



SURVEYOR'S OFFICE

# Hamilton County

*Kenton C. Ward, Surveyor*  
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 Fax (317) 776-9628

*Suite 188*  
*One Hamilton County Square*  
*Noblesville, Indiana 46060-2230*

September 30, 2005

To: Hamilton County Drainage Board

Re: J. W. Brendle Drain, The Lakes at Towne Road Section 1 Arm

Attached is a petition filed by Oakfield Development II, LLC along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Lakes at Towne Road Section 1 Arm, J. W. Brendle Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, 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:

6" SSD	5,024 ft	18" RCP	897 ft	30" RCP	438 ft
12" RCP	1,287 ft	21" RCP	632 ft	33" RCP	94 ft
15" RCP	104 ft	27" RCP	48 ft		

The total length of the drain will be 8,524 feet.

An open ditch was constructed through future Section 2, between Structures 401 and Structure 425, to allow Section 1 to have an outlet. (See sheet C202 of plans by Stoepplerwerth dated 11/01/94, Job No. 4870051). Once Section 2 develops, the Section 2 ponds and regulated drain will be installed and the temporary ditch will be abandoned. Until that time, the temporary ditch will be maintained as part of the regulated drain but will not be counted in the footage of the drain. The developer owns the land this temporary ditch crosses, so no offsite easement was needed for this project.

The retention pond (Lake #1) which is located in Common Area #1 is to be considered part of the regulated drain. Pond maintenance shall include the inlet, outlet, sediment removal and erosion control along the banks as part of the regulated drain. The maintenance of the pond (lake) such as mowing and aquatic vegetation control will be the responsibility of the

Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the pond (lake) was designed will be retained, thereby, allowing no fill or easement encroachments.

The subsurface drains (SSD) to be part of the regulated drain are those located under the curbs. Only the main SSD lines which are located within the (right of way) are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot 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 \$10.00 per acre for common areas and platted lots, \$10.00 per acre for roadways, with a \$65.00 minimum. With this assessment the total annual assessment for this drain/this section will be ~~\$1,494.60~~ \$2,144.60.

The petitioner has submitted surety for the proposed drain at this time. Surety shall be submitted prior to the approval of the Hamilton County Board of Commissioners/commencement of construction. The sureties which are in the form of a Performance Bond are as follows:

Agent: Bond Safeguard Insurance Co.  
Date: May 16, 2005  
Number: 5016595  
For: Storm Sewers and Underdrains  
Amount: \$205,821.70

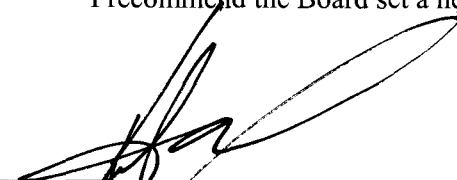
Agent: Bond Safeguard Insurance Company  
Date: May 16, 2005  
Number: 5016596  
For: Erosion Control  
Amount: \$75,291.00

Parcels assessed for this drain may be assessed for the Long Branch Drain at sometime in the future.

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC36-9-27-67 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 is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for the Lakes at Towne Road Section 1 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for January 23, 2006.



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Kenton C. Ward  
Hamilton County Surveyor  
KCW/llm

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 The Lakes at Towne Road Subdivision, Section  
One 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 The Lakes at Towne Road, Section 1, 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

**Sheldon Phelps**  
Printed Name

**November 1, 2004**  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

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Signed

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Printed Name

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Date

FINDINGS AND ORDER

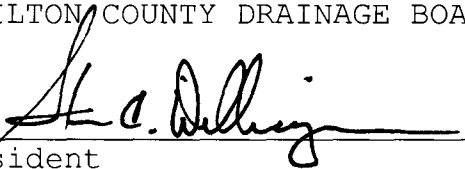
CONCERNING THE MAINTENANCE OF THE


**J. W. Brendle Drain, Lakes at Towne Road Section 1 Arm**

On this **23rd day of January 2006**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **J. W. Brendle Drain, Lakes at Towne Road Section 1 Arm**.

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:   
\_\_\_\_\_  
Sherette Mastrom