

October 11, 2011

*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

Re: Windemere Drain, Outlet Reconstruction

Attached is a petition and plans for the proposed reconstruction of the Windemere Drain. The reconstruction is being proposed by the City of Carmel. The proposal is to reconstruct the subdivision outlet to eliminate the flooding of 106<sup>th</sup> Street. The reconstruction is as shown per plans (sheet 400) by Crossroad Engineers, PC, having Job No. 11-03, and dated January 28, 2011.

The reconstruction will remove the 33 feet of 12" RCP from Structure 829 to 830, 33 feet of 12" RCP from Structure 829 to 831, 35 feet of twin 12" CMP from Structure 829 to 900/901, 21 feet of open ditch from Structure 900/901 running north, and 10 feet of 15" RCP from Structure 829 running south. This will all be replaced with 62 feet of 18" RCP and 4 feet of open ditch.

The new line will consist of the following:

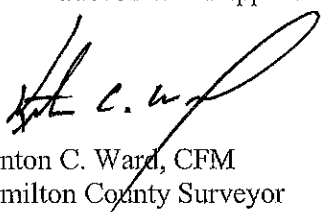
18" RCP      62 ft.                      Open Ditch - 4 ft.

The total length of new drain shall be 66 feet. The 132 feet of original drain between the structures listed above shall be vacated. This proposal will remove 66 feet from the drain's total length.

The cost of the relocation is to be paid by the City of Carmel. Because the project is to be paid by the petitioner and is within the boundaries of the City of Carmel Right of Way, the project falls under the requirements as set out in IC 36-9-27-52.5. Therefore, a noticed hearing is not required for the petition.

The City of Carmel was not required to provide surety.

I recommend approval by the Board at this time.

  
Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

Gasb 34 Asset Price &  
Drain Length Log

Drain-Improvement: Windemere Drain - Outlet Reconstruction

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
TCP	18"	62	62	Ø	\$10.50 LF	\$693.00
Open	-	4	4	Ø	\$19.55 LF	\$78.20

Sum: 666 \$771.20

Final Report: N/A

Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAMILTON COUNTY DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN RE: Windemere Drain )  
Hamilton County, Indiana )

PETITION FOR RELOCATION AND RECONSTRUCTION


City of Carmel (hereinafter "Petitioner"),

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

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

\_\_\_\_\_  
Signed  
Michael McBride  
\_\_\_\_\_  
Printed

2019027867 MISC \$25.00  
06/27/2019 02:52:51P 4 PGS  
Jennifer Hayden  
HAMILTON County Recorder IN  
Recorded as Presented  


NOTICE CONCERNING DESIGN AND  
CONSTRUCTION OF DETENTION POND

Document Cross Reference Nos.	9124825	2006-20077
	9216682	2013-76824
	9303573	2014-47432
	9212450	2016-66157

To: Windemere Homeowners Association, Inc. and Owners of Lots 1-7 in Section 1  
PO Box 1706 in the Windemere Subdivision  
Carmel, Indiana 46082 located in the City of Carmel, Indiana

WITNESS THAT:

WHEREAS, the Windemere Homeowners Association, Inc. (“the Corporation”) was created by the Declaration of Covenants and Restrictions (“the Covenants”) for the Windemere Subdivision (“the Subdivision”), which Covenants are dated 16<sup>th</sup> day of September, 1991, and were recorded on the 19<sup>th</sup> day of September, 1991, in the Office of the Hamilton County Recorder as Instrument No. 9124825; and,

WHEREAS, pursuant to the Covenants, the Corporation is the owner of the “Community Areas” within the Subdivision, which Community Areas include all lakes within the Subdivision; and,

WHEREAS, one of the lakes within the Subdivision is located east of Windemere Boulevard in a Community Area and is known as “Lake 1”; and,

WHEREAS, the original construction of the lake resulted in the normal pool elevation being at an elevation of 855.30 feet; and,

WHEREAS, Lake 1 discharges into the Williams Creek Regulated Drain (“the Drain”), which Drain is under the jurisdiction of the Hamilton County Drainage Board (“the Drainage Board”); and,

WHEREAS, in 2017, the Drainage Board, made certain repairs to Lake 1, including the installation of a structure to discharge stormwater from Lake 1 into the Drain (“Discharge Structure”); and,

WHEREAS, the Discharge Structure is located at an elevation, which was approved by the Corporation and recommended by most of the lot owners of lots abutting Lake 1 (“the Lot Owners”); and,

WHEREAS, the Hamilton County Surveyor’s Office, on behalf of the Drainage Board, recommended that the Discharge Structure be installed so that the normal pool elevation of Lake 1 would be 853 feet (“the Recommended Elevation”); and,

WHEREAS, the Discharge Structure from Lake 1 is at a level which results in the normal pool elevation of Lake 1 to be at 854.62 feet (“the Higher Elevation”).

THEREFORE, the Hamilton County Drainage Board is providing notice to the Corporation and the Lot Owners as follows:

1. During meetings with the Corporation, which was acting on behalf of the Lot Owners, the Drainage Board had recommended the installation of the Discharge Structure at the Recommended Elevation which would result in the normal pool elevation of Lake 1 being 853 feet.
2. The Corporation and some of the Lot Owners objected to the normal pool of the pond being at the Recommended Elevation because lowering the normal pool would expose a substantial amount of the banks of Lake 1 and could create maintenance difficulties for the Corporation and the Lot Owners.
3. In order to accommodate the concerns of the Corporation and the Lot Owners, the Drainage Board agreed to raise the normal pool of Lake 1 from the Recommended Elevation of 853 feet to the Higher Elevation of 854.62 feet to accommodate the wishes of the Corporation and the Lot Owners.

4. Raising the elevation of the normal pool of Lake 1 from the Recommended Elevation, reduces the storage capacity of Lake 1 during a substantial rain event.

5. As designed and installed, the Discharge Structure can be modified to lower the normal pool of Lake 1 to any elevation between the Higher Elevation and 852.32 feet.


6. In the event the Drainage Board receives a request from the Corporation which is approved by at least sixty-six (66%) percent of the Lot Owners, the Drainage Board based on the request and recommendation of the Hamilton County Surveyor, may lower the normal pool of Lake 1 to any elevation at or above 852.32 feet.

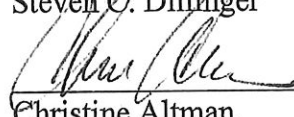
7. This Notice shall be recorded in the Office of the Hamilton County Recorder, and cross referenced to the Covenants in order to place the Corporation and the Lot Owners on notice that the Drainage Board has constructed the Discharge Structure at Lake 1 at a level which was higher than recommended by the Hamilton County Surveyor and the Drainage Board.

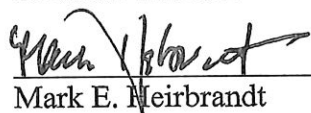
8. Therefore, the Hamilton County Surveyor and the Drainage Board place the Corporation and Lot Owners on notice that any damage caused by the failure to install the Discharge Structure at the Recommended Elevation will be solely the responsibility of the Corporation and the Lot Owners.

This Notice is ratified and approved by the Hamilton County Drainage Board, upon recommendation of the Hamilton County Surveyor on this 11<sup>th</sup> day of March, 2019.


HAMILTON COUNTY DRAINAGE  
BOARD

  
\_\_\_\_\_  
Steven C. Dillinger

  
\_\_\_\_\_  
Christine Altman

  
\_\_\_\_\_  
Mark E. Neirbrandt

ATTEST:

  
\_\_\_\_\_  
Lynette Mosbaugh, Secretary

# MICHAEL A. HOWARD

Attorney for Hamilton County, Indiana  
and the City of Noblesville, Indiana  
694 Logan Street • Noblesville, Indiana 46060  
(317) 773.4212 • howardma@aol.com

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June 27, 2019

Windemere Homeowners Association  
Attn: President or Presiding Officer  
PO Box 1706  
Carmel, Indiana 46082

Re: Notice Concerning Design and Construction of Detention Pond

To whom it may concern:

Enclosed is a copy of a recorded Notice concerning the elevations of the reconstructed Lake 1. During the design of this project, the engineers recommended a normal pool elevation of 853 feet. That elevation would have provided additional storage within the lake for retention of more stormwater in a high rain event. However, lowering the lake to this level was objectionable to the surrounding landowners because of the size of the bare land which would be exposed as a result of lowering the lake.

After numerous discussions with the property owners association and the contiguous landowners, the Drainage Board agreed to raise the normal pool elevation of the lake to 554.62 feet. While this change was more aesthetically pleasing to the surrounding landowners, it reduces the storage capacity of the lake.

The purpose of this Notice is to place the existing owners, the Homeowners Association, and subsequent property owners on notice that the normal pool elevation of the lake is higher than recommended. You will also see that the discharge structure will allow for the normal pool elevation to be lowered if there is a signed request by 66% of the lot owners.

Very truly yours,



Michael A. Howard, Attorney  
Hamilton County Drainage Board

Enclosures

Construction Updates:

Thorpe Creek Drain, Martha Ford Arm Relocation - Liston stated the channel is heavily rip rapped. The contractor informed me on Friday that he believes he will be done with most of this work Wednesday of this week. This will be seeded before he leaves.

Thorpe Creek Drain, John Underwood Arm Reconstruction - Liston stated we have had the preconstruction meeting with the contractor, which is Morphe Construction. They plan on starting that project the week of March 18<sup>th</sup>.

Cool Creek Park Bank Stabilization Project - Cline stated the bank stabilization has been finished. I'm meeting with the contractor and a Park's representative this afternoon at 2:00 p.m. and we're going to make sure everyone is happy with the work before they start installing the shrubs and trees and other plantings.

Thistlewaite Drain, California Street Arm Extension - Conover stated this contract was awarded to Millennium Contractors. We're going to schedule a preconstruction meeting with them along with the Krause Phase 3.

Pending Asbuilts (Krause Phase 1 & 2) - Altman asked if there has been any change?

The Surveyor stated no, not at this time.

Altman asked are we worried about no change?

The Surveyor stated no. Conover needs to meet with the engineer, Mr. Baitz and also Mr. Ogle. Do you have that scheduled yet?

Conover stated no I don't.

The Surveyor stated that meeting would be to go over the grading on the Fox property before they do the asbuilts.

Windemere Pond Reconstruction - Documented & Recorded Negotiations:

Howard stated this pond was part of the original Windemere Subdivision Section 1 located south of 106<sup>th</sup> Street and on the east of Windemere Boulevard. The Surveyor's Office was called into look at the elevations of this pond. The mean elevation originally was 855.30 and you will find that in the last "Whereas" clause on the first page of your document. The Surveyor's Office recommended that the discharge be put at 853 feet or basically a reduction of about 2.3 feet. There were conversations back and forth with the City of Carmel who was financing some of the landscaping around the pond. Essentially when this pond lowered there was exposed bank for seven of these lot owners along the east edge of the pond. A compromise was reached with the City of Carmel, City Councilman involved, etc., but now the outlet is 854.62 or right at 1.62 feet above the recommended level. This discharge structure was constructed so that if there was a request at a later date to lower the discharge point that extra 1.6 feet that could be done fairly inexpensively. Under this notice the Property Owner's Association with the recommendation of at least 66% of the lot owners could make that request and it would be done. Again, that would lower the pond, it would expose more bank, but we made our recommendation for a lot of reasons outside of our recommendation we did the interim of raising the discharge point and consequently the mean pool level. The document before you is a little bit different than the one that was emailed earlier today. We're waiting for the title company to provide us the document cross reference numbers because those three property owners that owned the lots long enough it wasn't available. If you would approve this document today we'll type them in and then record the documents, mail a copy to the Property Owners Association and the property owners will have this kick up in their title search in the event they subsequently transfer their property to other owners or subsequently change their mortgage company.

Heirbrandt asked for the Surveyor's thoughts.

The Surveyor stated I think it looks good.

Dillinger made the motion to approve the "Notice Concerning Design and Construction of Detention Pond" document presented for Windemere, seconded by Heirbrandt and approved unanimously.

Altman stated make sure we send that certified mail to the Homeowners Association.

Budget & Permit Update:

The Surveyor presented the budget & permit update to the Board for their information. He asked if there were any questions.

There were no questions.

Merrimac Drain - Retention Ponds:

Howard stated I read the three reports and this was 1995, 1997 and 1998 discussions. One of the reports could be more clear. Section 1 and Section 4 are very clear that we're only responsible for the inlets and outlets. Section 3 says "responsible for maintenance of the pond". The question becomes what is the Drainage Board's interest in maintaining the pond and it's not esthetics. We are in the business of collecting excess storm water in a detention fashion and then discharging it at a regulated rate into the outcoming stream.



U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

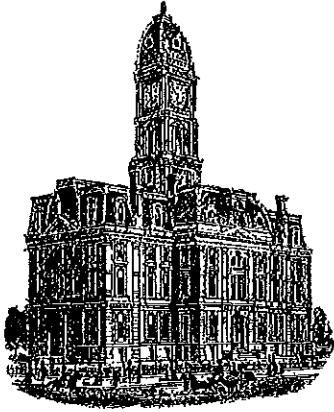
7001 2510 0004 6080 1814

CARMEL, IN 46082  
**OFFICIAL USE**

Postage	\$3.50	\$2.80	0712
Certified Fee	\$0.00	\$0.00	13
Return Receipt Fee (Endorsement Required)	\$0.00	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$1.15	\$0.00	
Total Postage & Fees	\$7.45		06/28/2019

Windemere Homeowners Association  
PO Box 1706  
Carmel, Indiana 46082

See for Instructions



*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**

**November 12, 2015**

**Re: Windemere Drain – Outlet Reconstruction**


Attached are as-built, certificate of completion & compliance, and other information for Windemere Outlet Reconstruction. 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 there were no significant changes made to the drainage plans submitted with my report for this drain dated October 11, 2011. The report was approved by the Board at the hearing held October 24, 2011. (See Drainage Board Minutes Book 14, Pages 3-4) Therefore, the length of the drain remains at **66 feet**. It should be noted that 136 feet of existing drain installed with Windemere Section 1 was removed with this project.

The work was done within existing right of way and drainage easements. The cost of the reconstruction was paid for by the City of Carmel and therefore, no sureties were required.

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

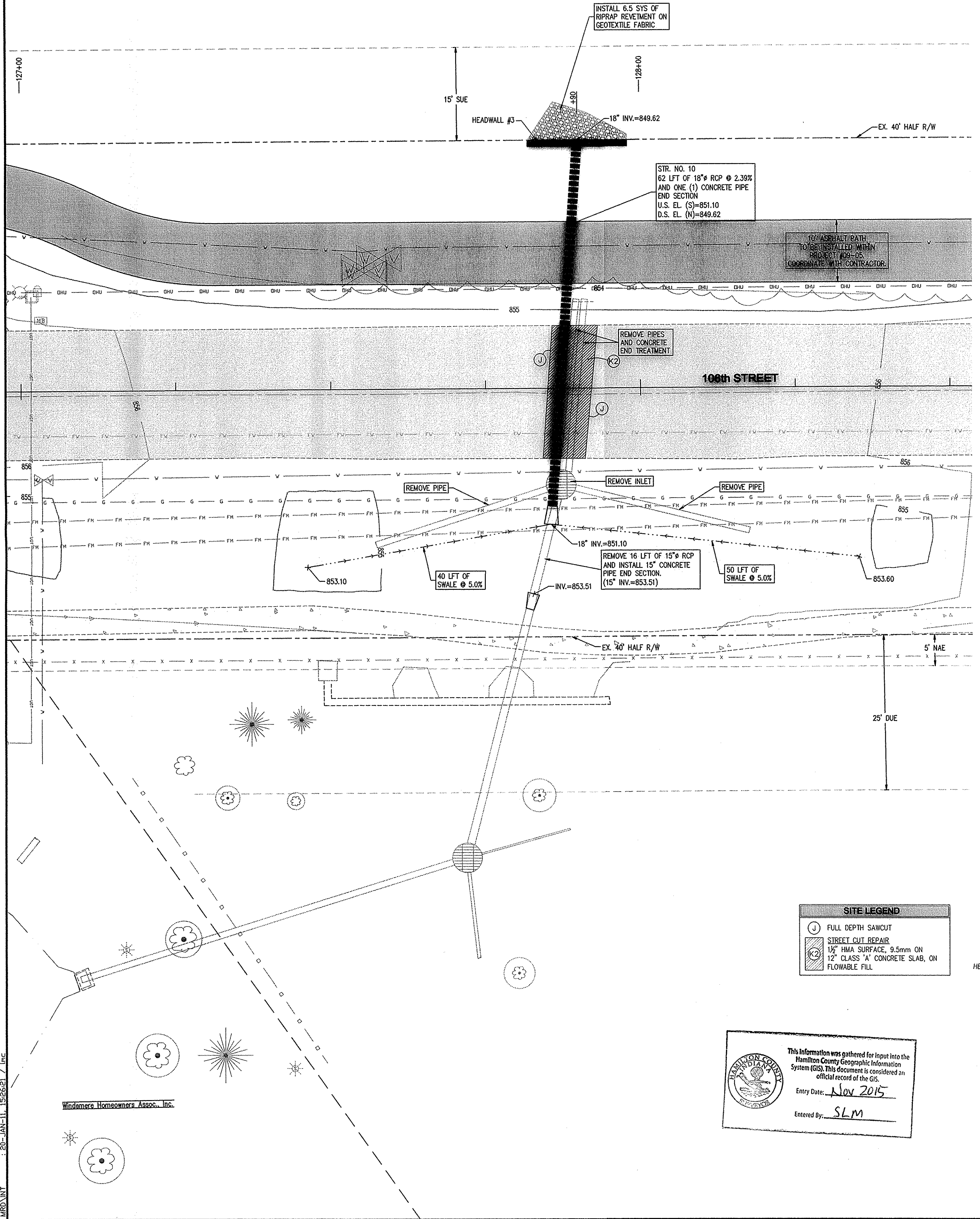
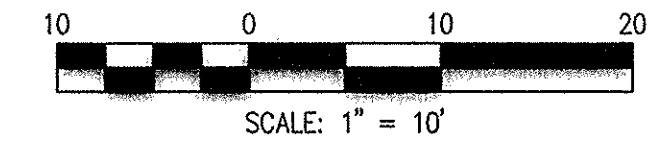
Sincerely,



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Kenton C. Ward, CFM  
Hamilton County Surveyor

WOODS STICK STATES  
SECTION 7 - LOT 112  
P.B. & PC. 117  
Eric D. & Sally M. Blom



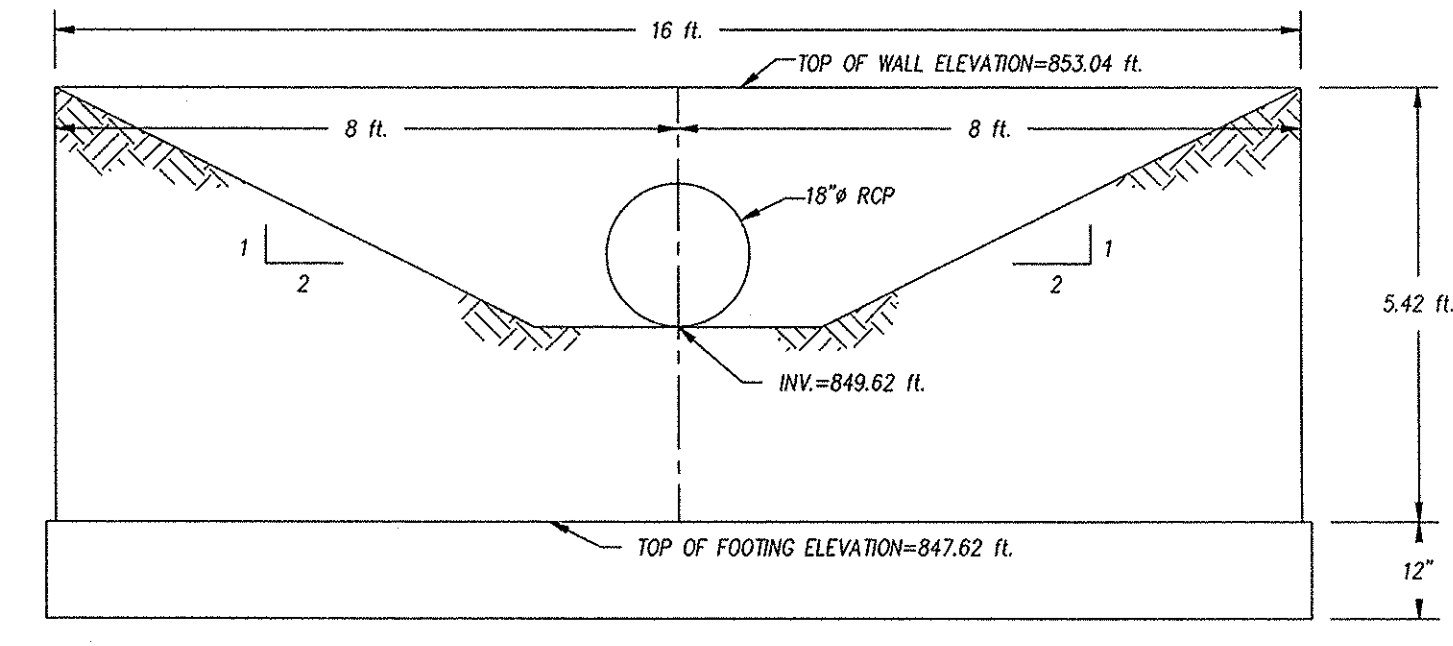
**SITE LEGEND**

- ① FULL DEPTH SAWCUT
- ▨ STREET CUT REPAIR
- ▨ 1 1/2" HMA SURFACE, 9.5mm ON
- ▨ 12" CLASS "A" CONCRETE SLAB, ON FLOWABLE FILL

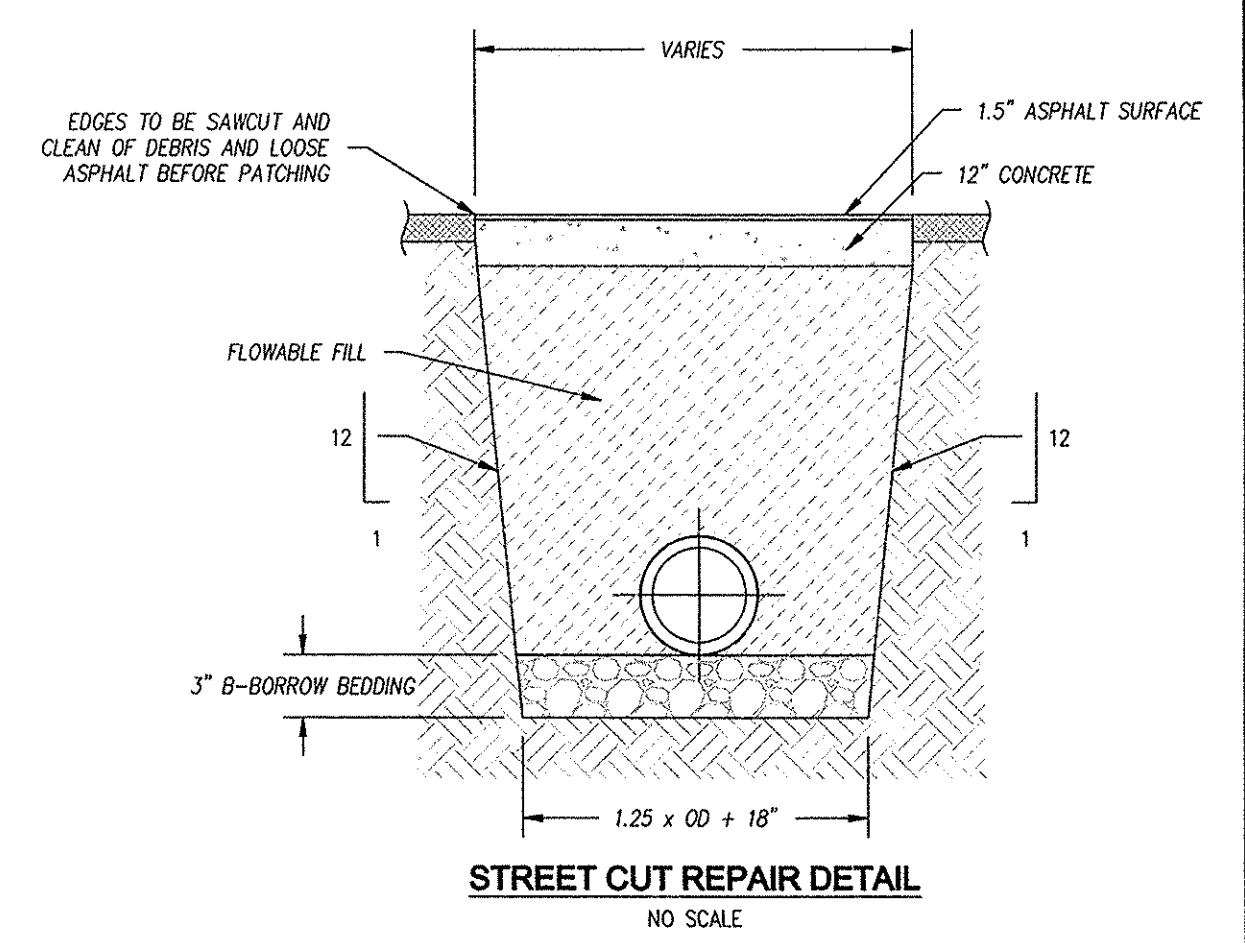
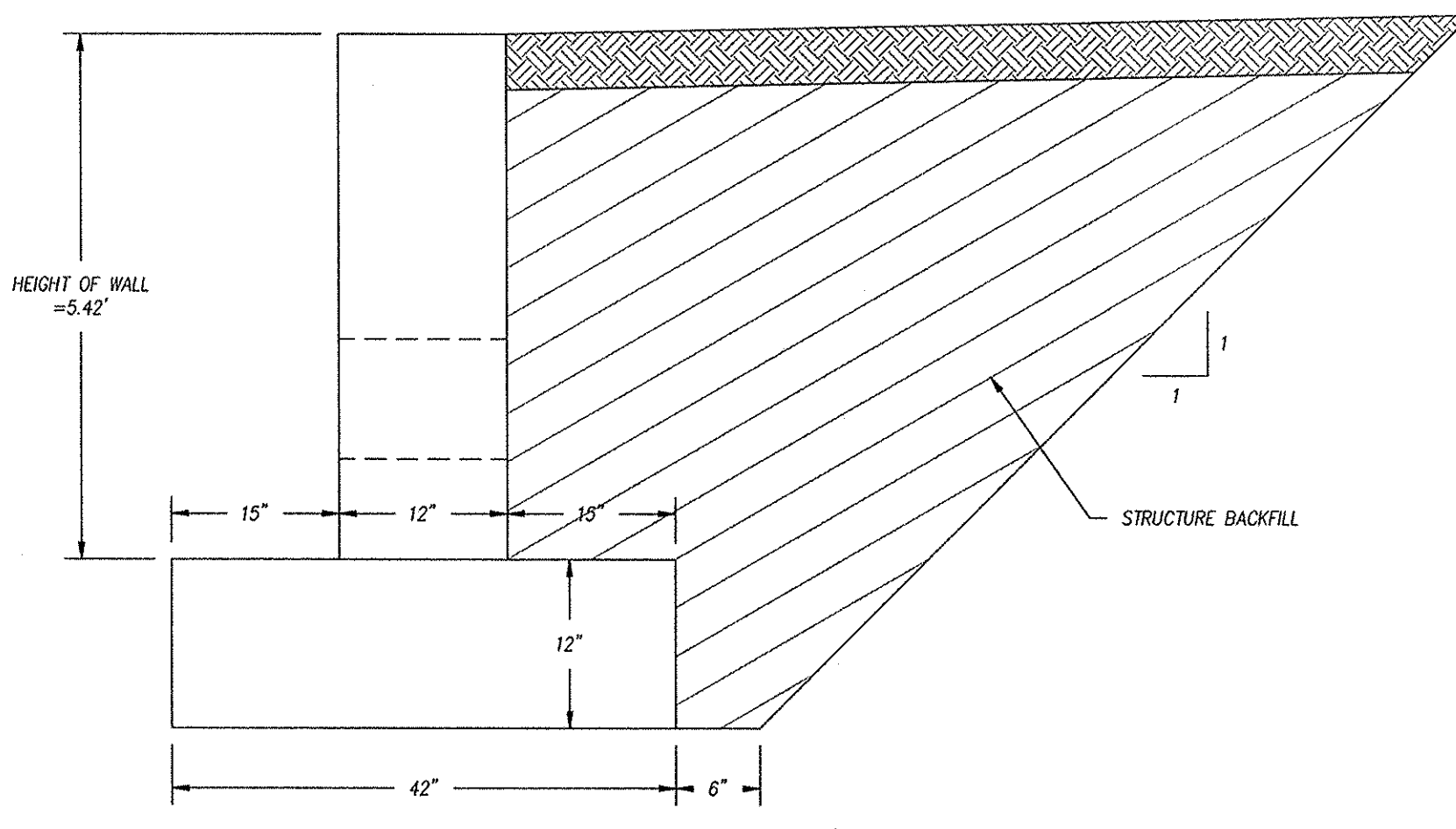
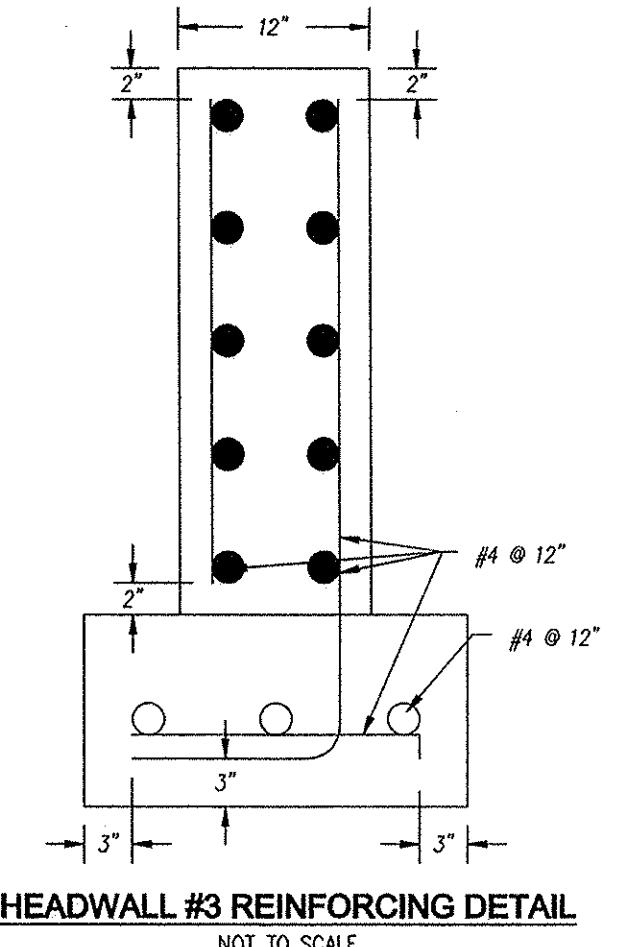
This information was gathered for input into the Hamilton County Geographic Information System (GIS). This document is considered an official record of the GIS.

Entry Date: Nov 2015

Entered By: SLM



**HEADWALL #3 ELEVATION**  
NOT TO SCALE

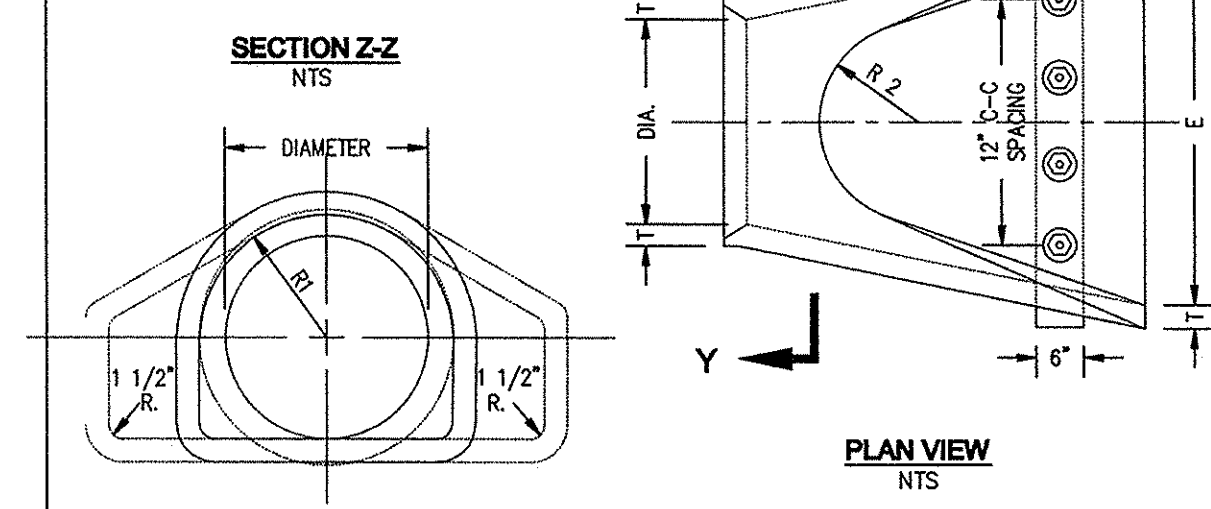
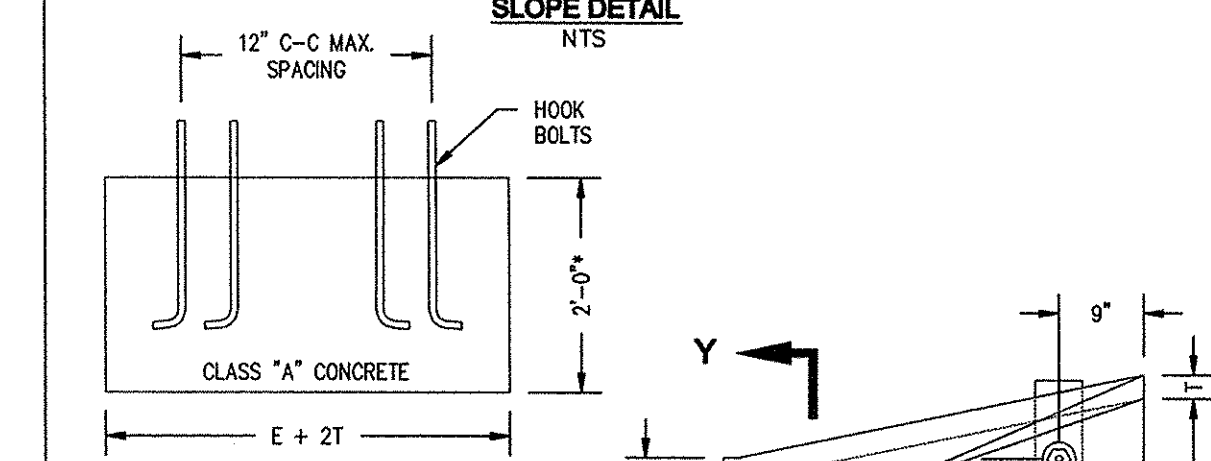
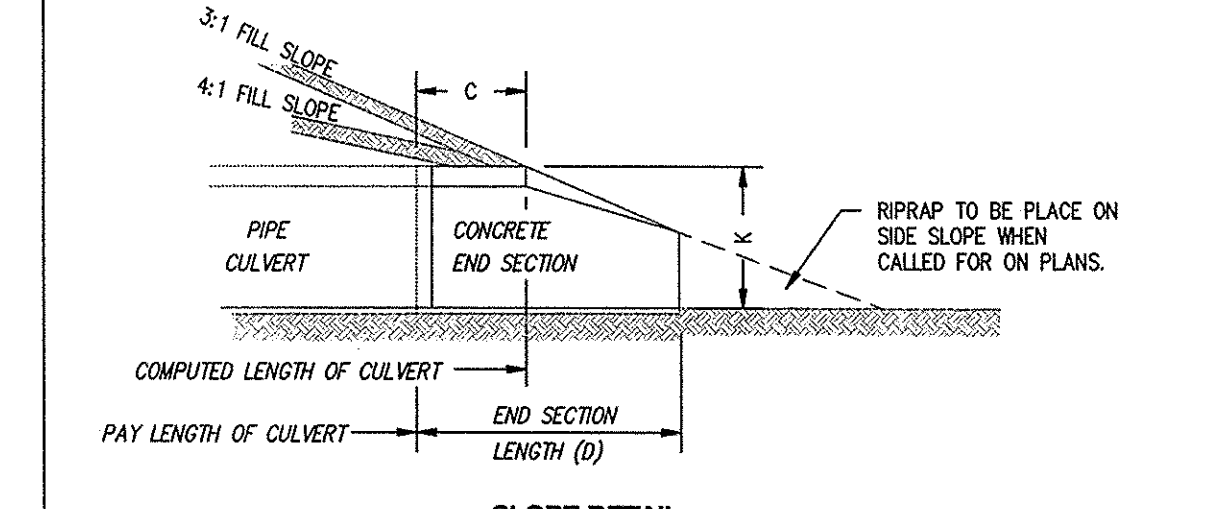


- STREET CUT REPAIR NOTES:**
- TRENCH SPOIL IS TO BE REMOVED FROM WORK SITE AND DISPOSED OF OUT OF THE RIGHT-OF-WAY.
  - FLOWABLE FILL IS TO SERVE AS BACKFILL TO THE DIMENSION LISTED IN THIS DETAIL.
  - THE EXISTING PAVEMENT IS TO BE TACK COATED PRIOR TO THE LAYING OF NEW ASPHALT. TACK COAT IS TO BE APPLIED AS SPECIFIED IN THE LATEST STANDARD OF INDOT SPECIFICATIONS, SECTION 902.
  - THE NEW SURFACE IS TO BE SLOPED AT THE SAME RATE AS THE EXISTING SURFACE.
  - FLOWABLE FILL SHALL CONFORM TO INDOT SPECIFICATION SECTION 213.

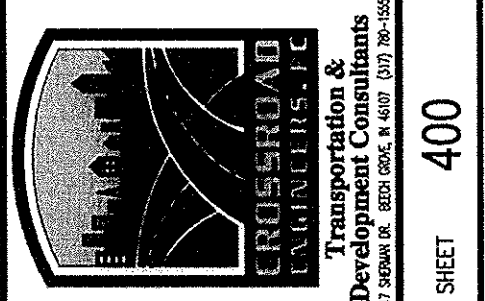
**PRECAST CONCRETE END SECTION TABLE**

DIA.	WALL	G OR T	WT. SEC.	A	B	C	D	E	DIA.+1	R-1	SKIRT		
12	2	1 1/2	530	4	24	48	7/8	72	7/8	24	13	10 1/16	3 1/2
15	2 1/4	2	740	6	27	46	7/8	30	16	12 1/2	3 1/2		
18	2 1/2	2 1/2	890	9	27	46	7/8	36	19	15 1/2	4		
21	2 1/4	2 1/4	1280	9	35	38	7/8	42	22	16 1/8	4		
24	2 1/2	2 1/2	1520	9 1/2	43	1/2	30	73	1/2	48	25	16 11/16	4 1/2

NOTES:  
1. MANUFACTURE OF END SECTION IS IN ACCORDANCE WITH APPLICABLE PORTIONS OF A.S.T.M. SPECIFICATION C76.



**PRECAST CONCRETE END SECTION DETAIL**



**WINDEMERE CONSTRUCTION DETAILS**

**CITY OF CARMEL ~ CULVERT REPLACEMENT**

**GREENBRIER AND WINDEMERE**

JOB No. 11-03

DATE 01/28/2011

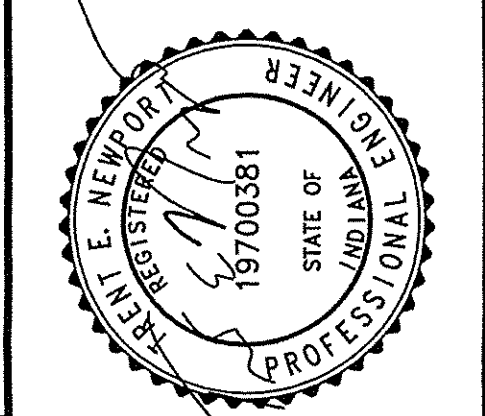
DRAWN LMC

CHECKED GJJ

DESIGNED WFF

APPR. TEN

SHEET 400

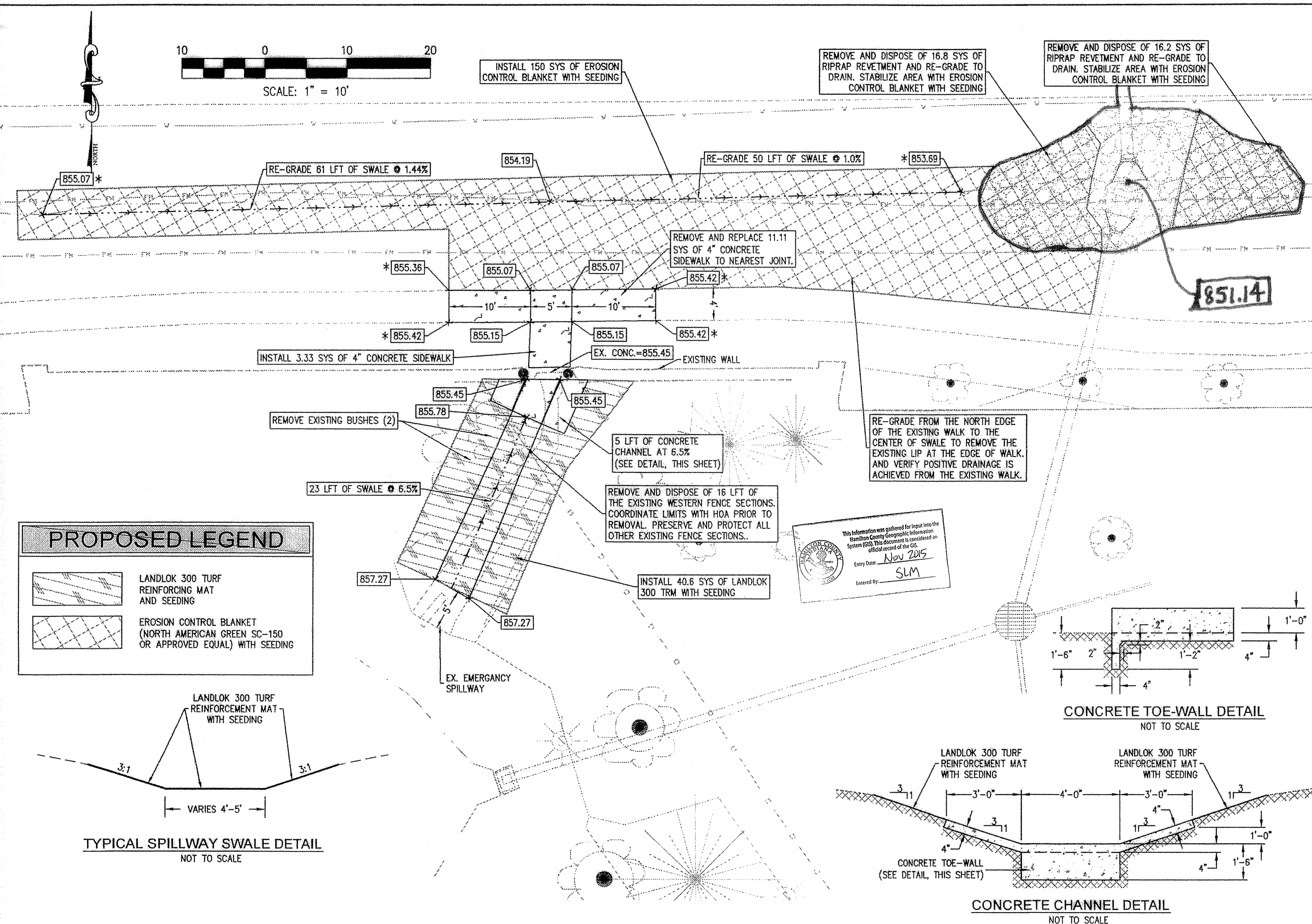


NO.	DATE	BY	REVISIONS
1	02/09/11	WFF	REVISED HEADWALL NUMBERING, REMOVED HEADWALL FROM WINDEMERE HEADWALL, AND ADDED TOP SLAB REINFORCING NOTE.
2			
3			
4			
5			
6			
7			
8			
9			

SHEET 400

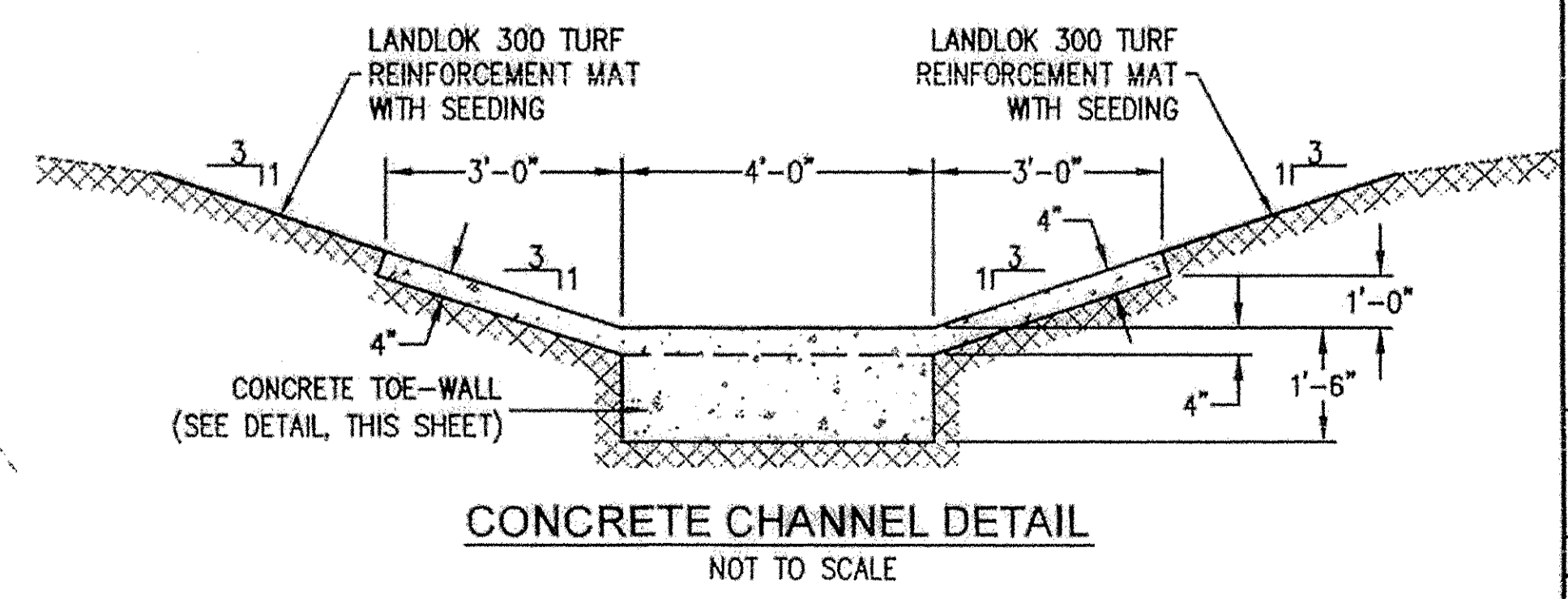
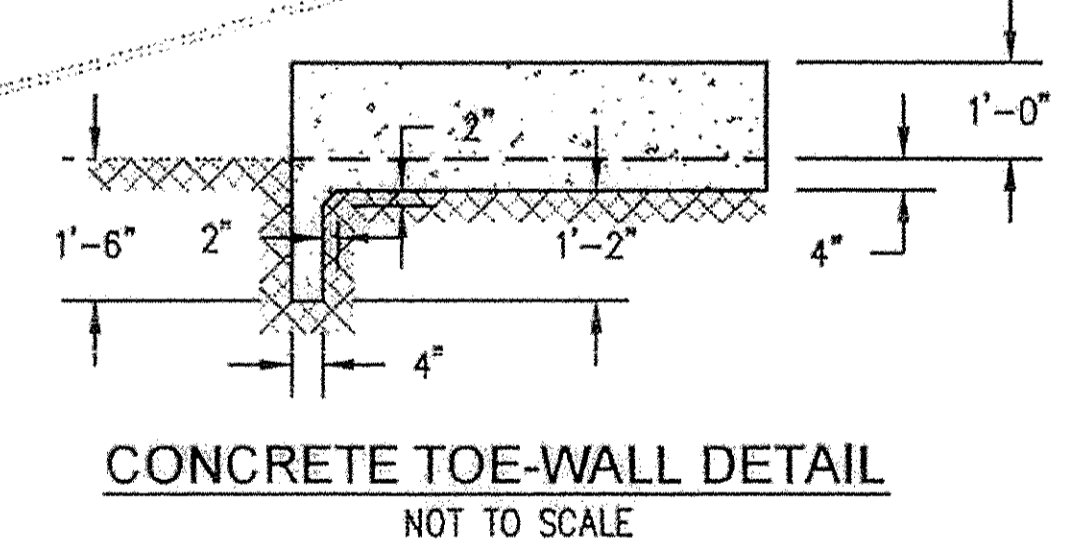
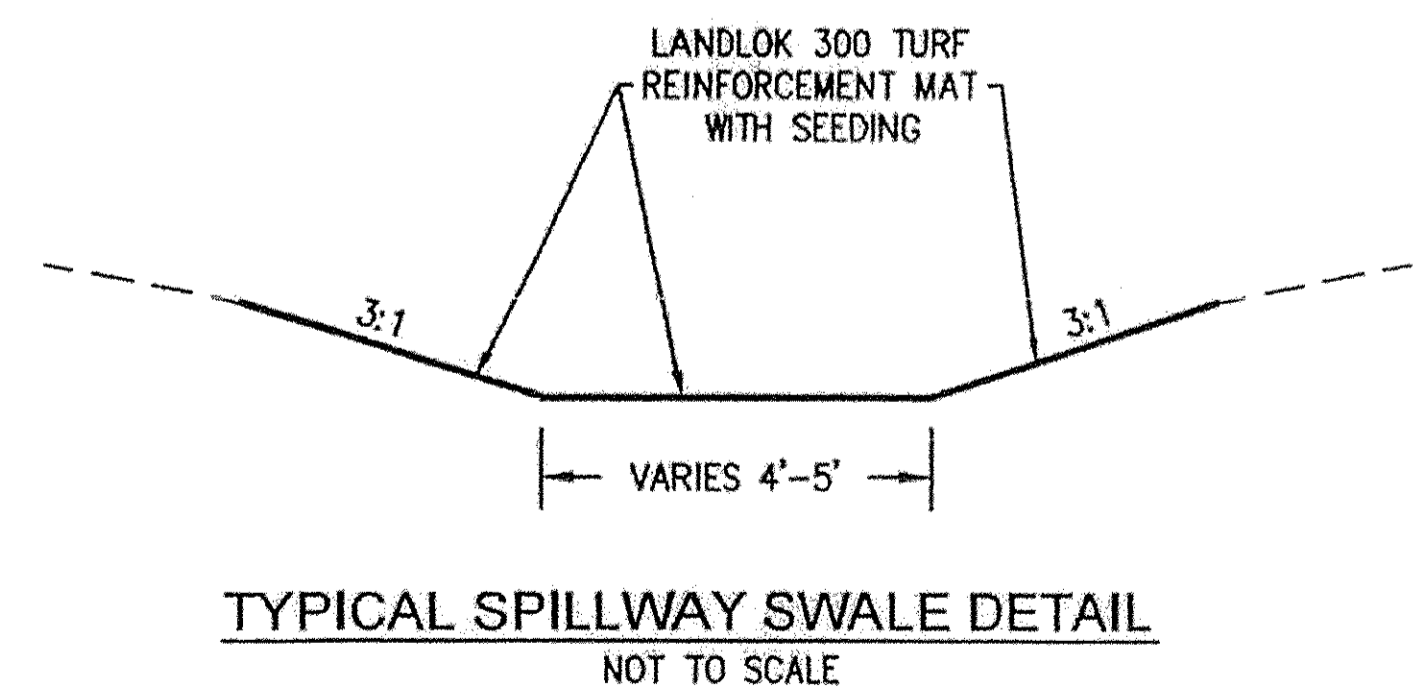
REFERENCES: GREENBRIER CULVERT, MASTER DIRECTORY PATH: R:\Active\Greenbrier\West Clay Annexation\Drainage Analysis\CAD\PLANS\GREENBRIER - WINDEMERE.DWG DATE: 02/09/11

AS-BUILT



**PROPOSED LEGEND**

- LANDLOK 300 TURF REINFORCING MAT AND SEEDING
- EROSION CONTROL BLANKET (NORTH AMERICAN GREEN SC-150 OR APPROVED EQUAL) WITH SEEDING



This information was gathered for input into the Hamilton County Geographic Information System (GIS). This document is considered an official record of the GIS.  
Entry Date: Nov 2015  
Entered By: SLM

		TRANSPORTATION & DEVELOPMENT COMMISSION PUBLIC WORKS DEPARTMENT	SHEET 1 OF 1
WINDMERE DRAINAGE IMPROVEMENTS PLAN WEST CLAY ANNEXATION DRAINAGE	JOB NO. _____ DATE JUNE 25, 2013	DRAWN BY _____ CHECKED BY _____ LAC _____ WFI _____ APR _____ CI _____	REVISIONS NO. _____ DATE _____ BY _____
SHEET 1 OF 1			