

Regulated Drain

- + Application for Allen County
- + Application for Elkhart County
- + Application for Hamilton County
- + Application for Lake County
- + Application for LaPorte County

REGULATED DRAIN

Exhibit 9-4F

PETITION FOR CONSENT TO ALLOW PERMANENT STRUCTURE
IN LEGAL DRAIN PURSUANT OF I.C. 36-9-27-72

To The Allen County Drainage Board

1. Pursuant to I.C. 36-9-27-33 and I.C. 36-9-27-72. Comes now _____
[Petitioner(s)] who is a person that owns a tract of land, generally described as follows: **(Insert general description of land owned by Petitioner, incl. Deed Record or Doc. #).**

2. Regulated drain affected by this petition. _____

3. That Petitioner requests permission to have the following described structure erected or allowed to remain with said open drain or right-of-way: **(Describe structure i.e. sign, house, driveway, etc.)**

4. The reasons for requesting this Consent are as follows:

The undersigned Petitioners understand that if this Consent is granted by the County of Allen, Allen County Drainage Board, and the Board of Commissioners of Allen County, the Petitioners will indemnify said county against any and all actions, claims, demands, liability, loss, damage, or expense of whatever kind and nature which said County, Drainage Board, or Board of Commissioners shall or may at any time sustain or incur by reason of or in consequence of the granting of this Consent to said Petitioners. This Consent is further expressly conditioned that in the event the structure in any way interferes with the ability of the Drainage Board to maintain the ditch, the Petitioner agrees to remove said structure either temporarily or permanently as required by the Drainage Board, at the Petitioner's expense. It is understood and agreed that this Consent, its conditions and obligations shall insure to the benefit of the land upon which it is granted and the successors and assigns of the Petitioners.

Petitioner:

Dated _____

Signature

Signature

Address

Address

City/State/Zip

City/State/Zip

Telephone (include area code)

Telephone (include area code)

Signature

Address

City/State/Zip

Telephone (include area code)

ALLEN COUNTY REGULATED DRAIN PERMIT

Des. No. _____
Project No. _____

DRAINAGE FORM #2

Application # _____

PERMISSION TO CROSS A COUNTY REGULATED DRAIN

To: Elkhart County Drainage Board

1. Name of Petitioner (s) _____
2. Address of Petitioner (s) _____

3. Phone Number of Petitioners (s) _____
4. Location: _____

5. Affected Drain: _____
6. Description of Proposed Structure: _____

7. Structure Open end area/ tube diameter: _____
8. Attach drawing showing dimensions of proposed structure.

Note: Any proposed structure must be designed so that it does not result in obstruction of the drain nor result in any other detriments to the drainage system.

The Office of the Elkhart County Surveyor must be contacted before any construction begins on the approved crossing. The Surveyor shall make final approval of any crossing designs and elevations at which it will be installed.

It is agreed to restore the land, drainage ditches and other surface to as good a condition as they were at the commencement of the work, including backfilling of any trenches opened, and maintaining the surface which has been disturbed by the changes for a period of six (6) months after completion of said work. It is further agreed to conform at Petitioner(s) expense with any future improvements of existing or proposed legal drains upon proper request of the Elkhart County Drainage Board. And further, the Petitioner(s) shall and will, indemnify and save the County claims, demands or costs proximately caused by the fault, culpability or negligence of the Petitioner(s) by any work instigated by the Petitioner(s).

The undersigned Petitioner(s) affirms that the information, data and copies herewith transmitted are true and accurate to the best of the knowledge and belief of the Petitioner(s).

DATE: _____

PETITIONER(S) _____

DATE APPROVED

ELKHART COUNTY DRAINAGE BOARD PRESIDENT

ELKHART COUNTY REGULATED DRAIN PERMIT
Figure 9-4F20

CROSSING REQUEST

HAMILTON COUNTY SURVEYORS OFFICE
One Hamilton County Square
Noblesville, Indiana 46060
317-776-8495 fax: 317-776-9628

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:

I hereby request permission to cross the above mentioned regulated drain. The crossing shall conform to the standards of the County Surveyor. I have included a plan showing the location and specifications of the crossing. This request is made per I. C. 36-9-27-72(c).

Applicant's Signature _____ *Date* _____

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

Other: _____

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

APPLICATION FOR PERMISSION TO PLACE PERMANENT / TEMPORARY
STRUCTURES WITHIN A REGULATED DRAIN

TO THE LAKE COUNTY DRAINAGE BOARD
LAKE COUNTY, INDIANA

_____, (hereinafter called applicant) hereby makes application to the Lake County Drainage Board for permission to construct proposed _____ with necessary appurtenances and attachments thereto, across ditches, creeks, and waterways, which are part of the Lake County drainage system and especially at the following location: (please attach plans and specs):

The purpose of the Application and the work to be performed thereunder is to:

The applicant agrees to restore the land, drainage ditches and other surfaces to as good or better a condition as they were at the commencement of the work, including backfilling of any trenches opened, and maintaining the surface which has been disturbed by the installation.

The applicant agrees, subject to the provisions of I.C. 36-9-27-46 or I.C. 36-9-27-47, to move said improvement(s) at its own expense to conform with any future improvements of existing or proposed regulated drains upon request of the County Drainage Board or Lake county Surveyor's Office.

The applicant shall, and will, indemnify and hold harmless any and all county entities, including but not limited to the County of Lake, the Board of Commissioners of the County of Lake, the Lake County Drainage Board, its elected officials, its appointed officials, its officers, its employees, its departments its boards and/or agents harmless from and against any and all damages, injuries, losses, demands or costs proximately caused by the fault, culpability or negligence of the applicant in the installation, maintenance, operation, repair, replacement or renewal of said improvement(s) over and across the drains or drainage rights-of-way under the jurisdiction of the Lake County Drainage Board.

The applicant agrees to maintain said improvement(s) at its own expense to avoid causing any damage to the established regulated drain or to landowners affected by the drain, pursuant to I.C. 36-9-27-72 (d).

The applicant agrees that in the event construction, maintenance, relocation or repair of the improvements within the regulated drain or drainage right-of-way under the jurisdiction of the Lake County Drainage Board causes or shall cause any damage to the established regulated drain or necessitate increased maintenance thereof it will reimburse the Lake County Drainage Board for any such expenses incurred, including reasonable attorney's fees, pursuant to I.C. 36-9-27-46(d) or I.C. 36-9-27-47 (b).

The applicant further agrees to notify the Lake County Drainage Board or the Lake County Surveyor in writing five (5) days in advance of the time of beginning of the work requested to be done under this permit, and will give the Lake County Drainage Board or the Lake County Surveyor notice the day preceding the commencement of the work herein requested.

The applicant shall have workmans compensation coverage as required by state law.

This permit does not obviate the need to obtain any other Federal, State, and/or local authorization, if required.

The applicant shall carry public liability insurance meeting the maximum dollar limits as specified in I.C. 34-4-16.4-4 and shall list all of the bodies/parties listed in paragraph 5 above as other insureds.

Engineering plans which accompany this application must state:

1. The proposed structure meets all structural and hydraulic requirements that will permit the drain to function properly. (I.C. 36-9-37-72 (c))
2. The regulated drain is adequate to handle the additional flow of water, if any.
3. No harmful pollution is likely to result. (I.C. 36-9-27-17 (c))

Dated this _____ day of _____, 20__.

Applicant

Applicant

**APPLICATION FOR PERMISSION TO
PERFORM WORK WITHIN A REGULATED DRAIN**

TO THE LAKE COUNTY DRAINAGE BOARD, LAKE COUNTY, INDIANA:

(Name) _____

HERINAFTER CALLED APPLICANT, HEREBY MAKES APPLICATION TO THE LAKE COUNTY DRAINAGE BOARD TO PERFORM WORK WITHIN A REGULATED DRAIN AND/OR THE EASEMENT FOR A REGULATED DRAIN WHICH IS PART OF THE DRAINAGE SYSTEM FOR LAKE COUNTY, INDIANA.

THE LOCATION OF THE WORK IS AS FOLLOWS:

NAME OF WATERWAY: _____

SECTION(s): _____ TOWNSHIP: _____ RANGE: _____

ADDRESS OR DESCRIPTION OF LOCATION: _____

THE WORK IS TO CONSIST OF THE FOLLOWING ACTIVITIES:

THE PURPOSE OF THE WORK IS TO:

THE APPLICANT HEREBY AGREES TO RESTORE THE LAND, DRAINAGE DITCHES AND ALL OTHER SURFACES AND/OR STRUCTURES WITHIN THE DITCH AND REGULATED DRAIN EASEMENT TO A CONDITION AS GOOD OR BETTER THAN THEY WERE PRIOR TO THE COMMENCEMENT OF THE WORK.

THE APPLICANT SHALL AND WILL INDEMNIFY AND HOLD HARMLESS ANY AND ALL COUNTY ENTITIES, INCLUDING BUT NOT LIMITED TO THE COUNTY OF LAKE, BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE, THE LAKE COUNTY DRAINAGE BOARD, ITS ELECTED OFFICIALS, ITS APPOINTED OFFICIALS, ITS OFFICERS, ITS EMPLOYEES, ITS DEPARTMENTS, ITS BOARDS AND/OR AGENTS HARMLESS FROM AND AGAINST ANY AND ALL DAMAGES, INJURIES, LOSSES, DEMANDS, OR COSTS PROXIMATELY CAUSED BY THE FAULT, CULPABILITY, OR NEGLIGENCE OF THE APPLICANT IN THE PERFORMANCE OF THE PERMITTED WORK OVER AND ACROSS THE DRAINS OR DRAINAGE RIGHTS-OF-WAY UNDER THE JURISDICTION OF THE LAKE COUNTY DRAINAGE BOARD.

THE APPLICANT FURTHER AGREES TO NOTIFY THE LAKE COUNTY DRAINAGE BOARD OR THE LAKE COUNTY SURVEYOR IN WRITING AT LEAST FIVE (5) DAYS IN ADVANCE OF THE COMMENCEMENT OF THE WORK DESCRIBED IN THIS APPLICATION, AND WILL ALSO GIVE NOTICE TO THE LAKE COUNTY DRAINAGE BOARD OR THE LAKE COUNTY SURVEYOR THE DAY PRECEDING THE COMMENCEMENT OF THE WORK.

THE APPLICANT SHALL HAVE WORKMAN'S COMPENSATION INSURANCE AS REQUIRED BY STATE LAW.

THE APPLICANT SHALL CARRY PUBLIC LIABILITY INSURANCE MEETING THE MAXIMUM DOLLAR LIMITS AS SPECIFIED IN IC 34-4-16.5-1 ET. SEQ., AND SHALL LIST THE COUNTY OF LAKE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE, THE LAKE COUNTY DRAINAGE BOARD, ITS ELECTED OFFICIALS, ITS APPOINTED OFFICIALS, ITS OFFICERS, ITS EMPLOYEES, ITS DEPARTMENTS, ITS BOARDS AND AGENTS AS OTHER INSURED.

THIS PERMIT DOES NOT OBVIATE THE NEED TO OBTAIN ANY OTHER FEDERAL STATE AND/OR LOCAL AGENCY AUTHORIZATION AS REQUIRED.

BY SUBMITTING THIS APPLICATION, THE APPLICANT HEREBY STATES THE FOLLOWING:

1. **THE PROPOSED WORK MEETS ALL HYDRAULIC REQUIREMENTS THAT WILL PERMIT THE DRAIN TO FUNCTION PROPERLY.
(IC 36-9-37-72 (C).)**
2. **THE REGULATED DRAIN IS ADEQUATE TO HANDLE THE ADDITIONAL FLOW OF WATER, IF ANY.**
3. **NO HARMFUL POLLUTION IS LIKELY TO RESULT.
(IC 36-9-27-17 (C).)**

ENGINEERING PLANS WHICH SUBSTANTIATE THE ABOVE STATEMENTS MUST ACCOMPANY THIS APPLICATION. THESE PLANS MUST INCLUDE SUFFICIENT DETAIL TO ALLOW VERIFICATION OF THE ABOVE STATEMENTS. (THESE PLANS SHOULD GENERALLY INCLUDE DIMENSIONS, ELEVATIONS, CALCULATIONS, DESCRIPTIONS OF THE QUANTITIES AND TYPES OF MATERIAL TO BE USED, DISCHARGE CALCULATIONS AND OTHER RELEVANT INFORMATION.)

SUBMITTED: _____
(PRINT OR TYPE NAME)

(SIGNATURE)

SUBMITTED FOR: _____

ADDRESS: _____

PHONE #: _____

(THIS SECTION FOR DRAINAGE BOARD USE ONLY)

LAKE COUNTY DRAINAGE BOARD

APPROVED: _____

DENIED: _____

DATE: _____

LAPORTE COUNTY DRAINAGE BOARD

Suite 101, Courthouse, 813 Lincolnway

LaPorte, Indiana 46350-3400

(219) 326-6808 x285

**APPLICATION FOR PERMISSION TO ALLOW WORK ON
A STREAM CROSSING OVER A REGULATED DRAIN**

APPLICANT INFORMATION

Name: _____

Address: _____

Telephone Number: _____

PROJECT INFORMATION

Project Manager: _____

Project Location: _____

Project Description: _____

Starting Date: _____

Completion Date: _____ (Anticipated)

On behalf of the Applicant listed above, I hereby request written permission from the LaPorte County Drainage Board to begin work on the project described above. Plus, I affirm that Applicant has obtained all permits necessary for this project, and that in consideration for said permission the Applicant agrees to follow all of the Terms of Approval listed below.

Date:

Signature:

Print Name:

TERMS OF APPROVAL

The LaPorte County Drainage Board hereby grants the Applicant permission to work on the above project, subject to the following terms:

1. Applicant is required to contact the LaPorte County Surveyor=s Office at (219) 326-6808 (ext. 285) at least 24 hours prior to the start of the above project to arrange for a preliminary inspection of the project site in order to make certain that proper netting is in place.
2. If the project site fails the preliminary inspection for any reason, work on the project must be stopped immediately and shall not resume until the project site passes the preliminary inspection.
3. Applicant is required to contact the LaPorte County Surveyor=s Office at (219) 326-6808 (ext. 285) at least 24 hours prior to the completion of the above project to arrange for a final inspection of the project site in order to make certain that debris has not been left in the ditch.
4. If the project site fails the final inspection for any reason, the Applicant shall immediately remedy any problem discovered during the final inspection.
5. If the Applicant fails to comply with the terms of this approval, Applicant agrees to pay for any damages to the project site as determined by the LaPorte County Surveyor=s Office and/or the LaPorte County Drainage Board, as well as any costs or expenses associated with remedying, repairing and/or cleaning the project site, including any collection costs and attorney fees incurred by the LaPorte County Surveyor=s Office and/or the LaPorte County Drainage Board to enforce the terms of this approval.
6. Other terms: _____

LaPorte County Drainage Board

Date:

By:

Print Name: