

LAKE COUNTY DRAINAGE BOARD

Lake County Government Center
2293 North Main Street, Crown Point, IN 46307
Phone-219-755-3745 Fax 219-755-3750

Drainage Board

Commissioner Michael C. Repay, Chairman
Commissioner Kyle W. Allen, Sr., Member
Commissioner Jerry Tippy, Member
Peter Katic, Drainage Board Attorney

Technical Support

Bill Emerson Jr., PE, Lake County Surveyor
Dan Gossman, Drainage Administrator
Mary Ellen Kupsik, Drainage Board Secretary
Clifford Duggan, Legal Counsel

Important instructions to Drainage Board Applicants

1. **ALL APPLICATIONS MUST BE SUBMITTED FOURTEEN (14) DAYS PRIOR TO THE NEXT DRAINAGE BOARD MEETING.**
2. Please enclose a cover letter that explains your request, along with identifying the owner, developer, engineer, agent and the signed/notarized Power of Attorney (if required), two (2) sets of detailed engineering plans (that includes reduced copies no longer than 11 x 17), and a vicinity map with each application, which are in compliance with **The Lake County Stormwater Ordinance No. 1365C** (available in the Lake County Surveyor's Office and online at:
<https://www.lakecountyin.org/departments/surveyor/ms4-stormwater-quality-c/ordinances-manuals-and-forms/>)
3. Upon receipt of application and the materials requested in Item No. 2 above, the Lake County Drainage Board will determine the fees due to process said application per **Ordinance No. 1365C**. Once payment has been received and the fee schedule acknowledged and agreed upon by applicant, the application will be assigned an application number and placed on the next scheduled Lake County Drainage Board Meeting for review and recommendation of the application request. Following the Board Meeting, a "Notice of Action" will be forwarded to applicant acknowledging the Board's decision. *[Note: All applications received will be placed on the Drainage Board's Monthly Meeting Agenda; however, approved applications will not be released until payment of fees, set by the Lake County Drainage Board, is received.]*
4. Prior to an application being considered by the Drainage Board, application fee(s) must be submitted in the form of a **CERTIFIED CHECK OR MONEY ORDER** and made payable to: **LAKE COUNTY SURVEYOR**.
5. Please submit ALL correspondence regarding applications to the Lake County Drainage Board as follows:

<u>ONE SET TO:</u> Lake County Surveyor's Office C/O Mary Ellen Kupsik, Drainage Board Secretary 2293 North Main Street, A-306 Crown Point, IN 46307 Email: kupsime@lakecountyin.org gossmdv@lakecountyin.org	<u>ONE SET TO:</u> Greg Lorig, P.E. American Structurepoint, Inc. 8605 Broadway, Suite B Merrillville, IN 46410 Phone: 219-923-9240 Email: glorig@structurepoint.com
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6. If you have any questions, please call or email Dan or Mary Ellen at (219) 755-3745, or Fax (219) 755-3750.

APPLICATION NO. _____

APPLICATION FOR PERMISSION TO PERFORM THE FOLLOWING TASK(S) WITHIN A
REGULATED DRAIN
[PLEASE CHECK THE APPROPRIATE BOX]

- I. **WORK WITHIN A REGULATED DRAIN**
- II. **CONNECT/DISCHARGE INTO THE DRAIN/EASEMENT**
- III. **PLACE TEMPORARY/PERMANENT STRUCTURE IN THE DRAIN/EASEMENT**
- IV. **REDUCE EASEMENT FROM SEVENTY-FIVE (75) FEET**

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

(Name) _____

HEREINAFTER CALLED APPLICANT, HEREBY MAKES APPLICATION TO THE LAKE COUNTY DRAINAGE BOARD TO PERFORM THE ABOVE DESCRIBED ACTIVITY 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 IS AS FOLLOWS:

NAME OF WATERWAY: _____

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

ADDRESS OR DESCRIPTION OF LOCATION _____

THE REQUEST IS TO CONSIST OF THE FOLLOWING ACTIVITIES:

THE PURPOSE OF THE REQUEST IS TO:

1. 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.
2. 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, LAKE COUNTY SURVEYOR, ITS ELECTED OFFICIALS, ITS APPOINTED OFFICIALS, ITS OFFICERS, ITS EMPLOYEES, ITS DEPARTMENTS, ITS BOARDS AND/OR AGENTS 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 OR IN ANY WAY RELATED TO OR RESULTING FROM THE PERMITTED WORK OVER AND ACROSS THE DRAINS OR DRAINAGE RIGHTS-OF-WAY UNDER THE JURISDICTION OF THE LAKE COUNTY DRAINAGE BOARD.
3. **IMPORTANT CLAUSE IN THIS PERMIT APPLICATION:** 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 COMPLETION OF THE WORK. FAILURE TO PROVIDE SUCH NOTICE MAY CAUSE REVOCATION OF THE PERMIT(S) AND APPLICANT MAY INCUR PENALTIES. PLEASE SEND NOTICES TO: **LAKE COUNTY DRAINAGE BOARD, ATTN: LAKE COUNTY DRAINAGE BOARD SECRETARY, 2293 N. MAIN STREET, CROWN POINT, IN 46307**
- 4(a). THE APPLICANT AGREES TO AVOID CAUSING DAMAGE TO THE ESTABLISHED REGULATED DRAIN OR TO LANDOWNERS AFFECTED BY THE DRAIN, PURSUANT TO I.C.36-9-27-72(D).
- 4(b). FOR APPLICATIONS REGARDING THE PLACEMENT OF TEMPORARY STRUCTURES IN THE DRAIN'S EASEMENT (BOX III, PAGE 1), SUCH AS FENCES, TREES, GARDENS, SHEDS, ETC., THE APPLICANT UNDERSTANDS THAT, IF THE DRAINAGE BOARD GRANTS PERMISSION TO PLACE SAID TEMPORARY STRUCTURES WITHIN THE DRAINAGE EASEMENT, SAID PLACEMENT IS AT THE OWNER'S RISK. SHOULD THE COUNTY SURVEYOR/DRAINAGE BOARD, THEIR AGENTS, REPRESENTATIVES, CONTRACTORS OR OTHERS AT THE DIRECTION OF SAID COUNTY SURVEYOR/DRAINAGE BOARD, NEED ACCESS TO THE DRAIN OR EASEMENT AND THE STRUCTURE REQUIRES REMOVAL, THE OWNER SHALL REMOVE SAME AT THE OWNER'S EXPENSE. SHOULD THE OWNER FAIL TO REMOVE SAME IN A TIMELY FASHION, THEN THE COUNTY SURVEYOR/DRAINAGE BOARD SHALL CAUSE SAME TO BE REMOVED AND THE OWNER SHALL HAVE NO RECOURSE. AFTER COMPLETION OF THE COUNTY SURVEYOR'S/DRAINAGE BOARD'S ACTIVITY, THE OWNER SHALL HAVE THE RIGHT TO REINSTALL THE TEMPORARY STRUCTURE IN COMPLIANCE WITH THE COUNTY SURVEYOR'S/DRAINAGE BOARD'S REQUIREMENTS. THE COUNTY SURVEYOR/DRAINAGE BOARD MAY REQUIRE PAYMENT FROM THE OWNER FOR THE COST OF THE REMOVAL OR REPLACEMENT FOR ANY OF SAID ITEMS, PURSUANT TO STATUTE.
5. THE APPLICANT SHALL HAVE WORKMAN'S COMPENSATION INSURANCE AS REQUIRED BY STATE LAW.
6. THE APPLICANT SHALL PAY THE LAKE COUNTY SURVEYOR'S OFFICE AN APPLICATION FEE(S) PRIOR TO THE APPLICATION BEING CONSIDERED AT THE NEXT MONTHLY LAKE COUNTY DRAINAGE BOARD MEETING.
7. THE APPLICANT SHALL CARRY PUBLIC LIABILITY INSURANCE MEETING THE MAXIMUM DOLLAR LIMITS AS SPECIFIED IN I.C. 34-13-3-1 ET SEQ. OR ANY SUBSEQUENTLY ENACTED APPLICABLE STATUTES, AND SHALL LIST THE COUNTY OF LAKE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE, THE LAKE COUNTY DRAINAGE BOARD, LAKE COUNTY SURVEYOR, ITS ELECTED OFFICIALS, ITS APPOINTED OFFICIALS, ITS OFFICERS, ITS EMPLOYEES, ITS DEPARTMENTS, ITS BOARDS AND AGENTS AS OTHER INSURED.
8. THIS PERMIT DOES NOT OBTAIN THE NEED TO OBTAIN ANY OTHER FEDERAL, STATE AND/OR LOCAL AUTHORIZATION, IF REQUIRED.
9. BY SUBMITTING THIS APPLICATION, THE APPLICANT HEREBY STATES THE FOLLOWING:

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

10. 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 OR THE QUANTITIES AND TYPES OF MATERIAL TO BE USED, DISCHARGE CALCULATIONS AND OTHER RELEVANT INFORMATION.)

11. UPON COMPLETION OF THE WORK, "AS BUILT PLANS", SIGNED AND SEALED BY AN INDIANA REGISTERED PROFESSIONAL ENGINEER, SHALL BE FORWARDED TO THE LAKE COUNTY DRAINAGE BOARD WITHIN 30 DAYS.

12. THE DRAINAGE BOARD RESERVES THE RIGHT TO WAIVE ANY OF THE REQUIREMENTS STATED HEREON.

SUBMITTED: _____ DATE: _____
 (PRINT OR TYPE NAME)

 (SIGNATURE) EMAIL: _____

SUBMITTED FOR: _____

ADDRESS _____

PHONE#: _____ EMAIL: _____

(THIS SECTION FOR DRAINAGE BOARD USE ONLY)

LAKE COUNTY DRAINAGE BOARD:

LAKE COUNTY SURVEYOR:

 BILL EMERSON, JR., PE

DATE: _____ APPROVED: _____ DENIED: _____

SHOULD ANY APPLICATIONS BE SUBMITTED BY AN AGENT, CONSULTANT, ENGINEER, REPRESENTATIVE OR OTHERS PURPORTING TO ACT AS THE OWNER, THEN A POWER OF ATTORNEY SHALL BE DULY EXECUTED AND ATTACHED TO THESE APPLICATIONS. **[SEE ATTACHMENT I]**

APPROVAL SHALL BE VALID FOR A PERIOD OF TWO YEARS FROM THE DATE OF APPROVAL. SHOULD THE WORK AND ALL RELATED ACTIVITIES NOT BE COMPLETED BY THAT TIME, PETITIONER IS REQUIRED TO REAPPLY. SHOULD THE SCOPE OF WORK, PLANS AND SPECIFICATIONS, OR ACTIVITIES LISTED HEREIN BE MODIFIED, PETITIONER MUST NOTIFY THE LAKE COUNTY SURVEYOR AND THE DRAINAGE BOARD OF THESE MODIFICATIONS FOR REVIEW AND/OR APPROVAL/DENIAL BY THE COUNTY SURVEYOR/DRAINAGE BOARD.

"ATTACHMENT I"

IN THE MATTER OF: _____
(Name of Regulated Drain)

(Location)

POWER OF ATTORNEY
(If Applicable)

That I, _____, born _____, of _____, Indiana, do hereby make, constitute and appoint _____, _____, born _____, of _____, Indiana my true and lawful attorney-in-fact, for me and in my name, place and stead to exercise the following:

To represent me in all matters pertaining to the attached Application/Petition, before the Lake County Drainage Board;

To execute instruments required for said Application/Petition;

To do and perform each and every act and thing whatsoever requisite and necessary or proper to be done in all matters affecting said Application/Petition, and with the same force and effect as though I were personally present and acting for myself;

I do hereby ratify and confirm all that my attorney shall do or cause to be done, by virtue of this power of attorney.

STATE OF INDIANA)
)
COUNTY OF LAKE)

Subscribed and sworn to before me a Notary Public in and for _____ said County and State came _____ and acknowledged the foregoing instrument this _____ day of _____, 20____.

Commission Expires: _____
Lake County Resident: _____

APPLICATION NO. _____(W)

**APPLICATION
FOR
WAIVER OF EASEMENT
(EASEMENT REDUCTION)**

The _____ Ditch or Creek which traverses through Section _____, Township _____, Range _____, west of the 2nd P.M. _____ and/or _____, as marked and laid down on the recorded plat as the same appears of record in Plat Book _____ Page _____ in the Recorder's Office of Lake County, Indiana, is a regulated drain under the terms of the Indiana Drainage Code of 1965 as amended, and as such is subject to a maintenance easement parallel to the drain and extending either 75 feet from the top of each bank of an open drain or 75 feet, from the centerline on each side of a tiled drain. In consideration for the reduction of this easement by the Lake County Surveyor/Lake County Drainage Board to _____ feet from the top of the bank on the _____ side of the open drain or to _____ feet from the centerline of the _____ side of the tiled drain as established per drawings of _____, Indiana Registered Land Surveyor Number _____, dated this _____ day of _____, 20____, as per plat of survey which is attached hereto and made a part hereof, and labeled Exhibit "A", the undersigned hereby covenant that any damage occasioned by maintenance or reconstruction of the regulated drain to structures, yards, shrubbery, improvements, fences, outbuildings and the like, whether within or without the reduced easement, shall be at the risk of Petitioners, their successors and assigns and not the Lake County Drainage Board, its successors, assigns, agents or employees. This covenant shall not affect damage occurring beyond the 75-foot statutory easement. In the event that the reduced easement is not sufficient for any spoil occasioned by maintenance of reconstruction of the ditch, the same shall be removed in the most economical way possible and any resulting additional costs shall be the responsibility of the Petitioners.

In the event that construction, maintenance or repair of the improvements as set forth in Exhibit "A" causes or shall cause in the future any damage to the established regulated drain or necessitates

increased maintenance thereof, Petitioner, its successors or assigns will reimburse the Lake County Drainage Board for any such expenses incurred.

In addition, the Lake County Drainage Board may exercise an option that would require the owner of the land, occupied by a regulated drain, to perform maintenance on the drain in perpetuity. The option, if exercised, shall be a covenant on, and run with the property—**see attached “Perpetual Agreement”**. Further, it shall be signed, sealed, notarized and recorded in the Lake County Recorder’s Office with a copy of said recording furnished to the Lake County Surveyor’s Office for its permanent record.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this _____ day of _____, 20____.

PETITIONERS

LAKE COUNTY SURVEYOR

Signature

Bill Emerson, Jr., PE

Printed Name

**LAKE COUNTY DRAINAGE BOARD OF
LAKE COUNTY, INDIANA**

Address

Michael C. Repay, Chairman

Kyle W. Allen Sr., Member

Jerry Tippy, Member

ATTEST:

Mary Ellen Kupsik, Secretary of the
Lake County Drainage Board

PERPETUAL MAINTENANCE
AGREEMENT

I (We), the undersigned Owner(s) of adjacent lands (hereinafter referred to as "OWNERS"), hereby acknowledge that _____
(Name of Drain)

is a regulated drain under the jurisdiction of the LAKE COUNTY DRAINAGE BOARD (hereinafter referred to as "BOARD"), and do hereby agree, acknowledge and promise to perform periodic maintenance or as directed by said BOARD on said drain in perpetuity. Such maintenance shall include sediment removal; trash/debris removal; tree/brush cutting and removal, and/or any other such items of maintenance as directed by the BOARD. Such maintenance shall be at no cost to the BOARD.

It shall be the responsibility of the owner to obtain any permits that may be required for items of maintenance mentioned above (Federal, State, Local) and said owner shall notify the BOARD five (5) days in advance, in writing, of the intended starting date of its activities.

Should the owner(s) of the subject real estate/regulated drain fail to comply with this Agreement to perpetually maintain the regulated drain at such periodic times and/or as directed by the BOARD, said Board shall move to cause such maintenance and with reasonable compensation afforded to its Contractor, shall assess, by proportion, the owner(s) thereof. If the Board is not reimbursed within 365 days from the date of assessment notice, the Board shall attach a lien to any/all real estate therein affected.

AGREED to and acknowledged this _____ day of _____, 20_____.

By: _____
Owner of Real Estate

Owner of Real Estate

Property Key Number

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

Subscribed and sworn to before me a Notary Public in and for said County and State came _____ and acknowledged the foregoing instrument this _____ day of _____, 20_____.

Notary Public

(Printed Name)

IN THE MATTER

OF: _____
(Name of Regulated Drain)

(Location)

POWER OF ATTORNEY

(If Applicable)

That I, _____, born _____, of _____, Indiana, do hereby make, constitute and appoint my _____, _____, born _____, of _____, Indiana my true and lawful attorney-in-fact, for me and in my name, place and stead to exercise the following:

To represent me in all matters pertaining to the attached Application/Petition, before the Lake County Drainage Board;

To execute instruments required for said Application/Petition;

To do and perform each and every act and thing whatsoever requisite and necessary or proper to be done in all matters affecting said Application/Petition, and with the same force and effect as though I were personally present and acting for myself;

I do hereby ratify and confirm all that my attorney shall do or cause to be done, by virtue of this power of attorney.

STATE OF INDIANA)
)
COUNTY OF LAKE)

Subscribed and sworn to before me a Notary Public in and for _____ said County and State came _____ and acknowledged the foregoing instrument this _____ day of _____, 20____.

Commission Expires: _____
Lake County Resident: _____
