

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

August 7, 2019

To: Hamilton County Drainage Board

Re: E.O. Michaels Drain, Wayne Township Arm

Attached is a petition filed on July 29, 2019 by Township Board and Township Trustee of Wayne Township, Hamilton County Indiana along with plans, calculations and quantity summary for an arm to the E.O. Michaels Drain to be located in Wayne Township. I have reviewed the submittals and petition and have found each to be in proper form.

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. As per the plans for the "Wayne Township Volunteer Fire Dept. #15" by Elements Engineering, Project No. 18-71-001 the drain will consist of the following:

15" RCP 1,527 feet

The total length of the drain will be 1,527 feet.

The main line from Structure 706, the outlet for the detention facility, to Structure 700, the outlet of the arm into the E.O. Michael Drain is accepted and maintained as regulated drain. The internal storm drains and subsurface drains within the project site and the detention facility are not to be part of the regulated drain.

The Township, through it's general contractor Design & Build Corp., has contracted with Filson Earthwork Company, Inc. for the construction of the proposed arm. The cost for this work is \$114,867.00.

The cost of the construction for the project will be paid by the Township Board and Township Trustee of Wayne Township, Hamilton County Indiana. The completed arm will become part of the E.O. Michael Drain and will fall under the maintenance program for the Stony Creek Drainage Area of which the Michaels drain is an arm of.

Since this is a public project no bonds or sureties are required for the construction of this arm.

A 30-foot-wide drainage easement will be established along the west and north perimeter of the tract owned by Harry & Joyce A. Wiggins, parcel number 12-07-36-00-00-002.000. The description for this easement is as follows: A part of the northwest quarter of Section 36, Township 19 North, Range 5 East, in Wayne Township, Hamilton County, Indiana described as follows. A strip of land 30 feet in even width, lying 15 feet on each side of the following described centerline. Commencing at the northeast corner the northwest quarter of Section 36, Township 19 North, Range 5 East, Thence south 89 degrees 27 minutes 21 seconds west 40.00 feet along the north line of said northwest quarter, to the point of beginning of this descriptions; said point also being north 89 degrees 27 minutes 21 seconds east from the northwest corner of a tract of land described in Instrument number 200500072106 records of Hamilton County, Indiana; thence south 00 degrees 21 minutes 58 seconds east 35.00 feet parallel with the east line of said quarter section; thence south 89 degrees 27 minutes 21 seconds west 343.13 feet parallel with the north line of said quarter section; thence south 00 degrees 24 minutes 38 seconds east 453.56 feet parallel with the west line and to the south line of said tract to the point of terminus of this easement description, the side lines of said description to be shortened or lengthened to meet angle points 15 feet measured at right angles from the described centerline, containing 0.572 acres, more or less.

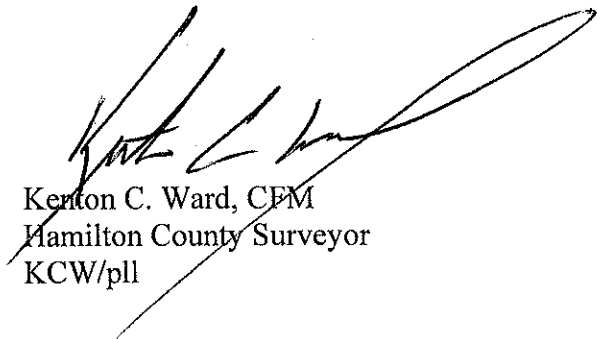
A second easement to be established is a 30-foot-wide drainage easement into the Wayne Township property, parcel number 12-07-36-00-00-002.001. This will extend into the tract from the tracts northwest corner to cover the new drain from Structure 705 to Structure 706 as shown on the above referenced plans. The description for this easement is as follows: A part of the Northwest Quarter of Section 36, Township 19 North, Range 5 East, in Wayne Township, Hamilton County, Indiana described as follows. A strip of land 30 feet in even width, lying 15 feet on each side of the following described centerline. Commencing at the northeast corner of the northwest quarter of Section 36, Township 19 North, Range 5 East, Thence south 00 degrees 21 minutes 58 seconds east 496.08 feet along the east line of said Northwest Quarter to the northeast corner of a tract of land described in Instrument Number 2019013193 Records of Hamilton County, Indiana; Thence north 89 degrees 25 minutes 11 seconds west 382.83 feet along the north line of said tract to the point of beginning of this description; said point also being North 89 degrees 25 minutes 11 seconds east 15.00 feet from the northwest corner of said tract; thence south 00 degrees 24 minutes 38 seconds east 10.85 feet parallel with the west line of said tract; Thence south 58 degrees 07 minutes 35 seconds east 57.08 feet to the point of terminus of this easement description, the side lines of said description to be shortened or lengthened to meet angle points 15 feet measured at right angles from the described centerline, containing 0.047 acres, more or less.

A third easement will be established along the east line of the property owned by Harry & Ruth Revis Life Estate, parcel number 12-07-25-00-00-00-016.000. This 30-foot-wide easement will extend from 186th Street on the south to the arm's outlet into the E.O. Michael Drain on the north. The easement will run adjacent to the 16.5-foot apparent right of way for Durbin Road.

The description for this easement is as follows: A part of the Southwest Quarter of Section 25, Township 19 North, Range 5 East, in Wayne Township, Hamilton County, Indiana described as follows. A strip of land 30 feet in even width, lying 15 feet on each side of the following described centerline. Commencing at the southeast corner of the southwest quarter of Section 25, Township 19 North, Range 5 East, thence south 89 degrees 27 minutes 21 seconds west 40.00 feet along the south line of said southwest quarter, to the point of beginning of this description; Thence north 00 degrees 32 minutes 03 seconds west 628.86 feet parallel with the east line of said quarter section; to the point of terminus of this easement description, the side lines of said description to be shortened or lengthened to meet angle points 15 feet measured at right angles from the described centerline, containing 0.433 acres, more or less. Permission to use this easement for construction has been provided to the Wayne Township Trustee from Marcia & Jim Hudson dated May 16, 2019.

(Exhibits, Exhibits A,B,C,D,E and F for the easements are as prepared by Brian K. Rayl are attached.)

I recommend the Board set a hearing for this proposed arm for September 23, 2019.



Kenton C. Ward, CFM
Hamilton County Surveyor
KCW/pll

IN THE MATTER OF THE WAYNE TOWNSHIP ARM OF THE E.O. MICHAELS DRAIN
HAMILTON COUNTY DRAINAGE BOARD

FILED

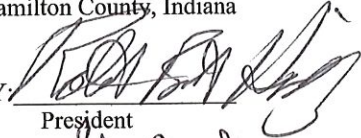
JUL 29 2019

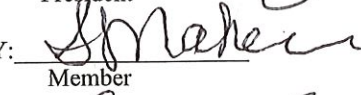
OFFICE OF HAMILTON COUNTY SURVEYOR

Come now the Township Board and Township Trustee of Wayne Township, Hamilton County, Indiana, who petition the Hamilton County Drainage Board as follows:

1. They are the duly elected Township Board and Township Trustee of Wayne Township, Hamilton County, Indiana.
2. That in that capacity they are responsible for the drainage of township property.
3. That they now desire that a regulated drain be constructed in Wayne Township which involves the future township property improvements in the southwest corner of Durbin Road and East 186th Street.
4. The names and address of each owner affected by the proposed public drainage are attached hereto, made a part hereof, and marked Exhibit "A", which area of land involved in the proposed drainage area is located in Sections 25 and 36, Township 19 North, Range 5 East, Hamilton County, Indiana.
5. No other public lands or owners are located in the area which would affect improvement.
6. That the general route of the proposed drain starts north of State Road 32 parallel with the west property line of the Wayne Township parcel running north and parallel with the west property lines of the Wayne Township and the Wiggins parcels to the south side of East 186th Street R/W on the Wiggins parcel then runs east and parallel with the south R/W of East 186th Street of the Wiggins parcel to the west R/W of Durbin Road then runs north to the E.O. Michaels Drain along the west R/W of Durbin Road on the Revis parcel, and including any other subsurface drains which may be required.
7. That in the opinion of the Petitioner, the costs, damages, and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land to be benefited thereby.
8. That in the opinion of the Petitioner, the proposed improvement will benefit a public highway in Hamilton County, Indiana.
9. That the name of the attorney representing Petitioner in the drainage petition is Christine Crull Altman, 90 Executive Drive, Suite G, Carmel, Indiana 46032.
10. That Petitioners shall pay the cost of notice and all legal costs if the Petition is dismissed.
11. Petitioner shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established.

Township Board of Wayne Township,
Hamilton County, Indiana

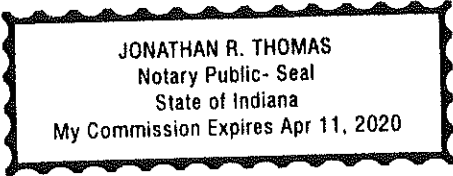
BY: 
President

BY: 
Member

BY: 
Member

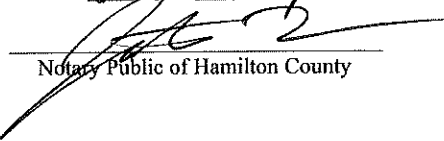
Attest:


Diane Crim / Trustee of Wayne Township, Hamilton County



STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Subscribed and sworn to before me, A Notary Public this 5 day of July 2019.



Notary Public of Hamilton County

My Commission Expires:
4/11/20

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
E. O. Michaels Drain, Wayne Township Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **E. O. Michaels Drain, Wayne Township Arm** came before the Hamilton County Drainage Board for hearing **on September 23, 2019**, 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 **E. O. Michaels Drain, Wayne Township 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

FILSON EARTHWORK COMPANY, INC.

P.O. Box 538
Noblesville, IN 46061
Phone: 317.774.3180
Fax: 317.774.3181

PROPOSAL

TO: Design & Build Corp.
Mike Nix
P.O. Box 863
Fishers, IN 46038

Page 1 of 5 Pages DATE: June 11, 2019
JOB NAME: **Wayne Township Fire Station**
18441 Dubin Rd., Noblesville IN
PHONE: 842-6370 FAX: 578-7032

We hereby submit specifications and estimates for:

SITE DEMOLITION	\$ 3,421.00
SITE EXCAVATION	\$109,180.00
STONE BUILDING PAD	\$ 6,343.00
STONE ASPHALT/CONCRETE PAVEMENT AREAS	\$ 13,163.00
STORM SEWER	\$ 97,798.00
REGULATED DRAIN	\$114,867.00
SEWER/SEPTIC SYSTEM	\$ 26,333.00
FIRE DEPT DRY HYDRANT LINE	\$ 5,900.00
WATER SERVICE LINE	\$ 4,462.00
EROSION CONTROL	\$ 26,617.00
TOTAL BASE BID	\$408,084.00


We propose to furnish material and labor -- complete in accordance with these specifications, for the sum of:
Four hundred eight thousand eighty-four and 00/100...(\$408,084.00)

Payable as follows:

Monthly progress payments based on percentage of completion. A 2% service charge will be added monthly to invoices past 30 days. All invoices past 30 days are subject to lien rights.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Date: 6-11-19

Authorized Signature: 
Aaron Hughes

Note: This proposal may be withdrawn by us if not accepted
within 30 days.

Acceptance of Proposal: _____ Date: _____

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

E. O. Michaels Drain, Wayne Township 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 **E. O. Michaels Drain, Wayne Township Arm** on **September 23, 2019** at **9:00 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 **E. O. Michaels Drain, Wayne Township Arm**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **September 23, 2019** 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