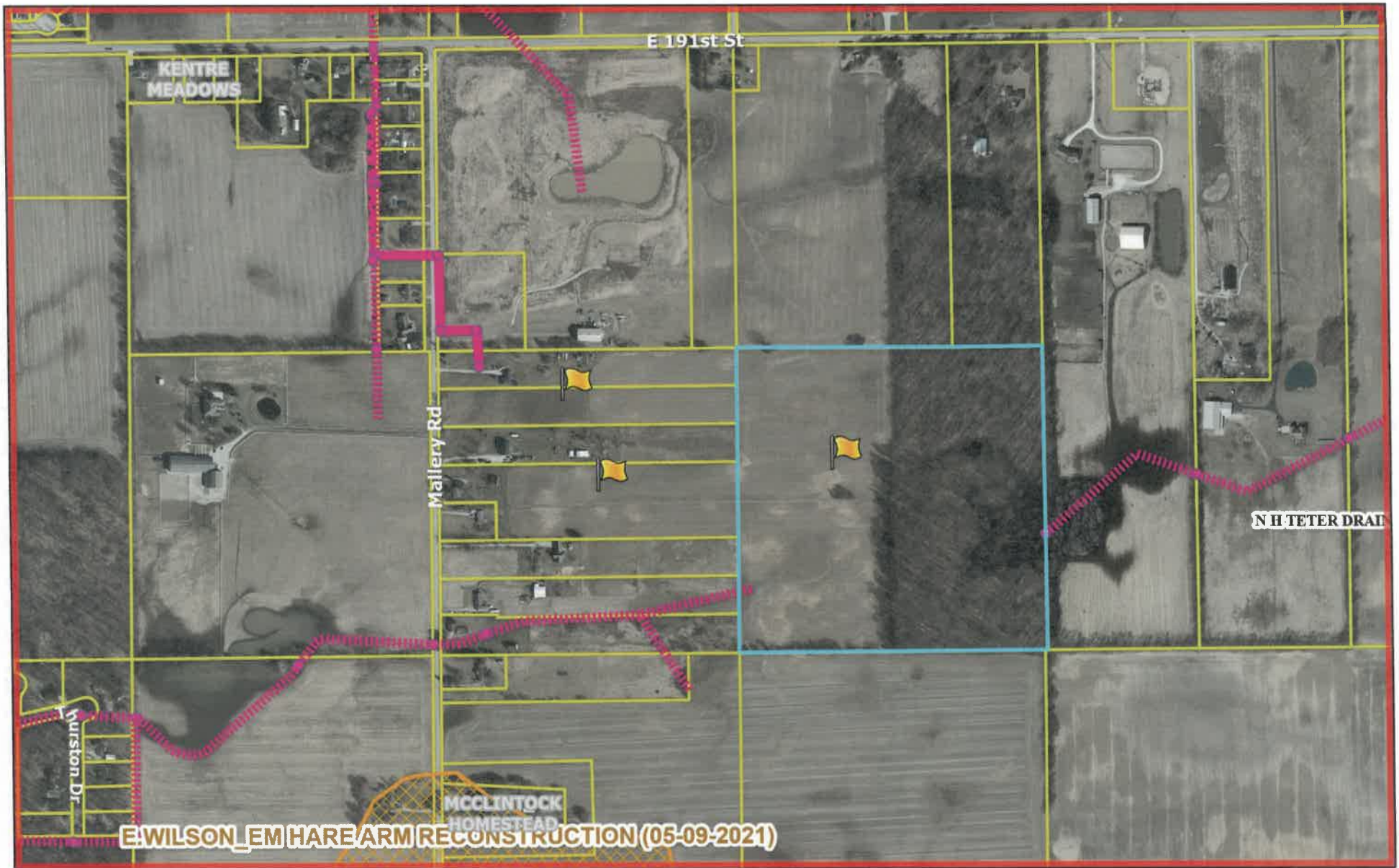
2022 Reconstruction of the W.S. Burnham Arm of the
F.M. Musselman Drain

10-07-28-00-00-013.000

10-07-28-00-00-014.000

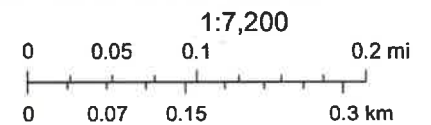
12-07-27-00-00-012.000

Burnau Arm of FM Musselman Drain_Wethington Objection



November 22, 2022

- | | | | | | |
|--------------|--|---------------------------|--|------------------|----------------------|
| Minor Roads | | Drains Under Construction | | Swale | Drain Name |
| Major Roads | | Regulated Drains | | Regulated Drains | Drainage Structures |
| Subdivisions | | Grass Waterway | | CLOSED DRAIN | All Other Structures |



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Gene and Denise Wethington object to any further reconstruction on the 2022 Reconstruction of the W.S. Burnau Arm of the F.M. Musselman Drain. The land we live on has been in our family since it was homesteaded. These ridiculous drain assessments may cause our family to have to sell off the land, but maybe that is what these assessments are truly intended to cause.

Gene and Denise Wethington

18770 Mallery Rd.

Noblesville, IN 46060

Gene Wethington
Denise Wethington

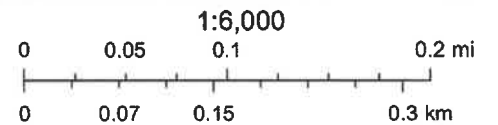
10-07-28-00-00-014.004

Burnau Arm of Musselman Drain_Wethington Objection



November 23, 2022

- | | | | | |
|--------------|--------------------|--------------------|------------------------|---------------------|
| Minor Roads | Regulated Drains | Waterways | Regulated Drains | Drainage Structures |
| Major Roads | --- Grass Waterway | ----- CLOSED DRAIN | ● All Other Structures | |
| Subdivisions | - - - Swale | | □ Parcels | |



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November 17, 2022

To: Hamilton County Drainage Board

Re: WS Burnau Arm of the FM Musselman Drain



We have received your letter regarding the possible assessment for the reconstruction of the WS Burnau Arm of the FM Musselman Drain. As you know, this was proposed just a few years ago and the decision was made to reduce the scope and create a swale south of 191st St. We have seen little standing water nor any flooding in that area since.

Personally, we do not have issues with flooding that affect our property in a negative way. We believe this project is again being proposed because ARP funds are available, and possible future development.

It appears the board has already determined this project will move forward. Below are comments about how this project will be funded that we would like to file. We wish for them to be discussed and taken into consideration prior to making decisions regarding the funding for this plan.

- Overall, we do not believe homeowners should be responsible to pay for this work. Per the surveyors' report, "this tile will also serve as an adequate outfall for future development". Small homeowners should not be responsible to subsidize future development.
- Per the surveyors' report, as well as meeting minutes of the ARPA Committee and Common Council, \$1,979,206 has been appropriated for this project. The estimated cost after the Hamilton County Highway Department assessment is \$1,545,192.35. Thus, it does not seem reasonable to charge homeowners for any of the work. We believe the board should consider using ARP dollars to fully fund the project. Any funds charged to current homeowners would create financial hardship to most homeowners. Our portion is a whopping \$51,651.80 WITH ARP funding at 20%. This is not a reasonable number for crop ground. We feel strongly that any new developer be charged for residual monies due after ARP funding is exhausted.
- Though we do not believe property owners should have to pay for this work, we are aware that Indiana code allows it. If property owners are charged, we believe the cost of the project should primarily be funded by ARP dollars with significantly less than the 20% proposed assessment to homeowners.

Thank you for your time and consideration.

Canterbury Estates

Parcels, 12-07-27-00-00-015.002 and 12-07-27-00-00-015.000

Kevin D. Burrow, Partner

Kim C. Mace, Partner

Kelly L. Burrow, Partner

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

**2022 Reconstruction of the
WS Burnau Arm of the F. M. Musselman Drain**

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 **2022 Reconstruction of the WS Burnau Arm of the F. M. Musselman Drain on November 28, 2022 at 9:30 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 **2022 Reconstruction of the W. S. Burnau
Arm of the F. M. Musselman Drain**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **December 12, 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

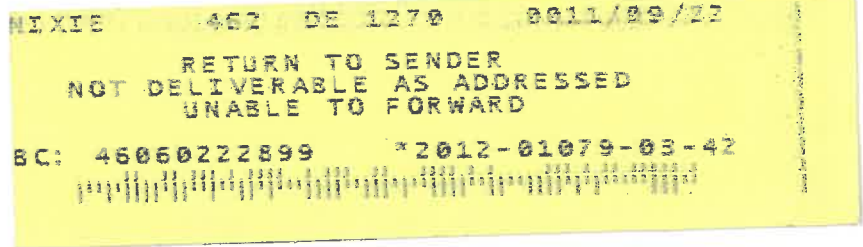
ATTEST: Lynette Mosbaugh
SECRETARY

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD
 October 28, 2022

NOV 15 2022

Notice of Hearing on Reconstruction & Schedule of Assessments and Damages on the 2022
Reconstruction of the W.S. Burnau Arm of the F.M. Musselman Drain.

Amritsar LLC
 13398 Tegler Dr Ste 120 Unit 200
 Noblesville, IN 46060



Under the Indiana Drainage Code, all land which drains directly, or indirectly, may be assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. The Drainage Board has received a reconstruction report and schedule of assessments which affects your land. The purpose of the reconstruction project is to perform work which will substantially improve the drainage for the entire watershed served by the drain.

You are hereby notified that the reconstruction report of the County Surveyor and the schedule of assessments made by the Drainage Board have been filed and are available for public inspection in the office of the County Surveyor. The chart below contains your proposed assessment and your percentage of the total reconstruction assessment.

The reconstruction report of the Surveyor and schedule of damages and benefits as determined by the Drainage Board for the proposed improvement known as the **2022 Reconstruction of the W.S. Burnau Arm of the F.M. Musselman Drain** have been filed and are available for inspection in the office of the County Surveyor. The schedule of assessments shows the following lands in your name are affected as follows. This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Description of Land	Acres Benefitted	Damages	Reconst. Assmt. without ARP funds	Reconst. Assmt. With 80% ARP funds	% of Total
10-07-21-00-00-029.000					
S21 T19 R5 29.08Ac	3.35	Zero	\$14,003.90	\$2,800.80	0.91%

The County Surveyor has requested ARP (American Rescue Plan) funds to be designated for this project. The Drainage Board will determine how much ARP funds will be designated for this reconstruction. The above chart shows how much you will be assessed without ARP funds and how much you could be assessed if ARP contributes 80% of the cost.
 * No change in current maintenance assessment rates.

The hearing on the Surveyor's reconstruction report and on the schedules of damages and assessments are set for hearing at **9:30 A.M. on November 28, 2022** in the Commissioner's Court. The law provides that objections must be written and filed not less than 5 days before the date of the hearing. Objections may be for causes as specified by law and which are available at the Surveyor's Office. Written evidence in support of objections may be filed. The failure to file objections constitutes a waiver of your right to thereafter object, either before the Board or in court on such causes, to any final action of the Board. On or before the day of the hearing before the Board, the Surveyor shall and any owner of affected lands may cause written evidence to be filed in support of or in rebuttal to any filed objections.

HAMILTON COUNTY DRAINAGE BOARD
 One Hamilton County Square, Ste. 188
 Noblesville, IN 46060-2230

For a copy of the Surveyor's Report to the Drainage Board and a copy of the map, if applicable, please go to www.hamiltoncounty.in.gov/drainageboardnotices.