



KW

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

January 12, 2023

To: Hamilton County Drainage Board

Re: Williams Creek Drainage Area, O.F. Henley Arm, Ambleside Section 2

Attached is a petition filed by Platinum Properties, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Ambleside Section 2 of the Williams Creek Drainage Area, O.F. Henley Arm located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

Upon reviewing these plans, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

12"	RCP	1,836 feet	21"	RCP	150 feet
15"	RCP	618 feet	24"	RCP	215 feet
18"	RCP	488 feet	48"	RCP	621 feet
			Open Ditch		745 feet

The total length of the drain will be 4,673 feet.

The portion of the drain listed above as open drain is that portion through Lake #3 from the south right of way of 146th Street to Structure 167.

The installation of the new regulated drain as outlined above, will relocate the existing O.F. Henley Drain. The drain being modified is the 2,120 feet of open ditch installed with the 2015 146th Street improvements Project. (See Drainage Board Minutes Book 15, pages 359-360, report dated October 16, 2015).

The Ambleside Development will remove the existing 2,120 feet open ditch beginning at the north side of the existing regional detention pond at approximate Station 14+20 to downstream where it outlets into the existing detention pond for Saddle Creek Section 10 at existing Station 35+40. The storm water will be re-routed through the storm drain system for Ambleside. The regional detention pond will be re-sized, reshaped and incorporated into the Ambleside Subdivision as Lake 3. This will require a land swap between the county and the developer. This is outlined in a resolution by the Hamilton County Board of Commissioners which was approved on January 23, 2023 as Resolution No. 1-23-2023-1. The project will result in 2,553 feet of additional footage to the drains overall length.

The drain maintenance shall include the inlets, outlets, sub-surface drains and reinforced concrete pipes that are listed as part of the new regulated drain. The maintenance of the detention pond such as, erosion control or mowing and the maintenance of the native banks BMP around the pond and the two hydrodynamic separator water quality BMP Structures will be the responsibility of the Ambleside HOA or the City of Carmel. 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.

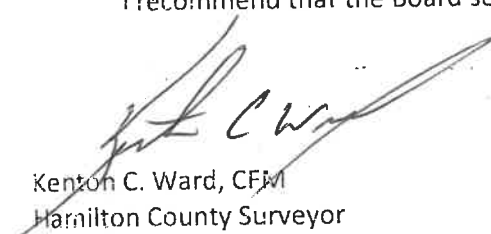
I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot to be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$65.00 per lot, \$10.00 per acre for common areas, with \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be \$8,594.60.

Under IC 36-7-4-709, the petitioner chose not to submit surety for the proposed drain prior to Drainage Board approval. A bond will be submitted prior to the commencement of construction. The cost of the relocation and drain infrastructure is to be paid by the developer.

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an urban drain.

I recommend that upon approval of the above proposed reconstruction that the Board also approve the attached non-enforcement for Ambleside Section 2.

I recommend that the Board set a hearing for the proposed drain for March 27, 2023.



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

STATE OF INDIANA)
)
COUNTY OF HAMILTON)

TO: HAMILTON COUNTY DRAINAGE BOARD
% Hamilton County Surveyor
One Hamilton County Square, Suite 188
Noblesville, IN. 46060-2230

In the matter of _____ Ambleside _____ Subdivision, Section
 1 and 2 Drain Petition.

Petitioner is the owner of all lots in the land affected by the proposed new regulated drain. The drainage will affect various lots in _____ Ambleside _____, a subdivision in Hamilton County, Indiana. The general route of such drainage shall be in existing easements and along public roads as shown in the plans on file in the Surveyor's Office.

Petitioner believes that the cost, damages and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land likely to be benefited thereby. Petitioner believes the proposed improvements will:

- (a) improve public health
- (b) benefit a public street
- (c) be of public utility

Petitioner agrees to pay the cost of construction of the drainage system and requests periodic maintenance assessments by the Board thereafter.

The Petitioner also agrees to the following:

1. To provide the Drainage Board a Performance Bond or Non-Revocable Letter of Credit for the portion of the drainage system which will be made a regulated drain. The bond will be in the amount of 120% of the Engineer's estimate. The bond will be in effect until construction of 100% of the system is completed and so certified by the Engineer.
2. The Petitioner shall retain an Engineer throughout the construction phase. At completion of the project the Petitioner's Engineer shall certify that the drainage system which is to be maintained as a regulated drain has been constructed as per construction plans.
3. The Petitioner agrees to request in writing to the County Surveyor any changes from the approved plan and must receive written authorization from the County Surveyor prior to implementation of the change. All changes shall be documented and given to the Surveyor to be placed in the Drain file.
4. The Petitioner shall instruct his Engineer to provide a reproducible print on a 24" x 36" Mylar of the final design of the Drainage System. This shall be submitted to the County Surveyor prior to the release of the Performance Bond.
5. The Petitioner shall comply with the Erosion Control Plan as specified on the construction plans. Failure to comply with the Erosion Control Plan shall be determined by the Board as being an obstruction to the drainage system. The County Surveyor shall immediately install or repair the needed measures at Petitioners cost as per IC 36-9-27-46.



The Petitioner further requests that the Drain be classified as an Urban Drain as per IC 36-9-27-69(d).

RECORDED OWNER(S) OF LAND INVOLVED


Signed

Timothy J. Walter, Hoffman Developer LLC
Printed Name

08/25/2021
Date

Signed

Printed Name

Date

Signed

Printed Name

Date

Signed

Printed Name

Date

RESOLUTION NO. 1-23-2023-1

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY
AUTHORIZING EXCHANGE OF PROPERTY PURSUANT TO INDIANA CODE 36-1-11

WHEREAS, Hamilton County ("the County") is the owner of a 2.887 acre parcel of property, located on the south side of 146th Street between Towne Road and Ditch Road, in the City of Carmel, Indiana, ("the Existing County Real Estate"); and,

WHEREAS, part of the Existing County Real Estate is presently used for drainage purposes as part of the O.F. Henley Arm of the Williams Creek Regulated Drain ("the Regulated Drain"); and,

WHEREAS, the Existing County Real Estate is contiguous to, and west of, land owned by Hoffman Developers, LLC ("the Developer"); and,

WHEREAS, the Developer's land presently includes approximately 25.6 acres located on the south side of 146th Street between Towne Road and Ditch Road in the City of Carmel, Hamilton County, Indiana ("the Developer's Real Estate"); and,

WHEREAS, the Existing County Real Estate was acquired from Hoffman Farm Holdings 2, LLC, pursuant to a Warranty Deed from Hoffman Farm Holdings 2, LLC, dated the 12th day of August, 2015, and recorded in the Office of the Hamilton County Recorder on the 29th day of September, 2015, as Instrument No. 2015050986; and,

WHEREAS, the Developer is desirous of conveying 2.302 acres ("the 2.302 Acre Parcel") of the Developer's Real Estate to the County, in exchange for 1.882 acres ("the 1.882 Acre Parcel") of the Existing County Real Estate; and,

WHEREAS, Indiana Code 36-1-11-7 and Indiana Code 36-1-11-9 authorize the County to acquire property by trading land owned by the County in exchange for all, or part of, the purchase price of the real estate to be acquired by the County; and,

WHEREAS, the Board of Commissioners of Hamilton County has caused publication of a Notice of Public Hearing to be held on January 23, 2023 at 1:00pm, concerning this Resolution as required by Indiana Code 36-1-11-3(b).

IT IS THEREFORE RESOLVED by the Board of Commissioners of Hamilton County as follows:

1. The County has followed the procedures of Indiana Code 36-1-11-4(b), by obtaining appraisals of the fair market value of the 2.302 Acre Parcel of Two Hundred Eighteen Thousand Seven Hundred Dollars (\$218,700), and the fair market value of the 1.882 Acre Parcel of One Hundred Seventy-eight Thousand Eight Hundred Dollars (\$178,800).
2. The opinions of fair market value of the 1.882 Acre Parcel and the 2.302 Acre Parcel were based upon an appraisal by Mr. Lonnie Miller, who is an Indiana certified general appraiser and Mr. Tim Knapp, the Right of Way Manager, employed by Hamilton County, who is familiar with the value of real estate near the Project. The appraisal of Mr. Miller was reviewed and approved by Mr. Tim Knapp, as required by Indiana Code 36-1-11-4.2(b); and,
3. The appraised fair market value of the 2.302 Acre Parcel to be received by the County is in excess of the appraised fair market value of the 1.882 Acre Parcel to be conveyed by the County to the Developer.
4. Based upon the appraised values of the Parcels being exchanged, it is in the best interests of the taxpayers of Hamilton County that the County convey by Limited Warranty Deed the 1.882 Acre Parcel to the Developer, in exchange for a Limited Warranty Deed from the Developer conveying the 2.302 Acre Parcel to the County.
5. The 1.882 Acre Parcel shall be conveyed by the County to the Developer, which parcel is shown on the attached Exhibit A and described in Exhibit B.
6. The 2.302 Acre Parcel shall be conveyed by the Developer to the County, which parcel is shown on the attached Exhibit C and described in Exhibit D.

7. The Developer shall reconstruct the existing detention pond, located on the Existing County Real Estate and the 1.882 Acre Parcel ("the Reconstructed Detention Pond") to create additional detention capacity as part of the Regulated Drain pursuant to plans approved by the Hamilton County Surveyor and the Hamilton County Drainage Board.

8. The Developer shall construct underground pipes to convey stormwater from the Reconstructed Detention Pond, south to the open ditch of the Regulated Drain pursuant to plans approved by the Hamilton County Surveyor and the Hamilton County Drainage Board.

9. All costs of the Reconstructed Detention Pond and all other drainage structures within the plat(s) of Ambleside shall be paid by the Developer pursuant to Indiana Code 36-9-27-52.5.


10. The recorded Declaration of Covenants for the Ambleside Subdivision shall require the Homeowner's Association to be responsible for maintenance of the detention pond and all land located within the Existing Regulated Drain and the 1.882 Acre Parcel, including mowing, and removal of weeds, brush, shrubs, trees, and other material. No alteration of the size or shape of the Reconstructed Detention Pond, or the grade of the land surrounding the Reconstructed Detention Pond shall occur without the prior approval of the Hamilton County Drainage Board.

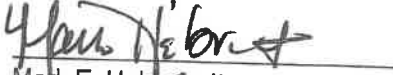
11. The Hamilton County Drainage Board, acting through the Hamilton County Surveyor, shall only be responsible for the maintenance of the inlets and outlets of the Reconstructed Detention Pond and any maintenance which would adversely affect the flow of stormwater through the Reconstructed Detention Pond.

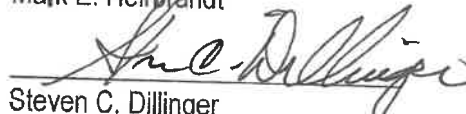
12. The Developer shall pay the costs of the appraisals of the parcels described herein and the costs of any title insurance requested by either party.

ALL OF WHICH IS RESOLVED by the Board of Commissioners of Hamilton County, this 23rd day of
January, 2023.

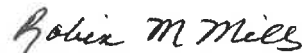
BOARD OF COMMISSIONERS
OF HAMILTON COUNTY


Christine Altman


Mark E. Heibrandt


Steven C. Dillinger

ATTEST:


Robin M. Mills, Auditor

SUBJECT TRACT LAND DESCRIPTION

Part of the East Half of the Northwest Quarter of Section 21, Township 18 North, Range 3 East of the Second Principal Meridian, Clay Township, Hamilton County, Indiana, based upon an ALTA/NSPS Land Title Survey prepared by Kristopher K. Eichhorn, Professional Surveyor Number 21000230, HWC Engineering Job Number 2020-051, recorded December 30, 2021 as Instrument Number 2021092992 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

COMMENCING at the northwest corner of the East Half of said Northwest Quarter, marked by a mag nail, said corner bearing North 89 degrees 09 minutes 42 seconds East (assumed bearings per above-referenced survey) from the northwest corner of said Northwest Quarter; thence South 00 degrees 29 minutes 34 seconds East along the west line of said Half-Quarter Section a distance of 25.00 feet to the northwest corner of a tract of land described as Parcel 17B Fee in Instrument Number 2015050986 in said Recorder's Office, the following fourteen (14) courses being along the north, east, south, and west lines of said tract; (1) thence North 89 degrees 09 minutes 40 seconds East a distance of 221.69 feet; (2) thence South 00 degrees 47 minutes 04 seconds East a distance of 12.34 feet to the point of curvature of a curve to the left having a radius of 100.00 feet; (3) thence southerly along said curve an arc distance of 10.31 feet, said curve being subtended by a chord having a bearing of South 03 degrees 44 minutes 17 seconds East and a chord distance of 10.31 feet; (4) thence South 06 degrees 41 minutes 30 seconds East a distance of 56.08 feet to the POINT OF BEGINNING; (5) thence continuing South 06 degrees 41 minutes 30 seconds East a distance of 118.25 feet to the point of curvature of a curve to the left having a radius of 175.00 feet; (6) thence southeasterly along said curve an arc distance of 143.38 feet, said curve being subtended by a chord having a bearing of South 30 degrees 09 minutes 50 seconds East and a chord distance of 139.41 feet; (7) thence South 53 degrees 38 minutes 10 seconds East a distance of 99.53 feet to the point of curvature of a non-tangent curve to the right having a radius of 325.00 feet; (8) thence southeasterly along said curve an arc distance of 308.67 feet, said curve being subtended by a chord having a bearing of South 26 degrees 25 minutes 38 seconds East and a chord distance of 297.20 feet; (9) thence South 00 degrees 46 minutes 53 seconds West a distance of 17.97 feet; (10) thence South 39 degrees 26 minutes 29 seconds West a distance of 128.06 feet; (11) thence North 89 degrees 13 minutes 07 seconds West a distance of 40.00 feet; (12) thence North 37 degrees 52 minutes 42 seconds West a distance of 128.06 feet; (13) thence North 00 degrees 46 minutes 53 seconds East a distance of 17.97 feet to the point of curvature of a curve to the left having a radius of 125.00 feet; (14) thence northerly along said curve an arc distance of 68.15 feet, said curve being subtended by a chord having a bearing of North 14 degrees 50 minutes 17 seconds West and a chord distance of 67.31 feet; thence North 24 degrees 57 minutes 02 seconds East a distance of 27.54 feet; thence North 35 degrees 18 minutes 07 seconds West a distance of 98.64 feet to the point of curvature of a curve to the right having a radius of 183.01 feet; thence northerly along said curve an arc distance of 112.38 feet, said curve being subtended by a chord having a bearing of North 17 degrees 42 minutes 34 seconds West and a chord distance of 110.63 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 284.48 feet to the POINT OF BEGINNING, containing 1.882 acres, more or less.

THIS DESCRIPTION PREPARED BY:

Michael G. Judt

Michael G. Judt
Professional Surveyor #21500017
October 31, 2022
E-Mail: mjudt@hwcengineering.com



Note:

This drawing is based upon an ALTA/NSPS Land Title Survey for Hoffman Estates, prepared by Kristopher K. Eichhorn, Professional Surveyor #21000230, HWC Engineering Job #2020-051, recorded December 30, 2021 as Instrument #2021092992

PREPARED BY



135 N. PENNSYLVANIA ST, SUITE 2800
INDIANAPOLIS, IN 46204
317-347-3663

INDIANAPOLIS - TERRE HAUTE
LAFAYETTE - MUNCIE - NEW ALBANY

www.hwcengineering.com

AMBLESIDE - SECTION 2
LEGAL DRAIN LAND SWAP
PT. OF NW 1/4 OF SEC. 21-T18N-R3E
CARMEL, INDIANA

DRAWN BY
MGJ

CHECKED BY
CRW

DATE
10/31/2022

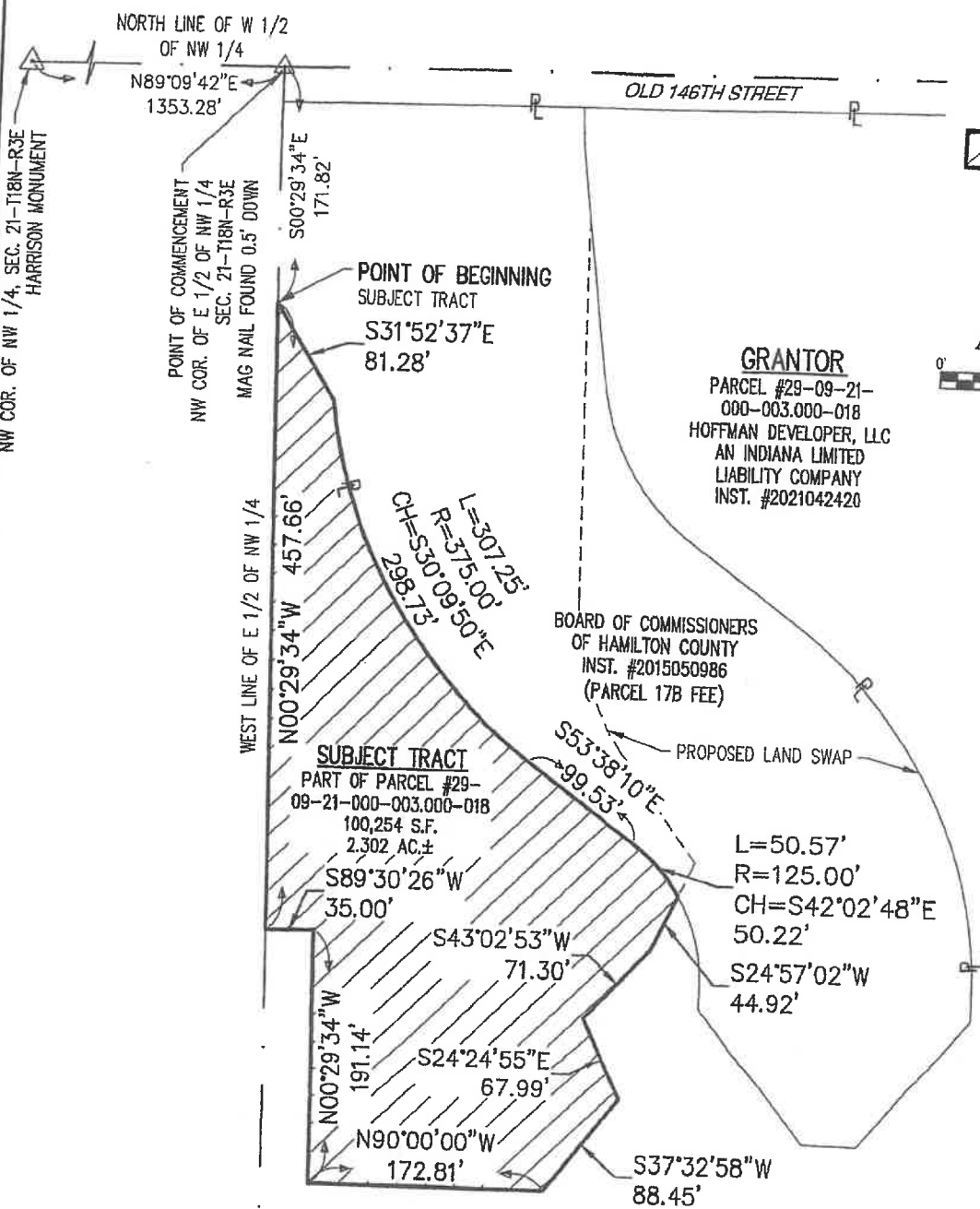
SCALE
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JOB NUMBER
2020-051-A

PG 2 OF 2

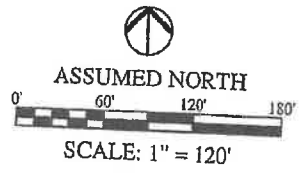
EXHIBIT B

©2022



LEGEND

- SUBJECT TRACT
- PROPERTY LINE



GRANTOR
 PARCEL #29-09-21-000-003.000-018
 HOFFMAN DEVELOPER, LLC
 AN INDIANA LIMITED LIABILITY COMPANY
 INST. #2021042420

BOARD OF COMMISSIONERS
 OF HAMILTON COUNTY
 INST. #2015050986
 (PARCEL 17B FEE)

L=50.57'
 R=125.00'
 CH=S42°02'48\"/>

Note:
 This drawing is based upon an ALTA/NSPS Land Title Survey for Hoffman Estates, prepared by Kristopher K. Eichhorn, Professional Surveyor #21000230, HWC Engineering Job #2020-051, recorded December 30, 2021 as Instrument #2021092992

PREPARED BY

HWC ENGINEERING
 135 N. PENNSYLVANIA ST, SUITE 2800
 INDIANAPOLIS, IN 46204
 317-347-3663
 INDIANAPOLIS - TERRE HAUTE
 LAFAYETTE - MUNCIE - NEW ALBANY

AMBLESIDE - SECTION 2
 LEGAL DRAIN LAND SWAP
 PT. OF NW 1/4 OF SEC. 21-T18N-R3E
 CARMEL, INDIANA

DRAWN BY MGJ	JOB NUMBER 2020-051-A
CHECKED BY CRW	
DATE 11/01/2022	
SCALE 1" = 100'	
PG 1 OF 2	

SUBJECT TRACT LAND DESCRIPTION

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COMMENCING at the northwest corner of the East Half of said Northwest Quarter, marked by a mag nail, said corner bearing North 89 degrees 09 minutes 42 seconds East (assumed bearings per above-referenced survey) from the northwest corner of said Northwest Quarter; thence South 00 degrees 29 minutes 34 seconds East along the west line of said Half-Quarter Section a distance of 171.82 feet to the POINT OF BEGINNING, being a southwest corner of a tract of land described as Parcel 17B Fee in Instrument Number 2015050986 in said Recorder's Office, the following four (4) courses being along the southwest lines of said tract; (1) thence South 31 degrees 52 minutes 37 seconds East a distance of 81.28 feet to the point of curvature of a non-tangent curve to the left having a radius of 375.00 feet; (2) thence southeasterly along said curve an arc distance of 307.25 feet, said curve being subtended by a chord having a bearing of South 30 degrees 09 minutes 50 seconds East and a chord distance of 298.73 feet; (3) thence South 53 degrees 38 minutes 10 seconds East a distance of 99.53 feet to the point of curvature of a curve to the right having a radius of 125.00 feet; (4) thence southeasterly along said curve an arc distance of 50.57 feet, said curve being subtended by a chord having a bearing of South 42 degrees 02 minutes 48 seconds East and a chord distance of 50.22 feet; thence South 24 degrees 57 minutes 02 seconds West a distance of 44.92 feet; thence South 43 degrees 02 minutes 53 seconds West a distance of 71.30 feet; thence South 24 degrees 24 minutes 55 seconds East a distance of 67.99 feet; thence South 37 degrees 32 minutes 58 seconds West a distance of 88.45 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 172.81 feet; thence North 00 degrees 29 minutes 34 seconds West a distance of 191.14 feet; thence South 89 degrees 30 minutes 26 seconds West a distance of 35.00 feet to the west line of said Half-Quarter Section; thence North 00 degrees 29 minutes 34 seconds West along said west line a distance of 457.66 feet to the POINT OF BEGINNING, containing 2.302 acres, more or less.

THIS DESCRIPTION PREPARED BY:

Michael G. Judt

Michael G. Judt
Professional Surveyor #21500017
November 1, 2022
E-Mail: mjudt@hwcengineering.com



Note:

This drawing is based upon an ALTA/NSPS Land Title Survey for Hoffman Estates, prepared by Kristopher K. Eichhorn, Professional Surveyor #21000230, HWC Engineering Job #2020-051, recorded December 30, 2021 as Instrument #2021092992

PREPARED BY



**HWC
ENGINEERING**

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AMBLESIDE - SECTION 2
LEGAL DRAIN LAND SWAP
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CARMEL, INDIANA

DRAWN BY
MGJ

CHECKED BY
CRW

DATE
11/01/2022

SCALE
N/A

JOB NUMBER
2020-051-A

PG 2 OF 2

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EXHIBIT D

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Williams Creek Drainage Area, O. F. Henley Arm
Ambleside Section 2

On this 27th day of March, 2023, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Williams Creek Drainage Area, O. F. Henley Arm, Ambleside Section 2.

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.

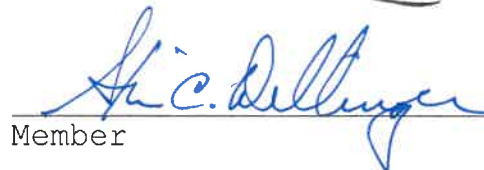
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

*Williams Creek Drainage Area, O. F. Henley Arm
Ambleside Section 2*

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Williams Creek Drainage Area, O. F. Henley Arm, Ambleside Section 2** on **March 27, 2023** at **9:00 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana, and which construction and maintenance reports of the Surveyor and the Schedule of Assessments made 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

**Williams Creek Drainage Area, O. F. Henley Arm
Ambleside Section 2 Arm**

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **March 27, 2023** has issued an order adopting the Schedule of Assessments, filed the same and made public announcement thereof at the hearing and ordered publication. If judicial review of the findings and order of the Board is not requested pursuant to Article Eight of this code within twenty (20) days from the date of this publication, the order shall be conclusive.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY