



Kenton C. Ward, CFM Surveyor of Hamilton County Thone (317) 776-8495 Fax (317) 776-9628

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

February 22, 2017

To: Hamilton County Drainage Board

Re: Margaret O'Brien Drain - Crosspoint Business Park Arm, Concourse at Crosspoint Detention Area Maintenance and Expansion

Attached is a petition and plans for the proposed maintenance and reconstruction of a portion of the Margaret O'Brien Drain – Crosspoint Business Park Arm. The proposal is being paid for by E-L Land Investments, LLP. The proposal is to reconstruct the drain across parcel 15-14-12-00-03-001.000, owned by Nickel Plate Improvement Co., Inc., and parcel 15-14-12-00-03-001.013 owned by E-L Land Investment, LLP, as part of the Concourse at Crosspoint project per the 'Margaret O'Brien Logal Drain Maintenance' plans by American Structurepoint, Job No. 2013.01785, revision date 2/22/2017.

Per the plans, the project involves two aspects: First, the maintenance of the existing detention area by removing siltation, invasive plants, and other debris from the flowline of the dry detention basin. This maintenance is being done by the developer for the Drainage Board. Second, the footprint of the detention area will be expanded to provide detention for the Concourse at Crosspoint Retail Center and Fairfield Inn. This expansion is considered a reconstruction of a portion of the existing drain.

This proposal will not change the length of the drain. The existing SSD located in the bottom of the dry detention area will remain in place.

The Margaret O'Brien Drain was established in 1909 as was described in Ditch Construction Book, page 340. The drain at this location was later reconstructed per my report to the Drainage Board dated June 30, 1986 and approved by the Board on 8/11/2016 as recorded in Drainage Board minutes book 2 page 153. Per my report, "the

detention area on drain #4...will be maintained by the petitioner." This project complies with that comment.

The cost of the project is to be paid by E-L Investments, LLP. The developer has provided surety in the form of a letter of credit in the amount of \$168,887.00.

The extent of the regulated drain easement on tract 15-14-12-00-03-001.000 owned by the Nickel Plate Improvement Company, Inc. has been in question. The report for the original reconstruction of the Margaret O'Brien Drain dated June 30, 1986 only mentions the reconstruction of the drain and is silent as to the easement. The Crosspointe Development was not platted. However, sheet 37 of the construction plan shows the entire detention basin as being encompassed by a legal drain easement. Therefore, as part of this hearing the entire tract 15-14-12-00-03-001.000 shall be considered as a regulated drain easement.

Regarding easement, the detention area expansion on parcel 15-14-12-00-03-001.000 will occur within the boundaries of the existing regulated drain easement. On parcel 15-14-12-00-03-001.013, the petitioner has dedicated additional easement to accommodate the expansion, as shown on sheet C200 of the construction plans. See attached exhibit.

The development projects associated with this project will change the watershed, and thus warrant a change to the drainage assessment. The acreage on parcels 15-14-12-00-03-001.213, 15-14-12-00-03-001.113 and a portion of the acreage on parcel 15-14-12-00-03-001.13 that is currently assessed to the RJ Craig Drain, will drain to the Margaret O'brien Drain. Therefore, I recommend the assessments on those parcels be changed per the attached assessment roll.

I recommend that the Board set this item for hearing on April 24, 2017.

Sincerei

Kenton C. Ward

Hamilton County Surveyor

KCW/stc

HAMILTON COUNTY DRAINAGE BOARD NOBLESVILLE, INDIANA

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IN RE:)
Hamilton County, Indiana	

MAR 2 / 2017

	PETITION FOR RELOCATION AND RECONSTRUCTION OFFICE OF HAMILION COUNTY SURV
	EL Land Investments LLP (hereinafter Petitioner"),
hereby	petitions the Hamilton County Drainage Board for authority to relocate and improve a
section	n of the Drain, and in support of
	etition advises the Board that:
1.	Petitioner owns real estate through which a portion of the Margaret O'Brien
	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 Margaret O'Brien 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 Margaret O'Brien Drain, without cost to other property owners
	on the watershed of the Drain.
5.	Proposed relocation and reconstruction will not adversely affect other land owners within
	the drainage shed.
6.	Petitioner requests approval of the proposed relocation and reconstruction under
	IC 36-9-27-52.5.
	WHEREFORE, Petitioner requests that an Order issued from the Hamilton County
Drain	age Board authorizing relocation and reconstruction of theMargaret O'Brien
Drain	, in conformance with applicable law and plans and specifications on file with the Hamilton
Count	ty Surveyor. E-L Good Invostments City By: Edgeworth Luske & Properties, LLC 1ts. Monu Sing Partner Bu: John J-Edgeworth

Signed

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FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Margaret O'Brien Drain, Crosspoint Business Park Arm, Concourse at Crosspoint Detention Area Maintenance and Expansion

On this 24th day of April, 2017, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Margaret O'Brien Drain, Crosspoint Business Park Arm, Concourse at Crosspoint Detention Area Maintenance and Expansion.

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

Member

Member

Attest: Systete Mashace Executive Secretary

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

R. J. Craig Drain Concourse at Crosspoint Detention Area Maintenance and Expansion

On this 24^{th} day of April, 2017, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the R. J. Craig Drain, Concourse at Crosspoint Detention Area Maintenance and Expansion.

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

Member

Member

Executive Secretary

STATE OF INDIANA) BEFORE THE HAMILTON COUNTY
) ss: DRAINAGE BOARD
COUNTY OF HAMILTON) NOBLESVILLE, INDIANA

IN THE MATTER OF THE RECONSTRUCTION OF THE

Margaret O'Brien Drain, Crosspoint Business Park Arm, Concourse at Crosspoint Detention Area Maintenance and Expansion

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the Margaret O'Brien Drain, Crosspoint Business Park Arm, Concourse at Crosspoint Detention Area Maintenance and Expansion came before the Hamilton County Drainage Board for hearing on April 24, 2017, 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 Margaret O'Brien Drain, Crosspoint Business Park Arm, Concourse at Crosspoint Detention Area Maintenance and Expansion 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

TDARNT

Member

Member

ATTEST:

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FILED

OCT 13 2016

OFFICE OF HAMILTON COUNTY SURVEYOR



EXHIBIT A TO HARRISON & MOBERLY, LLP LETTER ACCOMPANYING BUSEY BANK LETTER OF CREDIT NO. 1009800-24465

OPINION OF PROBABLE COSTS

Project: Project No: Date:

Prepared by:

Legal Drain Reconstruction

2013.01785 9/29/2016 Structurepoint

Demolition	Quantity	Unit	Unit Price	Extended Cost
Mobilization/Demobilization (5%)	1	LSUM	\$5,900.00	\$5,900
Site Clearing	1	LSUM	\$5,000.00	\$5,000
Subtotal				\$10,900

Excavation/Grading	Quantity	Unit	Unit Price	Extended Cost	
Common Excavation for Export	5,500	CY	\$13.00	\$71,500	
Subtotal				\$71,500	

Erosion Control	Quantity	Unit	Unit Price	Extended Cost
Permanent Seeding	3,360	SYS	\$1.00	\$3,360
Erosion Control Blanket	1,159	SYS	\$2.25	\$2,608
Rip Rap for Outfall Control	7	TON	\$25.00	\$175
Subtotal				\$6,143

Stormwater	Quantity	Unit	Unit Price	Extended Cost
54" RCP Storm Sewer removal	230	LFT	\$164.00	\$37,720
Headwall removal	1	EA	\$426.00	\$426
54" Concrete End Section	1	ea	\$1,250.00	\$1,250
Subtotal				\$39,396

Construction Cost Subtotal	\$127,939
Contingency(10%)	\$12,800
Total Cost	\$140,739



OFFICE OF HAMILTON COUNTY SURVEYOR



ATTORNEYS

Rory O'Bryan
Partner
Direct (317) 574-6107
E-mail:
robryan@harrisonmoberly.com

10 WEST MARKET STREET SUITE 700 INDIANAPOLIS, INDIANA 46204

FAX (317) 639-9565

HAMILTON COUNTY OFFICE: 11611 North Meridian Street, Suite 150 Carmel, IN 46032 (317) 639-4511 FAX (317) 574-6055

HCDB-2016-00038

October 13, 2016

Hamilton County Board of Commissioners One Hamilton County Square Noblesville, IN. 46060 ATTN: Surveyor's Office Plan Reviewer

RE: Margaret O'Brien Legal Drain – North Concourse at Crosspoint
Busey Bank Irrevocable Standby Letter of Credit No. 1009800-24465

Ladies and Gentlemen:

Accompanying this letter is Busey Bank's Irrevocable a Letter of Credit No. 1009800-24465, issued in favor of the Hamilton County Board of Commissioners (the "Letter of Credit"). We are the attorneys for E-L Land Investments, LLP, which is the owner of approximately 14.5 acres of land being platted as North Concourse at Crosspoint (the "Developer").

The Letter of Credit is being provided at the request of the Hamilton County Surveyor's Office, for the purpose of securing the payment and performance by the Developer of certain construction work on the Margaret O'Brien Legal Drain, as described in the Opinion of Probable Costs for Legal Drain Reconstruction attached as Exhibit A to this letter (the "Secured Project Work"). The Secured Project Work is part of the work described in Construction Plans for the Margaret O'Brien Legal Drain Maintenance prepared by American Structurepoint, Inc. ("Structurepoint"), as Project No. 2013.01785 (the "Project Plans"). As required by the Hamilton County Surveyor's Office Surety Posting Procedures, the Letter of Credit is in the aggregate amount of up to \$168,887.00, which equals 120% of Structurepoint's estimated \$140,739 cost for the Secured Project Work.

Accordingly, the Hamilton County Board of Commissioners, as Beneficiary under the Letter of Credit, will submit a draw request under the Letter of Credit only if the Developer defaults on its undertaking to perform and pay for the Secured Project Work in accordance with the applicable parts of the Project Plans. Also, in accordance with the Hamilton County Surveyor's Office Surety Posting Procedures, Provisions for Releasing Sureties, the Letter of Credit shall be released promptly upon written request of Applicant submitted to Beneficiary after (a) filing with Beneficiary of (a) an engineer's certificate of completion and compliance of

Hamilton County Board of Commissioners Page 2 October 13, 2016

the Secured Project Work and (b) approval by Beneficiary of as-built drawings showing the completed Secured Project Work.

The Letter of Credit is being delivered based upon the above-stated Developer's understanding of the purpose of the Letter of Credit and the Developer's payment and performance obligations secured thereby. Of course, it also is governed by the applicable terms and provisions of the Hamilton County Surveyor's Office Surety Posting Procedures, all of which are incorporated herein by this reference.

If you have any questions concerning this letter or the accompanying Letter of Credit, please do not hesitate to call. We may not be able to immediately answer any questions concerning the Letter of Credit, as it was prepared by the Bank, but we can attempt to reach the appropriate Bank contacts for their response.

Sincerely,

Rory O'Bryan

Attachment: Exhibit A

cc: E-L Land Investments, LLP

c/o Edgeworth-Laskey Properties L.L.C.,

Attn: John L. Edgeworth

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD IN THE MATTER OF

Margaret O'Brien Drain, Crosspoint Business Park Arm, Concourse at Crosspoint Detention Area Maintenance and Expansion

NOTICE

То	Whom	It	May	Concern	and:	
					_	

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the Margaret O'Brien Drain, Crosspoint Business Park Arm, Concourse at Crosspoint Detention Area Maintenance and Expansion on April 24, 2017 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)		DRAINAC	GE BO	DARD

IN THE MATTER OF Margaret O'Brien Drain, Crosspoint Business Park Arm, Concourse at Crosspoint Detention Area Maintenance and Expansion

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting April 24, 2017 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

F | L E D

DEC 1 2 2018

DRAINAGE EASEMENT

2019003248 EASEMENTS \$0.00 01/29/2019 10:30:25A 4 PGS Jennifer Hayden HAMILTON County Recorder IN Recorded as Presented

OFFICE OF HAMILTON COUNTY SURVEYOR THIS INDENTURE WITNESSETH: That ${\sf EL}$ Land Investments LLP

(referred to herein as the "Grantor") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby convey to the Board of Commissioners of Hamilton County, ("Grantee") a non-exclusive perpetual easement through, upon, over, along and across the following described real property located in Hamilton County, Indiana, ("the Easement") to-wit;

See Exhibit A.

This Easement is granted for the purpose of providing overland or subsurface paths and courses for the construction, maintenance, preservation of storm drainage. The Grantor reserves for themselves and their successors and assigns the right to use the Easement for any uses which are not inconsistent with the purposes herein. However, in the event the Grantor, or their successors, elect or desire to do any construction or alterations to the Real Estate within the Easement, they shall do so only upon approval of the Grantee. The Grantor further agrees that they shall not grant any easements to any other utilities, or other persons, through the real estate described herein, without the consent of the Grantees, and if said grants are given, those easements shall be subject to the Grantee's rights to regulate and permit construction or alteration with the Easement.

In the event the Grantee, its employees, or contractors are required to come upon the real estate contained in the Easement to replace, restore, or clear any drainage structures, ditches, drains, or swales contained therein, the Grantee shall only be liable to restore the Grantor's real estate to its previous grade, and to re-seed and undertake erosion control measures as are required by 327 IAC15-5 as amended. The Grantee, its employees, or contractors shall not be liable to Grantor, or his successor in title, for any improvements to the real estate, landscaping, sod, or any other improvements within the Easement which are damaged in the course of the repair of the drainage structure, ditches, drains, or swales contained in the Easement area.

1 of 2 Form revised 01/02/02

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This Drainage Easement and the agreements herein shall run with the land and shall be binding upon and inure to the benefit of the Grantor and its successors and assigns and upon the Grantee and its successors.

IN WITNESS WHEREOF, The Grantor has executed this Drainage Easement on this (a) day of Ocember, 20/6. GRANTOR / 11 / Avent ments	LL-
DENISE LLA ROCHELLE Notary Public - Soal Hamilton County - State of Indiana Commission Number 708836 My Commission Expires Feb 4, 2026 GRANTOR E. L. Albert Land Invent Mesh Lesken, Properties, Its: Manosis Partner By: John L. Edgeworth Its: Mem Seg	, LL
STATE OF INDIANA) SS: COUNTY OF HAMILTON)	
Subscribed and sworn to before me, a Notary Public this 6 day of December,	
2018 personally appeared the within named John L. Edoguarth	
and acknowledged the execution of the foregoing document.	
WITNESS my hand and official seal.	
Notary Public, Residing in Hamilton County, IN	
My Commission Expires:	
Teb 4, 2026	
This instrument prepared by Michael A. Howard. Attorney at Law. 694 Logan Street. P.O. Box 309	

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Kenton C. Ward, Surveyor "This copy printed from Digital Archive of the Hamilton County Surveyor's Office; One Hamilton Co. Square, Ste., Noblesville, In 46060

2of 2

Form revised 01/02/02

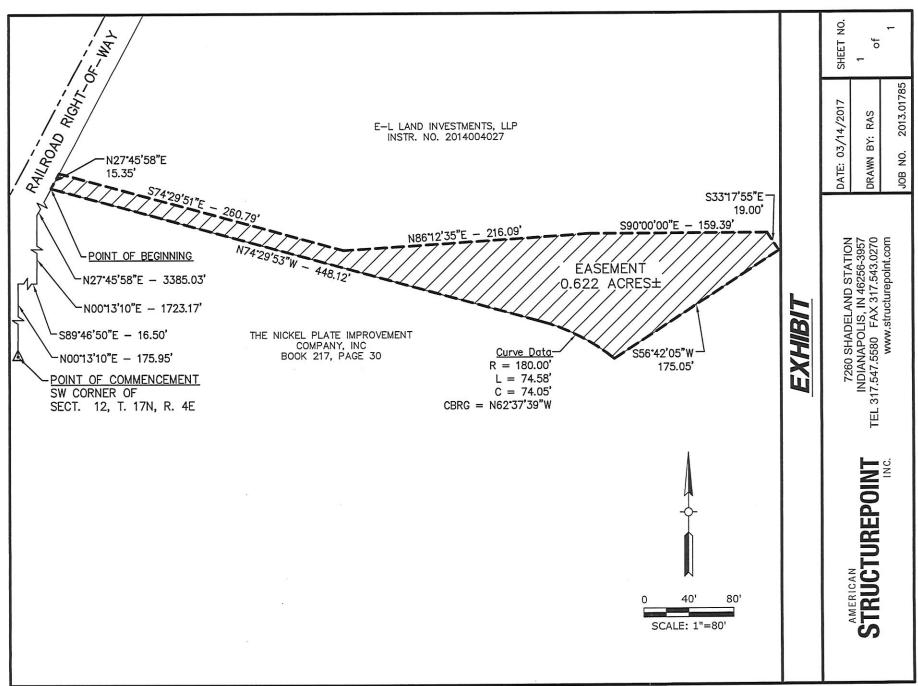
Noblesville, Indiana 46060, (317) 773-4212.

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LEGAL DESCRIPTION Easement on Block 1

Part of the North Half of Section 12, Township 17 North, Range 04 East of the Second Principal Meridian, Delaware Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the southwest corner of said Section 12; thence North 00 degrees 13 minutes 10 seconds East (the basis of bearings is the Indiana State Plane Coordinate System, East Zone) 175.95 feet along the west line of said Section 12; thence South 89 degrees 46 minutes 50 seconds East 16.50 feet to the intersection of the original east right-of-way line of Hague Road with the north boundary of 96th Street; thence North 00 degrees 13 minutes 10 seconds East 1,723.17 feet to the southeast right-of-way line of the Norfolk and Western Railway Company; thence North 27 degrees 45 minutes 58 seconds East 3,385.03 feet along said southeast right-ofway line to the southwest corner of the 14.240-acre parcel described in Instrument Number 2014004027, on file in the Office of the Recorder of Hamilton County, Indiana to the POINT OF BEGINNING; thence North 27 degrees 45 minutes 58 seconds East 15.35 feet along the west line of said 14.240-acre parcel; thence South 74 degrees 29 minutes 51 seconds East 260.79 feet; thence North 86 degrees 12 minutes 35 seconds East 216.09 feet; thence South 90 degrees 00 minutes 00 seconds East 159.39 feet; thence South 33 degrees 17 minutes 55 seconds East 19.00 feet to the south line of said 14.240-acre parcel, The following three (3) courses are along said south line; 1)thence South 56 degrees 42 minutes 05 seconds West 175.05 feet; 2) thence Northwesterly 74.58 feet along a non-tangent curve to the left having a radius of 180.00 feet and subtended by a long chord having a bearing of North 62 degrees 37 minutes 39 seconds West and a length of 74.05 feet; 3) thence North 74 degrees 29 minutes 53 seconds West 448.12 feet to the POINT OF BEGINNING. Containing 0.622 acres, more or less.





Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495
Fax (317) 776-9628

State 188 One Hamilton County Square Noblesville, Indiana 46060-2230

To: Hamilton County Drainage Board

October 15. 2018

Re: Margaret O'Brien Drain: Concourse at Crosspoint Detention Area Maintenance & Expansion

Attached are as-builts, certificate of completion & compliance, and other information for Concourse at Crosspoint Detention Area. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, there were no significant changes made to the drainage plans submitted with my report for this drain dated February 22, 2017 and approved by the Board at its meeting held April 24, 2017. (See Drainage Board Minutes Book 17, Pages 331-333) The project involved maintenance and expansion of the detention area. Therefore, the length of the drain remains at **0 feet**.

The drainage easement granted to the Board of Hamilton County Commissioners was recorded under instrument #2019003248. The cost of the project was paid for by the developer and the following sureties were guaranteed by Busey Bank and released by the Board on its September 24, 2018 meeting.

LC No: 10009 800-24465

Insured For: Margaret O'Brien Drain Maintenance

Amount: \$168,887.00

Issue Date: October 13, 2016

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM Hamilton County Surveyor

CERTIFICATE OF COMPLETION AND COMPLIANCE

To: Hamilton County Surveyor Re: Margaret O'Brien Legal Drain Maintenance I hereby certify that: 1. I am a Registered Land Surveyor or Engineer in the State of Indiana. 2. I am familiar with the plans and specifications for the above referenced subdivision. 3. I have personally observed and supervised the completion of the drainage facilities for the above referenced subdivision. 4. The drainage facilities within the above referenced subdivision to the best of my knowledge, information and belief have been installed and completed in conformity with all plans and specifications. 5. The drainage facilities within the above referenced subdivision to the best of my knowledge, information and belief have been correctly represented on the Record Drawings, Digital Record Drawings and the Structure Data Spreadsheet. Date: 8/31/2018 Signature: Type or Print Name: Bradley Schrage, PE 7260 Shadeland Station, Indianapolis, IN 46256 Telephone Number: INDIANA REGISTRATION NUMBER SEAL

