



K.C.P.

SURVEYOR'S OFFICE
Hamilton County

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July 19, 2023

TO: Hamilton County Drainage Board

RE: Morrow Follett; R.J Follett Arm— 1st Street Relocation

Attached is a petition and plans for the proposed reconstruction of the R.J Follett Arm of the Morrow Follett Regulated Drain. The reconstruction is being petitioned by 41 1st Street SW LLC. The proposal is to relocate a section of the existing 30" drain to allow for the redevelopment of 41 1st Street SW (parcel #: 16-09-25-16-03-001.000). The reconstruction is per plans by Kimley Horn, having Job No. 170403000 and dated April 2023.

The new system will intercept the Morrow Follett Drain in the form of a new 36 -inch RCP drain running north from the existing manhole on the south side of the alley then east to a new manhole and north into an existing manhole along the west property line of the aforementioned parcel before continuing north offsite.

The reconstruction of the Morrow Follett Drain shall begin at existing Str. 001, marked as Str. 1002 per the plans and Sta. 21+64 per the drains 1928 description. The drain then runs north for 28 feet with 36" RCP before stopping at Str. 1002A per the plans. The drain then continues north for 126 feet before stopping at Str. 1007 per the plans. The drain then turns eastward and runs for 8 feet with 36- inch RCP before stopping at Str. 1007A per the plans. Finally, the drain then runs for 9 feet with 36- inch RCP before stopping at existing Str. 1006 per the plans which is Sta. 23+00 per the drain's 1928 description.

The reconstructed drain shall consist of the following:


36" RCP 171 feet

The total length of the reconstructed drain will be 171 feet. The existing R.J Follett Arm of the Morrow Follett Regulated Drain will be removed from Station 21+64 to Station 23+00 per the drains original 1928 description. The proposal will increase the length of regulated drain by 35 feet. The overall cost of reconstruction will be paid by 41 1st Street SW LLC.

In accordance with IC 36-7-4-709, the petitioner did not submit surety for the proposed drain prior to the relocation's formal hearing. A construction bond will be required prior to the beginning of the reconstruction.

I recommend that upon approval of the above proposed reconstruction that the Board also approve the attached non-enforcement request. The non-enforcement is for the encroachment of the proposed structure within the existing 75- foot regulated drain easement as shown in the above referenced plans designed by Kimley Horn.

I recommend the Board set a hearing for this matter on August 28, 2023.



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

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: 41 1st Street SW, LLC)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

41 1st Street SW, LLC (hereinafter "Petitioner"),

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

1. Petitioner owns real estate through which a portion of the JW Morrow-Follett 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 JW Morrow-Follett 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 JW Morrow-Follett Drain, without cost to other property owners on the watershed of the JW Morrow-Follett Drain.

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



Signed

Pamela Greenwalt

Printed

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Morrow-Follett Drain, R. J. Follett Arm
1st Street Relocation

Station 21+64 to Station 23+00

On this 28th day of August, 2023, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Morrow-Follett Drain, R. J. Follett Arm, 1st Street Relocation (Station 21+64 to Station 23+00).

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 Morrow-Follett Drain, R. J. Follett Arm, 1st Street Relocation (Station 21+64 to Station 23+00).


HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest:



STATE OF INDIANA)
)
COUNTY OF HAMILTON)

ss:

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Morrow-Follett Drain, R. J. Follett Arm, 1st Street Relocation

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Morrow-Follett Drain, R. J. Follett Arm, 1st Street Relocation** came before the Hamilton County Drainage Board for hearing **on August 28, 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 **Morrow-Follett Drain, R. J. Follett Arm, 1st Street Relocation** 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

***Morrow-Follett Drain, R. J. Follett Arm
1st Street Relocation***

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 **Morrow-Follett Drain, R. J. Follett Arm, 1st Street Relocation** on **August 28, 2023** at **9:00 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 **Morrow-Follett Drain, R. J. Follett Arm,
1st Street Relocation**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **August 28, 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