

*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*

February 26, 2013

To: Hamilton County Drainage Board

Re: Vernon Asher Drain, 111<sup>th</sup> Street and Pennsylvania Street Intersection Improvements

Attached are petition, plans, and other information for the proposed reconstruction of the Vernon Asher Drain, for the 111<sup>th</sup> Street and Pennsylvania Street Intersection Improvements. The reconstruction was petitioned by the City of Carmel. During the road intersection improvements, the Vernon Asher Drain, PIA Hospital Relocation Arm will be affected and those changes are as follows:

**PIA Hospital Relocation Arm**

The project will reconstruct a portion of enclosed storm sewer system which is part of the PIA Hospital Relocation Arm. A new manhole, proposed structure 66, will be set approximately 35 feet east of existing structure 109, per the construction plans for PIA Hospital, designed by Schneider Engineering, having job number 717. The new drain will be 24 feet of 36" RCP to Str. 64, then 51 feet of 36" RCP to a new structure 15 feet south of existing Str. 109 on the original drain. Also to be removed is 35 feet of 15" RCP from Str. 111 to Str. 110 of the PIA Hospital Plans and the end section that is Str. 111. This is as shown on sheet 18 of the Roundabout Construction Plans for 111<sup>th</sup> Street & Pennsylvania Street by A&F Engineering, having project number 1297165.

Also previously removed with the Pennsylvania Street project in 2000 was Str. 108 to Str. 107 and Str. 106 to Str. 105 of the PIA Hospital Relocation Arm. This is 55 feet of 12" RCP and 50 feet of 12" RCP, respectively.

The total length of new drain shall be 75 feet. The 190 feet of original drain from Str. 111 to 110, Str. 108 to 107, Str. 106 to 105, approximately 35 feet east of Str. 109 to Str. 109, and Str. 109 to approximately 15 feet south of Str. 109 shall be vacated. This proposal will remove 115 feet from the Vernon Asher total length.

The cost of the reconstruction is to be paid by the City of Carmel.

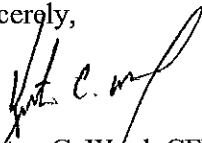
Since the petitioner is the City of Carmel and is being performed under public bid process, no bond is required for the relocation/reconstruction work.

The easement for this drain shall remain the existing easement under the non-enforcement request approved by the Drainage Board on October 16, 1989 and recorded in the Office of the Hamilton County Recorder as instrument number 8923351 or the new right of way line for the street intersection improvements, whichever is greater. Work will be completed in the easement on the following parcels:

<u>Parcel</u>	<u>Owner</u>
17-13-02-00-00-017.001	JB & MJM of Indiana, Inc.
111 <sup>th</sup> Street ROW	City of Carmel
Pennsylvania Street ROW	City of Carmel

I recommend the Board set a hearing for this proposed drain reconstruction for April 22, 2013.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll



HAMILTON COUNTY DRAINAGE BOARD  
NOBLESVILLE, INDIANA

FILED

JAN 29 2013

OFFICE OF HAMILTON COUNTY SURVEYOR

IN RE: Vernon Asher Drain )  
Hamilton County, Indiana )

PETITION FOR RELOCATION AND RECONSTRUCTION

The City of Carmel City Engineer's Office (hereinafter "Petitioner"),  
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a  
section of the Vernon Asher Drain, and in support of  
said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Vernon Asher  
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 Vernon Asher 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 Vernon Asher Drain, without cost to other property owners  
on the watershed of the Vernon Asher Drain.

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

  
\_\_\_\_\_  
Signed

Michael McBride, P.E., City Engineer  
\_\_\_\_\_  
Printed

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Vernon Asher Drain,  
111<sup>th</sup> Street and Pennsylvania Street Intersection Improvements**

**Structure 111 to 110, Structure 108 to 107, Structure 106 to 105,  
approximately 35 feet east of Structure 109 to Structure 109 and Structure  
109 to approximately 15 feet south of Structure 109**

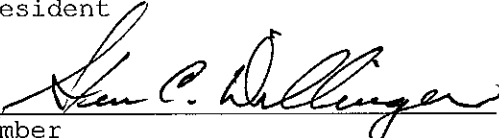
On this 22<sup>nd</sup> day of April, 2013, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Vernon Asher Drain, 111<sup>th</sup> Street and Pennsylvania Street Intersection Improvements, Structure 111 to 110, Structure 108 to 107, Structure 106 to 105, approximately 35 feet east of Structure 109 to Structure 109 and Structure 109 to approximately 15 feet south of Structure 109.**

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 **Vernon Asher Drain, 111<sup>th</sup> Street and Pennsylvania Street Intersection Improvements, Structure 111 to 110, Structure 108 to 107, Structure 106 to 105, approximately 35 feet east of Structure 109 to Structure 109 and Structure 109 to approximately 15 feet south of Structure 109.**

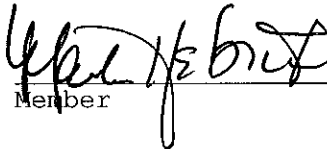
HAMILTON COUNTY DRAINAGE BOARD



\_\_\_\_\_  
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  
**Vernon Asher Drain,**  
**111<sup>th</sup> Street and Pennsylvania Street Intersection Improvements**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Vernon Asher Drain, 111<sup>th</sup> Street and Pennsylvania Street Intersection Improvements** came before the Hamilton County Drainage Board for hearing **on April 22, 2013**, 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 **Vernon Asher Drain, 111<sup>th</sup> Street and Pennsylvania Street Intersection Improvements** 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

**Vernon Asher Drain**  
**111<sup>th</sup> Street and Pennsylvania Street Intersection Improvements**

NOTICE

To Whom It May Concern and: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **Vernon Asher Drain, 111<sup>th</sup> Street and Pennsylvania Street Intersection Improvements** on **April 22, 2013** at **9:40 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 HAMILTON  
                          )  
COUNTY OF HAMILTON )                 DRAINAGE BOARD

**IN THE MATTER OF Vernon Asher Drain, 111<sup>th</sup> Street &  
Pennsylvania Street Intersection Improvements**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **April 22, 2013** 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: Christine Altman  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY