

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 21, 2018

To: Hamilton County Drainage Board

Re: Thorpe Creek Drain, Martha Ford Reconstruction

This is an addition to my report dated December 13, 2017. At the January 22, 2018 meeting of the Drainage Board the hearing for the above referenced reconstruction was tabled (see Hamilton County Drainage Board Minutes Book 18, pages 10-13).

During the discussion at the hearing the Board wanted to place a future assessment on the Underwood Property on the north side of 136th Street and the Pulte Property on the south side of 136th Street to recoup the costs of the work when those properties develop. The costs for the work has been broken down as follows:

North side of 136 th Street	\$77,000.00
South side of 136 th Street	\$105,000.00

The Underwood Tract is Parcel No. 13-12-20-00-00-008.002, 71.73 acres and 33.59 acres benefitted with an estimate of \$77,000.00 for the work on the north side of 136th Street. Upon the platting of all or any part of the benefitted parcel, the deferred assessment shall be due and payable at a rate of \$2,292.35 per acre.

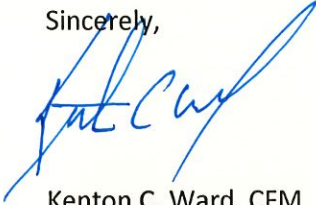
The Pulte Tract, Parcel No. 13-12-29-00-00-007.002, 46.721 acres was purchased for \$1,460,031.00 per the sales disclosure form dated October 11, 2004. Pulte donated the drainage easement needed for this project. The easement was 0.439 acres which would be valued at \$31,249.99 per acre or \$13,718.75 for the total donation value. Backing out the donation value from the estimated cost of the project the cost for this tract would be \$91,281.00. The deferred assessment for this tract will be assessed to the 33.40 acres remaining. Upon the platting of all or any part of the benefitted parcel, the deferred assessment shall be due and payable at a rate of \$2,732.96 per acre.

The deferred assessment for these tracts are as follows:

Underwood Family LP	13-12-20-00-00-008.002	33.59 Ac	\$77,000.00
Pulte Homes of Indiana LLC	13-12-29-00-00-007.002	33.40 Ac	\$91,281.00

I recommend a hearing for the above deferred assessment be set for September 24, 2018.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

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 **Long Branch Drain, Sanctuary at 116th Street Section 1 Arm, Waterfront of West Clay Reconstruction** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger
PRESIDENT

Christine Altman
Member

Mark Heirbrandt
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

Thorpe Creek Drain - Martha Ford Arm Reconstruction:

There were neither landowners present nor objections on file.

Duncan presented the Surveyor's report to the Board for approval.

"December 13, 2017

To: Hamilton County Drainage Board

Re: Thorpe Creek Drainage Area, Martha Ford Arm Relocation

The Martha Ford Arm to the Thorpe Creek Drain is an open ditch constructed in 1953. The drain originates in Madison County. The portion of the drain within Hamilton County is located in Fall Creek Township, Sections 20 and 29 of Township 18 North Range 6 East. As of June 22, 2009 the drain is part of the Thorpe Creek Drainage Area. The drain is 6,556-feet in length. The drain runs generally south and west from Sta. 0 which is north of the intersection of 136th Street and Atlantic Road. The AJ Meyers Britton Falls Relocation Drain and the John Underwood Drain discharge to the Martha Ford Drain. The Martha Ford discharges to the Bell and Humbles Arm to Thorpe Creek Drain at Cyntheanne Road.

History

There is a Board of Commissioners report dated December 21, 1953 that indicates the construction of the drain was petitioned by Ernest J. Ellingwood and Bessie E. Ellingwood. A hearing was set for December 30, 1953. [Commissioners Record Book 32]

At the April 23, 2001 meeting of the Drainage Board, it was reported that the Madison County Drainage Board declined the creation of a joint board for the Martha Ford Drain/Thorpe Creek. [See Hamilton County Drainage Board Minutes Book 6, pages 37-41]

At the June 22, 2009 meeting of the Drainage Board, the Martha Ford became part of the Thorpe Creek Drainage Area and Thorpe Creek was placed on maintenance. [See Hamilton County Drainage Board Minutes Book 12, pages 101-104]

The City of Fishers petitioned for the reconstruction of the drain at the meeting of the Drainage Board on September 28, 2015 [See Hamilton County Drainage Board Minutes Book 16, pages 319-320]

The Drainage Board approved a professional services contract with VS Engineering for the design of the reconstruction on January 26, 2016. [See Hamilton County Drainage Board Minutes Book 16, page 426]

Hamilton County Drainage Board
January 22, 2018

Existing Condition

The segment of the drain on the north side of 136th Street, west of Atlantic Road is presently located immediately adjacent to the roadway surface of 136th Street. The roadway embankment is not stable and both gabion basket walls and concrete walls have been installed over the years. The gabion basket walls have begun to lean outwards at the top. The Hamilton County Surveyor completed a maintenance project to reset these gabion baskets in the fall of 2015. The County has received complaints recently of the abrupt drop off west of the intersection of 136th Street and Atlantic Road. There is limited clear zone available for vehicles that leave the roadway to come to a complete stop or to safely return to the roadway. This condition extends farther to the west where the drain is south of 136th Street and also along the west side of Atlantic Road north of the intersection.

Reconstruction Project

In order to provide additional clear zone and to better protect the roadway from erosion of the embankment, the drain must be relocated away from the roadway surface. The segment of the existing drain affected by the project is 1,085-LF. The length of the new drain in this segment will be 1,038-LF. The new drain will be 7-feet in width at the bottom with 2:1 side slopes. Material excavated for the new drain will be used to fill in the old drain. The slope of the drain in this section will average 0.33%. Rip Rap will be placed at turns in the alignment of the drain. The depth of the proposed drain varies from 6-10 feet. Existing surface and other drains that presently discharge to the drain will be extended to the drains new location with the project.

Permits

The County received a Section 401 Individual Water Quality Certification from the Indiana Department of Environmental Management on October 17, 2017. The County has also received a Section 404 Permit from the Army Corps of Engineers on November 1, 2017.

Project Cost

No.	Item	Quantity	Unit	Unit Price	Total Price
1	Mobilization/Demobilization	1	LS	\$8,200.00	\$ 8,200.00
2	Maintenance of Traffic	1	LS	\$1,700.00	\$ 1,700.00
3	Clearing ROW	1	LS	\$3,300.00	\$ 3,300.00
4	Construction Engineering	1	LS	\$4,900.00	\$ 4,900.00
5	12" CMP	61	LFT	\$ 30.00	\$ 1,830.00
6	12" End Section	1	EA	\$ 800.00	\$ 800.00
7	Common Excavation and Grading	5300	CYS	\$ 16.00	\$ 84,800.00
8	Rip Rap	990	TON	\$ 45.00	\$ 44,550.00
9	Permanent Seeding	7700	SYS	\$ 1.00	\$ 7,700.00
10	Filter Fabric	7000	SYS	\$ 3.00	\$ 21,000.00
11	Silt Fence	1050	LFT	\$ 2.50	\$ 2,625.00
				Subtotal	\$181,405.00
				15% Contingency	\$ 27,210.75
				Construction Total	\$208,615.75
				Engineering Services	\$ 33,050.00
				Easement Appraisal Fee	\$ 600.00
				Easement Cost	\$ 5,225.00
				Grand Total	\$247,490.75

Engineering services proved by V.S. Engineering include survey, design, construction staking and as-builts drawings. Construction inspection shall be performed by the Hamilton County Surveyor's Office.

Project Funding

I recommend to the Board that this be paid from the Thorpe Creek maintenance fund as allowed under IC-36-9-27-45.5. The maintenance fund has a current balance of \$466,311.60.

The relocation of the drain will shorten the drain by 47-feet. The final length of the drain will be 6,509-feet.

Easements

Additional regulated drain easement was needed due to the moving of the open ditch. These easements were acquired on the following parcels:

Pulte Homes of Indiana LLC, Parcel Number 13-12-29-00-00-007.002
 Cost \$.000
 Acres: 0.439
 Recorded October 2, 2017
 Instrument Number 2017048767

Hamilton County Drainage Board
 January 22, 2018

The Pulte Homes parcel is part of the Britton Falls Development and will be designated as floodway and common area on the proposed plat for the development.

Underwood Family LP. Parcel Number 13-12-30-00-00-008.002
 Cost \$5,225.00
 Acres 0.188
 Recorded July 19, 2017
 Instrument Number 2017034390

Over the new open drain, the easement will include the width between the tops-of-bank and 75-feet from each top of bank.

The cost of easement acquisition is included in the above cost estimate and were paid out the Thorpe Creek maintenance fund.

I recommend that the Board set a hearing for this proposal for January 22, 2018.

Kenton C. Ward, CFM
 Hamilton County Surveyor"

Dillinger opened the public hearing; seeing no one present Dillinger closed the public hearing.

Altman made the motion to approve the Surveyor's report as recommended with questions, seconded by Heirbrandt.

Altman asked the Surveyor these are obviously development properties?

The Surveyor stated yes.

Altman stated would, in a normal circumstance, if the road was not in danger would the developer have to bear these costs at their expense?

The Surveyor stated we would probably ask the developer to do that. The problem in this case is that we've tried to fix it in the past by putting gabion baskets there and they're creeling in and instead of trying to put another band aid on it I just want to fix the problem and be done with it. I see this as a safety issue that we can't wait for a developer on the north side and the developer on the south side isn't going to be in that area for a while.

Altman asked is there any way to recoup costs later with a connection permit? Any other developer would be participating in this cost as I see it.

Howard asked the Surveyor if this would be a place to do an Urban Drain and do a deferred assessment so when the developer comes in we would recapture it? Is there enough money to borrow from some other funds? Maybe do a mix. One use the maintenance fund, but at least reimburse some of that down the road? I don't know enough of the facts to look at that, but we have used the Urban Drain issue to essentially do a deferred assessment against lands that are going to develop, but we need the infrastructure now and defer the cost.

The Surveyor stated the section to the north is still a family farm and I don't see any developer in there for a while.

Howard asked what's this intersection?

Heirbrandt stated Atlantic Road and 136th Street.

Altman asked what's the harm of setting it up that way? Once it pops to the south it's going to pop to the north.

The Surveyor stated it's just a matter of time, but I don't see it happening soon. The area to the south is all wetland so that is something the developer would be going through more hoops than we would.

Altman stated well then they ought to thank us.

The Surveyor stated I see development coming up to the edge of the woods, but probably not within the woods.

Altman stated I assume at some point they're going to have to connect to a regulated drain.

The Surveyor stated yes.

Howard asked if this drain would serve and benefit a big chunk of this other parcel?

Heirbrandt stated I would think to some extent it would.

The Surveyor asked Cash where is Pulte draining?

Hamilton County Drainage Board
 January 22, 2018



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August 21, 2018

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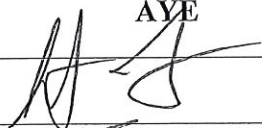


**IN THE MATTER OF THE THORPE CREEK DRAIN
HAMILTON COUNTY DRAINAGE BOARD**

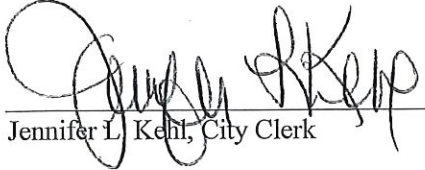
FILED
AUG 26 2015
REGISTERED HAMILTON COUNTY SURVEYOR

Comes now the Board of Public Works and Safety of the City of Fishers ("Board"), who petitions the Hamilton County Drainage Board as follows:

1. The Board members are the duly appointed members of the City's Board of Public Works and Safety.
2. The Board is responsible for the drainage of public highways.
3. The Board now desires that a regulated drain be reconstructed in Fall Creek Township which involves 136th Street, Atlantic Road, and various areas surrounding the roads in the drainage shed.
4. The names and addresses of each owner affected by the proposed public drainage are attached hereto and incorporated herein as Exhibit "A", which area of land involved in the proposed drainage area is located in Section 29 Township 18 north, Range 6 east, Hamilton County, Indiana.
5. No other public lands or owners are located in the area which would affect improvement.
6. The general route of the proposed reconstruction involves moving the existing open ditch away from 136th Street in order to improve safety.
7. 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. In the opinion of the Petitioner, the proposed improvement will benefit a public highway in Fishers, Indiana.
9. That the name of the attorney representing Petitioner in the drainage petition is Chris Greisl, City Attorney, Fishers, Indiana.
10. Petitioners shall pay the cost of notice and all reasonable legal costs if the Petition is dismissed.
11. Petitioner shall post a bond, if required; to pay the cost of notice and all reasonable legal costs in the case the improvement is not established.

**BOARD OF PUBLIC WORKS & SAFETY, CITY
OF FISHERS
HAMILTON COUNTY, INDIANA**

AYE		NAY
	Scott Fadness, Chairman	
	Jeff Lantz, Member	
	Jason Meyer, Member	

ATTEST: 
Jennifer L. Kehl, City Clerk

DATE: August 24, 2015

Approved by: Christopher P. Greisl, City Attorney

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Thorpe Creek Drain, Martha Ford Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Thorpe Creek Drain, Martha Ford Reconstruction** came before the Hamilton County Drainage Board for hearing **on September 24, 2018**, 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.

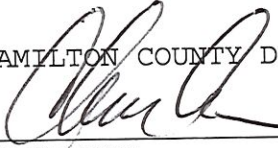
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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.

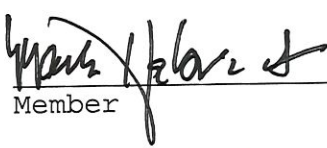
Wherefore, it is ORDERED, that the proposed Reconstruction of the **Thorpe Creek Drain, Martha Ford Reconstruction** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:


HAMILTON COUNTY DRAINAGE BOARD



PRESIDENT




Member



Member

ATTEST:


Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Thorpe Creek Drain, Martha Ford Reconstruction

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **Thorpe Creek Drain, Martha Ford Reconstruction** on **September 24, 2018** 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 Thorpe Creek Drain, Martha Ford
Reconstruction**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **September 24, 2018** 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: Steven C. Dillinger
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY