



Report to the Natural Resources Commission on Citizen Petition requesting a rule change amending 312 IAC 5-9-2 to add a prohibited boating zone designation around the Geist Waterfront Park and Beach on Geist Reservoir; Administrative Cause No. 23-LE-024

December 22, 2023
VIA EMAIL

Natural Resources Commission Division
of Hearings
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2200
nrcaopa@nrc.in.gov

Re: Administrative Cause Number 23-LE-024
Petition for Rule Change – Geist Reservoir No Boating Zone

Commission Members:

On August 11, 2023, the City of Fishers (City), through their attorney Christopher P. Greisl, filed a petition for rule change with the Natural Resources Commission (NRC) under Indiana Code section 14-15-7-3. The NRC accepted the petition and initiated the procedure under Information Bulletin #7. The Director of the Department of Natural Resources (DNR) assigned a committee comprised of David Bausman, DNR's General Counsel, John Gano, Conservation Officer with the Division of Law Enforcement, and Dan Carnahan, Fish Management Supervisor with the Division of Fish & Wildlife. The committee provides the following information and recommendation:

Background

The City requests a prohibited boating zone be amended to the "Geist Rule" (312 IAC 5-9-2) for the connected gravel pit to Geist Reservoir located at 39.949362; -85.916377 where the Geist Waterfront Park & Beach will boarder (see Exhibit A). The intended prohibited zone is being requested to last year-round and extend 600 feet from the shoreline of the Geist Waterfront Park or within 70 feet from the outermost boundary of the cove-line (see exhibit B). The City claims that this is needed to provide a safe environment and protect all patrons who access the Geist Waterfront Park & Beach for water and recreational activity.

Legal Standards IC 14-15-7-3 Adoption of rules; violations

Sec. 3. (a) The department may adopt rules under IC 4-22-2 to implement this article concerning the following:

(4) The safe operation of watercraft upon public water where unusual conditions or hazards exist, such as any of the following:

- (A) An obstruction in or along public water.
- (B) Watercraft traffic congestion.
- (C) A beach, boat launch, marina, dam, spillway, or other recreational facility on or adjacent to public water.

(6) The establishment of zones where the use of watercraft may be limited or prohibited for the following purposes:

- (A) Fish, wildlife, or botanical resource management.
- (B) The protection of users.

(b) In a rule adopted under subsection (a)(4) or (a)(6), the department may establish a zone where:

- (1) the operation of all or some types of watercraft is prohibited;
 - (2) particular activities are restricted or prohibited; or
 - (3) a limitation is placed on the speed at which a watercraft may be operated.
- (c) A person who violates this section commits a Class C infraction.

Analysis

The committee provides the following analysis and supporting evidence from the Divisions of Law Enforcement and Fish & Wildlife:

1. Public Access

No surveys have been done in the past to determine boating traffic in the area in question. It is perceived that it would be a popular area for boaters and anglers to use if left open to recreational boaters and anglers. The Geist Waterfront Park & Beach is scheduled to be open from Memorial Day to Labor Day annually. Keeping the restriction in place throughout the year would limit access for recreational boaters and anglers to the cove for periods of time when the cove is not in use for swimming.

2. Safety issues

The committee agrees that the proposed no motorized boat zone would not create any additional safety hazards for recreational boaters on the reservoir since the area affected is already in a designated idle zone. However, as seen in exhibit B, the proposed closure zone projects into the boating channel that residents and boaters use for navigation. This area was inspected by the committee and found there to be boating hazards in the area consistent with shallow water and underwater obstructions which constricts this channel to a small area, especially when the reservoir's water level is low. It is recommended that the closure line should extend directly from point to point as shown by the red line in exhibit C.

Exhibit C



3. Impacts to fish and wildlife

No impacts to fish and wildlife are anticipated with the rule amendment.

4. Public Waters

The Geist Waterfront Park and Beach cove is part of Geist Reservoir; and therefore, the Committee finds that it is a public water under IC 14-8-2-226. Currently, 312 IAC 5-9 contains boating regulations for public waters of Indiana. Under the code, rules have been established for specified public freshwater lakes, specified navigable waterways (other than Lake Michigan), Lake Michigan, specified waters owned by public utilities, and specified lakes and reservoirs with state or federal funding, and as previously noted, the Natural Resources Commission has already adopted boating restrictions for Geist Reservoir under 312 AIC 5-9-2.

5. Enforcement

Indiana Conservation Officers who regularly patrol the reservoir, as well as local law enforcement agencies, would be authorized to enforce the proposed no motorized boat zone under 312 IAC 5-9-2.

6. Public Access

The proposed request is for a no boating zone, which would include canoes, kayaks and paddleboards. Since the City has plans for a livery to rent non-motorized boats, the committee finds that their request is in conflict with their proposed park development plan that was included with the petition. Therefore, the committee finds that the petition request would need to be modified to a non-motorized boating zone to allow non-motorized boats in the requested zone.

Recommendation

The committee has determined that there is need for a boating restriction in the Geist Waterfront Park & Beach cove; however, since the City plans to operate a livery and wants to encourage non-motorized watercraft operation in the cove, the committee recommends that the restriction only be for a non-motorized boating zone.

In addition, the committee understands the need to regulate and provide safe recreational activities within the closure area; however, it also has to take into account that this is a reservoir with public access and recreation and should balance the safety with providing accessibility to other recreational users when the park is not in operation. Additionally, the need to not impede navigation in the boating channel is also a major concern based upon the proposed zone. When taking these factors into consideration, the committee recommends the closure line be modified from the petition to only be implemented as shown in exhibit C and only closed from the dates 14 days before Memorial Day to October 1st. The committee recommends adoption of the proposed rule language as bolded below within 312 IAC 5-9-2.

Section 312 IAC 5-9-2 - Geist Reservoir
Authority: IC 14-15-7-3

Affected: IC 14-15

Sec. 2.

(a) This section establishes restrictions on the operation of boats in Geist Reservoir in Hamilton County, Marion County, and Hancock County.

(b) A person must not operate a boat at greater than idle speed in any of the following locations:

(1) East of a line seven hundred (700) feet west and parallel to the Olio Road causeway.

(2) South of the Fall Creek Road bridge and causeway to a line one hundred (100) feet south and parallel to the western prolongation of the center line of 96th Street.

(3) In an area known as Devil's Elbow and more particularly described as east, south, and upstream from a line extended shoreline to shoreline beginning at a point described as latitude 39°54' 42.0021756" north and longitude 85° 58' 12.826398" west; extending east northeasterly to a point described as latitude 39° 54' 43.20567" north and 85° 58' 5.5123356" west; and extending north northeasterly to a point described as latitude 39° 54' 47.1218976" north and 85° 58' 2.3784852" west.

(4) In an area known as the Indianapolis Yacht Club Harbor and located east and southeast of a line within the southeast quarter of section 10 and part of the southwest quarter of section 11 in township 17 north, range 5 east, being more particularly described as beginning at a point which lies one hundred eighty (180) feet southeast from the east corner of the southeast abutment of the most westerly bridge over the reservoir, which point lies nineteen (19) feet northeast of the centerline of the pavement (assumed bearing of north fifty-four (54) degrees, ten (10) minutes west) of Fall Creek Road, thence across a bay of the reservoir north fifty-three (53) degrees, seventeen (17) minutes east one thousand one hundred eighty-six (1,186) feet, to the shoreline of the reservoir.

(5) In an area known as the Indianapolis Sailing Club Harbor, within the southeast quarter of section 10, township 17 north, range 5 east, and being more particularly described as commencing at the southeast corner of section 10, thence west along the south line of the section a distance of three thousand five hundred (3,500) feet, thence north at right angles to the south section line a distance of three hundred eighty (380) feet to the point of beginning of the description in this subdivision (assumed bearing of north twenty-three (23) degrees, thirty-seven (37) minutes west), thence a distance of seven hundred forty-six and four-tenths (746.4) feet to the north end of a retaining wall along the shoreline of the reservoir, thence following the meanders of the shoreline of the reservoir northeasterly, southerly, and southwesterly to the point of beginning.

(6) In an area known as Mast Head Bay, within the southeast quarter and part of the northeast quarter of section 9, township 17 north, range 5 east, and more particularly described as upstream and north of Fall Creek Road and east of Geist Road.

(7) In an area known as Cocktail Cove.

(8) North of 96th Street and west of Olio Road in Fall Creek Township, Hamilton County. The zone is the area east of an arc formed commencing at the point where the idle zone described in subdivision (4) intersects the east shoreline, then extending northward and connecting with the chain of islands and including the embayments east of the chain of islands, to a point four thousand (4,000) feet from the point of beginning.

(9) In an area known as Juice Box Cove and more particularly described as an embayment east and southeasterly from a line extended shoreline to shoreline beginning at a point described as latitude 39° 56' 38.23" north and longitude 85° 55' 52.39" west; and extending southwesterly to a point described as latitude 39° 56' 37.33" north and longitude 85° 55' 53.61" west.

(c) A person must not operate a boat within a rectangular area within the reservoir three hundred (300) feet and parallel to the concrete crest of the dam spillway and extending one hundred (100) feet along the dam from the east and west abutments of the dam spillway. The overall dimensions of the zone created by this subsection are three hundred (300) feet by seven hundred (700) feet.

(d) No person shall anchor a boat or tie a boat to another boat (except to tow a boat from one (1) point to another) in a traveled portion of the reservoir so as to do either of the following:

(1) Interfere with the safe passage of another boat.

(2) Create a safety hazard to any person.

(e) A person may not operate a motorboat at the Geist Waterfront Park & Beach Cove at the closure line between the coordinates:

(1) latitude 39.950009 and longitude -85.915834; and

(2) latitude 39.949934 and longitude -85.915334;

beginning fourteen (14) days before Memorial Day and ending October 1st.

Respectfully Submitted,

David Bausman,
General Counsel

John Gano,
Indiana Conservation Officer

Dan Carnahan,
Fish Management Supervisor

BEFORE THE INDIANA NATURAL RESOURCES
COMMISSION DIVISION OF HEARINGS

IN RE: THE CITY OF FISHERS, INDIANA)
PETITION FOR RULE CHANGE)

CITY OF FISHERS, INDIANA PETITION FOR RULE CHANGE

The City of Fishers, Hamilton County, Indiana (the “**City**” or “**Fishers**”), by counsel, respectfully submits this Petition for Rule Change (the “**Petition**”) to the Natural Resources Commission (the “**Commission**”). As further described herein, the City is requesting an amendment to 312 IAC 5-9-2 concerning Geist Reservoir (the “**Geist Rule**”). Specifically, the City requests a limited amendment to the Geist Rule by adding a prohibited boating zone designation (the “**Prohibited Zone**”) in and around the City’s newly constructed Geist Waterfront Park and Beach (“**Geist Park & Beach**”). Consistent with several prohibited boating zones created by the Commission near parks and public swimming areas throughout public waters in Indiana, the City’s sole focus is to provide a safe environment and protect all patrons who access Geist Park & Beach for water and recreational activity.

I. GEIST PARK & BEACH WILL BE A WORLD CLASS AMENITY AND UNIQUE PARK EXPERIENCE FOR ALL TO ENJOY.

A. *The City of Fishers is known as a “smart, vibrant, and entrepreneurial” community.*

Fishers was named the “#1 Place to Live” in the United States by Money Magazine in 2017. Under the leadership of Mayor Scott Fadness, the City is known as a smart, vibrant, and entrepreneurial city through its neighborhood development, dedication to supporting high-growth companies and innovative city processes. Once a small bedroom community, Fishers is a fast-growing city of approximately 101,000 residents. Fishers is home to a dynamic business community with a growing number of life science and tech companies choosing to locate and expand in the City each year. Since 2014, approximately 8,100 new jobs have been committed and over \$2.5 billion in new investment has been made.

City leadership is intentional about creating unique experiences and destinations throughout the community. Fishers is home to over 700 acres of public recreation and park space, 131 miles of nature and multi-use trails, twenty-seven (27) park properties, sixty-one (61) sports

fields, 127-acre nature preserve, three (3) splash pads, and a vibrant Amphitheater that hosts both national recording artists and a variety of large community events throughout the year, including a best in class farmers market. Fishers' residents enjoy one-of-a-kind park experiences including the Fishers AgriPark, an innovative urban farm, and a national award-winning Maker Playground. Moreover, the Nickel Plate Trail is a linear trail that runs through the community with future connections to Indianapolis and Noblesville, and eventually connections to a larger regional trail network with the Monon and Midland Trails.¹

As more people have moved to and are working in Fishers, the City has creatively and efficiently managed its green spaces and park facilities to serve a growing population. As the City adds recreational amenities, its residents enjoy them. For example, the Nickel Plate District Amphitheater hosts more than one hundred (100) events each year and welcomes approximately 250,000 visitors per year. Fishers' award-winning Farmers Market hosts an average of 4,500 attendees each weekend during the summer season. Spark!Fishers, the annual community Independence Day festival, engages more than 20,000 residents each year. The City's 33-acre AgriPark produces over 600 tons of fresh food for the community and local food shelters. The City's parks department also has a vibrant partnership with Hamilton-Southeastern School Corporation. All 1,600 first graders in the school district engage in experiential learning trips to the Ritchie Woods Nature Preserve, with curriculum aligned with state standards delivered twice onsite at the park and once by City staff in each of the classrooms. Similarly, all 1,400 second grade students in the school district get to engage with the City's AgriPark, and all 1,600 fifth graders in the school district get to experience the City's Maker Playground.

- i. *Geist Park & Beach is a world-class amenity that will allow residents to engage and enjoy the reservoir.*

¹ For more information about the Maker Playground, AgriPark, and Nickel Plate Trail, see <http://www.playfishers.com/> and <http://www.playfishers.com/DocumentCenter/View/1062/Nickel-Plate-Trail-Master-Plan-2040-PDF>.

The City has made significant investments in providing residents and visitors with the opportunity to access Geist. Geist Park & Beach adds to the City's list of robust, vibrant, and diverse recreational facilities. The park is being developed on the last significant, undeveloped parcel of Geist. Features of Geist Park & Beach include, without limitation, walking trails, open green space, a beach, and playground. Once developed, the park will provide the only public access to the reservoir.



The purpose of the park is to allow all Fishers residents to enjoy Geist without having to own a house or dock on the reservoir. Fishers Mayor Scott Fadness stated,

[t]he Geist area is one of Fishers' most distinct assets and this park sets forth a momentum for the long term sustainability of Geist Reservoir, its residents, and our community at large. In conversations with multiple residents and stakeholders, I've heard time and time again the argument that the long term vibrancy of Geist is a concern. Part of that involves environmental, boat traffic, and new development. My hope is that this park development helps

to mitigate those concerns for residents and turn Geist into a distinct asset for all of Fishers.²

The City has invested approximately Thirty Million Dollars (\$30,000,000) to develop Geist Park & Beach. On or around July 5, 2018, the City acquired approximately seventy (70) acres of real property previously owned by the Marina Limited Partnership (“**MLP**”) and Irving Materials, Inc. (“**IMI**”), commonly referred to as 0 Olio Road, Fishers, Indiana 46040 (the “**Real Estate**”), for Fifteen Million Seven Hundred Sixty Thousand Dollars (\$15,760,000) (the “**Acquisition**”). Completing the Acquisition and securing the Real Estate was the City’s first step to developing the park. Geist Park & Beach was designed by Browning Day Mullins Dierdorf, P.C., and is being constructed by Meyer Najem Construction, LLC.³



Geist Park & Beach will be built in phases,⁴ and is scheduled for a “soft opening” on or around April 22, 2023. The total construction cost for Phase I of the park is approximately

² <http://www.playfishers.com/219/Geist-Waterfront-Park>

³ Meyer Najem has prepared a “fly through” video of the park at <https://vimeo.com/793025565/1ec414fcaa>.

⁴ For more information regarding the final concept and phasing plan, see Appendix A, attached hereto and incorporated herein.

\$14,675,870 and will generally include the following: approximately 800 feet of fine sand shoreline; swimming and water recreation in the park's cove; public non-motorized boat launch (kayaks, canoes, paddleboards, etc.); non-motorized boat rental (kayaks, canoes, paddleboards, etc.); large pirate themed playground; swings, slides and a variety of other play structures for kids of all ages; sand and water play structures; restroom facilities, including an adult changing table; concession stand to purchase treats and snacks; trails; three (3) small shelters available for rental or public use; and one (1) large shelter available for rental or public use.



In order to support this amenity and its offerings, the City has made a substantial investment in staffing. The City has hired an Aquatics Manager who has the following qualifications: five (5) years' experience in high volume leadership focused on aquatic facility safety and leadership, including open water experience; Certified Lifeguard and Lifeguard Instructor; Certified Basic

Life Saver/ Oxygen/ First Aid Instructor; YUSA Swim Lesson and Swim Team Coach; Certified Pool & Spa Operator; and American Red Cross Lifeguard certification, with open water guarding endorsement which includes advanced AED/ First Aid/ Oxygen training.

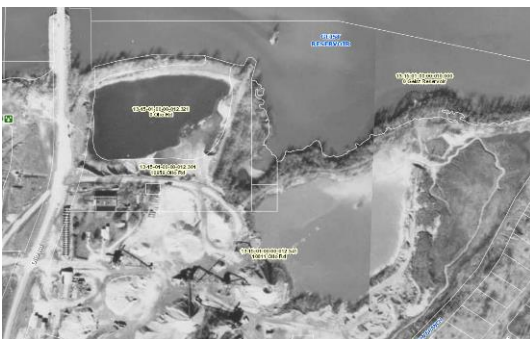
Geist Park & Beach will be supported by five (5) head lifeguards, thirty-five (35) regular lifeguards, and various public works staff including laborers, maintenance technicians, foreman, and a superintendent. In general, lifeguards will be on duty 10:00 am- 8:00 pm daily, Memorial Day- Labor Day for the community to enjoy Geist.

II. ESTABLISHING A PROHIBITED BOATING ZONE ON GEIST IS CONSISTENT WITH THE HISTORICAL OPERATIONS OF THE RESERVOIR AND OTHER BOATING PROHIBITIONS RECOGNIZED BY THE COMMISSION TO ENSURE SAFETY IN AND AROUND PUBLIC SWIMMING AND BEACH AREAS.

A. Boats have not been operated within the park's cove for nearly fifty years.

The intent of the City's Petition is to provide a safe environment for its residents and visitors of Geist Park & Beach, which the Commission has routinely recognized throughout the Geist Rule.⁵ The Prohibited Zone is tightly construed and would only prohibit the operation of a boat within (i) the park's cove, and (ii) within an area immediately adjacent to the park where the cove intersects with the main water.

As previously discussed, IMI owned and operated the Real Estate until July, 2018, where it utilized the property for mining activity. For at least forty-four (44) years, the cove was enclosed. In other words, boat operators could neither enter the cove through the main water nor did they rely upon the cove to gain access to Geist.

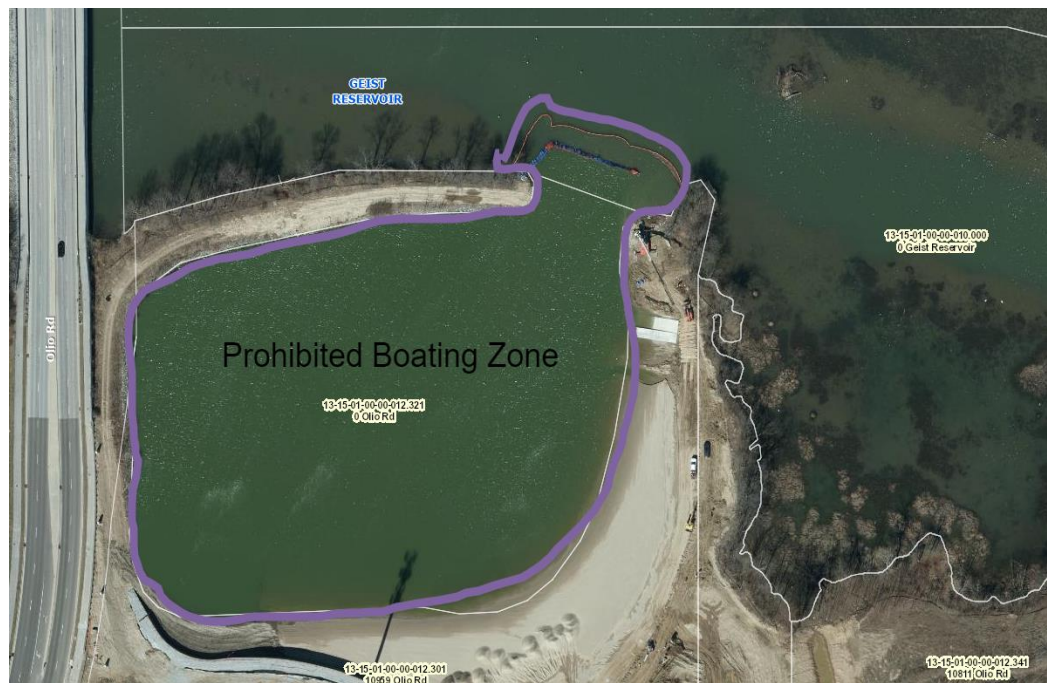


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⁵ See 312 IAC 5-9-2(b) for various "idle zones" throughout Geist.

⁶ 1974 (left) and 2018 (right) aerial map depicting the enclosed cove. <https://map.fishers.in.us/MapFishers/>

As part of the City's Acquisition, and to satisfy a prior real estate commitment, IMI "punched" a hole through the cove, connecting the cove to the main water for the first time in the summer/fall 2018. Shortly thereafter, the construction of Geist Park & Beach commenced.



An approximate depiction of the Prohibited Zone is included above (in purple).⁷ As you may notice, the above-referenced depiction contains temporary construction material (red line connecting the cove), which was utilized to control water flow during construction of the beach.⁸ The northern boundary of the Prohibited Zone is nearly identical to the temporary construction material. In other words, even after IMI connected the cove to the main water, boat operators have continued to understand that the cove is inaccessible to boat traffic. Accordingly, the City's Prohibited Zone is consistent with nearly fifty (50) years of boating operations on Geist.

⁷ For the proposed coordinates of the Prohibited Zone and for the proposed amendment to the Geist Rule, see Appendix B, which is attached hereto and incorporated herein.

⁸ The City has worked alongside several partners in developing Geist Park & Beach, including the Department of Natural Resources, the Indiana Department of Homeland Security, and the Indiana Department of Environmental Management. For more information, see Appendix C, attached hereto and incorporated herein.

B. The Prohibited Zone will not negate private access to Geist.

Geist Park & Beach is located East of Olio Road, and in accordance with the Geist Rule, a person may not operate a boat at greater than idle speed in this area.⁹ As further depicted below, this section of Geist generally consists of wetlands and two channels, where deeded dock owners



within certain residential neighborhoods access the main water.¹⁰ The Prohibited Zone does not terminate access to the main water (i.e., the City is **not proposing** to close a channel). Instead, the City merely seeks to prohibit boating operations within the park's cove to protect the beach and public swimming area. Again, because the park's cove has been inaccessible to boating operations for nearly fifty (50) years, the City is not infringing upon a private right of access that previously existed.

Moreover, the Prohibited Zone has been narrowly tailored to avoid interference with the existing channels utilized by deeded dock owners to access the main water. As further depicted above, deeded dock owners who access Geist East of Olio Road will continue to utilize the same routes and channels (**generally depicted with red lines above**) to access the main water of the

⁹ "A person must not operate a boat at greater than idle speed in any of the following locations: (1) East of a line seven hundred (700) feet west and parallel to the Olio Road causeway. . ." 312 IAC 5-9-2(b).

¹⁰ There may also be deeded docks that exist outside platted residential subdivisions that access the main water through the channels East of Olio Road. Notwithstanding, the City's Petition does not negate access to any existing dock owner.

reservoir. Consistent with nearly fifty (50) years of boating operation on Geist, boats will not need to utilize the park's cove to access the reservoir, and the Prohibited Zone will not negatively impact boat access to the main water.

C. Consistent with other prohibited boating zones recognized by the Commission, the City seeks to provide a safe and welcoming environment for those who attend its beach and public swimming area.

The Commission has frequently recognized the need to create prohibited boating zones on public waters throughout Indiana to ensure the safety of its patrons. Specifically, the Commission has frequently prohibited the operation of boats in and around beaches and public swimming areas. For example, the Commission has created prohibited boating zones near beaches and public swimming areas throughout various Public Freshwater Lakes, including Bass Lake¹¹ and the Lake James Chain of Lakes;¹² and throughout Lake Michigan, including areas within Lake County,¹³ Porter County,¹⁴ and LaPorte County.¹⁵

¹¹ "A person must not operate a boat at a site within the swimming area adjacent to **Bass Lake Beach** and Campground . . ." 312 IAC 5-6-3(c). (emphasis added).

¹² "A person must not operate a boat at either of the following sites located within Lake James: (1) Adjacent to the **Pokagon Beach** in Pokagon State Park [...] (2) Adjacent to the **Potawatomi Inn Beach** in Pokagon State Park [...]. 312 IAC 5-6-5(b). (emphasis added).

¹³ A person must not operate a boat in the following Lake County zones on Lake Michigan: (1) Near Hammond, adjacent to lands managed by the Hammond Department of Parks and Recreation, at the following locations: (A) The site known as the **Lake Front Beach** [...] (B) The site known as the **Hammond Marina Beach** [...] (2) Near Whiting, adjacent to the Whihala Beach County Park at the following locations: (A) The site known as the **West Swimming Beach** [...] (B) The site known as the **Pocket Beach** [...] (C) The site known as the **East Swimming Beach** [...] (3) Adjacent to East Chicago, at a site known as the **Jeorse Park Beach Swimming Area** . . . (4) Adjacent to Gary, as follows: (A) At a site known as the **Lake Street Swimming Area** [...] (B) At a site known as the **Marquette Park Swimming Area**. 312 IAC 5-8-2. (emphasis added).

¹⁴ "A person must not operate a boat in the following Porter County zones on Lake Michigan: (1) Near Gary and Ogden Dunes, at a site adjacent to the Indiana Dunes National Lakeshore known as the **West Beach Swimming Area** [...] (2) Adjacent to Porter, at a site known as the **Porter Beach Association Swimming Area** [...] (3) Adjacent to Porter, at a site known as the **Porter Beach Swimming Area** [...] (4) Adjacent to the Indiana Dunes State Park, at a site known as **Indiana Dunes State Park Swimming Area** [...] (5) Near Beverly Shores, at a site adjacent to the Indiana Dunes National Lakeshore and known as the **Kemil Beach Swimming Area** [...] (6) Near Beverly Shores, at a site adjacent to the Indiana Dunes National Lakeshore and known as the **Central Avenue Beach Swimming Area** [...] 312 IAC 5-8-3. (emphasis added).

¹⁵ "A person must not operate a boat in the following LaPorte County zones on Lake Michigan: (1) Adjacent to the Indiana Dunes National Lakeshore at a site known as the **Mt. Baldy Beach Swimming Area** [...] (2) Adjacent to Michigan City, at a site known as the **Washington Park Swimming Area**. . ." 312 IAC 5-8-4(a). (emphasis added).

Geist and Morse Reservoir (“**Morse**”) represent half of the public waters specified under 312 IAC 5-9 - Specified Waters Owned by Public Utilities (“**Rule 9**”).¹⁶ Similar to Geist, Morse is owned by Citizens for the purpose of providing drinking water to Central Indiana. Rule 9 provides Morse with three (3) prohibited boating designations:

(1) Within three hundred (300) feet and parallel to the concrete crest of the dam spillway for the reservoir. (2) Within two hundred (200) feet from the shoreline of **South Harbor beach**. (3) Within two hundred (200) feet from the shoreline of **Morse Park beach**.¹⁷

(emphasis added). Analogous to its “sister-lake”, the City respectfully requests the Prohibited Zone be added to the Geist Rule barring the operation of a boat within the park’s cove. This prohibition is consistent with the clear and unambiguous intent of the Commission to create safe environments for beaches and public swimming areas throughout public waters in Indiana.

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¹⁶ Citizens is not a public utility; however, one of Citizens’ predecessors- the Indianapolis Water Company (“IWC”) -was a public utility when it owned Geist. See definitions at I.C. 8-1-2-1(a) & (h). As a result, the DNR has declared Geist to be subject to the jurisdiction of the State as a “public water.” 315 IAC 5-9-2.

¹⁷ 312 IAC 5-9-3(c).

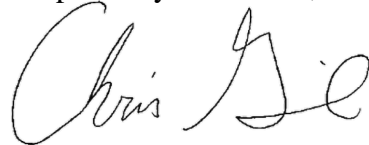
¹⁸ Morse Park Beach. <https://indyschild.com/a-day-at-morse-park-beach/>

III. CONCLUSION

The City has made a tremendous investment in providing a world-class amenity to its community. The City's Petition, and the creation of the Prohibited Zone, is consistent with the Commission's long history of protecting beaches and public swimming areas on public waters throughout Indiana, and nearly fifty (50) years of boating operations on Geist.

WHEREFORE, the City of Fishers, by counsel, respectfully requests the Petition to be granted, the Prohibited Zone to be created, and for all other just and proper relief.

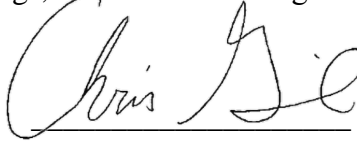
Respectfully Submitted,



Christopher P. Greisl (29931-49)
Barnes & Thornburg LLP
11 S. Meridian St.
Indianapolis, IN 46204
chris.greisl@btlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the Natural Resources Commission, Division of Hearings, via electronic filing this 11th day of August, 2023.

A handwritten signature in black ink, appearing to read "Chris Greisl", written over a horizontal line.

Christopher P. Greisl
Counsel for Petitioner,
City of Fishers, Indiana

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City of Fishers
Petition for Rule Change
Appendix A

Appendix A

[Final Concept & Phasing Plan]

GEIST WATERFRONT PARK

2019.11.01 – Final Concept, Budget, + Phasing



concept



**BROWNING
DAY MULLINS
DIERDORF**



VISION | 2040



GEIST
WATERFRONT PARK

*The
Landing*

GEIST
WATERFRONT PARK

Concept

23 of 76

GEIST
WATERFRONT PARK

Creekside



VISION | 2040

GEIST
WATERFRONT PARK

The Uplands



GEIST
WATERFRONT PARK

Concept

VISION | 2040



ACTIVE

PASSIVE

GEIST
WATERFRONT PARK

Concept



AGENDA ITEM #6

VISION | 2040

GEIST
WATERFRONT PARK

Concept

27 of 76



BROWNING
DAY MULLINS
DIERDORF

AGENDA ITEM #6

VISION | 2040

GEIST
WATERFRONT PARK

Concept

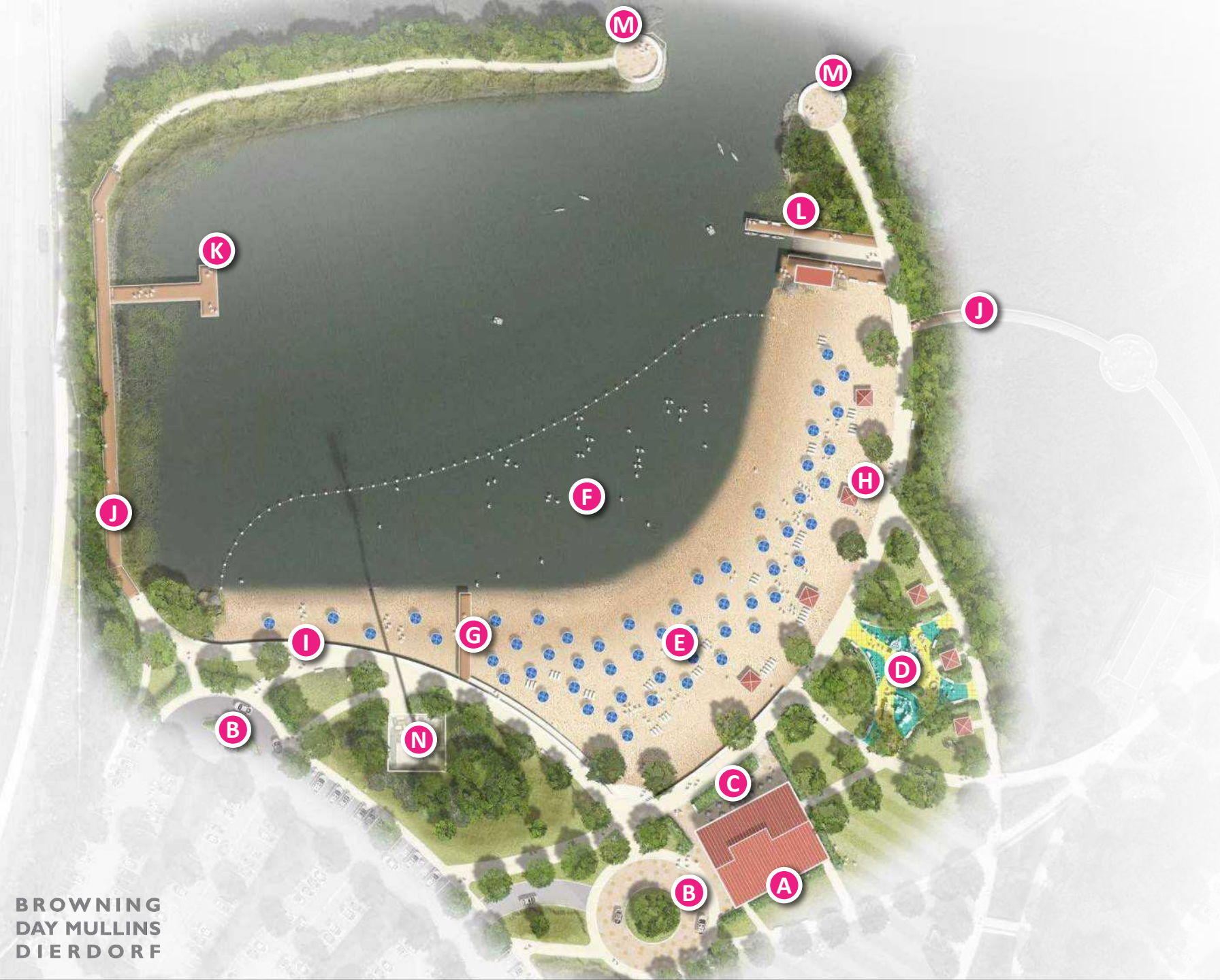
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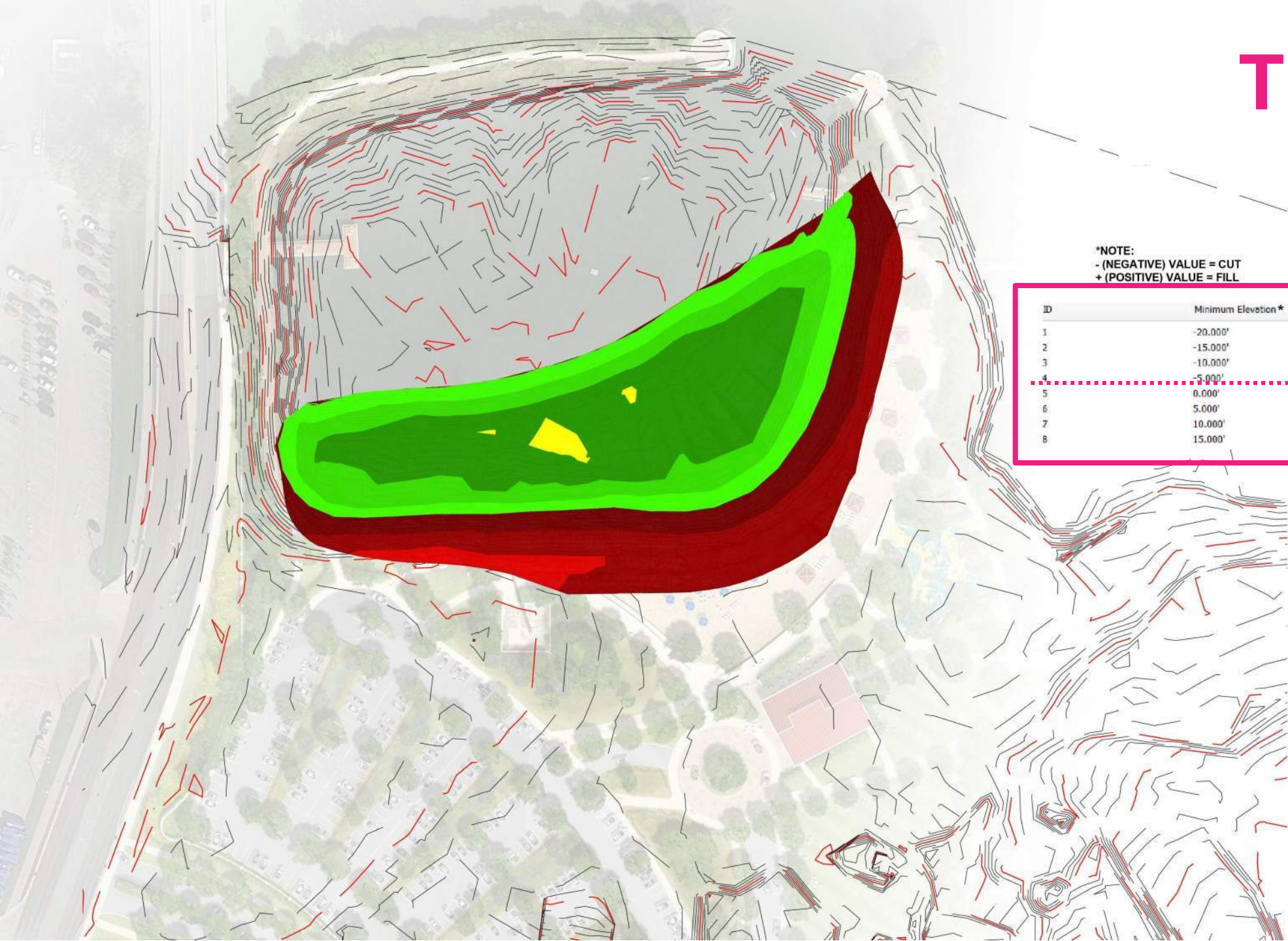
- A. Community building w/ restrooms and multi-purpose room (3K SF)
- B. Beach-side playspace
- C. The Beach
- D. Fishing pier
- E. Canoe/Kayak launch + storage
- F. Flex lawn
- G. Overlook
- H. Food truck/vendor parking
- I. Parking lot w/ bio-swales
- J. Bus parking
- K. Maintenance building (2.8K SF)
- L. Gateway feature + fence
- M. Welcome station + kiosk
- N. Existing cell tower (to remain)

The Beach

- A. Community building w/ restrooms + multi-purpose room (3K SF)
- B. Visitor drop-off points
- C. Beachfront plaza w/ shaded café seating
- D. Beach-side playspace
- E. Sand beach
- F. Swimming area (The Cove)
- G. ADA beach access point
- H. Picnic shelters (typ.)
- I. Retaining wall
- J. Boardwalk
- K. Fishing pier
- L. Canoe/Kayak launch + storage
- M. Overlook
- N. Existing cell tower (to remain)



The Beach



*NOTE:
- (NEGATIVE) VALUE = CUT
+ (POSITIVE) VALUE = FILL

SCALE: 1"= 100'

ID	Minimum Elevation*	Maximum Elevation*	Color Scheme
1	-20.000'	-15.000'	CUT
2	-15.000'	-10.000'	
3	-10.000'	-5.000'	
4	-5.000'	0.000'	
5	0.000'	5.000'	FILL
6	5.000'	10.000'	
7	10.000'	15.000'	
8	15.000'	20.000'	

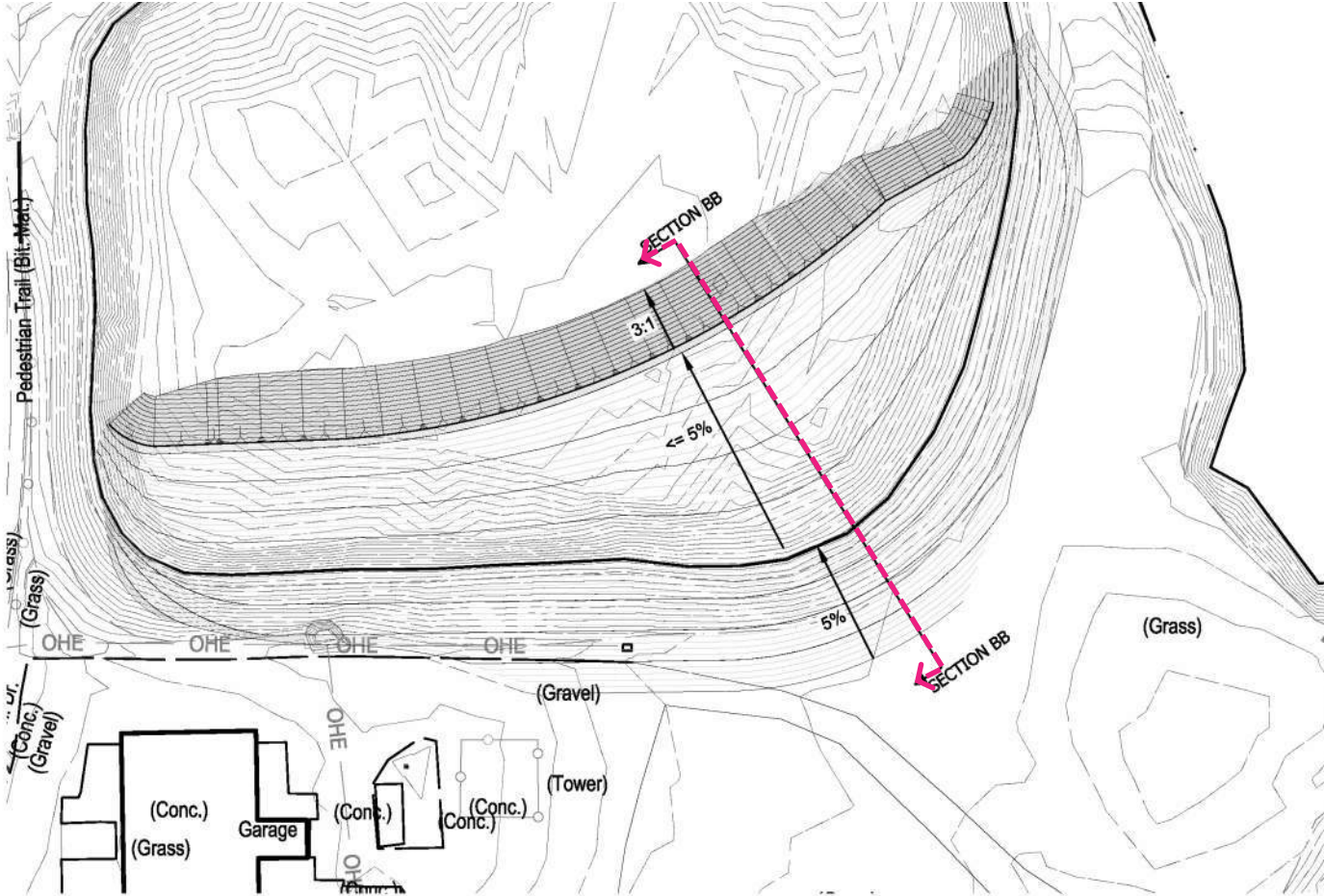
CUT VOLUME (ADJUSTED): 11,359.70 CU. YD.
FILL VOLUME (ADJUSTED): 32,834.31 CU. YD,
NET VOLUME (ADJUSTED): 21,474.60 CU. YD. <FILL>
CUT VOLUME (UNADJUSTED): 11,359. 70 CU. YD.
FILL VOLUME (UNADJUSTED): 29,849.37 CU. YD.
NET VOLUME (UNADJUSTED): 18,489.67 CU. YD. <FILL>
DISTURBED AREA = 147,000 SF.

GEIST WATERFRONT PARK VOLUME EXHIBIT

Date: May 08, 2019

PREPARED BY

AGENDA ITEM #6 The Beach



*NOTE:
- (NEGATIVE) VALUE = CUT
+ (POSITIVE) VALUE = FILL

ID	Minimum Elevation	Maximum Elevation
1	-20.000'	-15.000'
2	-15.000'	-10.000'
3	-10.000'	-5.000'
4	-5.000'	0.000'
5	0.000'	5.000'
6	5.000'	10.000'
7	10.000'	15.000'
8	15.000'	20.000'

CUT VOLUME (ADJUSTED): 11,359.70 CU. YD.

FILL VOLUME (ADJUSTED): 32,834.31 CU. YD.

NET VOLUME (ADJUSTED): 21,474.60 CU. YD. <FILL>

CUT VOLUME (UNADJUSTED): 11,359.70 CU. YD.

FILL VOLUME (UNADJUSTED): 29,849.37 CU. YD.

NET VOLUME (UNADJUSTED): 18,489.67 CU. YD. <FILL>

DISTURBED AREA = 147,000 ± SF.

WATER FILL AREA = 94,200 ± SF.

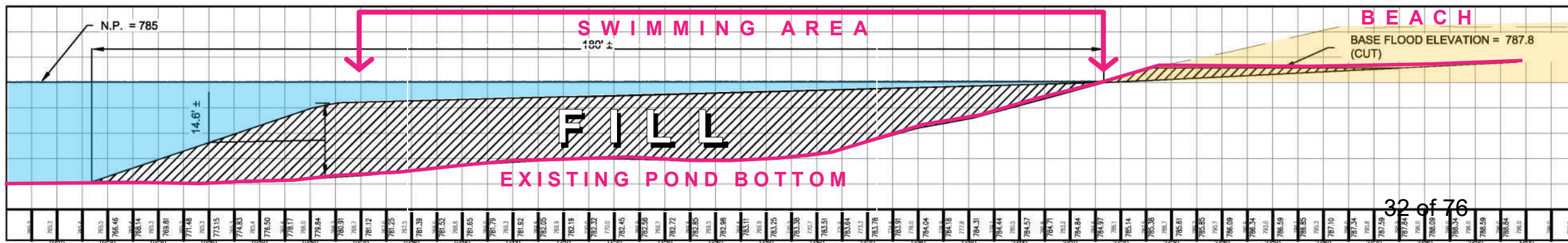
GEIST WATERFRONT PARK CROSS SECTION BB

Date: May 23, 2019

PREPARED BY



*NOTE: 1"=20' HORIZONTAL

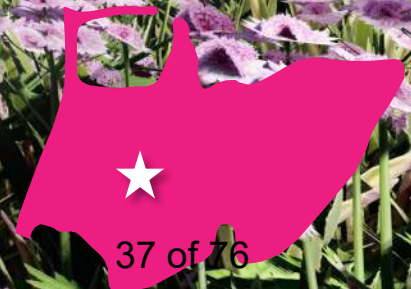












AGENDA ITEM #6
GEIST
WATERFRONT PARK
Creekside



- A. Waterfront nature pavilion w/
outdoor fireplace + seating areas
- B. Over-water boardwalk
- C. Pristine wetland habitats
- D. Nature playscape
- E. The Creek (bioswale)
- F. Outdoor adventure course
- G. Restroom/storage building
- H. On-street parking
- I. Drop-off area
- J. Native plantings
- K. Overlook
- L. Lakefront trail





AGENDA ITEM #6
GEIST
WATERFRONT PARK
The Uplands



- A. Restored native prairie and woodland ecosystems
- B. Overlook w/ views to water
- C. Canoe/kayak access site
- D. Lakefront trail
- E. Pollinator wildflower garden
- F. Paved multi-use trail loops
- G. Soft-surface nature trails
- H. Picnic shelters (typ.)
- I. Stabilized bank channel
- J. High point
- K. Screening berm (existing)



Beachside
Playspace

A

Nature
Playscape

B

Outdoor
Adventure

C

GEIST
WATERFRONT PARK

Playspaces

43 of 76

A. Beachside Playspace

AGENDA ITEM #6

WISCONSIN WATERFRONT PARK

Playspaces



NATURE + WATER INSPIRED - FULLY ACCESSIBLE

A. Beachside Playspace



AGENDA ITEM #6

WISCONSIN WATERFRONT PARK

Playspaces



INCLUSIVE SWINGS 45 OF 76 SPINNERS

A. Beachside Playspace



AGENDA ITEM #6
WISCONSIN WATERFRONT PARK

Playspaces

BEACH + SAND PLAY

46 of 76

B. Nature Playscape



C. Outdoor Adventure



Primary Trails

Secondary Paths

Internal Linkages

Vehicular Circulation

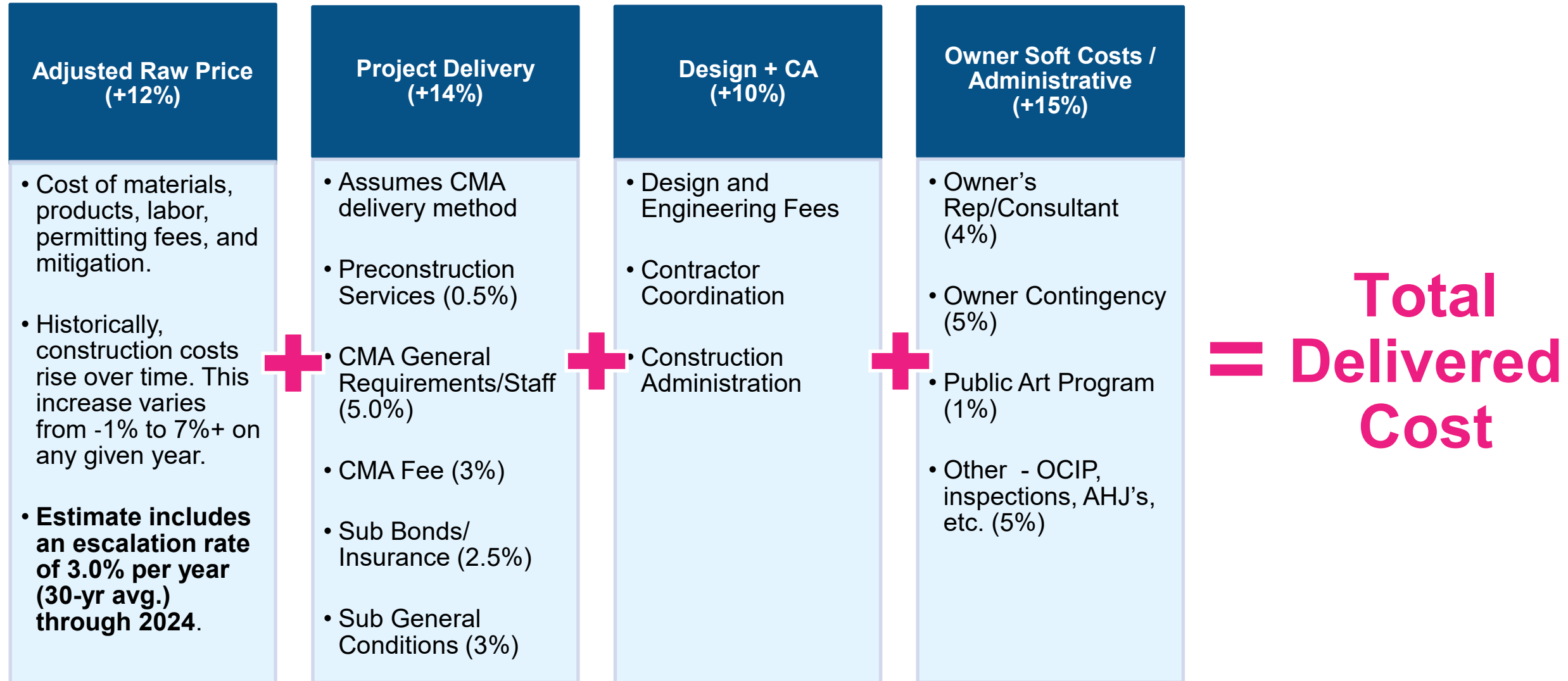


cost + phasing



**BROWNING
DAY MULLINS
DIERDORF**

Cost: Methodology + Assumptions





PHASING

GEIST
WATERFRONT PARK

Concept

52 of 76

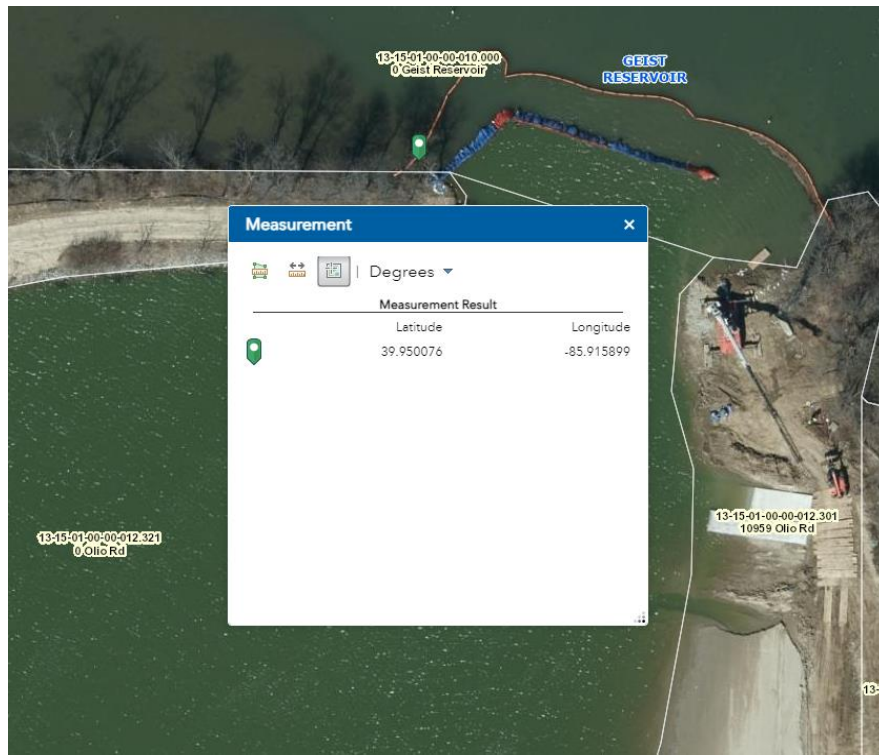
City of Fishers
Petition for Rule Change
Appendix B

Appendix B

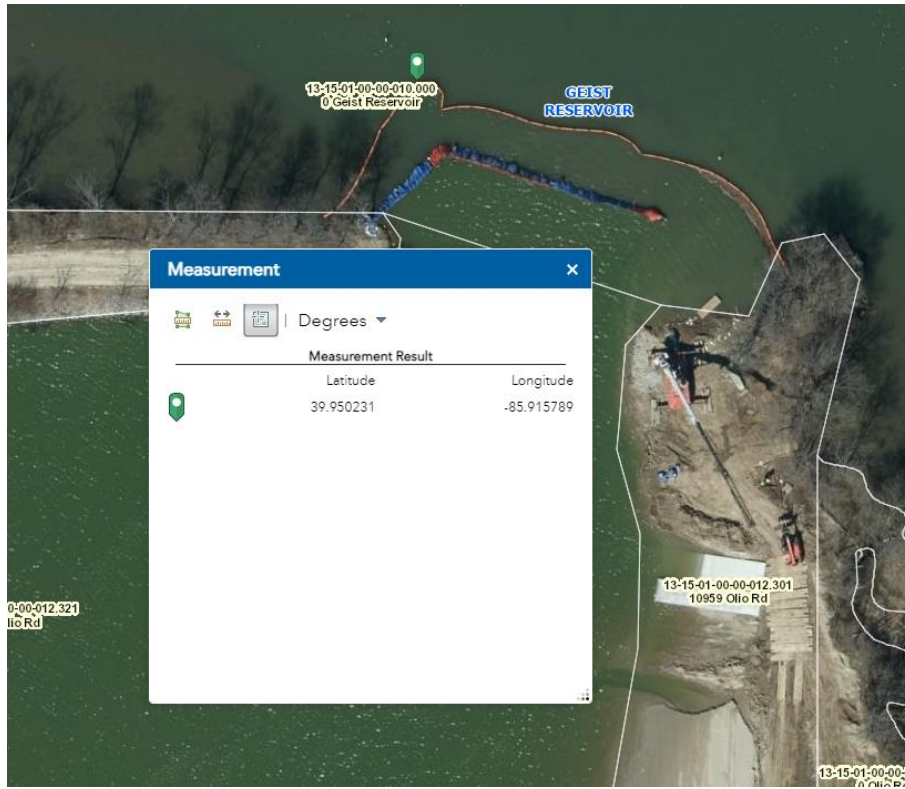
[Proposed Coordinates of the Prohibited Zone and Draft Rule Amendment]

City of Fishers
Petition for Rule Change
Appendix B

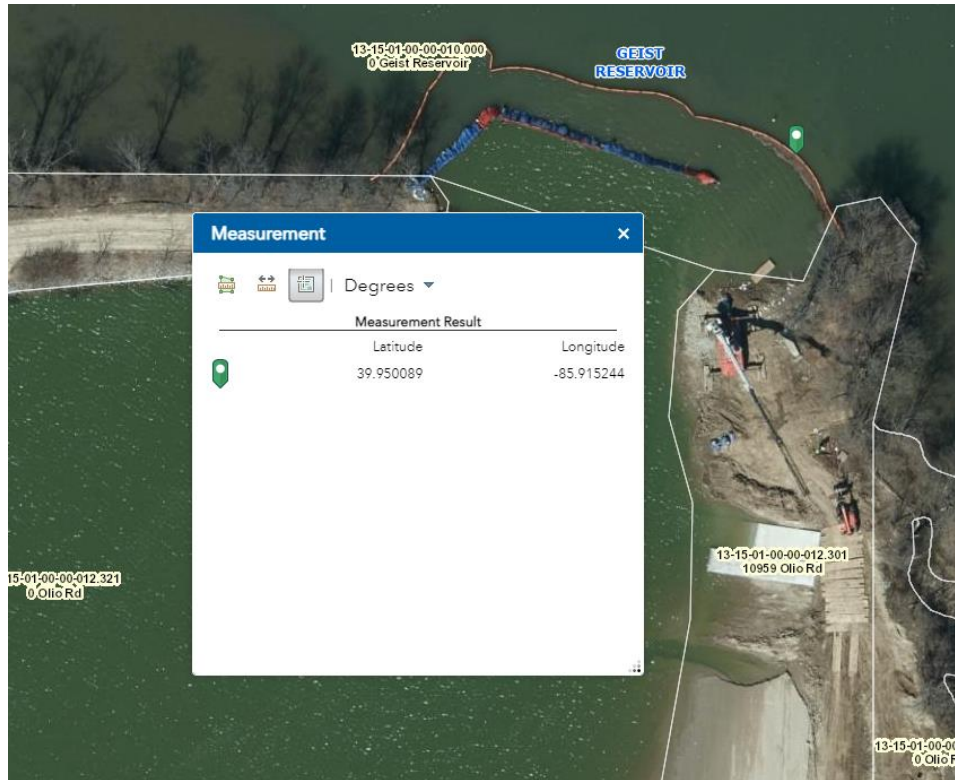
Approximate Buoy Locations at Each Pin Drop



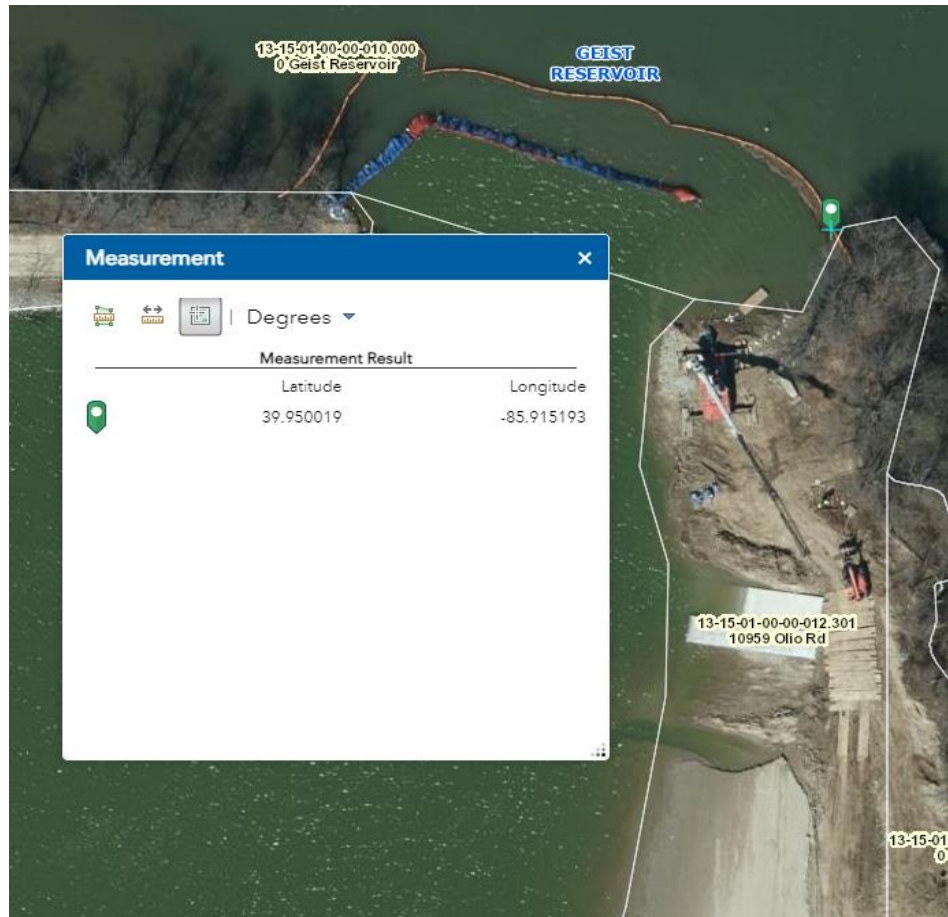
City of Fishers
Petition for Rule Change
Appendix B



City of Fishers
Petition for Rule Change
Appendix B

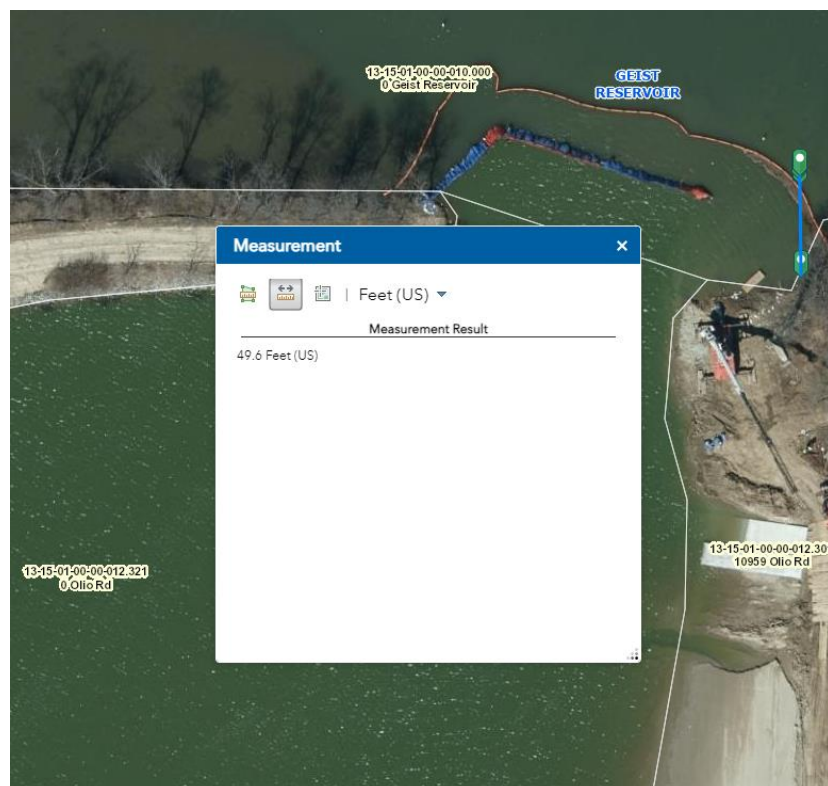
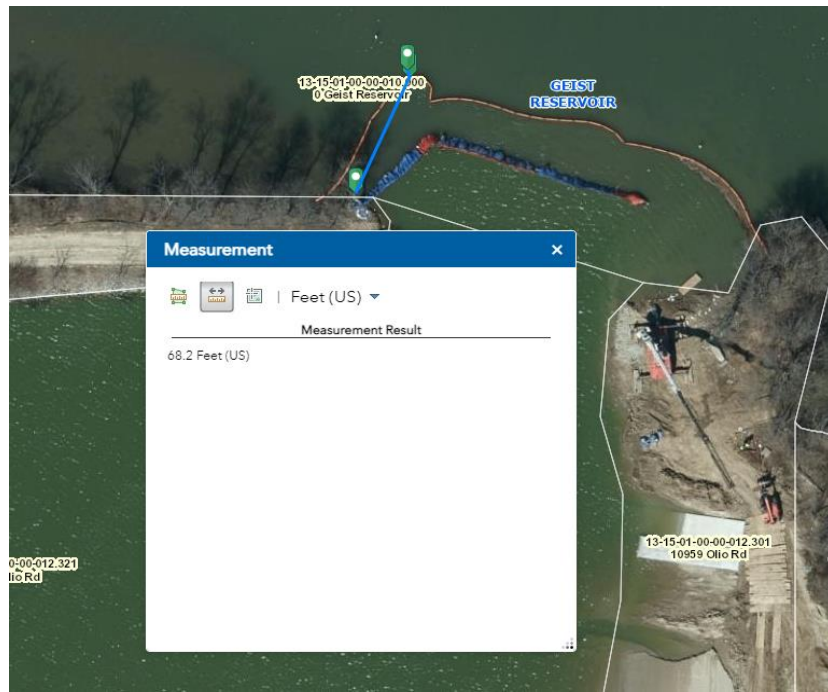


City of Fishers
Petition for Rule Change
Appendix B



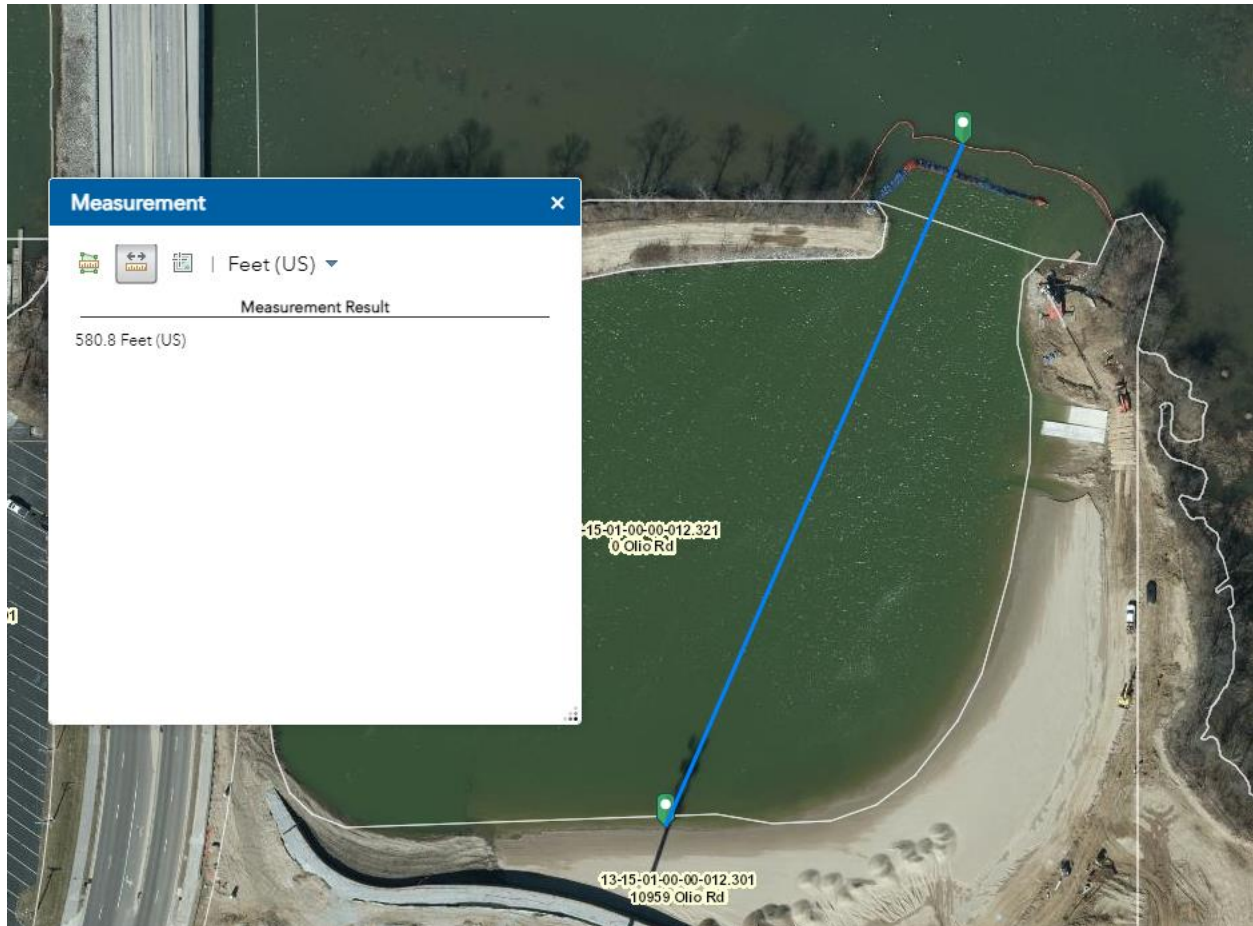
City of Fishers
Petition for Rule Change
Appendix B

Approximate Distance from Shoreline of Cove



City of Fishers
Petition for Rule Change
Appendix B

Approximate Distance from Shoreline of Beach



City of Fishers
Petition for Rule Change
Appendix B

312 IAC 5-9-2 Geist Reservoir

Authority: IC 14-15-7-3

Affected: IC 14-15

(a) This section establishes restrictions on the operation of boats in Geist Reservoir in Hamilton County, Marion County, and Hancock County.

(b) A person must not operate a boat at greater than idle speed in any of the following locations:

(1) East of a line seven hundred (700) feet west and parallel to the Olio Road causeway.

(2) South of the Fall Creek Road bridge and causeway to a line one hundred (100) feet south and parallel to the western prolongation of the center line of 96th Street.

(3) In an area known as Devil's Elbow and more particularly described as east, south, and upstream from a line extended shoreline to shoreline beginning at a point described as latitude 39° 54' 42.0021756" north and longitude 85° 58' 12.826398" west; extending east northeasterly to a point described as latitude 39° 54' 43.20567" north and 85° 58' 5.5123356" west; and extending north northeasterly to a point described as latitude 39° 54' 47.1218976" north and 85° 58' 2.3784852" west.

(4) In an area known as the Indianapolis Yacht Club Harbor and located east and southeast of a line within the southeast quarter of section 10 and part of the southwest quarter of section 11 in township 17 north, range 5 east, being more particularly described as beginning at a point which lies one hundred eighty (180) feet southeast from the east corner of the southeast abutment of the most westerly bridge over the reservoir, which point lies nineteen (19) feet northeast of the centerline of the pavement (assumed bearing of north fifty-four (54) degrees, ten (10) minutes west) of Fall Creek Road, thence across a bay of the reservoir north fifty-three (53) degrees, seventeen (17) minutes east one thousand one hundred eighty-six (1,186) feet, to the shoreline of the reservoir.

(5) In an area known as the Indianapolis Sailing Club Harbor, within the southeast quarter of section 10, township 17 north, range 5 east, and being more particularly described as commencing at the southeast corner of section 10, thence west along the south line of the section a distance of three thousand five hundred (3,500) feet, thence north at right angles to the south section line a distance of three hundred eighty (380) feet to the point of beginning of the description in this subdivision (assumed bearing of north twenty-three (23) degrees, thirty-seven (37) minutes west), thence a distance of seven hundred forty-six and four-tenths (746.4) feet to the north end of a retaining wall along the shoreline of the reservoir, thence following the meanders of the shoreline of the reservoir northeasterly, southerly, and southwesterly to the point of beginning.

(6) In an area known as Mast Head Bay, within the southeast quarter and part of the northeast quarter of section 9, township 17 north, range 5 east, and more particularly described as upstream and north of Fall Creek Road and east of Geist Road.

City of Fishers
Petition for Rule Change
Appendix B

(7) In an area known as Cocktail Cove.

(8) North of 96th Street and west of Olio Road in Fall Creek Township, Hamilton County. The zone is the area east of an arc formed commencing at the point where the idle zone described in subdivision (4) intersects the east shoreline, then extending northward and connecting with the chain of islands and including the embayments east of the chain of islands, to a point four thousand (4,000) feet from the point of beginning.

(9) In an area known as Juice Box Cove and more particularly described as an embayment east and southeasterly from a line extended shoreline to shoreline beginning at a point described as latitude 39° 56' 38.23" north and longitude 85° 55' 52.39" west; and extending southwesterly to a point described as latitude 39° 56' 37.33" north and longitude 85° 55' 53.61" west.

(c) A person must not operate a boat **in the following locations:**

(1) Within a rectangular area within the reservoir three hundred (300) feet and parallel to the concrete crest of the dam spillway and extending one hundred (100) feet along the dam from the east and west abutments of the dam spillway. The overall dimensions of the zone created by this subsection are three hundred (300) feet by seven hundred (700) feet.

(2) Within six hundred (600) feet from the shoreline of Geist Waterfront Park & Beach.

[or]

(2) Within seventy (70) feet from the outermost boundary of the cove-line of Geist Waterfront Park & Beach.

(d) No person shall anchor a boat or tie a boat to another boat (except to tow a boat from one (1) point to another) in a traveled portion of the reservoir so as to do either of the following: (1) Interfere with the safe passage of another boat. (2) Create a safety hazard to any person.

City of Fishers
Petition for Rule Change
Appendix C

Appendix C

[Select Permits & State Agency Cooperation]



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

June 30, 2021

Bruno Pigott
Commissioner

VIA CERTIFIED MAIL 7018 1130 0001 7979 4446

Ms. Sarah Sandquist, Director of Parks & Recreation
City of Fishers
1 Municipal Drive
Fishers, Indiana 46038

Dear Ms. Sandquist:

Re: 327 IAC 3 Construction
Permit Application
Sanitary Sewer
Geist Waterfront Park
Permit Approval No. 24046
Fishers, Indiana
Hamilton County

The application, plans and specifications, and supporting documents for the above-referenced project have been reviewed and processed in accordance with rules adopted under 327 IAC 3. Enclosed is the Construction Permit (Approval No. 24046), which applies to the construction of the above-referenced proposed sanitary sewer system to be located along the east side of Olio Road between Waterway Boulevard and Geist Reservoir near Fishers, Indiana.

Please review the enclosed permit carefully and become familiar with its terms and conditions. In addition, it is imperative that the applicant, consulting architect/engineer (A/E), inspector, and contractor are aware of these terms, conditions, and reporting and testing requirements.

It should be noted that any person affected or aggrieved by the agency's decision in authorizing the construction of the above-referenced facility may, within fifteen (15) days from date of mailing, appeal this permit by filing a request with the Office of Environmental Adjudication for an adjudicatory hearing in accordance with IC 4-21.5-3-7 and IC 13-15-6. The procedure for appeal is outlined in more detail in Part III of the attached construction permit.

Plans and specifications were prepared by A & F Engineering, certified by Mark L. Kilgore, P.E., and submitted for review on May 24, 2021, with additional information submitted on June 25, 2021.



A State that Works

Any questions concerning this permit may be addressed to the undersigned at 317/234-8226.

Sincerely,

A handwritten signature in black ink, reading "Kevin D. Czerniakowski". The signature is written in a cursive style with a horizontal line underlining the name.

Kevin D. Czerniakowski, P.E.
Section Chief
Facility Construction and
Engineering Support Section
Office of Water Quality

Project No. M-24841

Enclosures

cc: Hamilton County Health Department
A & F Engineering

Page 1 of 6
Permit Approval No. 24046

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AUTHORIZATION FOR CONSTRUCTION OF
SANITARY SEWER SYSTEM
UNDER 327 IAC 3

DECISION OF APPROVAL

The City of Fishers, in accordance with the provisions of IC 13-15 and 327 IAC 3 is hereby issued a permit to construct the sanitary sewer system to be located along the east side of Olio Road between Waterway Boulevard and Geist Reservoir near Fishers, Indiana. The permittee is required to comply with requirements set forth in Parts I, II and III hereof. The permit is effective pursuant to IC 4-21.5-3-4(d). If a petition for review and a petition for stay of effectiveness are filed pursuant to IC 13-15-6, an Environmental Law Judge may be appointed for an adjudicatory hearing. The force and effect of any contested permit provision may be stayed at that time.

NOTICE OF EXPIRATION DATE

Authorization to initiate construction of this sanitary sewer system shall expire at midnight one year from the date of issuance of this construction permit. In order to receive authorization to initiate construction beyond this date, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management. It is requested that this information be submitted sixty (60) days prior to the expiration date to initiate construction. This permit shall be valid for a period of five (5) years from the date below for full construction completion.

Signed this 30 day of June, 2021, for the Indiana Department of Environmental Management.



Kevin D. Czerniakowski, P.E.
Section Chief
Facility Construction and
Engineering Support Section
Office of Water Quality

Page 2 of 6
Permit Approval No. 24046

SANITARY SEWER SYSTEM DESCRIPTION

The proposed project shall consist of approximately 787 feet of 8-inch diameter PVC SDR-35 (ASTM D3034) gravity sanitary sewer, a new lift station, and approximately 1,529 feet of 4-inch diameter PVC (AWWA C900) force main to serve a parking area and recreational development at the referenced project location. The average design flow for this project is 50,000 gpd. The proposed force main will be connected to an existing 8-inch diameter sanitary sewer located at the northeast corner of the intersection of Olio Road and Waterway Boulevard. The proposed lift station will consist of a new 7-foot diameter wet well and 6-foot diameter valve vault. The wet well will contain two submersible pumps each rated for 334 gpm @ 68 feet TDH.

Inspection during construction, maintenance after completion and wastewater treatment will be provided by the City of Fishers.

CONDITIONS AND LIMITATIONS TO THE AUTHORIZATION FOR CONSTRUCTION OF SANITARY SEWERS

During the period beginning on the effective date of this permit and extending until the expiration date, the permittee is authorized to construct the above described sanitary sewer system. Such construction shall conform to all provisions of State Rule 327 IAC 3 and the following specific provisions:

PART I

SPECIFIC CONDITIONS AND LIMITATIONS TO THE CONSTRUCTION PERMIT

Unless specific authorization is otherwise provided under the permit, the permittee shall comply with the following conditions:

1. Any local permits required for this project, along with easement acquisition, shall be obtained before construction is initiated.
2. If pollution or nuisance conditions are created, immediate corrective action will be taken by the permittee.
3. The separation of sanitary sewers from water mains and drinking water wells must comply with 327 IAC 3-6-9.
4. All gravity sewer pipe must be leak tested using either a hydrostatic test or air test in accordance with 327 IAC 3-6-19(d). If using a hydrostatic test, the rate of exfiltration or infiltration shall not exceed 200 gallons per inch of pipe diameter per linear mile per day. Air test shall be as prescribed.

Page 3 of 6
Permit Approval No. 24046

5. The results of the gravity sewer leakage test and/or force main leakage test on the completed sewer shall be submitted to this office within three months of completion of construction.
6. Deflection tests must be performed on all flexible* pipe after the final backfill has been in place at least 30 days. No pipe shall exceed a vertical deflection of 5%. Deflection test results shall be submitted with the infiltration/exfiltration test results. (*The following are considered nonflexible pipes: vitrified clay pipe, concrete pipe, ductile iron pipe, cast iron pipe, asbestos cement pipe.)
7. Manholes shall be air tested in accordance with ASTM C1244-93, Standard Test Method for Concrete Sewer Manholes by the Negative Air Pressure (Vacuum) Test. The manhole test results shall be submitted with the gravity sewer leakage test results.
8. An audio-visual alarm shall be installed for the proposed lift station.
9. Air relief valves shall be installed at high points in the force main.
10. All force mains must be pressure and leak tested in accordance with 327 IAC 3-6-19(e).

Failure to submit test results within the allotted time period or failure to meet guidelines as set forth in the above conditions could be subject to enforcement proceedings as provided by 327 IAC 3-5-3.

Page 4 of 6
Permit Approval No. 24046

PART II

GENERAL CONDITIONS

1. No significant or material changes in the scope of the plans or construction of this project shall be made unless the following provisions are met:
 - a. Request for permit modification is made 60 days in advance of the proposed significant or material changes in the scope of the plans or construction;
 - b. Submit a detailed statement of such proposed changes;
 - c. Submit revised plans and specifications including a revised design summary; and
 - d. Obtain a revised construction permit from this agency.
2. This permit may be modified, suspended, or revoked for cause including, but not limited to the following:
 - a. Violation of any term or conditions of this permit:
 - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
3. Nothing herein shall be construed as guaranteeing that the proposed sanitary sewer system shall meet standards, limitations or requirements of this or any other agency of state or federal government, as this agency has no direct control over the actual construction and/or operation of the proposed project.

Page 5 of 6
Permit Approval No. 24046

PART III

NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

Anyone wishing to challenge this construction permit must do so by filing a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serving a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if notice was received by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room 103
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental
Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the permit; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Page 6 of 6

Permit Approval No. 24046

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of the Petitioner's right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If Petitioner seeks to have a permit stayed during the administrative review, he or she may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. Those who are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding must submit a written request to OEA at the address above.

More information on the review process is available at the website for the Office of Environmental Adjudication at <http://www.in.gov/oea>.



CITY OF FISHERS
Grading Permit

AGENDA ITEM #6

Permit
GP-21-4

PERMISSION IS HEREBY GRANTED TO:

Applicant: Adam Windler
Owner: City of Fishers Redevelopment Commission
Project Name: Geist Waterfront Park
Location: 10811 OLIO RD
ISSUED ON: June 23, 2021
TO PERFORM THE FOLLOWING WORK:

OPEN BURNING PROHIBITED

All construction shall comply with applicable codes and zoning adopted by the City of Fishers.

Erosion and sediment control best management practices (BMPs) must be maintained throughout construction per the Stormwater Pollution Prevention Plan or Erosion Control Plan.

This permit allows for **Mass Earthwork Grading** ONLY. Separate permits must be obtained for infrastructure and building construction work according to the final approved ILP or SIP under a separate future permit.

Issued by Jason Armour, Stormwater Engineer, Department of Public Works

City of Fishers
Department of Public Works
One Municipal Drive
Fishers, IN 43038
595-3160

THIS PERMIT MUST BE POSTED WHERE IT IS VISIBLE FROM THE STREET

This is an e-permit. To learn more, scan this barcode or visit fishersin.viewpointcloud.com/#!/records/92696



71 of 76



CITY OF FISHERS
Improvement Location Permit

AGENDA ITEM #6

Permit
ILP-21-9

PERMISSION IS HEREBY GRANTED TO:

Applicant: Thomas Green
Owner: City of Fishers Redevelopment Commission
Project Name: Geist Waterfront Park
Location: 10811 OLIO RD
ISSUED ON: June 23, 2021

TO PERFORM THE FOLLOWING WORK: Entry drive, parking lot, central lawn, beach and swimming area, playground

THIS PERMIT MAY BE REVOKED BY THE CITY OF FISHERS UPON VIOLATION OF ANY OF ITS RULES AND REGULATIONS.
"Persons contracting with unregistered contractors do not have access to the guaranty fund (as set forth in MGL c.142A)."

Issued by Megan Schaefer, Director of Planning & Zoning

**City of Fishers
Planning & Zoning Department
One Municipal Drive
Fishers, IN 43038
595-3155**

THIS PERMIT MUST BE POSTED WHERE IT IS VISIBLE FROM THE STREET

This is an e-permit. To learn more, scan this barcode or visit fishersin.viewpointcloud.com/#!/records/93077





CITY OF FISHERS
Demolition Permit

Permit #: 95990

PERMISSION IS HEREBY GRANTED TO:

Contractor: Meyer Najem Construction, LLC
Owner: Fishers Town Hall Building Corporation
Applicant: John Kilbury
Location: 1 MUNICIPAL DR
ISSUED ON: October 4, 2022

Registration #: 34817**TO PERFORM THE FOLLOWING WORK:**

Complete structural removal of current City Hall building to make way for new Arts & Municipal Complex project starting late this year.

**THIS PERMIT MAY BE REVOKED BY THE CITY OF FISHERS UPON VIOLATION OF ANY OF ITS RULES AND REGULATIONS.
 "Persons contracting with unregistered contractors do not have access to the guaranty fund (as set forth in MGL c.142A)."**

Issued by Todd Suchy, Building Commissioner

**City of Fishers
 Permitting & Inspections Department
 Three Municipal Drive
 Fishers, IN 43038
 317-595-3120**

THIS PERMIT MUST BE POSTED WHERE IT IS VISIBLE FROM THE STREET

This is an e-permit. To learn more, scan this barcode or visit fishersin.viewpointcloud.com/#/records/133335

**Required Inspections & Inspection Instructions**

OPEN HOLE Inspections: Inspection is required prior to covering condemned septic tanks, after removing foundation and structure and before dirt is replaced in hole. Inspections must be scheduled through the online inspection system.

FINAL GRADE Inspections: The site shall be restored to original or developable condition including compaction if required.

Final Inspection: For Interior Demo only. This inspection is scheduled by submitting a Completion and Compliance form (included on final inspection workflow step) to the City of Fishers Permitting & Inspections Department. All fees, required letters and drawings must be received before a final inspection will be scheduled. **Do not occupy before this inspection is approved!** Upon approval, a final inspection sticker will be placed in the electrical panel. A Certificate of Occupancy is available upon request. **Commercial finals require 5 business days notice.**

CANCELING AN INSPECTION: To cancel an inspection you must call our office at [\(317\) 595-3120](tel:3175953120) prior to the Inspector's arrival. If we are unable to answer, leave a voicemail message including the address and permit number.

TIME CHANGES: We will no longer accept time changes on inspections. You will be required to cancel the inspection and reschedule it for a later date.

SAME DAY INSPECTION PROGRAM: All inspections performed by Permitting & Inspections Department for Residential & Commercial construction are eligible for Same Day inspection. The Same Day inspection may be requested **Monday–Friday, 8:30am–2:00pm** during regular business days. You may request your inspection by calling [\(317\) 595-3120](tel:3175953120). The fee for this service **will be \$150.00 for residential and \$200.00 for commercial inspections.** The inspection will be performed by 4:30pm of the day requested. The fee for Same Day inspections must be paid prior to final inspection request.

MISSED INSPECTIONS: If you miss an inspection you may be required to expose the area(s) covered without approval so inspection may be made. A \$150.00 missed inspection fee will be assessed to the permit and must be paid prior to final inspection request. Any required letters of certification must be from a currently licensed Architect or Engineer within the State of Indiana and must also be received prior to final inspection being scheduled.

AGENDA ITEM #6

FAILURE OF INSPECTIONS: When an inspection has failed, a notice of violation will be posted in the front window, electrical panel, the building permit or at the most visible location available. When an inspection fails a re-inspection fee will be assessed. For questions about violation notices contact Permitting & Inspections Department [\(317\) 595-3120](tel:(317)595-3120). You will need to know the inspector number on the violation to be directed to the inspector responsible for issuing the violation. Fees owed for re-inspections must be paid prior to final inspection request. Re-inspections must be requested and approved prior to covering any cited violations. **DO NOT REMOVE NOTICES OF VIOLATION!**

STOP WORK ORDER: In the event, you have been issued a stop work order you must contact our office immediately @ [\(317\) 595-3120](tel:(317)595-3120) to resolve any issue that would warrant such citation. Stop Work Orders will only be removed with approval of the Building Commissioner or his designee.

ATTENTION!

ALL BUILDERS AND CONTRACTORS

Under Indiana Title 326 IAC 4-1 and City of Fishers Ordinance 92.01, all burning on construction site including residential construction is prohibited.

If you have any questions, please contact

Fishers Fire Department

[\(317\) 595-3200](tel:(317)595-3200)



CITY OF FISHERS
Demolition Permit

Permit #: 95990

PERMISSION IS HEREBY GRANTED TO:

Contractor: Meyer Najem Construction, LLC
Owner: Fishers Town Hall Building Corporation
Applicant: John Kilbury
Location: 1 MUNICIPAL DR
ISSUED ON: October 4, 2022

Registration #: 34817**TO PERFORM THE FOLLOWING WORK:**

Complete structural removal of current City Hall building to make way for new Arts & Municipal Complex project starting late this year.

**THIS PERMIT MAY BE REVOKED BY THE CITY OF FISHERS UPON VIOLATION OF ANY OF ITS RULES AND REGULATIONS.
 "Persons contracting with unregistered contractors do not have access to the guaranty fund (as set forth in MGL c.142A)."**

Issued by Todd Suchy, Building Commissioner

**City of Fishers
 Permitting & Inspections Department
 Three Municipal Drive
 Fishers, IN 43038
 317-595-3120**

THIS PERMIT MUST BE POSTED WHERE IT IS VISIBLE FROM THE STREET

This is an e-permit. To learn more, scan this barcode or visit fishersin.viewpointcloud.com/#/records/133335

**Required Inspections & Inspection Instructions**

OPEN HOLE Inspections: Inspection is required prior to covering condemned septic tanks, after removing foundation and structure and before dirt is replaced in hole. Inspections must be scheduled through the online inspection system.

FINAL GRADE Inspections: The site shall be restored to original or developable condition including compaction if required.

Final Inspection: For Interior Demo only. This inspection is scheduled by submitting a Completion and Compliance form (included on final inspection workflow step) to the City of Fishers Permitting & Inspections Department. All fees, required letters and drawings must be received before a final inspection will be scheduled. **Do not occupy before this inspection is approved!** Upon approval, a final inspection sticker will be placed in the electrical panel. A Certificate of Occupancy is available upon request. **Commercial finals require 5 business days notice.**

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