

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

October 19, 2007

To: Hamilton County Drainage Board

Re: Wheeler and Wheeler Drain, Cumberland Pointe Arm

Attached is a petition and plans for an arm to the Wheeler and Wheeler Drain. The arm is being proposed under IC 36-9-27-66 by Cumberland Pointe Apartments, LLC/Cumberland Pointe Apartments II, LLC. The proposal is to extend the arm across the following parcels:

10-11-17-00-13-084.000, owned by C.P. Morgan Communities, LP 10-11-08-00-03-007.000, owned by Cumberland Pointe Apartments, LLC 10-11-17-00-00-001.005, owned by SRS, LLC 10-11-08-03-01-030.000, owned by Bruce L. & Susan R. Buckwalter Greenfield Avenue right-of-way owned by City of Noblesville

This proposal is being done as part of the Cumberland Pointe Apartments project per plans by Crossroad Engineers, PC., dated 9/14/2006; plans for Horizons at Cumberland Pointe, Sec. 2 by Stoeppelwerth and Assoc., Inc., Job No. 45500, dated 11/30/2004; plans for Howe Place by Stoeppelwerth and Assoc., Inc., Job No. 45550, dated 12/08/2003; and Cumberland Pointe Commercial Site by Stoeppelwerth and Assoc., Job No. 45810, dated 04/28/2003.

Per the plans for Howe Place Sheet C601, the arm will begin at Structure 149, which is now the outflow pipe for Lake #4 in the Horizons at Cumberland Pointe, Section 2. The arm will flow west to Structure 830 per Sheet C203 for Cumberland Pointe Commercial Site. This structure is also called out as Structure EX 830 on the plans for Howe Place and as Structure EX 1 on the plans by Crossroads Engineers and is located near the southeast corner of the Cumberland Pointe Apartments site approximately 40 feet north of Cumberland Pointe Boulevard edge of pavement. The arm will include the existing 36 inch RCP storm sewer and extend north along the east property line to Structure 100 of the Cumberland Apartment Plan which is Structure 833 of the Cumberland Point Commercial Site Plan. The drain will continue to be piped north, then, flow northwesterly as an open ditch along Greenfield Avenue right-of-way, then be piped under Greenfield Avenue to the flowline of the Wheeler and Wheeler Drain at approximately Station 78+56 of the original description.

The proposed arm shall consist of the lengths of pipe between the following structures:

Howe Place, Sheet C601 Station 149 to Station EX830

Cumberland Pointe Commercial Site, Sheet C203 Str. 830 to Str. 831; Str. 831 to Str. 832; Str. 832 to Str. 833 Cumberland Apartments, Sheet 7 & 8

Str. 100 (same as Str. 833 above) to Str. 101; Str. 101 to Str. 102; Str. 102 to Str. To Str. 63; Str. 64 to outlet; open ditch from outlet to new pipe under Greenfield Ave. (Str. 103); Str. 832 above to Str. 61; Str. 831 above to Str. 62.

This arm will consist of the following:

12" RCP	24 ft.	24" RCP	237 ft.
21" CMP	68 ft.	36" RCP	1,245 ft.
		Open Ditch	185 ft.

The total length of the new arm shall be 1,759 feet. This proposal will add 1,759 feet to the drain's total length.

A portion of the storm line was originally designed by Stoeppelwerth and Associates and installed as part of the overall Cumberland Pointe Project and Howe Place Subdivision, per plans dated 12/8/2003, Job No. 45550, Sheet C601.

The existing line is noted in the Stoeppelwerth drainage report as Structures 920 (EX149 on Horizons at Cumberland Pointe, Section 2 plans), EX830, EX831, EX832 and EX833. This report was dated November 11, 2004 and filed with the Surveyor's Office on March 3, 2005. Per the Stoeppelwerth drainage report, the outflow structure (Str. 920/EX149) on Lake #4 includes a 21" orifice in order to comply with the allowable discharge rates set by the Wheeler and Wheeler Watershed Study by Christopher B. Burke Engineering, Ltd., dated January 22, 2004. This orifice is reflected on the Horizons at Cumberland Pointe, Section 2 plans.

The easement for the proposed arm on the Cumberland Pointe Apartment site will be 30' measured from the east property line per the attached legal description, instrument #2008005009. It should be noted that this site has previous existing commitments to the City of Noblesville with respect to landscaping and buffering requirements located in the area adjacent to the proposed regulated drain and within the easement. Pursuant to this, the mounding may be installed with the eastern toe of the slope beginning at the storm pipe. Trees and shrubs may be installed within the easement, but not over the pipe.

The easement across the Buckwalter Property is per the platted Drainage Easement shown on the plat for Fox Glen, Section 1 as recorded on January 25, 1972 in the office of the Hamilton County Recorder in Plat Book 4, Pages 41 – 43.

The easement across the Morgan property is platted Drainage Easement as Common Area #10 of the Horizons at Cumberland Pointe, Section 2 as shown on the plat recorded on November 2, 2005 in the office of the Hamilton County Recorder in Plat Cabinet 3, Slide 761.

The easement across the SRS, LLC property is platted Drainage Easement as shown on the plat for Cumberland Pointe Commercial as recorded on January 7, 2004 in the office of the Hamilton County Recorder in Plat Cabinet 3, Slide 322.

I recommend that this arm be classified as an urban drain.

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060

Due to the development of Cumberland Pointe Apartments parcels 10-11-08-00-03-001.001 and 10-11-17-00-00-001.105 owned by Cumberland Pointe Apartments and parcel 10-11-17-00-00-001.005 owned by SRS LLC, should be removed from the Oliver Armstrong Drain and assessed to the Wheeler & Wheeler Drain. Parcel 10-11-08-00-03-007.000 owned by Cumberland Pointe Apartments should be increased from 7.38 to 20.10 acres benefited at a commercial rate for the Wheeler & Wheeler Drain and reduced from 12.90 to 0.18 acres benefited for the Oliver Armstrong Drain.

The project falls under the requirements as set out in IC 36-9-27-66. Therefore, a hearing is required for the petition. I recommend that the Board set a hearing date for March 24, 2008.

Sincerel

Kenton C. Ward

Hamilton County Surveyor

KCW/llm

# Gasb 34 Asset Price & Drain Length Log

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Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	Price(If):	Cost:
RCP	12"	24			\$ 7.25	\$ 174.00
	24"	237			\$ 18.00	\$ 4,266.00
·	36"	1245			\$ 32.25	\$ 40,151.25
OPEN DITCH		185			\$ 19.55	\$ 3,616.75
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	Sum:					\$48,208.00
inal Report:						
Comments:		ſ				

To:	Hamilton County Drainage Board	Date: 10/24/06
Re:	Wheeler & Wheeler	Drain
Cum	berland Pointe Apartments, berland Pointe Apartments	11, 1.1.0. (110.0 11
herel	by petitions the Hamilton County Dra	ainage Board under IC 36-9-27-66 for an arm to be
insta	lied to the Wheeler & Wheeler	Drain in order to serve the property of the
petit	ioner. The petitioner, in support of s	aid petition, advises the Board that:
1.	The Wheeler & Wheeler Dr of the petitioner is assessed as bene	ain is presently on a maintenance program and that land fitted by the maintenance of the regulated drain
2.	There is no known adequate open of the regulated drain;	r tiled drain connecting the land of the petitioner with
3.	The waters from the petitioners lan the regulated drain;	d flow over or through land owned by others to reach
4.	The legal description of lands through the parcel numbers, name and add which is attached;	ugh which the new regulated drain will run along with ress of each owner of that land is shown on Exhibit "A"
5	The general route of the proposed on Exhibit "B" which is attached.	new regulated drain and method of construction is shown
6	. Petitioner agrees to pay all legal a the proposed new regulated drain.	nd construction costs involved with the construction of
	Signed	Printed
	Joseph Stand	DO SOHAIL A SHAKIR
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Adobs POF Fillable Form

#### FINDINGS AND ORDER

#### CONCERNING THE MAINTENANCE OF THE

Wheeler & Wheeler Drain, Cumberland Pointe Arm

On this **24th** day of March 2008, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Wheeler & Wheeler Drain, Cumberland Pointe 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: Jepette Mostrech

#### FINDINGS AND ORDER

#### CONCERNING THE MAINTENANCE OF THE

#### Oliver Armstrong Drain

On this **24th** *day of March 2008*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Oliver Armstrong Drain*.

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: Lipsette Mosbourd

STATE OF INDIANA )
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD NOBLESVILLE, INDIANA

IN THE MATTER OF THE RECONSTRUCTION OF THE

Wheeler & Wheeler Drain, Cumberland Pointe Arm

#### FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Wheeler & Wheeler Drain, Cumberland Pointe Arm** came before the Hamilton County
Drainage Board for hearing **on March 24, 2008**, 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 Wheeler & Wheeler Drain, Cumberland Pointe Arm 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

Mombox

Member

ATTEST:

## BEFORE THE HAMILTON COUNTY DRAINAGE BOARD IN THE MATTER OF

### Wheeler and Wheeler Drain, Cumberland Pointe Arm

NOTICE

То	Whom	Ιt	May	Concern	and:	 	 	 	 _	
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Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the Wheeler and Wheeler Drain, Cumberland Pointe Arm on March 24, 2008, at 9:05 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 HAMILT	ON
			)			
COUNTY	OF	HAMILTON	)		DRAINAGE BOARD	

IN THE MATTER OF Wheeler & Wheeler Drain, Cumberland Pointe Arm

#### NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting March 24, 2008 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 A. Holt
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY





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

To: Hamilton County Drainage Board

March 13, 2009

Re: Wheeler & Wheeler: Cumberland Pointe Arm

Attached are as-builts, certificate of completion & compliance, and other information for Cumberland Pointe Arm. 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 October 19, 2007. The report was approved by the Board at the hearing held March 24, 2008. (See Drainage Board Minutes Book 11, Pages 71-73) The changes are as follows:

Structure:	Size:	Length:	Material:	Up Invert:	Dn_Invert:	Grade:
149-830	24	240	RCP	807.97	806.83	0.48
830-831	36	125	RCP	806.8	804.73	1.66
831-832	36	255	RCP	804.73	803.96	0.3
832-101	36	440	RCP	803.96	803.21	0.17
101-63	36	230	RCP	803.37	798.27	2.22
63-64	36	142	RCP	798.17	797.41	0.54
64-64A	36	52	RCP	797.41	797	0.79
601-602	21*	77	RCP	792.94	791.55	1.81
603-604	21	77	RCP	793.02	791.51	1.96
605-606	21	77	RCP	793	791.63	1.78
61-831	12	8	RCP	808.06	807.63	5.38
62-832	12	9	RCP	805.28	805.12	1.78

**RCP Pipe Totals:** 

12	17
21	77
24	240
36	1244

Other Drain:

 Open ditch
 185

 Total:
 185

Total: <u>1578</u>

<sup>\*</sup> The 21" RCP is a triple pipe and the lengths are reported as parallel. This was originally reported as 68 feet of 21" CMP. The length of the drain due to the changes described above is now 1763 feet.

The drainage easement for this project was recorded in the Hamilton County Recorder's Office under instrument # 2008005009.

The following sureties were guaranteed by Bond Safeguard Insurance Company and on September 14, 2007.

Bond-LC No: 5018759 Insured For: Storm Sewers Amount: \$165,240.00

Issue Date: September 14, 2005

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

Sincerely

Kenton C. Ward, CFM Hamilton County Surveyor

KCW/slm

#### CERTIFICATE OF COMPLETION AND COMPLIANCE

To: Hamilton County Surveyor

RE: CLUBERLAND POINTE APARTMENTS
WHEELER-WHEELER REGULATED DRAIN
AS-BUILT PLANS
I hereby certify that: 1. I am a Registered Land Surveyor or Engineer in the State of Indiana. 2. I am familiar with the plans and specifications for the above referenced subdivision. 3. I have personally observed and supervised the completion of the drainage facilities for the above referenced subdivision. 4. The drainage facilities within the above referenced subdivision to the best of my knowledge, information and belief have been installed and completed in conformity with all plans and specifications. 5. The drainage facilities within the above referenced subdivision to the best of my knowledge, information and belief have been correctly represented on the Record Drawings, Digital Record Drawings and the Structure Data Spreadsheet. Sev Date: 8.10.07 Signature Type or Print Name: SHERMAN DRIVE Business Address: BEECH GENE, IN 46107 Telephone Number: 34

Telephone Number: 34

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No. 10300059

STATE OF STATE OF VOIANA CHARLES STONAL ENGINEERING STONAL ENGI INDIANA REGISTRATION NUMBER 130005-9





