

KCW

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

September 7, 2021

TO: Hamilton County Drainage Board

RE: 10245 Cardinal Court - J.W. Wagner Relocation

Attached is a petition filed by Kurt Zigler, 10245 Cardinal Court, Noblesville, IN 46062, along with a non-enforcement & plans for the relocation of J.W. Wagner Regulated Drain on his property located in Secluded Acres Subdivision, Parcel #10-07-17-00-03-006.000. This parcel is Lot 15 of Section 2 of the Secluded Acres Subdivision. I have reviewed the submittals and petition and have found each to be in proper form.

The relocated drain shall consist of 130 feet of 18-inch dual wall HDPE pipe as shown on the plan. The plan depicts a new structure to be located at station 38+80 of the J.W. Wagner Regulated Drain. The existing 120 feet of 15" tile will be replaced with 130 feet of 18-inch HDPE, up to a new structure which will be located at station 40+00 of the J.W. Wagner Regulated Drain.

This line will consist of the following length:

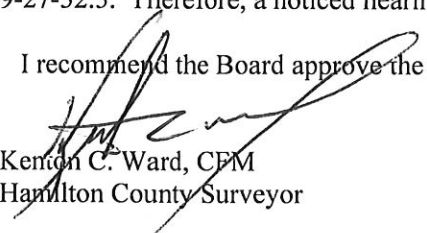
130 feet - 18" HDPE

The reconstruction will add 10 feet to the total length of the existing J.W. Wagner Drain. The drain is being replaced to the east of the existing location between Stations 38+80 and 40+00 within the existing easement.

Kurt Zigler has provided a surety in the form of a personal guarantee in the amount of \$11,914.00 which represents 120% of the engineers estimate of \$9,531.00. The acceptance of the surety in the form of a personal guarantee was approved by the Hamilton County Drainage Board on November 23, 2020 (see Hamilton County Drainage Board Minute Book 19, page 424).

The cost of the relocation is to be paid by Kurt Zigler. Because the project is to be paid by the petitioner and is within the boundaries of the petitioner's property, the project falls under the requirement as set out in IC 36-9-27-52.5. Therefore, a noticed hearing is not required for the petition.

I recommend the Board approve the proposed relocated drain as described above.


Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/adc

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

FILED
Revised June 1997

OCT 28 2020

OFFICE OF HAMILTON COUNTY SURVEYOR
OFFICE OF HAMILTON COUNTY SURVEYOR

IN RE: 10245 Cardinal Ct, Lot #15 Secluded Acres)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

_____ Kurt Zigler _____ (hereinafter "Petitioner"),

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

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



Signed _____
Kurt Zigler
Printed _____

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
J. W. Wagner Drain - Zigler Relocation

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **J. W. Wagner Drain, Zigler Relocation** came before the Hamilton County Drainage Board for hearing **on September 13, 2021**, 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.

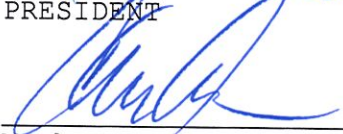
Wherefore, it is ORDERED, that the proposed Reconstruction of the **J. W. Wagner Drain, Zigler Relocation** be and is hereby declared established.

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

FILED

OCT 28 2020

OFFICE OF HAMILTON COUNTY SURVEYOR

October 27, 2020

To whom it may concern, with the matter of the relocation of 18" drainage pipe located at 10245 Cardinal Court, Noblesville IN 46060.

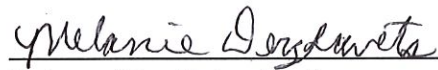
I, Kurt Zigler, personally guarantee to pay the Hamilton County Surveyor's Office in the amount of \$11,914.00, or a portion of that should the work described herein not be 100% completed per the submitted drawings.


Kurt Zigler

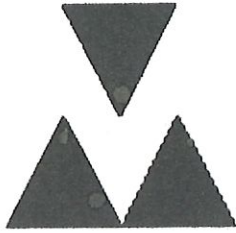
10-28-20
Date

State of Indiana
County of Hamilton

Signed and sworn to (or affirmed) before me one October 28, 2020 by Melanie Derzhavets.


Notary of the State of Indiana

My commission expires October 9, 2024.



**MOORE
ENGINEERING**

October 26, 2020

Project: Relocate 18" Drainage Pipe

Location: 10245 Cardinal Ct,
Noblesville, In.

Attention: Kurt Zigler
10245 Cardinal Court
Noblesville, In 46060

Contact: Andrew Frandsen
(317) 372-5193

FILED
OCT 28 2020
OFFICE OF HAMILTON COUNTY SURVEYOR

Estimate Proposal

1. All engineering and design work will comply with the local, state, and federal codes as they pertain to this project with allowances made for any approved variances that may be applicable to this project.
2. Pipe installation and design elements will follow the appropriate standards, codes, and expectations for this type of project.
3. All permit application fees to be paid by owner.
4. Pipe System will include the following:
 - (160') 18" corrugated pipe and fittings as required.
 - (1) 24"X24" concrete structure with lid at tie in location.
 - Backfill and compact back to grade, and seed.

Price for the above \$9,531.00

Note: All work to be done during a normal 40-hour work week, no overtime, or after-hours work has been included. Pipe will be installed per the drawing provided from owner.

The proposal and pricing estimated herein are valid for acceptance within ninety days and, thereafter, are subject to equipment and resource availability. Should the work be extended beyond the period quoted, RTMC reserves the right to negotiate an equitable adjustment.



this might not be just one restaurant in the area. The property where Conover noticed the dumping is listed under separate ownership from this one, but I know corporations can do things differently. It might be the same owner, but this is definitely in Westfield's jurisdiction so we're going to turn that over to Westfield for enforcement. Westfield was involved with this one but deferred to us. However, they were in all the email chains. In pursuing of any enforcement of the one we discovered we should remember this one as they do since they were included in all the communications.

Altman stated we have a point of concern that there may not be a corporate instruction to the franchises as to proper disposal. It's just odd that we have two Wendy's that have the same problem.

Dillinger stated I don't think it's just Wendy's. I can tell you when I owned my office building at 161 Lakeview Drive with Kentucky Fried Chicken behind me there were two occasions where they kept putting grease down and plugging up, which would flood my basement in my office building. I think it's probably a little more common than what you might think.

Altman asked should we be asking the Health Inspectors to check? They go out on site, just have them go look at the drains.

The Surveyor stated I think that would be a good idea.

Heirbrandt stated it's not only that but give them notice to make sure they know the proper disposal.

Howard stated it's a pull on the economy, so you have some people that have jobs that..

Altman stated it could be a cultural thing where back when we were growing up you threw the oil from your car across the fence like it would go away.

The Surveyor stated I think it's a good idea to have the Health Department involved with this and ask them to include that on their Health Inspections at the restaurants.

Altman stated yes, and if they would when they talk to the manager maybe print up something for them to hand out saying "Thou Shalt Not". Then they're on notice and if it happens then I think we should go forward imposing fines.

The Surveyor stated I would think probably somewhere is a handout we can get.

Altman stated or just even go to Clay Waste where they say don't dump it down the drain. It's the same concept, it's just storm versus sanitary.

The Surveyor stated Clear Choices might have something on that.

Duncan stated Heather Buck with Christopher Burke might have; she has all sorts of instructional pamphlets.

The Surveyor asked would you get with Heather on that?

Duncan stated I will.

Howard stated and restaurants are the bane of Wastewater Utility. The Wastewater Utilities already have this information they're giving them for them dumping down the drain in the building.

Surety Release:

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following sureties: Performance Bond No. 9267099 in the amount of \$284,482.00 for William Krause Drain, Phase 1 Reconstruction; Payment Bond No. 9267099 in the amount of \$284,482.00 for William Krause Drain, Phase 1 Reconstruction; Performance and Payment Bond No. Q90-6870343 in the amount of \$49,835.00 for 2020 Vegetation Control, Hamilton County Regulated Drains.

J. W. Wagner Drain - Surety for Relocation:

Conover presented his report to the Board.

"To: Hamilton County Drainage Board

November 18, 2020

Re: Relocation of the J.W. Wagner Regulated Drain

A petition for the relocation and reconstruction of the J.W. Wagner regulated drain was received in the Hamilton County Surveyor's Office on October 28, 2020. The petitioner is Kurt Zigler, parcel # 10-07-17-00-03-006.000, 10245 Cardinal Court, Noblesville, IN 46062.

Mr. Zigler has provided acceptable plans for the project.

Hamilton County Drainage Board
November 23, 2020

The question at hand is the surety submitted with this petition. Mr. Zigler has submitted a notarized personal guarantee for 120% of the amount engineer's estimate of construction. It is often hard for a private individual to be able to get a construction bond for a small project such as this. Mr. Zigler would like to move forward with the relocation project so he can build an addition onto his home.

Submitted by:



Andrew D. Conover
Inspector
Hamilton County Surveyor's Office"

Altman stated on other commercials where we've asked them just to get the relocation, we inspect it and then approve the relocation. He's offering 120%, that's fine, but we have some precedent on some commercial where we just have them do the work and upon inspection approve it.

Altman made the motion to allow the personal guarantee or just approval upon inspection, seconded by Dillinger and approved unanimously.

Violations - Big Cicero Creek Drain - Structure in Floodplain & Drain Easement:
Mr. Stan Widows and Mr. Christian Litscher were present for this item.

Conover presented his report to the Board.

"To: Hamilton County Drainage Board

November 18, 2020

Re: Big Cicero Creek Drain
Structure Built in Floodplain & Regulated Drain Easement
28089 Ott Road

At the September 28, 2020 drainage board meeting I reported a violation of a deck & gazebo constructed in the floodway and statutory drainage easement of Big Cicero Creek. These were located on parcel #03-02-12-00-00-009.006 which is owned by Stanley Widows and located at 28089 Ott Road, Arcadia, IN 46030.

Mr. Widows went before the Big Cicero Creek Drainage Board on November 4, 2020 to request permission to allow the deck and gazebo to remain in place. The Big Cicero Creek Drainage Board voted to allow the deck and gazebo to remain within the easement, but both had to be moved 8 feet back from the top of bank of the creek.

Mr. Widows is now requesting that the Hamilton County Drainage Board allow him to allow the deck and gazebo to remain under the same conditions as allowed by the Big Cicero Creek Drainage Board.

If the Drainage Board agrees with the Big Cicero Creek Drainage Board Mr. Widows will need to file a variance request and/or non-enforcement for approval by this board.

Submitted by:



Andrew D. Conover
Inspector
Hamilton County Surveyor's Office"

Heirbrandt stated this was a unanimous decision by the Big Cicero Creek Joint Drainage Board.

Altman asked so he has to have two permissions?

Heirbrandt stated yes because it's in our area as well.

The Surveyor stated it's under the jurisdiction of the Big Cicero Creek Joint Drainage Board.

Heirbrandt stated in courtesy they came to both Boards.

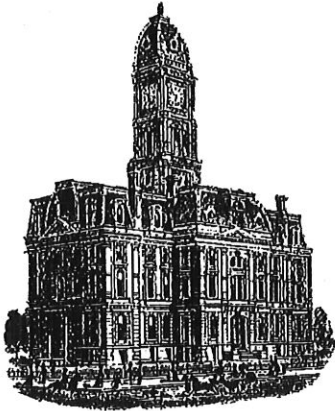
Altman asked who truly has jurisdiction?

Howard stated it's good to have both because the land where the encroachment occurs is in Hamilton County, but the jurisdiction over the flows from the combined drain is the Joint Board. I think it's good to have both.

Altman stated if it's a courtesy, but it's not a requirement because we don't technically have jurisdiction once we concede to a Joint Board do we?

Howard stated you're right.

Hamilton County Drainage Board
November 23, 2020



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

To: Hamilton County Drainage Board

Feb 8, 2022

Re: J.W. Wagner Drain: Kurt Zigler Relocation (10245 Cardinal Ct)

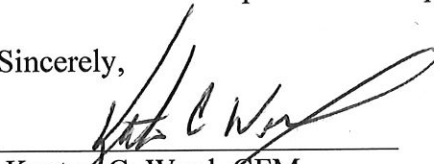
Attached are as built and other information for the Zigler Relocation. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated September 7, 2021. The report was approved by the Board at the hearing held September 13, 2021. (See Drainage Board Minutes Book 20, Pages 150-151) The changes are as follows: The 130 feet of 18" HDPE was shortened from 130 feet to 128 feet. The length of the drain due to the changes described above is now **128 feet**. It should be noted that the project removed 106 feet of the original JW Wagner Drain.

The relocation occurred within the existing regulated drain easement. A non-enforcement was also submitted and approved by the Board on November 20, 2020 and recorded under instrument #2021067003. This project was paid for by the petitioner, Kurt Zigler. Mr. Zigler provided a personal guarantee to the Board in lieu of a performance bond. This can be found in Drainage Record Book 19, pages 424-425.

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

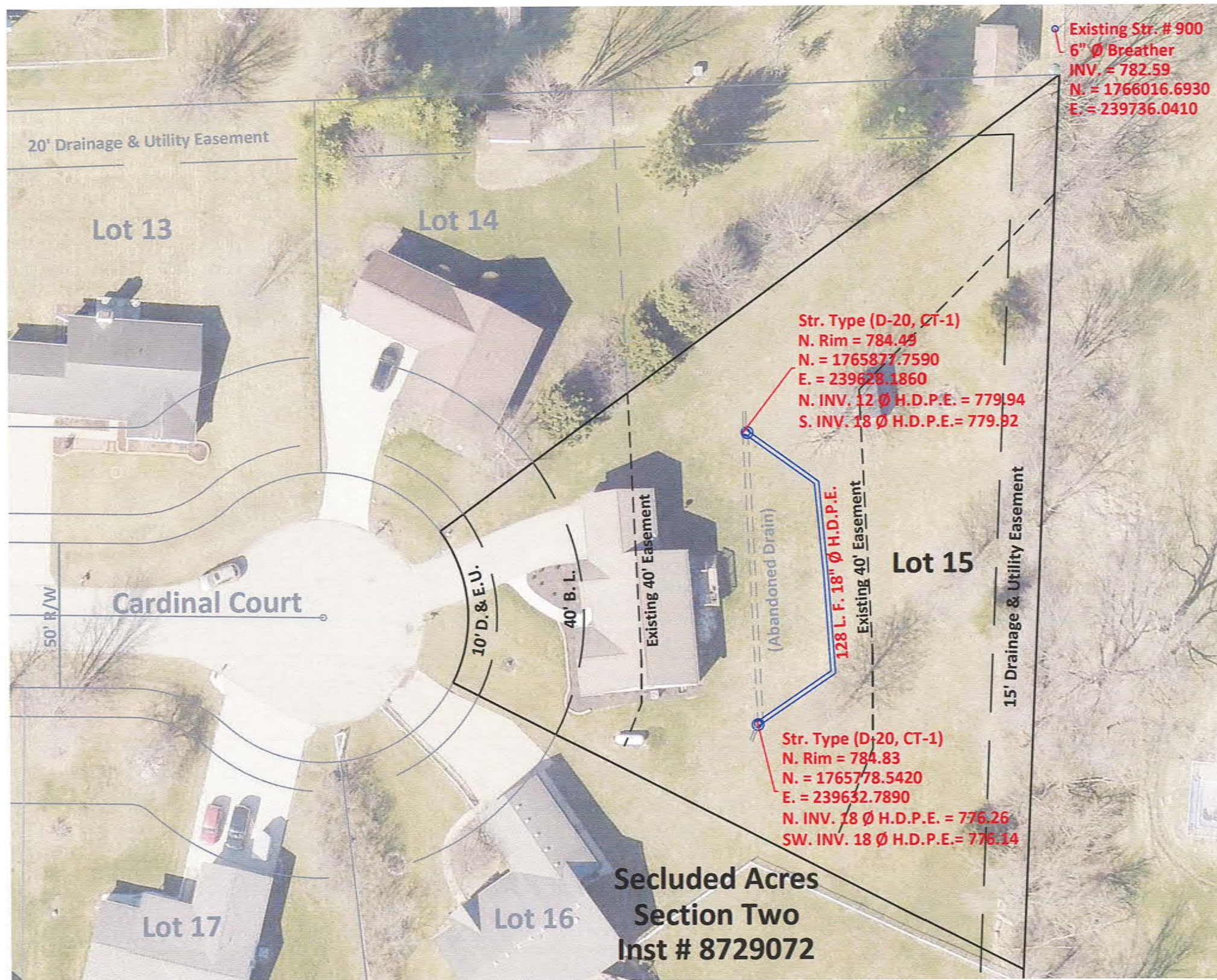


Kenton C. Ward, CFM
Hamilton County Surveyor

HAMILTON COUNTY SURVEYOR'S OFFICE

"AS-BUILT" RECORD DRAWING

J. W. WAGNER REGULATED DRAIN



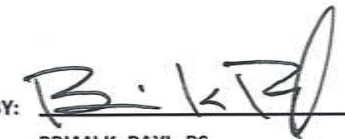
Scale: 1" = 40'

Drawn By: Teresa Dudley
DATE: 11-18-2021

THE AS-BUILT SURVEY USED THE FOLLOWING DATUM:
HORIZONTAL DATUM: NAD 1983 (CONUS) INDIANA EAST 1301
VERTICAL DATUM: (NAVD 88) (GEOID 18)

"AS-BUILT" CERTIFICATION

"AS BUILT" INFORMATION COLLECTED BY HAMILTON COUNTY SURVEYOR'S OFFICE. I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF, A TRUE AND CORRECT REPRESENTATION OF THE LOCATIONS AND ELEVATIONS OF THE "AS-BUILT" REGULATED DRAIN IMPROVEMENTS. INFORMATION OBTAINED BY FIELD SURVEY ON 11/17/2021.

CERTIFIED BY: 
BRIAN K. RAYL, PS
PROFESSIONAL SURVEYOR
INDIANA LICENSE NO. 20100070
DATE: DECEMBER 1, 2021



THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR SURVEYOR LOCATION REPORT EXISTING STRUCTURE NUMBERS TAKEN FROM HAMILTON COUNTY GIS.



HAMILTON COUNTY, INDIANA
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