

## **PUBLIC HEARING MINUTES**

### **Amend Resolution: #109-3-8-22-2, Instituting proceedings to partially vacate a regulated drain - Klaehn Merritt drain**

**April 19, 2022**

**BOARD OF STORMWATER MANAGEMENT  
ROOM 035 –COUNCIL CHAMBERS  
MEETING HELD AT 12:00 P.M.**

**MATTHEW WIRTZ, CHAIR  
SHAN GUNAWARDENA, MEMBER  
CHRIS GUERRERO, MEMBER  
MICHELLE FULK-VONDRAN, CLERK**

**Present:** Matthew Wirtz, Shan Gunawardena, Chris Guerrero, Michelle Fulk-Vondran, Anne Marie Smrchek and Veronika Meyer.

**Matthew Wirtz:** Good afternoon we will call to order the Public Hearing to Amend Resolution #109-3-8-22-2, Instituting proceedings to partially vacate a regulated drain - Klaehn Merritt drain today is April 19, 2022. My name is Matthew Wirtz Chair of the Stormwater Management Board, to my right is members Shan Gunawardena and Chris Guerrero and to my left is Michelle Fulk-Vondran, Clerk to the Board. Before we begin, I would like to ask that all attendees please sign in for this hearing. Anne Marie Smrchek please proceed with your presentation.

**Anne Marie Smrchek:** Good afternoon, Board, Anne Marie Smrchek with City Utilities Engineering. The Klaehn Merritt drain partial drain vacation is for a drain that the City accepted jurisdiction over in 2020. Because this is a regulated drain, we are following Indiana drainage code which does require a public hearing for the vacation process. Essentially the drains as they were designed and constructed are no longer performing and this hearing is to vacate those. This is the Klaehn Merritt Watershed; Klaehn Merritt is a drain that has been split in two. The portion of the vacation we are talking about today is the watershed of it. It is located off of SR 14 west of Hadley Rd. A little history on Klaehn Merritt drain, it was petition by Fredrick and Elizabeth Klaehn and Nancy Merritt in 1916 to be constructed. It was to be constructed as 6” to 16” tile to help drain this area. It would drain to the northwest going into the Durnell drain and ultimately into the Graham McCulloch drain. The blue line represents what that line looks like. A portion we are talking about vacating are located between the two red points on the map. In 2009, 2010 INDOT in conjunction with City Utilities and Allen County Surveyors office constructed a new storm facility on SR 14. As part of it at that time the City and County contemplated diverting a portion of the Klaehn Merritt drain into that new storm system. That was completed here recently in 2020 and that is shown by the yellow line on the west side of the commercial properties. That line comes down from the pond and connects into SR 14 essentially cutting off this upper partition of the watershed and remainder of the Klaehn Merritt drain. Again, what we are purposing is to vacate the existing storm sewer shown in yellow starting from the commercial properties going due west on the south side of the pond there on Mayerling Dr and then coming down Mayerling Dr down to SR 14 northern right of way. Those are fully located within existing platted permanent easements. To give a little perspective this blue outline is the 150 ft right of way that currently exists on that regulated drain. You can see that portions of the commercial properties and homes are located within that. With the vacation that right of way will go away and down to the platted easements which are typically 20-25 ft. The Klaehn Merritt drain does not have an active maintenance fund with the City. This will remove the potential for future drainage assessments per the Indiana drainage code as we remove the regulated status from this portion of the drain. Public storm sewers have been designed and installed to replace the existing tile system. We believe that the tile system, if any portions of it remain, are not functioning based on field investigations, televising, records search of both our office and the County Surveyors office. We are comfortable with this vacation moving forward that there are no portions of that drain that are still existing in operation. This partial vacation will

remove the legal drain right of way for several homes. Seeking to vacate from the west portion of that commercial property at 8506 SR 14 to its terminus point west of Mayerling Ct. Before you, is an amended resolution to confirm this partial vacation of the drain, this does not remove the existing storm sewer. The new storm sewer and platted easements and right of way will remain in full effect and in full use. All this is going to do is remove the 150 ft legal right of way from the drain. If you have any questions, I would be happy to answer them.

**Matthew Wirtz:** Any questions from the Board?

**Shan Gunawardena:** How long have those homes been in the right of way?

**Anne Marie Smrcek:** Those homes would have been there from the time they were constructed. There could have been petitioned to encroach in the easement or it could have been contemplated that because the platted easement was there that they were going to do this and it never did or the paperwork didn't catch up with it.

**Matthew Wirtz:** We will open this up for public comment. If there is any questions or comments we are open to taking them, please state your name, address, and try to keep comments to a couple of minutes. Is there anyone here to speak on the project?

**Matthew Wirtz:** Hearing no comments, I will entertain a motion to amend the resolution close the public hearing for #109-3-8-22-2, Instituting proceedings to partially vacate a regulated drain - Klaehn Merritt drain.

**Shan Gunawardena:** So, motioned.

**Chris Guerrero:** Second.

**Matthew Wirtz:** All those in favor?

**Shan Gunawardena, Chris Guerrero, Matthew Wirtz:** Aye.

**Matthew Wirtz:** The public hearing is hereby adjourned. Thank you very much.

**Meeting adjourned at 12:31 P.M.**

**BOARD OF STORMWATER MANAGEMENT**

BY: \_\_\_\_\_  
Matthew Wirtz, Chair

BY: \_\_\_\_\_  
Shan Gunawardena, Member

BY: \_\_\_\_\_  
Chris Guerrero, Member

ATTEST: \_\_\_\_\_  
Michelle Fulk-Vondran, Clerk

Date: \_\_\_\_\_