

SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County
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 Fax (317) 776-9628

Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

September 27, 2006

TO: Hamilton County Drainage Board

RE: Thorpe Creek Drain, Barrington Estates Section 2 Arm

Attached is a petition filed by Cole Developers, LLC along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Barrington Estates Section 2 Arm, Thorpe Creek Drain to be located in Fall Creek 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. The drain will consist of the following:

6" SSD	3,980 ft	18" RCP	305 feet
15" RCP	597 ft	24" RCP	394 feet
		Open Ditch	1,300 feet (Martha Ford)

The total length of the drain will be 5,276 feet.

The open drain listed above is that portion of the Martha Ford Drain from the southwest corner of Block "D", Barrington Estates Section 1 to the southeast corner of Lot 33 of Barrington Estates Section 2. The length of drain is not in the total length.

The retention pond located in Barrington Estates Section 1 is not to be considered part of the regulated drain. Only the inlet and outlet will be maintained as part of the regulated drain. The maintenance of the pond will be the responsibility of the Homeowners Association. The Board will however retain jurisdiction for ensuring the storage volume for which the lake was designed will be retained, thereby, allowing no fill or easement encroachments.

The subsurface drains (SSD) to be part of the regulated drain are those located under the curbs and those main lines between lots or in rear yards. Only the main SSD lines which are located within the easement and right of way are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain. The portion of the SSD which will be regulated other than those under curbs are as follows: Rear of Lots 27 to 31 which was installed with Section 1.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$10.00 per acre for common areas and platted lots, \$10.00 per acre for roadways, with a \$75.00 minimum. With this assessment the total annual assessment for this drain/this section will be \$2,037.40. Collections for this drain will not begin until 2007.

The petitioner has submitted surety for the proposed drain at this time. Surety shall be submitted prior to the approval of the Hamilton County Board of Commissioners/commencement of construction. The sureties which are in the form of a Performance Bond/Letter of Credit are as follows:

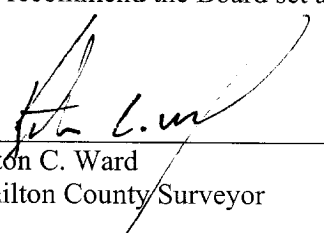
Agent: Shelby County Bank
Date: March 21, 2005
Number: 2
For: Storm Sewers
Amount: \$137,000.00

Agent: Shelby County Bank
Date: March 21, 2005
Number: 3
For: Monuments, Markers, Erosion Control
Amount: \$14,000.00

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Barrington Estates Section 2 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for November 27, 2006.



Kenton C. Ward
Hamilton County Surveyor

KCW/pll

STATE OF INDIANA)
)
COUNTY OF HAMILTON)

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

In the matter of Barrington Estates Subdivision, Section
2 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 Barrington Estates, 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:

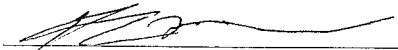
- (a) improve public health
- (b) benefit a public street
- (c) be of public utility

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 for the portion of the drainage system which will be made a regulated drain. The bond will be in the amount of 100% 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).


Signed

Signed

Theodore L. McMullen - mer
Printed Name

Printed Name

RECORDED OWNER(S) OF LAND INVOLVED Date 11/13/03

Hamilton County Drainage Board
Court House
Noblesville, Indiana

IN RE: _____
Hamilton County, Indiana

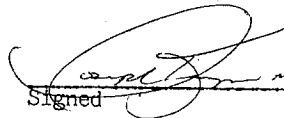
PETITION FOR RELOCATION AND RECONSTRUCTION

COLE DEVELOPMENT, LLC (hereinafter "Petitioner"),

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the THORPE CREEK Drain, and in support of said petition advises the Board that:

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

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


Signed _____ MEMBER.

JOSEPH KUNZER MEMBER.
Printed Name

FINDINGS AND ORDER

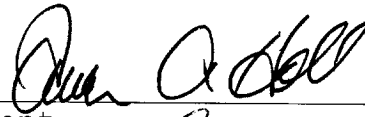
CONCERNING THE MAINTENANCE OF THE

Thorpe Creek Drainage Area, Barrington Estates Section 2 Arm

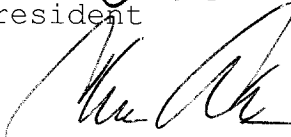
On this **11th day of December, 2006**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Thorpe Creek Drainage Area, Barrington Estates Section 2 Arm**.

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.

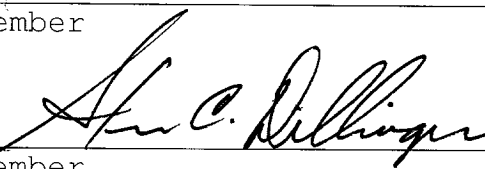
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 