



K.W.W.

SURVEYOR'S OFFICE
Hamilton County

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

July 17, 2023

To: Hamilton County Drainage Board

Re: Vestal - Kirkendall Drainage Area, Russell Shugart Arm, Midland Pointe Onsite Reconstruction

Attached are petition by Midland Pointe LLC, and plans for the proposed reconstruction and relocation of a portion of the Vestal - Kirkendall Drainage Area, Russell Shugart Arm. This project is to be paid for by the developer. In order to facilitate site improvements for a mixed-use commercial and residential development, the proposal is to reconstruct the existing drain per the construction plans by Kimley - Horn called "Midland Pointe Infrastructure" Revision Date 7/17/2023, Project No. 170222000.

The proposed Midland Pointe development is located at the southeast corner of the intersection of State Road 32 and Hazel Dell Road in the City of Noblesville. Per the plans by Kimley - Horn, a portion of the existing Russell Shugart Arm tile will be reconstructed on the Midland Pointe site and will affect the following parcels: 10-10-03-01-01-002.000 and 10-10-03-00-00-002.001 owned by Midland Pointe LLC.

Per the plans, the upstream end of the drain reconstruction will be at Str D200 located in Block 4 of Midland Pointe. Currently, Block 4 is owned by Midland Pointe LLC, but will be dedicated as right-of-way for State Road 32 in the future. The downstream end of the reconstruction will outlet into the existing manhole at Str D2002. This manhole was the upstream end of the "Midland Pointe Offsite Reconstruction" previously approved by the Board in 2022.

The reconstruction will consist of the following:

306' of 24" RCP 463' of 36" RCP 567' of open drain (pond)

The length of the reconstruction will be 1,336'. This project will subtract 259' from the overall length of the Vestal - Kirkendall Drainage Area, Russell Shugart Arm. Within the project limits, 1,595' of existing tile installed in 1914 as part of the Russell Shugart Drain (portions of the main drain & Arm 2) will be vacated. The existing drain to

be vacated approximately equates to the following stations of the original 1914 drain: Main drain – Sta. 0 to 10+05 (1,005’); Arm 2 – Sta. 0 to 5+90 (590’). The combined total to be vacated is 1,595’.

The length of the open drain through the pond is calculated as a straight line between Str D205 and Str D2000A. The open drain utilizes the pond as a means of conveyance. The detention pond (Common Area 2) is not to be considered part of the regulated drain. The maintenance of the pond such as sediment removal, and erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the owner. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained, thereby, allowing no fill or easement encroachments.

Per the project plans, this relocation project involves the following proposed structures: Str. D200, D202, D203, D204, D205, D2000A, D2000, D2001, and D2002.

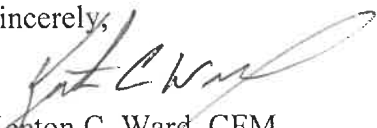
Regarding easement, the new drain will be located within regulated drain easement and right-of-way as per the secondary plat for Midland Pointe. A Non-enforcement request has been submitted. I recommend approval of the Non-enforcement at this time.

The original Russell Shugart Drain was established in 1914 per Hamilton County Circuit Court records, Viewers Report May 23, 1914 (OB61, pages 398, 413-415). In 2000, a portion of the Russell Shugart Drain was reconstructed as the “Russell Shugart - Hazel Dell Woods Offsite Reconstruction” per my report dated June 12, 2000 and approved by the Drainage Board at hearing on July 24, 2000. See Drainage Board Minutes Book 5, pages 402-406. In 2009, the Russell Shugart Drain was made an arm of the Vestal - Kirkendall Drainage Area per my report dated December 18, 2008 and was approved by the Board on March 23, 2009. See Minutes Book 11, pages 538-540. The “Vestal - Kirkendall Drainage Area, Russell Shugart Arm, Midland Pointe Onsite Reconstruction” was approved by the Board on November 28, 2022 per my report dated November 7, 2023. (See Minutes Book 21 , pages 66 – 68).

The cost of the project is to be paid by the developer. The petitioner has not submitted surety for the proposed drain reconstruction at this time. Per the Board’s policy, if approved, the developer shall submit surety in the amount of 120% of the engineer’s estimate prior to reconstruction.

This proposal meets the criteria for reconstruction of a regulated drain as laid out in IC-39-9-27-52.5. I recommend the Board approve the petition at this time.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/stcash

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

FILED

JUN 01 2023

OFFICE OF HAMILTON COUNTY SURVEYOR

IN RE: _____)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

_____ Midland Pointe, LLC _____ (hereinafter "Petitioner"),
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a
section of the _____ Russell Shugart _____ Drain, and in support of
said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the _____ Russell Shugart _____ 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 _____ Russell Shugart _____ 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 _____ Russell Shugart _____ Drain, without cost to other property owners on the watershed of the _____ Russell Shugart _____ 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 _____ Russell Shugart _____ Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.

James Adams
Signed _____
James Adams
Printed _____

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

***Vestal/Kirkendall Drainage Area, Russell Shugart Arm
Midland Pointe Onsite Reconstruction***

Main Drain - Station 0 to Station 10+05

Arm 2 - Station 0 to Station 5+90

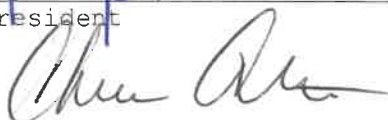
On this 24th day of July, 2023, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the ***Vestal/Kirkendall Drainage Area, Russell Shugart Arm, Midland Pointe Onsite Reconstruction*** (Main Drain - Station 0 to Station 10+05 and Arm 2 - Station 0 to Station 5+90).

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the ***Vestal/Kirkendall Drainage Area, Russell Shugart Arm, Midland Pointe Onsite Reconstruction*** (Main Drain - Station 0 to Station 10+05 and Arm 2 - Station 0 to Station 5+90).

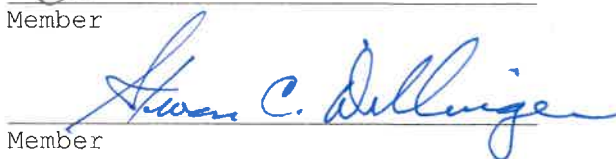
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest:



STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
**Vestal/Kirkendall Drainage Area, Russell Shugart Arm, Midland Pointe
Onsite Reconstruction**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Vestal/Kirkendall Drainage Area, Russell Shugart Arm, Midland Pointe Onsite Reconstruction** came before the Hamilton County Drainage Board for hearing **on July 24, 2023**, 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 **Vestal/Kirkendall Drainage Area, Russell Shugart Arm, Midland Pointe Onsite 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