

PUBLIC HEARING MINUTES

Amend Resolution: #109-3-8-22-3, Instituting proceedings to partially vacate a regulated drain - Crouse 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 Smrcek and Veronika Meyer.

Matthew Wirtz: Good afternoon we will call to order the Public Hearing to Amend Resolution #109-3-8-22-3, Instituting proceedings to partially vacate a regulated drain – Crouse drain today 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 Smrcek please proceed with your presentation.

Anne Marie Smrcek: Good afternoon, Board, my name is Anne Marie Smrcek with City Utilities Engineering. The Crouse Drain is another drain that the Board of Stormwater Management accepted jurisdiction in 2020. Once again, we are following Indiana drainage code for the vacation proceedings which requires this public hearing. The Crouse drain does not perform as originally designed. A little history, the Crouse drain is a watershed on the north side of town off of SR 3, Ashley, Mayfield, the Hollywood Acres area if you are familiar with that subdivision north of Cook Rd. It used to cross SR 3, we will talk about that momentarily. The Crouse tile was petitioned to be constructed in 1918 by Ira Crouse, installing 6”-12” tile through this area to help drain it. It did and still does drain into the Spy Run creek. As the area has developed this portion shown in red has been disconnected from the remainder of the Crouse drain on the left side. We are proposing to vacate just the Crouse tile not the Washington tile that is on Ashely Ave, that will be addressed in a future project. In recent years City Utilities has had a couple of projects in this neighborhood to help replace and reconstruct portions of the Crouse tile from Ashely Ave up to Mayfield through yards we have found portions of the tile. Where it was found it was tied in and confirmed that those are platted easements. We have done a televised investigation out here to make sure we have as much of it tied in as we possibly do. As part of the SR 3 project that INDOT had several years ago the Crouse drain was disconnected from its west branch and tied into the public storm sewer system on SR 3. We are proposing to vacate just that portion of the drain that is east of SR 3, left portion remains open and operational. This line contemplates the 150 ft easement that comes along with regulated drain easement. As you can see a number of homes and some businesses that are located within that regulated drain right of way. The existing storm sewers that are out there today that have replaced this are located in the legal drain right of way. The Crouse drain does not have an active maintenance fund. This will remove the potential for future drainage assessments per the Indiana drainage code. Public storm sewers have been designed and installed to replace the existing tile. We had been out there performing numerous investigations, televising, record searches, review the plats and covenants and we believe that this is appropriate next step for this portion of the Crouse drain. We propose partial vacating the east side of SR 3 to its terminus point on the north side of Mayfield. This would remove all the from those easements. Before you is an amended resolution recommending approval of the partial vacation. This does not remove the existing storm sewers out of active service, those will remain. If there are issues, we will continue to work with residents on those as they are provided to us. If you have any questions, I would be happy to answer them.

Shan Gunawardena: Is this upstream or downstream side of the drain?

Anne Marie Smrchek: This is the upstream side, as you can see the light blue line crosses to the west and that is still connected into Spy Run.

Shan Gunawardena: The side that is not vacated on the west side, drains into the new drain on SR 3?

Anne Marie Smrchek: That still drains into Spy Run, just the portion on the east side of SR 3. Again, a lot of this is housekeeping as far as getting this cleaned up.

Shan Gunawardena: Where do the storm sewers drain into on SR 3?

Anne Marie Smrchek: They drain in just south of Ashely Ave, on the east side of the yellow line where it stair steps down right in that general area there are a number of structures there that tie in.

Shan Gunawardena: And that all goes into Spy Run creek?

Anne Marie Smrchek: That comes down along SR 3 over into Spy Run creek.

Matthew Wirtz: Anymore questions from the Board? We will open this up for public comment. If there is any questions or comments please come forward, state your name, address, and try to keep comments to a couple of minutes.

Aleksandar Jakovljevic: Good afternoon Board, my name is Aleksandar Jakovljevic I am the owner of 1411 & 1415 Mayfield Rd. My property is on the corner of Mayfield and Cook. It is one of the properties negatively affected by the drainage and the performance of the drain since it has been installed and/or cut off from SR 3. I have water accumulating in my yard. The yard is saturated, and it is to the full ½ acre that I own. I am afraid it is going to have a very negative impact to the trusses as it gets under the house, and it gets into the crawl space. I would like to know that this issue is not going left alone and that property owners won't be left for their own devices, that this issue is going to be fixed. Those are my comments.

Matthew Wirtz: Ok, Thank you. Any other questions or comments?

John Marshall: Good afternoon my name is John Marshall, I have property at 1334 Mayfield. North of Mayfield the Crouse drain runs in a 45degree northeast and ends in the inlet at the corner of Cook and Mayfield on the northside, but that water I am assuming its clay as old as it is it's been holding water in there for years maybe decades. So, when a torrential comes it probably raises 8 ft up from the stream (that's a guess) to the northeast and all that on the high side is mush. Its wet, if you drive in it you will get mud on your tries, your boots and everything else. So, my question today is what is going to happen when that portion is abandoned? So, the water that is in that pipe now what happens to that? That is my questions and concerns. That is all I have. Thank you.

Matthew Wirtz: Ok, Thank you. Any other questions or comments? Anne Marie would you mind coming forward and respond to those two issues.

Anne Marie Smrchek: City Utilities staff will be happy to contact everyone here at the public hearing. We will schedule meetings to discuss and investigate and address those addresses specifically. Mayfield may be right on the edge of this I am not exactly positive which houses they are. We will go out and investigate those if there is an opportunity to tie this into the drain. We would propose to those in their own dedicated permanent easements as opposed to using the regulated drain right of way. As far as the line going to the northeast we have televised through there and it could be just a matter of it is so beyond repair at this point. We will go out and investigate if there is something we can do we will put that in a dedicated platted easements separate from this issue. We have contact information and will follow up.

Matthew Wirtz: Again, the paperwork you associate for everyone's understanding this action does not say City Utilities is going to provide stormwater services in the area, the existing stormwater system remains. You will continue to make recommendations us as the Board if there are improvements to be made from complaints here today. The existing system is not functioning, we are not removing anything by removing this from this area.

Anne Marie Smrchek: Right, that is exactly right. I would encourage if there are any other issues to contact 311.

Matthew Wirtz: Ok. So, you will follow up with both customers?

Anne Marie Smrchek: Yes.

Matthew Wirtz: Ok, thank you Anne Marie. Any other comments? Hearing none, I will now entertain a motion to amend the resolution close the public hearing for #109-3-8-22-3, Instituting proceedings to partially vacate a regulated drain – Crouse drain.

Chris Guerrero: So, motioned.

Shan Gunawardena: Second.

Matthew Wirtz: All those in favor?

Shan Gunawardena, Chris Guerrero, Matthew Wirtz: Aye.

Matthew Wirtz: Thank you and this public hearing is hereby adjourned.

Meeting adjourned at 12:44 P.M.

BOARD OF STORMWATER MANAGEMENT

BY: _____
Matthew Wirtz, Chair

BY: _____
Shan Gunawardena, Member

BY: _____
Chris Guerrero, Member

ATTEST: _____
Michelle Fulk-Vondran, Clerk

Date: _____