



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

April 5th, 2023

To: Hamilton County Drainage Board

Re: Williams Creek; Hinshaw-Henley Drain; Bedford Falls

Attached is a petition filed by Less Impact Development LLC, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Bedford Falls, Williams Creek Drain to be 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	1,224 feet	30" RCP	513 feet
15" RCP	1,309 feet	36" RCP	697 feet
21" RCP	97 feet	SSD	1,788 feet
24" RCP	164 feet	Open Ditch	210 feet

The total length of the drain will be 6,002 feet. As per the construction plans for Bedford Falls of Carmel, prepared by Weihe Engineers, Project Number 200515, Dated February 16, 2022 with last revision date August 31, 2022.

With the approval of this project, 821 feet of the Hinshaw-Henley Reconstruction Arm of the Hinshaw Henley Drain, which was approved on August 28th, 2000 (Drainage Board Minutes Book 5, page 412 to 417), will be removed and vacated. In total, this project will lengthen the regulated drain by 5,181 feet. The portion of the drain to be vacated will be the 36" RCP between existing Structure 9 to existing Structure 4 per the drain's 2002 description (which is existing Structure 640 as shown on the above-mentioned Bedford Falls of Carmel construction plans). The reconstructed drain will begin at Sta. 9 per the drains 2002 description and Str. 633 per the plans. The drain runs east for 361 feet with 36" RCP

before stopping at Str. 632 per the plans. The drain then continues east for 287 feet with 36" RCP before stopping at Str. 631 per the plans. The drain then turns slightly southward and runs for 49 feet with 36" RCP before outletting into Pond 1 per the plans. The drain flowline then runs southeast through the pond for 210 feet in the form of open ditch before stopping at Sta. 4 per the drains 2002 description.

The reconstructed drain will consist of the following:

36" RCP	697 feet	Open Ditch	210 feet
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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 Bedford Falls 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.

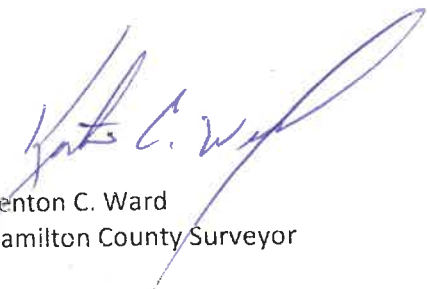
I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot to be assessed equally. I also believe that no damages will result to landowners by the constructor of this drain. I recommend a maintenance assessment of \$65.00 per lot, \$10.00 per acre for 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 \$2,468.00.

In accordance with IC 36-7-4-709, the petitioner did not submit surety for the proposed drain prior to Drainage Board approval. A bond will be submitted prior to the commencement of construction.

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 drain that the Board also approve the attached non-enforcement request. The request will be for the alteration of the regulated drain easement to those easement widths as shown on the secondary plats for Bedford Falls which will be recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for June 26th, 2023.



Kenton C. Ward
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 _____ Bedford Falls of Carmel _____ Subdivision, Section
_____ 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 _____ Bedford Falls of Carmel _____, 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 _____
Scott Schute
Printed Name _____
7/29/22
Date _____

Signed _____

Printed Name _____

Date _____

Signed _____

Printed Name _____

Date _____

Signed _____

Printed Name _____

Date _____

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: Hinshaw-Henley Regulated Drain)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

Less Impact Development LLC (hereinafter "Petitioner"),

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the Hinshaw-Henley Regulated Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Hinshaw-Henley Regulated 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 Hinshaw-Henley Regulated 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 Hinshaw-Henley Regulated Drain, without cost to other property owners on the watershed of the Hinshaw-Henley Regulated Drain.

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



Signed

Scott Schutz, Less Impact Development LLC

Printed

FINDINGS AND ORDER

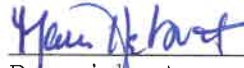
CONCERNING THE MAINTENANCE OF THE

Williams Creek Drain, Hinshaw-Henley Arm
Bedford Falls

On this 26th day of June, 2023, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Williams Creek Drain, Hinshaw-Henley Arm, Bedford Falls.

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.

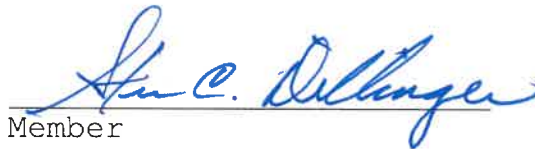
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest:


Executive Secretary

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Williams Creek Drain, Hinshaw-Henley Arm
Bedford Falls**

36" RCP between Existing Structure 9 to Existing Structure 4
(Per the Drain's 2002 Description)

On this 26th day of June, 2023, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drain, Hinshaw-Henley Arm, Bedford Falls** (36" RCP between Existing Structure 9 to Existing Structure 4, per the drain's 2002 description).

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 **Williams Creek Drain, Hinshaw-Henley Arm, Bedford Falls** (36" RCP between Existing Structure 9 to Existing Structure 4, per the drain's 2002 description).

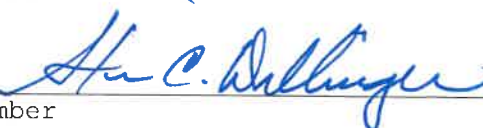
HAMILTON COUNTY DRAINAGE BOARD



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
Williams Creek Drain, Hinshaw-Henley Arm, Bedford Falls

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Williams Creek Drain, Hinshaw-Henley Arm, Bedford Falls** came before the Hamilton County Drainage Board for hearing **on June 26, 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 **Williams Creek Drain, Hinshaw-Henley Arm, Bedford Falls** 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

***Williams Creek Drainage Area, Hinshaw-Henley Arm
Bedford Falls***

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, Hinshaw-Henley Arm, Bedford Falls** on **June 26, 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, Hinshaw-Henley Arm
Bedford Falls**

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **June 26, 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