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One Hamilton County Square
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December 6, 2023

To: Hamilton County Drainage Board

Re: Mud Creek – Sand Creek Drainage Area, George Burk Arm, Abbott Commons, Sec. 1 Reconstruction

Attached are petition by Lennar Homes of Indiana, LLC, and plans for the proposed reconstruction and relocation of a portion of the Mud Creek – Sand Creek Drainage Area, George Burk Arm. The regulated drain reconstruction is to be paid for by the developer. In order to facilitate site improvements for a residential development, the proposal is to reconstruct the existing drain per the construction plans by HWC Engineering called “Abbott Commons, Sec. 1” filed 10/12/2023, job number 2022-094-A.

The proposed Abbott Commons, Sec. 1 development is located northeast of the intersection of 136th street and Prairie Baptist Road and is located south of I-69 in the City of Fishers. Per the plans by HWC, a portion of the existing George Burk Arm tile will be reconstructed and relocated through the site and will affect the following parcels: 13-12-19-00-00-046.000 owned by DRP IN 1 LLC; and 13-12-19-00-00-048.001 owned by Northview Christian Life Church, Inc.

The upstream end of the reconstruction will intercept the existing tile approximately 10’ south of the north property line. The downstream end of the reconstruction will outlet into the existing drain at existing Str 14, which is approximately 30’ downstream of where the existing Burk Arm crosses the west property line onto the Northview Church parcel.

The reconstruction will consist of the following:

80’ of 24” RCP 872’ of 60” RCP 352’ of Open Drain (Lake 1)

The length of the reconstruction will be 1,304’. This project will add 198’ to the overall length of the Mud Creek – Sand Creek Drainage Area, George Burk Arm. Within the project limits, the 1,106’ of existing tile installed in 1897 as part of the George Burk

Drain will be vacated. The existing drain is to be vacated from approximately Sta. 57+74 to 68+80 of the original 1897 drain.

The length of the open drain through the pond is calculated as a straight line between Str 205 and Str 208. The open drain utilizes the pond as a means of conveyance. The detention pond (Lake 1 - Common Area 1-2) is not to be considered part of the regulated drain. The maintenance of the pond such as sediment removal, and erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the owner. The Board will retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained, thereby, allowing no fill or easement encroachments.

Per the project plans, this relocation project involves the following proposed structures: Str. Ex14, 205, 208, 180, 181, 182, 183, 184, and 185.

Regarding easement, the reconstruction will occur within the regulated drain easement as per the Abbott Commons, Sec. 1 secondary plat recorded at the Hamilton County Recorder's Office. The Regulated Drainage Easement will be located on the following: Common Areas #1-2, #1-3, #1-5; Lots 151, 152, 153, 156, 166, 167; Swallow Falls Way and Farrington Road. A Non-enforcement has been submitted. I recommend approval of the non-enforcement at this time.

The original drain was referenced in the original viewers report dated August 29, 1891 per the Commissioner's Record 10, pages 234 to 237. The portion of the drain on this parcel was installed in 1897. See also my report dated June 8, 2006 and approved at public hearing by the Drainage Board on August 28, 2006 as referenced in Minutes Book 9 pages 399 – 401 at which time the Burk Drain was made an arm of the Mud Creek – Sand Creek Drainage Area. The existing downstream manhole (Ex14) was installed in 2014 as part of the Mud Creek – Sand Creek Drainage Area, George Burk #46 Arm, Northview Christian Life Relocation. (See Drainage Board Minutes Book 15, pages 544-545).

The cost of the project is to be paid by the developer. The petitioner has not submitted surety for the proposed drain reconstruction at this time. Per the Board's policy, if approved, the developer shall submit surety in the amount of 120% of the engineer's estimate prior to reconstruction.

I recommend the Board set the hearing for January 22, 2024.

Sincerely,



Kenton C. Ward CFM, CPMSM, CESSWI, CISEC
Hamilton County Surveyor

KCW/stcash

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

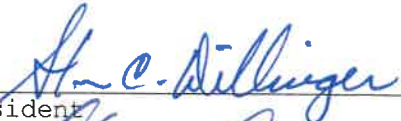
**Mud Creek/Sand Creek Drainage Area, George Burke Arm
Abbott Commons Section 1 Reconstruction**

Station 57+74 to Station 68+80

On this **22nd day of January, 2024**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Mud Creek/Sand Creek Drainage Area, George Burke Arm, Abbott Commons Section 1 Reconstruction (Station 57+74 to Station 68+80)**.

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 **Mud Creek/Sand Creek Drainage Area, George Burke Arm, Abbott Commons Section 1 Reconstruction (Station 57+74 to Station 68+80)**.

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
**Mud Creek/Sand Creek Drainage Area, George Burke Arm, Abbott Commons
Section 1 Reconstruction**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Mud Creek/Sand Creek Drainage Area, George Burke Arm, Abbott Commons Section 1 Reconstruction** came before the Hamilton County Drainage Board for hearing on **January 22, 2024**, 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.

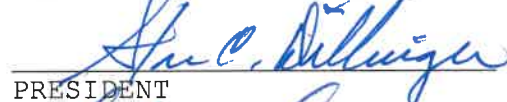
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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.

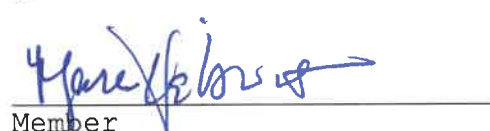
Wherefore, it is ORDERED, that the proposed Reconstruction of the **Mud Creek/Sand Creek Drainage Area, George Burke Arm, Abbott Commons Section 1 Reconstruction** be and is hereby declared established.

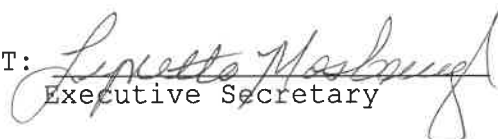
Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD


PRESIDENT


Member


Member

ATTEST: 
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

***Mud Creek/Sand Creek Drainage Area, George Burk Arm
Abbott Commons Section 1 Reconstruction***

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 **Mud Creek/Sand Creek Drainage Area, George Burk Arm, Abbott Commons Section 1 Reconstruction** on **January 22, 2024** 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 Mud Creek/Sand Creek Drainage Area, George
Burke Arm, Abbott Commons Section 1 Reconstruction**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **January 22, 2024** 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: Steven C. Dillinger
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY