

Kenton C. Ward, CFM
Surveyor of Hamilton County
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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

November 8, 2019

To: Hamilton County Drainage Board

Re: Sly Run Drain, Sagewood Extension

Attached are the petition and plans for the proposed Sly Run Drain as part of the Sagewood subdivision project. This project is being petitioned by Sly Run Inc., dba Sagewood, Inc. The proposal is to make the portion of Sly Run within Sagewood subdivision a part of the Sly Run Drain as shown on construction plans by Stoepfelwerth & Associates, Job No. 79625LGL-S1, revision date 8/27/2018. This proposed drain is located within Noblesville Township.

Per the plans by Stoepfelwerth & Associates, the new drain route will be as follows: The upstream end of this arm will begin where Sly Run enters the subdivision within Common Area #3 at the southwest corner of the site and drains southeast approximately 355' where the flowline exits the subdivision. This is shown on sheet number C200 of the plan set. Also a section of Sly Run approximately 45 feet in length between where the drain enters Sagewood from the Mill Creek Subdivision and where it exists Sagewood and enters Setters Mill Subdivision. This is shown on sheet C201 of the plan set.

This petition consists of the following length:

400 ft of open drain

This proposal will add 400' of footage to the Sly Run drain's total length.

The Sly Run Drain was first established by the Drainage Board at hearing on November 26, 2001 with the Riverwalk Commons, Sec. 1 Arm, per my letter dated October 8, 2001. (See Drainage Board Minutes Book 6, pages 212 -- 214).

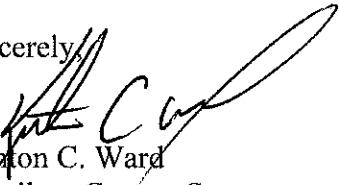
Sagewood subdivision is annexed into the City of Noblesville. The other drainage facilities located within the subdivision fall under the jurisdiction of the City of Noblesville and are not being petitioned as regulated drain. The developer posted surety to the City for those drainage facilities within Sagewood subdivision.

The entire Sagewood subdivision is assessed to the Sly Run watershed. The total assessment for the proposed extension is \$1,137.66.

The easement for this section of drain is located within existing easement as per the recorded secondary plat for Sagewood Subdivision, Common Area #3. The secondary plat was recorded on 8/28/2019. Instrument No. 2019040055. A non-enforcement has been submitted to establish the regulated drain easement per those easements shown in Common Area #3 on the plat. I recommend approval of the non-enforcement.

I recommend the Board set a hearing date for January 27, 2020.

Sincerely,



Kenton C. Ward
Hamilton County Surveyor

KCWpll

STATE OF INDIANA)
)
COUNTY OF HAMILTON)

FILED

NOV 16 2018

OFFICE OF HAMILTON COUNTY SURVEYOR

TO: HAMILTON COUNTY DRAINAGE BOARD
% Hamilton County Surveyor
One Hamilton County Square, Suite 188
Noblesville, IN. 46060-2230

In the matter of Sly Run Drain, Sagewood Arm Subdivision, Section
Drain Petition.

Petitioner is the owner of ~~all~~ lots in the land affected by the proposed new regulated drain. The drainage will affect various lots in Sagewood, a subdivision in Hamilton County, Indiana. The general route of such drainage shall be in existing easements ~~and along public roads~~ as shown in the plans on file in the Surveyor's Office.

Petitioner believes that the cost, damages and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land likely to be benefited thereby. Petitioner believes the proposed improvements will:

- (a) improve public health
- (b) benefit a public street
- (c) be of public utility

Petitioner agrees to pay the cost of construction of the drainage system and requests periodic maintenance assessments by the Board thereafter.

The Petitioner also agrees to the following:

1. To provide the Drainage Board a Performance Bond or Non-Revocable Letter of Credit for the portion of the drainage system which will be made a regulated drain. The bond will be in the amount of 120% of the Engineer's estimate. The bond will be in effect until construction of 100% of the system is completed and so certified by the Engineer.
2. The Petitioner shall retain an Engineer throughout the construction phase. At completion of the project the Petitioner's Engineer shall certify that the drainage system which is to be maintained as a regulated drain has been constructed as per construction plans.
3. The Petitioner agrees to request in writing to the County Surveyor any changes from the approved plan and must receive written authorization from the County Surveyor prior to implementation of the change. All changes shall be documented and given to the Surveyor to be placed in the Drain file.
4. The Petitioner shall instruct his Engineer to provide a reproducible print on a 24" x 36" Mylar of the final design of the Drainage System. This shall be submitted to the County Surveyor prior to the release of the Performance Bond.
5. The Petitioner shall comply with the Erosion Control Plan as specified on the construction plans. Failure to comply with the Erosion Control Plan shall be determined by the Board as being an obstruction to the drainage system. The County Surveyor shall immediately install or repair the needed measures at Petitioners cost as per IC 36-9-27-46.

The Petitioner further requests that the Drain be classified as an Urban Drain as per IC 36-9-27-69(d).

RECORDED OWNER(S) OF LAND INVOLVED

Signed <u><i>[Signature]</i></u>	Signed _____
Printed Name <u>Roger L. Kusslegg, Pres.</u>	Printed Name _____
Printed Name <u>Sly Ann, Inc. aka Sugarwood, Inc.</u>	Printed Name _____
Date <u>11/15/18</u>	Date _____
Signed _____	Signed _____
Printed Name _____	Printed Name _____
Date _____	Date _____

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Sly Run Drain, Sagewood Extension

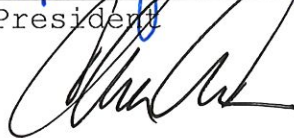
On this 27th day of January, 2020, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Sly Run Drain, Sagewood Extension**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest:


Executive Secretary

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Sly Run Drain, Sagewood Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Sly Run Drain, Sagewood Extension** came before the Hamilton County Drainage Board for hearing on **January 27, 2020**, 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.

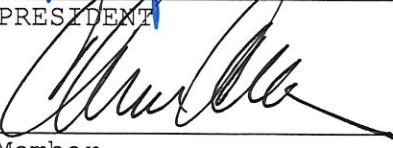
The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Sly Run Drain, Sagewood Extension** 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Sly Run Drain, Sagewood Extension

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 **Sly Run Drain, Sagewood Extension** on **January 27, 2020** at **9:15 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 **Sly Run Drain, Sagewood Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **January 27, 2020** 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: Mark Heirbrandt
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY