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April 10<sup>th</sup>, 2023

To: Hamilton County Drainage Board

**RE: Cool Creek Wheeler and Beals Drain; John Wheeler Arm; iBeach**

Attached is a petition and plans for the proposed reconstruction of the John Wheeler Arm of the Wheeler and Beals Regulated Drain located in Westfield, IN. The reconstruction is being proposed by iBeach31 LLC. The reconstruction is per plans by Ashton Fritz Engineering, having Job No. 2201004 and dated 12/28/2022 with last revision date of April 4, 2023.

The project is located on the following parcels iBeach 31 LLC, parcel number 08-05-36-00-00-050.001 and D&W Farms parcel number 08-05-36-00-00-004.004.

Within the project limits, the John Wheeler Arm of the Wheeler and Beals Drain is a closed drain located within the Cool Creek Watershed. The drain was constructed per its original 1880 description.

The portion of the John Wheeler Arm of the Wheeler and Beals Regulated Drain to be vacated and replaced will run from Sta. 2+24 to Sta. 10+36 per the drains 1880 description. The new drain will be constructed in the form of reinforced concrete pipe

The reconstructed drain begins at Str. 613 in the form of an inlet per the plans and Sta. 2+24 per the drain's 1880 description. The drain then runs north 92 feet with 12" RCP before stopping at Str. 612 per the plans. From there, the drain turns eastward and runs for 143 feet with 12" RCP before stopping at Str. 611 per the plans. The drain continues east for 92 feet with 12" RCP and stops at Str. 605 per the plans. From there, the drain turns northward and runs north for 40 feet with 24" RCP before stopping at Str. 604 per the plans. The drain then turns slightly northeast before running for 61 feet with 24" RCP and stops at Str. 603 per the plans. This concludes the reconstruction occurring on the site of the iBeach 31, LLC property. The drain then continues northeast offsite on the D&W Farms, Inc. property for 143 feet with 24" RCP before stopping at Str. 602 per the plans. Finally, the drain continues northeast for 397 feet with 24" RCP before stopping at Str. 601 per the plans and Sta. 10+36 per the drains 1880 description.

The reconstructed drain shall consist of the following:

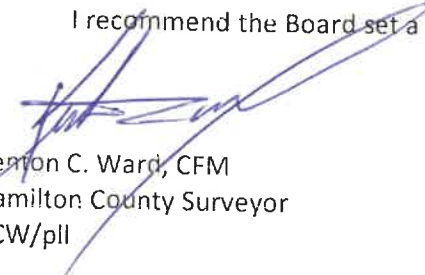
12" RCP	327 feet
24" RCP	641 feet

The total length of the reconstructed drain will be 968 feet. The proposal will increase the length of the John Wheeler Regulated Drain by 156 feet. The cost of the reconstruction shall be paid by the petitioner

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 designed 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 nonenforcement is for the encroachment of structures into the statutory regulated drain easement as shown in the plans and recordable documents prepared by Fritz Engineering. Easement rights will not be enforced beyond 15 feet from either side of the drain centerline on parcel #08-05-36-00-00-050.001. The current statutory easement will not be altered on the offsite portion of the project.

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



Kenton C. Ward, CFM  
Hamilton County Surveyor  
KCW/pll

HAMILTON COUNTY DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN RE:   iBeach 31   )  
  Hamilton County, Indiana   )


PETITION FOR RELOCATION AND RECONSTRUCTION

  iBeach 31, LLC   (hereinafter "Petitioner"),

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

- 1. Petitioner owns real estate through which a portion of the   Wheeler & Beals   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   Wheeler & Beals   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   Wheeler & Beals   Drain, without cost to other property owners on the watershed of the   Wheeler & Beals   Drain.

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

  
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Signed  
Katie Conner, Member  
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Printed

Adobe PDF Ffillable Form

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Cool Creek, Wheeler & Beals Drain, John Wheeler Arm  
iBeach

On this **26<sup>th</sup> day of June, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek, Wheeler & Beals Drain, John Wheeler Arm, iBeach**.

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

**Cool Creek, Wheeler & Beals Drain, John Wheeler Arm  
iBeach**

Station 2+24 to Station 10+36

On this 26<sup>th</sup> day of June, 2023, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek, Wheeler & Beals Drain, John Wheeler Arm, iBeach (Station 2+24 to Station 10+36)**.

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 **Cool Creek, Wheeler & Beals Drain, John Wheeler Arm, iBeach (Station 2+24 to Station 10+36)**.

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  
**Cool Creek Drain, Wheeler & Beals, John Wheeler Arm, iBeach**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Cool Creek Drain, Wheeler & Beals, John Wheeler Arm, iBeach** 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.

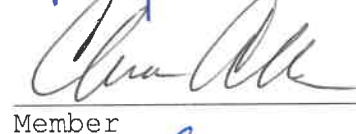
The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Cool Creek Drain, Wheeler & Beals, John Wheeler Arm, iBeach** 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

*Cool Creek Drain (Wheeler & Beals)*  
*John Wheeler Arm, iBeach*

NOTICE

To Whom It May Concern and:

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Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **Cool Creek Drain (Wheeler & Beals), John Wheeler Arm, iBeach** on **June 26, 2023** at **9:15 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 **Cool Creek Drain (Wheeler & Beals), John Wheeler Arm, iBeach**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **June 26, 2023** 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: Mark Heirbrandt  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY