

Randolph County Drainage Board

325 South Oak Street * Suite 206 * Winchester, IN 47394 * Phone: (765) 584-0609

Present:

Thomas E. Chalfant, Chairman
Gary L. Girton, Vice Chairman
Michael D. Wickersham, Member
Edwin L. Thornburg, Surveyor
Meeks Cockerill, Drainage Board Attorney
Casey Keener, Drainage Board Secretary

Minutes for April 4, 2022

Tom Chalfant calls the Randolph County Drainage Board meeting to order. First is the approval of minutes from March 7, 2022. Mike Wickersham moves to approve the minutes as presented, Gary Girton seconds, Minutes approved, motion carries.

Surveyors report:

What we have today is Kevin Cook is building a new building on his facility next to sugar creek. The building is going to replacing an equal amount of impervious surface that's the reason for no drainage plan. But the building is going to encroach in our right of way. He has agreed to maintain that section of the ditch. this will be recorded to stay with the property, so if he ever sells those people will also have agreed to maintain that part of the ditch, as well. Tom asks, does this happens vey often? Ed replies, that it is not anything unusual. Tom asks, how far is he encroaching on our right of way? Ed says, so there is 24 feet in-between and the right of way is 75 feet. Mike asks, where is this located. Ed said its behind the water plant. Tom say, I guess with the surveyor's approval I entertain a motion to approve this. Mike seconds to approve this right of way change. Motion approved. Motion carries.

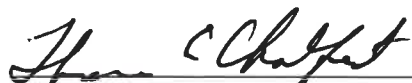
I have a proposal from Haldeman's group from a contractor working for them down in Greensfork township. This is for a large drain, they are going to front the biggest amount of money, because the group that bought that wants it. It includes something we were going to up grade this summer, we will be upgrading it more doing it this way. When I have some dollar figures we will be back in touch. The investor group is putting some serious money into the drainage to make it work better down there.

Tom ask if there is anything else for the drainage board? Mike says, Curtis Ramer. Is that on a culvert. I understand they are going to change that. Ed says, as far as I know he

still has the issue. Mike said, He shouldn't have, my understanding is that the highway department has mistakenly gave Maxwell permission to change the direction of water. Ed states that the culvert under the road was supposed to be to run a manure line through. When the manure line is pulled out it should be capped off, so right now it is running water through it. If they cap it off the water would go to the west and then cross the road. I don't know if we have a decent culvert west of his drive or not, that may be something that the highway needs to put in. He didn't have a problem until the new culvert was put in. I also understand that there is some work being done there that he is aware of and that he is good with that is supposed to help. Gary asked Ed to talk to him about the work. Mike says, that if it was the highway department that gave permission to put that under the road then I think that it is the county's responsibility to address that. The problem is that it is going in the direction that it was going any way. I was on the side of the drive way that wasn't causing any problems to the other side which is. The simple solution would be to put a plug-in it when it's not in use. Mike says, If the highway didn't give permission its his issue with Maxwell. Meeks says, he 100% agrees with that but is not sure its not anyway. That's been two superintendents ago. Mike said, to just call Curtis and see how he is doing down there.

Mike Wickersham makes a motion to adjourn the meeting. Gary Girton seconds, motion carried, meeting adjourned.

Signed this 4th day of April, 2022 in the Randolph County Commissioners Room, Winchester Indiana.



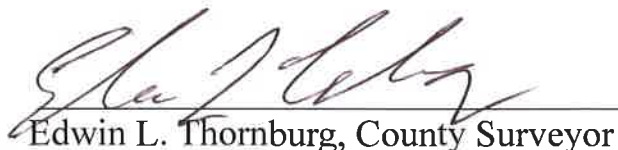
Thomas E. Chalfant, Chairman



Gary L. Girton, Vice Chairman



Michael D. Wickersham, Member



Edwin L. Thornburg, County Surveyor

20221972 AGMT2 \$25.00
04/18/2022 10:47:04A 2 PGS
Jane A Grave
Randolph County Recorder IN
Recorded as Presented



RANDOLPH COUNTY DRAINAGE BOARD

325 South Oak Street | Suite 206 | Winchester, Indiana 47394 | Phone: (765)-584-0609

April 4, 2022

AGREEMENT TO PERMIT ENCROACHMENT IN LEGAL DRAIN RIGHT-OF-WAY

The Randolph County (IN.) Drainage Board hereby grants permission to: **Kevin W. Cook Properties VII LLC** Indiana to construct a building within the Edwards-Cox-Sugar-Creek regulated (legal) drain right-of-way. Said encroachment is located within **30** feet of the centerline of the tile drain on parcel **021-00540-00**. The above encroachment shall be no closer than **25** feet to the centerline of a regulated tile drain or top of the bank of an open drain. The length of said encroachment shall be **200** feet.

Legal Description: Lot No (w Of Sugar Creek) Nw 20-20-14 4.40 A


This permission is granted subject to the following conditions:

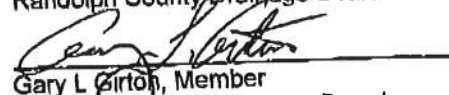
1. This agreement in no way limits the authority of the Drainage Board to use the balance of the legal drain right-of-way according to the provisions of the 1965 Indiana Drainage Code as amended.
2. That the said owners hereby agree to make any repairs to the regulated drain, at their expense, which might be required due to any damages caused by or during the construction of said structure(s).
3. The Drainage Board or its representative(s) shall not be liable for damages to any accessories to the above structure(s) such as but not limited to driveways, whether concrete, asphalt, or stone, shrubbery, trees, flowers, grassed areas, or any other temporary structures located in this right-of-way area which might be damaged during any reconstruction or maintenance of said regulated drain. The Drainage Board's obligation is to fill the excavation area to **rounding full** following any excavation work.
4. That this agreement is and shall be considered a covenant running with the land, binding upon all heirs, successors and assigns of **Kevin W. Cook Properties VII LLC** and shall be recorded in the Office of Randolph County Recorder in Winchester, Indiana, and made a permanent record thereof.

We the undersigned agree to all of the terms listed in this agreement on
This 4th day of April, 2022.


Kevin W. Cook


Michael D. Wickersham, Vice Chairman
Randolph County Drainage Board

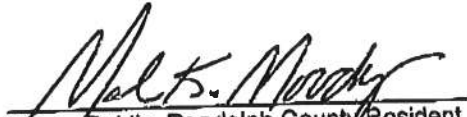

Thomas E. Chalfant, Chairman
Randolph County Drainage Board


Gary L. Girtch, Member
Randolph County Drainage Board

State of Indiana)
Randolph County)

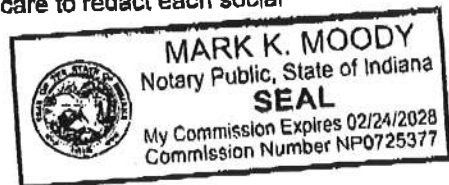
Subscribed and sworn before me this 4th day of April, 2022.

My commission expires: Feb. 24, 2028


Notary Public, Randolph County Resident

This Instrument prepared by Edwin L. Thornburg, Randolph County Surveyor
I Affirm, under penalties of perjury, that I have taken reasonable care to redact each social
security number from this document, unless required by law.

Edwin L. Thornburg Printed Name



Beginning 290 feet west of the west side of Hooven, Puckett & Norton's addition to the City of Winchester, Indiana, on a line with the center line of Washington Street extended west, at a point of intersection of the center line of Sugar Creek open ditch with the west line of Grantor's land; thence north on the grantor's land 207.5 feet to a point in line with the south line of an alley east and west between Lots 22 and 34 in said Hooven, Puckett & Norton's Addition; thence East 67.32 feet to the center line of said ditch; thence southwest along the center line of said ditch to the place of beginning, containing 0.16 acre more or less. The above tract is located in the South Central part of the Northwest Quarter of Section 20, Township 20 North, Range 14 East.

Also, beginning 290 feet west and 166 feet and 3 inches north of the North line of Washington Street extended west, from the west line of Hooven, Puckett & Norton's Addition in the City of Winchester, Indiana; thence north on the west line of the Grantor's land 890.5 feet to a point 52 feet South of the South line of the C. C. C. & St. L. Railway; thence northwest on a uniform curve along the property line of a tract formerly owned by Union City, Winchester and Muncie Traction Company, to a point on the southerly line of said Railway; thence southeast along the property line of Railway 417 feet to the north east corner of the grantor's land and the west line of Hooven, Puckett & Norton's addition to the City of Winchester, Indiana; thence south along the west line of said addition 204 feet to the center of Sugar Creek open ditch; thence southwest along the center of said ditch to a point in line with the south line of an alley running east and west between lots 22 and 34 in Hooven, Puckett & Norton's Addition to Winchester, Indiana; thence west 67.32 feet to place of beginning. Containing 4.40 acres more or less. The above described tract being located in the south central part of the Northwest Quarter of Section 20, Township 20 North, Range 14 East.

Beginning 290 feet west of the west line of the Hooven, Puckett & Norton's Addition to the City of Winchester, Indiana, measured west along the centerline of a continuation of Washington Street in said city, thence west 150 feet, thence south parallel with the west line of said addition 129 feet, more or less to the north property line of State Highway 32; thence northeasterly along the Northerly property line of said highway to the centerline of Sugar Creek, thence northeasterly along the centerline of said creek to the place of beginning. Said real estate being located in the south central part of the northwest quarter of Section 20, township 20 north, range 14 east.