

Part 4

**REGULATED DRAIN ACCESS REQUIREMENTS/PERMIT
REQUESTS**

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ORDINANCE NO. 2001-28

AN ORDINANCE ESTABLISHING PROCEDURES FOR PERMITS TO ACCESS REGULATED DRAINS AND THEIR EASEMENTS WITHIN HENDRICKS COUNTY

HENDRICKS COUNTY CODE 36-9-27-1

WHEREAS, pursuant to Indiana Code 36-9-27, the Hendricks County Drainage Board, has the authority to establish, construct, reconstruct and maintain regulated drains and drainage structures within Hendricks County: and,

WHEREAS, Indiana Code 36-9-27-17 authorizes the Drainage Board to approve connections to the regulated drains within Hendricks County if there is sufficient capacity, and permits the Hendricks County Drainage Board to deny access to the regulated drain if the drain is inadequate to accept the connection without construction, reconstruction, or maintenance; and,

WHEREAS, on many occasions it is the best interest of all of the land owners benefited by a regulated drain, that connection to a drain be permitted only upon certain improvements to the drain which improvements should justifiably be made by the person seeking connection to the drain; and,

WHEREAS, the regulated drainage system within Hendricks County has limited capacity and in order to maximize the benefits of the drainage system to all of the citizens, it is in the best interest of the citizens of Hendricks County that an Ordinance be passed establishing procedures, regulations, and fees to be charged to persons seeking to connect to regulated drains within Hendricks County; and,

WHEREAS, the Hendricks County Drainage Board has in the past followed certain procedures for permitting access to regulated drains, and nothing herein should be construed as a renunciation or a repeal of those procedures.

IT IS THEREBY ORDAINED by the Hendricks County Drainage Board as follows:

Any person or entity performing work within the watershed or easement of a regulated drain shall conform to the requirements set out herein. Any structure or improvement installed in a Regulated Drainage Easement must have the approval of the Hendricks County Surveyor's Office, and also, the location of that structure or improvement must comply with the Surveyor's Office standards. The standard is a minimum vertical separation of 48 inches above the top of the storm structure or 48 inches below the invert/flow line of all regulated drains. If running parallel to the regulated drain, the standard is a minimum horizontal separation of 10 feet from the centerline of the tile/top of bank, as determined by the Hendricks County Surveyor. Exceptions to these standards may be approved, as long as they do not adversely affect the integrity of the drainage system or violate the approved engineering design. However, any relocation or exposure of structures, facilities or utilities shall be at the expense of the

owner/applicant, and not Hendricks County. Exposing a structure, facility or utility, or its relocation, must be scheduled, with a completion date approved, within five (5) days after receiving notice from the Surveyor's Office and/or the Hendricks County Drainage Board, excluding Saturdays, Sundays and holidays.

ARTICLE I – OUTLETS

Any person, partnership, corporation, or any other entity seeking to discharge any municipal, private, or mutual drains into a regulated drain under the jurisdiction of the Hendricks County Drainage Board shall make application to the Hendricks County Surveyor's Office.

- a. All drainage outlets are to be in compliance with the Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County (SDESCO).
- b. For drainage outlets, the Hendricks County Surveyor and/or the Hendricks County Drainage Board may require an applicant to provide a drainage narrative, analysis and calculations to ensure compliance with SDESCO.
- c. For drainage outlets, the Hendricks County Surveyor and/or the Hendricks County Drainage Board may determine that the above-mentioned narrative, analysis and drainage calculations need to be reviewed by an outside engineering consultant. This review would be at the expense of the applicant, per the Drainage Board Uniform Fee Schedule.
- d. All applications shall be on forms provided by the Hendricks County Surveyor and shall meet the specifications set out herein. Such application shall contain any plans, specifications and any other information as deemed necessary by the Hendricks County Surveyor. Applications shall be signed by the owner of record or his agent. If signed by the agent, it shall be noted as to the agent's capacity, i.e., Contractor, Realtor, Engineer, Attorney, Surveyor, etc.
- e. Multiple outlets for the same drain may be included on the same outlet request permit form if outlets occur on same tax parcel. Multiple outlets for the same drain on separate tax parcels shall require separate outlet request permit forms. Multiple outlets occurring on the same tax parcel but for separate drains shall require a separate outlet request form for each drain involved. Each outlet shall be charged separately.
- f. A Direct Outlet shall be considered as any drainage facility outletting directly into a regulated drain without utilizing a private or mutual drain or municipal storm drainage facility or natural or manmade watercourse.
- g. The County Surveyor's Office shall charge application fees to any persons, partnership, corporation, or any other entity filing an application to discharge private or mutual drains into a regulated drain under the jurisdiction of the County Drainage Board, per the Drainage Board Uniform Fee Schedule.

ARTICLE II – CROSSINGS

Any person, partnership, corporation, or any other entity seeking to cross under, over, or through a regulated drain under the jurisdiction of the Hendricks County Drainage Board with any structure or improvement shall make application to the Hendricks County Surveyor's Office.

- a. All applications shall be on forms provided by the Hendricks County Surveyor and shall meet the requirements set out therein. Such application shall contain any plans, specifications and any other information as deemed necessary by the Hendricks County Surveyor. Application shall be signed by the owner of record or his agent. If signed by the agent, it shall be noted as to the agent's capacity, i.e., Contractor, Realtor, Engineer, Attorney, Surveyor, etc.
- b. The Surveyor's Office standard for all crossings is a minimum vertical separation of 48 inches above the top of the storm structure or 48 inches below the invert/flow line of all regulated drains.
- c. Multiple crossings for the same drain may be included on the same crossing request permit form if crossings occur on same tax parcel. Multiple crossings for the same drain on separate tax parcels shall require separate crossing request permit forms. Multiple crossing occurring on same tax parcel but for separate drains shall require a separate crossing request permit form for each drain involved. Each crossing shall be charged separately.
- d. Utility projects affecting multiple drains shall require separate request forms for each drain affected. Utility projects affecting a single drain but multiple tax parcels shall require a single request form.
- e. The County Surveyor's Office shall charge application fees to any person, partnership, corporation, or association who applies for authority to cross under, over, or through a regulated drain under the jurisdiction of the County Drainage Board, with any structure or improvement, per the Drainage Board Uniform Fee Schedule. The fee will be waived for utilities operating within a new subdivision. A new subdivision refers to a development granted final approval by the Hendricks County Plan Commission within the last 24 months.

ARTICLE III – ENCROACHMENT OF AN EASEMENT

Any persons, partnership, corporation, or any other entity seeking to encroach within a regulated drainage easement with any structure, landscaping or other improvement must make application to the Hendricks County Surveyor's Office, and shall gain approval by the Hendricks County Drainage Board and/or the Hendricks County Surveyor for the proposed encroachment. Notice of all approved encroachments shall be made of record with the Hendricks County Drainage Board.

- a. Filing an application must precede any encroachment onto a Regulated County drainage easement. If approved by the Hendricks County Drainage Board, the Board will not enforce its Regulated Drainage Easement beyond a specified distance from the tile or open drain. However, if future work is required on the Regulated County Drain, the County will not be responsible for damages to any structure, landscaping or other improvement made within the Regulated Drainage Easement
- b. All applications shall be on forms provided by the Hendricks County Surveyor and shall meet the requirements set out therein. Such application shall contain any plans, specifications, recorded deed, any easement agreements, and any other information as deemed necessary by the Hendricks County Surveyor. Applications shall be signed by the owner of record.
- c. The Surveyor's Office standard for all encroachments is a minimum horizontal separation of 10 feet from the centerline of the tile/top of bank of all regulated drains, as determined by the Hendricks County Surveyor.
- d. Multiple encroachment requests for the same drain may be included on the same request form if encroachments occur on the same tax parcel. Multiple encroachment requests for the same drain for separate tax parcels shall require separate request forms. Multiple encroachment requests occurring on the same tax parcel but for separate drains shall require a separate request form for each drain involved. Each request shall be charged separately per request form.
- e. Utility encroachment for projects affecting multiple drains shall require separate request forms for each drain affected. Utility encroachment for projects affecting a single drain but multiple tax parcels shall require a single request form.
- f. The County Surveyor's Office shall charge application fees to any person, partnership, corporation, or association filing an application for an Encroachment Agreement pursuant to Indiana Code 36-9-27-33, per the Drainage Board Uniform Fee Schedule. These fees include the fee charged by the County Recorder for recording the Encroachment Agreement. The fee will be waived for utilities operating within a new subdivision. A new subdivision refers to a development granted final approval by the Hendricks County Plan Commission within the last 24 months.

ARTICLE IV - GENERAL REQUIREMENTS

No part of any filing fee for outlet, crossing, or encroachment shall be returnable to the applicant. All monies shall be payable to the Hendricks County Drainage Board. The County Surveyor's Office shall maintain records of the fees collected pursuant to this County Ordinance. The fees collected under this County Ordinance shall be periodically remitted to the County Treasurer and

shall be deposited in the appropriate Regulated Drain Maintenance Fund. No application fee shall be required to be paid by units of government for construction, maintenance, or remodeling of any public facility.

- a. The fees outlined for outlets, crossings and encroachments in this County Ordinance include application review, initial inspection, and one (1) re-inspection.
- b. Approvals received by the applicant from other Agencies, Departments or Municipalities shall not constitute approval for outletting, crossing or encroachment by the County Surveyor or Drainage Board.
- c. Failure to comply with this County Ordinance shall be subject to The County Surveyor taking any one or more of the following actions:
 - 1.) Posting of Stop-work order on the project;
 - 2.) The procurement of an irrevocable Letter of Credit or Cashier's Check;
 - 3.) A denial for further storm water permits and/or approvals for the subject project in noncompliance with this County Ordinance.
 - 4.) All legal remedies including but not limited to injunctive relief.
- d. The owner, developer, contractor and/or utility shall provide notification to the Surveyor's Office seventy-two (72) hours prior to commencement of any work, except in cases of an emergency. A Stop-Work-Order shall be issued by the Surveyor's Office for all projects which are proceeding without the required 'Notification of Work'.
- e. Once construction begins, the contractor shall be responsible for notifying the Surveyor's Office of the following:
 - 1.) If work is to be performed on weekends and/or holidays.
 - 2.) Before storm-water structures are backfilled. No connection or crossings of regulated drains shall be backfilled without an opportunity being given to the Surveyor's Office for an inspection. Failure to comply with this requirement shall result in the excavation of the connection, crossing or encroachment so as to provide inspection.

ARTICLE V – PENALTIES

A person who violates this County Ordinance commits an Ordinance violation. A fine of up to Five Thousand Dollars (\$5,000.00) may be entered against a person, utility or entity that commits a violation under this County Ordinance, and they may be required to reimburse

Hendricks County for reasonable attorney fees. In addition to the fine, any damage to the Regulated County Drain repaired by the County shall be billed directly to the individual, utility or entity. The relocation of any utility or obstruction will be at the expense of the violator, and will meet County standards.

ARTICLE VI – MISCELLANEOUS

- a. Nothing herein shall be construed to repeal any prior practice, ordinance, or procedure of the Hendricks County Drainage Board or the Hendricks County Surveyor's Office concerning the issues set out herein.
- b. The Hendricks County Surveyor and/or the Hendricks County Drainage Board will have the sole authority to waive any or all sections contained in this Ordinance.
- c. This Ordinance shall be effective upon passage and approval.
- d. In addition to the requirements of this Ordinance, compliance with the Storm Drainage, Erosion, and Sediment Control Ordinance of Hendricks County (SDESCO) and with the requirements set forth in local Zoning Ordinances is also necessary. In case of conflicting requirements between ordinances, the most restrictive requirements shall apply.
- e. All fees associated with this ordinance are non-refundable.

APPROVED by the Hendricks County Drainage Board this 26th day of NOVEMBER, 2001.

HENDRICKS COUNTY DRAINAGE BOARD



Steven L. Ostermeier
Steven L. Ostermeier, President

Linda Palmer
Linda Palmer, Vice President

John D. Clampitt
John D. Clampitt, Member

ATTEST:
David L. Gaston
David L. Gaston
Hendricks County Surveyor



Hendricks County Surveyor's Office

David L. Gaston, P.L.S.

INSTRUCTIONS OF CROSSING PERMIT REQUEST

1. Request shall be made to the Hendricks County Surveyor's Office.
2. Request shall be made on standard form only, supplied by the Surveyor's Office.
3. The form shall be completely filled out with the following information:
 - a. Name of drain.
 - b. Parcel number of property involved.
 - c. Project name (if none then put individual's name).
 - d. Contact person(s).
 - e. Type of crossing, including a cross section drawing showing the specifications of the crossing. This office may require more details depending on the type of crossing.
 - f. Approximately how many feet from the nearest intersection.
4. The blank space in front of 'requests permission' in the last paragraph should be completed with the entity ultimately responsible for the crossing and its potential future exposure or relocation.
5. Need to circle owner, applicant or utility in the last paragraph, whomever is the responsible entity.
6. The applicant or an agent of the applicant must sign the form.
7. Check or money order is to be made payable to the **Hendricks County Drainage Board**. Fees are as follows:
 - a. Individual - Residences or Farms \$250.00/Crossing
 - b. Utilities \$250.00/Crossing

OUTLET REQUEST

Hendricks County Surveyor's Office
355 South Washington Street, #214
Danville, Indiana 46122
317-745-9237 fax: 317-745-9429

Name of Drain: _____ Project Name: _____
Parcel Number: _____ Township: _____

Applicant's Name: _____ Property Owner: _____

Address: _____ Property Address: _____

Phone: (____) _____ Phone: (____) _____

Fax: (____) _____ Fax: (____) _____

Contractor/Installer: _____

Address: _____

Phone: (____) _____ Fax: (____) _____

Purpose of Private Tile: _____

Size of Tile: _____ Type of Tile: _____ Length of Tile: _____

Number of Outlets: _____ Location of Outlet(s): _____

New Outlet will: _____ daylight to swale/creek/ditch – _____ connect to _____" subdrain –
_____ connect to _____" regulated storm pipe

Will private tile cross property not owned by the applicant? _____

If yes, list parcel numbers, names and addresses of those that will be crossed: _____

I hereby request permission to outlet a private drain into the above mentioned regulated drain. The construction shall conform to the standards of the County Surveyor at the point of connection with the regulated drain and within the entire Regulated Drainage Easement. A location map of the drain is attached showing the location of the regulated drain, private drain, point of connection, lot lines, buildings and other physical features, and platted easements and right-of-ways. This request is made per I.C. 36-9-27-17.

Signature _____ Date _____

Check Title: Owner _____ Contractor _____ Engineer _____ Tenant _____ Other _____

*** For Office Use Only *** Engineering Firm: _____

Permit # _____ Plan Project # _____ Check # _____

ENCROACHMENT INFORMATION

Hendricks County Surveyor's Office
355 South Washington Street, #214
Danville, Indiana 46122
317-745-9237 fax: 317-745-9429

Name of Drain: _____ Project Name: _____

Parcel Number: _____ Township: _____

Applicant's Name: _____ Property Owner: _____

Address: _____ Property Address: _____

Phone: (____) _____ Phone: (____) _____

Fax: (____) _____ Phone: (____) _____

Contact Name: _____ Contractor/Installer: _____

Address: _____ Address: _____

Phone: (____) _____ Phone: (____) _____

Fax: (____) _____ Fax: (____) _____

Purpose of Encroachment: _____

If Utility, how many feet is line paralleling drain: _____

Plan Project / Job Number: _____

Project Location: _____

Engineering Firm: _____

Address: _____

Phone: (____) _____ Fax: (____) _____

***** For Office Use Only *****

Permit # _____ Plan Project # _____ Check # _____



Hendricks County Surveyor's Office

David L. Gaston, P.L.S.

INSTRUCTIONS FOR FILING ENCROACHMENT APPLICATION FOR UTILITIES

This application should be made when a utility wants to encroach into a Hendricks County Regulated Drainage Easement with their facility.

1. Request shall be submitted to the Hendricks County Surveyor's Office along with plans and check or money order made payable to the **Hendricks County Drainage Board.**
 - Plans shall consist of showing where the facility is proposed to be located within the regulated drainage easement (either how far the utility will be located from the top of bank of an open ditch or from the centerline of drain tile or storm sewer).
2. All information shall be on the standard form only, supplied by the Surveyor's Office.
3. These form shall be completely filled out with the following information:
 - a. Name of utility company.
 - b. Name of Regulated drain.
 - c. Type of utility being installed.
 - d. Number of feet from the drain as shown on the plans.
 - e. Insert "centerline" or "top of bank".
 - f. Township
 - g. Names of property owners to be crossed and the owners parcel number of tract as shown in the Hendricks County Auditor's Office.
 - h. Shall be signed by a representative of the utility company, also print name of the representative signing and their title within the company.
4. Proof of obtaining easement from affected landowners as shown on the warranty deed from the Hendricks County Auditor's Office.
5. This application shall require a check or money order to be submitted with it. The check or money order will total \$0.25 per foot of utility work done in the Regulated drainage easement, with a minimum of \$250.00, made payable to the **Hendricks County Drainage Board.**

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ENCROACHMENT INFORMATION

Hendricks County Surveyor's Office
355 South Washington Street, #214
Danville, Indiana 46122
317-745-9237 fax: 317-745-9429

Name of Drain: _____ Project Name: _____

Parcel Number: _____ Township: _____

Applicant's Name: _____ Property Owner: _____

Address: _____ Property Address: _____

Phone: (____) _____ Phone: (____) _____

Fax: (____) _____ Phone: (____) _____

Contact Name: _____ Contractor/Installer: _____

Address: _____ Address: _____

Phone: (____) _____ Phone: (____) _____

Fax: (____) _____ Fax: (____) _____

Purpose of Encroachment: _____

If Utility, how many feet is line paralleling drain: _____

Plan Project / Job Number: _____

Project Location: _____

Engineering Firm: _____

Address: _____

Phone: (____) _____ Fax: (____) _____

***** For Office Use Only *****

Permit # _____ Plan Project # _____ Check # _____



**ENCROACHMENT WITHIN REGULATED DRAINAGE
EASEMENT ON INDIVIDUAL TRACTS**

STATE OF INDIANA) BEFORE THE HENDRICKS
)
COUNTY OF HENDRICKS) COUNTY DRAINAGE BOARD

At the request of _____, the Hendricks County Surveyor and/or Hendricks County Drainage Board considered the extent of the Regulated Drainage Easement on the _____ Drain on parcel number_____ .

The legal description for this parcel is found in Deed Record _____ Page____ or instrument number _____ in the Hendricks County Recorder’s Office. The undersigned owners of record hereby agree and covenant with this Board that:

Neither the Hendricks County Drainage Board nor any contractor or workman operating under the authority of said Board will be liable for damages resulting from construction, reconstruction or maintenance of the above named drain at said location, whether to the real estate or improvements thereon, and said owners, their grantees and assigns do release and agree to hold the Board harmless from any such damage.
****Damages to be paid by the land owner****

The Board will not enforce the easement beyond a distance of _____feet from the _____ side of the top of bank/centerline of the tile of the said ditch/drain at that location.

The Board will not object to the improvement of said real estate at a distance beyond the enforced portion of the easement. However, an As-Built drawing of all work in the easement must be provided to the Surveyor’s Office at the completion of the project.

OTHER CONDITIONS _____

AGREEMENT WILL BECOME EFFECTIVE UPON SIGNING

Dated this _____Day of _____ 20_____.

HENDRICKS COUNTY SURVEYOR (or Representative) APPLICANT

PRINTED NAME

PRINTED NAME



Hendricks County Surveyor's Office

David L. Gaston, P.L.S.

INSTRUCTIONS FOR FILING AN ENCROACHMENT APPLICATION FOR INDIVIDUAL TRACTS

1. The Encroachment Request and the Encroachment Information forms shall be submitted to the Hendricks County Surveyor's Office 30 days prior to the Hendricks County Drainage Board's monthly meeting. The Drainage Board Meeting usually takes place on the 2nd and 4th Monday of each month.
2. All information shall be on the standard forms, only supplied by the Surveyor's Office.
3. These forms shall be completely filled out with the following information:
 - a. Name of individual, firm, partnership or corporation owning tract.
 - b. Name of Regulated drain.
 - c. Parcel number of tract as shown in the Hendricks County Auditor's Office.
 - d. Recording information for Deed. (From Hendricks County Auditor's or Recorder's Office.)
 - * A copy of the Warranty Deed is to be returned with the application*
 - e. Signed by the individual or officer of firm or corporation or general managing partner of partnership reflecting owner of record as shown on the warranty deed from the Hendricks County Auditor's Office. Show printed name of signatory and his or her title if done by firm, corporation or partnership. If joint ownership, both or all parties must sign. **DO NOT FILL IN THE DATE ON THE REQUEST FORM. A copy of a site plan, plat or engineered drawings showing what structures are proposed to encroach the Hendricks County Regulated Drainage Easement shall be submitted with the application.**
4. The **Surveyor** shall fill in the remaining items:
 - a. Distance from the top of bank / centerline of tile.
 - b. Side of top of bank / centerline of tile.
 - c. Other conditions.
5. This application shall require a check or money order to be submitted with it. The check or money order shall be for two hundred fifty (\$250.00) dollars, made payable to the **Hendricks County Drainage Board**. This request applies to agricultural, single unit residential, commercial, multi-family, and businesses.

CROSSING REQUEST

Hendricks County Surveyor's Office
355 South Washington Street, #214
Danville, Indiana 46122
317-745-9237 fax: 317-745-9429

Name of Drain: _____ Project Name: _____

Parcel Number: _____ Township: _____

Applicant's Name: _____ Property Owner: _____

Address: _____ Property Address: _____

Phone: (____) _____ Phone: (____) _____

Fax: (____) _____ Fax: (____) _____

Contractor/Installer: _____

Address: _____

Phone: (____) _____ Fax: (____) _____

Purpose of Crossing: _____

Crossing Type: Open Cut: _____ Push or Bore: _____ Other: _____

Number of Crossings: _____ Location of Crossing(s): _____

_____ requests permission to cross the above mentioned regulated drain. The crossing should conform to the standards of the County Surveyor, as outlined in the 'Access Ordinance'. A plan showing the location and specifications of the crossing is included. This request is made per I.C. 36-9-27-33 (d) or 72 (c). The Surveyor's Office will be given an As-Built drawing when the project is completed. At the Drainage Board and/or Surveyor's request, the crossing is subject to exposure or relocation at owner/applicant/utility's expense. This must be scheduled, with a completion date approved, within 5 days notification from the Surveyor's Office, excluding Saturdays, Sundays and holidays.

Signature _____ Date _____
Check Title: Owner _____ Contractor _____ Engineer _____ Utility _____ Other _____

*** For Office Use Only ***	Engineering Firm: _____
Permit # _____	Plan Project # _____ Check # _____