



SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, Surveyor

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*One Hamilton County Square
Noblesville, Indiana 46060-2230*

August 9, 2006

To: Hamilton County Drainage Board

Re: A. J. Brock Drain – Essex of Noblesville Section 1 Reconstruction

Attached is a 52.5 petition and plans for the proposed relocation of the A. J. Brock Drain. The relocation is being proposed by Essex on Hazel Dell LLC, Robert E. Anderson and Maureen K. Anderson Trust. The proposal is to reconstruct the drain across parcel 10-10-03-00-00-030.000, parcel 10-10-10-00-00-001.001, parcel 10-10-10-00-00-001.003, and parcel 10-10-10-00-00-001.000, as part of the Essex of Noblesville project per plans by Schneider Corp., Job No. 5575.001, latest revision date 8/7/2006. Per the plans, the drain will be routed through the Essex Subdivision from Hazel Dell Road on the west side of the project and discharge into the portion of the drain being reconstructed by the City of Noblesville as part of the Hazel Dell Road project at the east property line of the Essex Project. Until the new downstream storm sewer is installed, the site will discharge into the existing A. J. Brock Drain near the east property line via a proposed 18" storm sewer. After construction of the new line the existing Brock Drain east of the Essex project will be utilized for overflow for the 100-year storm event.

The portions to be regulated drain are those between the following Structures 608, 603, 676, 675, 662, 661 and 660. Also the section between 602 and 601 and the section between Structure 660 and the east property line of the Essex project. The remainder of the drainage facilities within the Essex Subdivision shall be the maintenance responsibility of the City of Noblesville.

This line will consist of the following:

| | | | |
|---------|--------|------------|-----------|
| 18" RCP | 23 ft. | 36" RCP | 338 ft. |
| 30" RCP | 64 ft. | Open Ditch | 1,288 ft. |

The total length of the new drain shall be 1,713 feet. The 1,273 feet of original drain between Sta. 11+95 and 14+00 of Arm 1 and between Sta. 26+00 and 36+68 of the main drain shall be removed. This proposal will add 44 feet to the drain's total length. On the main drain this is from the catch basin at approximately Sta. 26 to 601 as shown on the plans. On Arm 1 this is from the outlet to the pond to the catch basin at Sta. 26+00 of the main drain.

* 440 Feet

The cost of the relocation is to be paid by Essex on Hazel Dell, LLC. The developer has provided the Letter of Credit as follows:

Name of Bonding Co.: Old National Bank
LC #: 20000090291
LC Date: August 14, 2006
LC Amount: \$118,600.00
Expiration Date: August 14, 2007


Attached is a non-enforcement. The easement for the reconstructed drain will be per the secondary plat for Essex of Noblesville Section 1 as recorded in the Hamilton County Auditor's Office. I recommend that the Board approve this Non-enforcement request.

The open drain portion listed above is that area through the two detention ponds, Ponds 1 and 2. The detention ponds (Ponds 2 & 1) located in Common Areas C & E respectively are to be considered part of the regulated drain. Pond maintenance shall include the inlet, outlet, sediment removal and erosion control along the banks as part of the regulated drain. The maintenance of the ponds, such as mowing and aquatic vegetation control, will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the ponds were designed will be retained, thereby, allowing no fill or easement encroachments.

I recommend that this drain be classified as an urban drain. This drain may be assessed to the Vestal/Kirkendall Drainage Area in the future.

The project falls under the requirements as set out in IC 36-9-27-52.5. Therefore, a hearing is not required for the petition. I recommend that the Board approve this petition.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

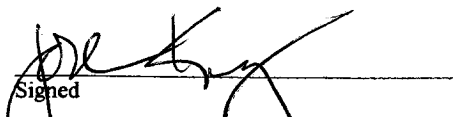
IN RE: A.J. Brock Legal Drain)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

Essex on Hazel Dell, LLC, an Indiana limited liability partnership, (hereinafter "Petitioner"),
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a
section of the A.J. Brock Drain, and in support of
said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the A.J. Brock 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 A.J. Brock 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 A.J. Brock Drain, without cost to other property owners on the watershed of the A.J. Brock Drain.
5. Proposed relocation and reconstruction will not adversely affect other land owners within the drainage shed.
6. Petitioner requests approval of the proposed relocation and reconstruction under IC 36-9-27-52.5.

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


Signed _____
Jose Kreutz, as Co-Manager of Petitioner
Printed JOSE KREUTZ

