

## DRAINAGE EASEMENT

Document Cross-reference Number 2007-1499

THIS INDENTURE WITNESSETH: That Randall L. Tobias and Marianne W. Tobias (referred to herein as the "Grantor") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does convey to the Board of Commissioners of Hamilton County, ("Grantee") a non-exclusive perpetual easement through, upon, over, along and across the real property located in Hamilton County, Indiana ("the Easement") described in the attached Exhibit A.

This Easement is granted for the purpose of providing overland or subsurface paths and courses for the construction, maintenance and preservation of storm drainage and to prevent filling, alteration or destruction of the drainage mitigation area located within the Easement. The Grantor reserves for themselves and their successors and assigns the right to use the Easement for any uses which are not inconsistent with the purposes described herein. However, in the event that the Grantor or their successors elect or desire to do any construction or alteration to the real estate within the Easement or the movement of any soil, fill or dirt to or from the real estate within the Easement, they shall do so only upon approval of the Grantee. The Grantor further agrees that they shall not grant any easements to any other utilities or other persons through the real estate described herein without the consent of the Grantee and if said grants are given, those easements shall be subject to the Grantee's rights to regulate and permit construction or alteration within the Easement.

In the event the Grantee, its employees or contractors are required to come upon the real estate contained in the Easement to replace, restore or clear any drainage structures, ditches, drains or swales contained therein, the Grantee shall only be liable to restore the Grantor's real estate to its previous grade and to re-seed and undertake erosion control measures as are required by 327 IAC 15-5 as amended. The Grantee, its employees or contractors shall not be liable to Grantor or his successors in title for any improvements to the real estate, landscaping, sod or any other improvements within the Easement which are

damaged in the course of the repair of the drainage structure, ditches, drains or swales contained in the Easement area.

This Drainage Easement and the agreements herein shall run with the land and shall be binding upon and inure to the benefit of the Grantor and its successors and assigns and upon the Grantee and its successors.

IN WITNESS WHEREOF, the Grantor has executed this Drainage Easement on this 23<sup>rd</sup> day of September, 2008.

GRANTOR

Randall L. Tobias  
Marianne W. Tobias

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF MARION        )

Subscribed and sworn to before me, a Notary Public, this 23<sup>rd</sup> day of September, 2008, personally appeared the within named Randall L. Tobias and Marianne W. Tobias and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.

Joris E. Cook  
Notary Public,  
Residing in Marion County, IN

My Commission expires:

June 28, 2010

This instrument prepared by Darren J. Murphy, Attorney at Law, 694 Logan Street, Noblesville, Indiana 46060, (317) 773-4212.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each social security number in the document, unless required by law.

Darren Murphy, Assistant County Attorney

**LAND DESCRIPTION**

Exhibit A – Mitigation  
Lot 15, Laurel Ridge  
Hamilton County, Indiana

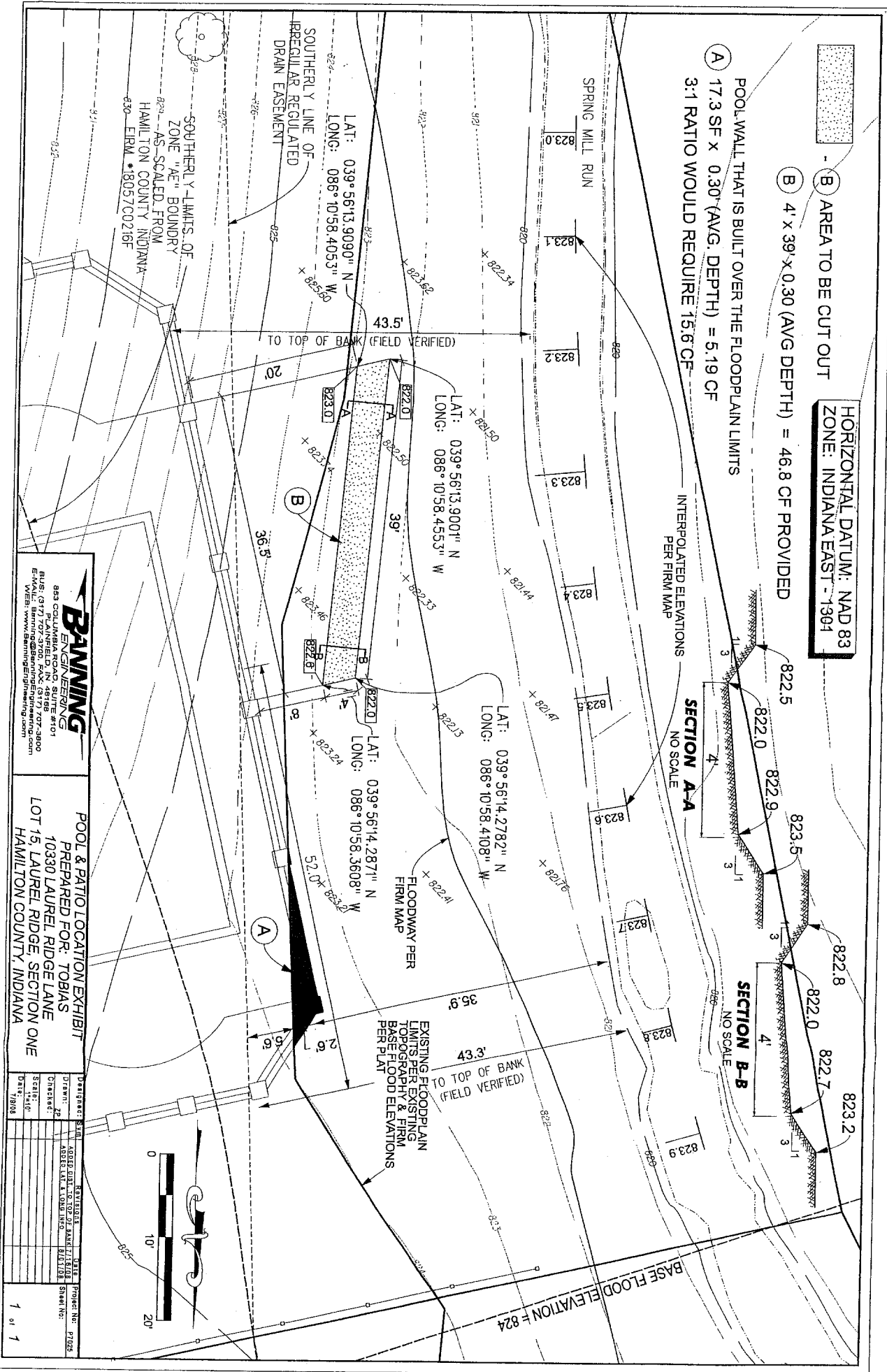
That portion of Lot 15 of Laurel Ridge, as per the plat thereof recorded as Instrument Number 2007-1499 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

Commencing at the northwest corner of said Lot 15; thence South 11 degrees 52 minutes 16 seconds East along the west line thereof 111.21 feet; thence North 78 degrees 07 minutes 44 seconds East 33.75 feet to the POINT OF BEGINNING; thence North 05 degrees 11 minutes 57 seconds East 39.00 feet; thence North 77 degrees 00 minutes 00 seconds East 4.00 feet; thence South 05 degrees 11 minutes 57 seconds West 39.00 feet; thence South 77 degrees 00 minutes 00 seconds West 4.00 feet to the POINT OF BEGINNING, containing 156.00 square feet, more or less.

HORIZONTAL DATUM: NAD 83  
 ZONE: INDIANA EAST - 1304

(B) AREA TO BE CUT OUT  
 (B) 4' x 39' x 0.30 (AVG DEPTH) = 46.8 CF PROVIDED

(A) POOL WALL THAT IS BUILT OVER THE FLOODPLAIN LIMITS  
 17.3 SF x 0.30 (AVG. DEPTH) = 5.19 CF  
 3:1 RATIO WOULD REQUIRE 15.6 CF



**BANNING**  
 SURVEYING  
 853 COLUMBIA SQUARE  
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 E-MAIL: info@banningengineering.com  
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POOL & PATIO LOCATION EXHIBIT  
 PREPARED FOR: TOBIAS  
 10930 LAUREL RIDGE LANE  
 HAMILTON COUNTY, INDIANA

DATE	REVISIONS	BY	PROJECT NO.
11/19/08	1	ASB	PT085
		ADDED DIST. TO TOP OF BANK TO ELEVATION	
		ADDED LAUREL RIDGE INFO.	
		BLISTONE	Sheet No:

Scale: 1" = 10'  
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