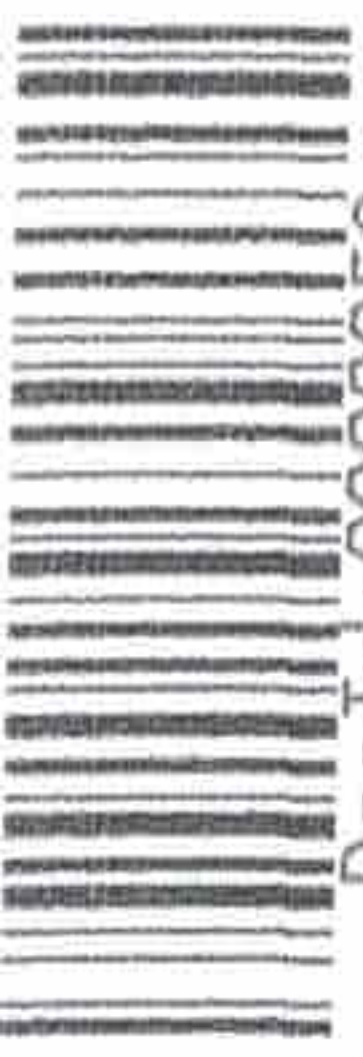


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RECORDED: 11/09/2023 08:21:39 AM

NICOLE KEESLING  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN



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TX:4643049

# Recording Cover Page

Prepared By and . . .

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

CRYSTAL FELDHEISER

(name printed, stamped or signed w/print)

M:507 Airport North Office Park, Ft Wayne, IN 41875

4675



# APPLICATION FOR APPROVAL OF CONSTRUCTION IN A FLOODWAY

City: Fort Wayne State: Indiana

Date: January 4th, 1989

TO:

Department of Natural Resources  
Division of Water  
2475 Directors Row  
Indianapolis, In. 46241

General Information #317-232-4160

Floodway Info. #317-232-1104

In compliance with the provisions of the Flood Control Act, Chapter 318 of the Acts of 1945 as amended (Burns, 1960 Repl., Section 27-1101 et seq.), and Chapter 441 of the Acts of 1965 (Burns 1965 Supp., Section 60-7012 et seq.), which requires prior approval by the Natural Resources Commission, Statutory successor to the Indiana Flood Control and Water Resources Commission of the construction of any structure, obstruction, deposit or excavation in a floodway, and of any works for flood control.

OAKMONT DEVELOPMENT CORP.

(Here state name of owner: person or persons, partnership, association, corporation, county, city, town, or township)

202 W. Berry St., Fort Wayne, IN 46802

by its duly authorized agent Z.K. TAZIAN ASSOCIATES, INC.

(Name of person, company, or corporation submitting application for owner)

hereby makes application for approval by the Natural Resources Commission to establish, construct, or main-

tain Culvert pipe, 54 inch diameter, roadway, and 8 inch water main

(Here describe type of construction—bridge, dam, levee, excavation, etc.)

in or on Ely Run,

(Here state name of stream)

at a point approximately 3 miles Southwest of Cedarville, Allen County,

(Here give location, by distance from mouth of stream or from county, township, or municipal

Northwest Quarter, Section 31, Township 32 North, Range 13 East,

boundary; also give section, township, range, city or town, and county in which located)

Cedarville Quadrangle Map.

for the purpose of allowing a road crossing, thereby providing vehicular

(Here state fully the purpose, necessity, and description of the proposed construction)

access to land located on the North side of Ely Run; design will

allow the 100 year storm event to pass through the culvert and

over the roadway with a maximum depth over the roadway of

one foot; the water line is to provide water services to the

property, and all work is to be approved by the Allen County



Surveyor's Office.

in accordance with the maps, plans, profiles, and specifications filed with this application and made a part hereof.

Enclosures (List plans, profiles, specifications and other data submitted with application and made a part thereof.)

1. Plan and profile of proposed culvert, roadway, and water line

2. Location map (Cedarville Quadrangle Map)

3. Culvert Hydraulic Calculations

4. Check for \$50.00

Name of Owner Oakmont Development Corp.

Name of Agent Z. K. TAZIAN ASSOCIATES, INC.

Signature Zohrab K. Tazian (Owner or agent)

Address 345 W. Wayne St.

Fort Wayne, IN 46802

STATE OF Indiana

COUNTY OF Allen

ss:

On this 5th day of January, 1989, before me, a Notary Public

in and for said county and state, personally appeared Zohrab K. Tazian of Z. K. TAZIAN ASSOC, INC who being by me duly sworn does acknowledge that the facts set out in this "Application For Approval of Construction in a Floodway" are true.

Deanna Faust -

Notary Public

A resident of Allen County, Indiana

My commission expires 10/11/89



SEC 31

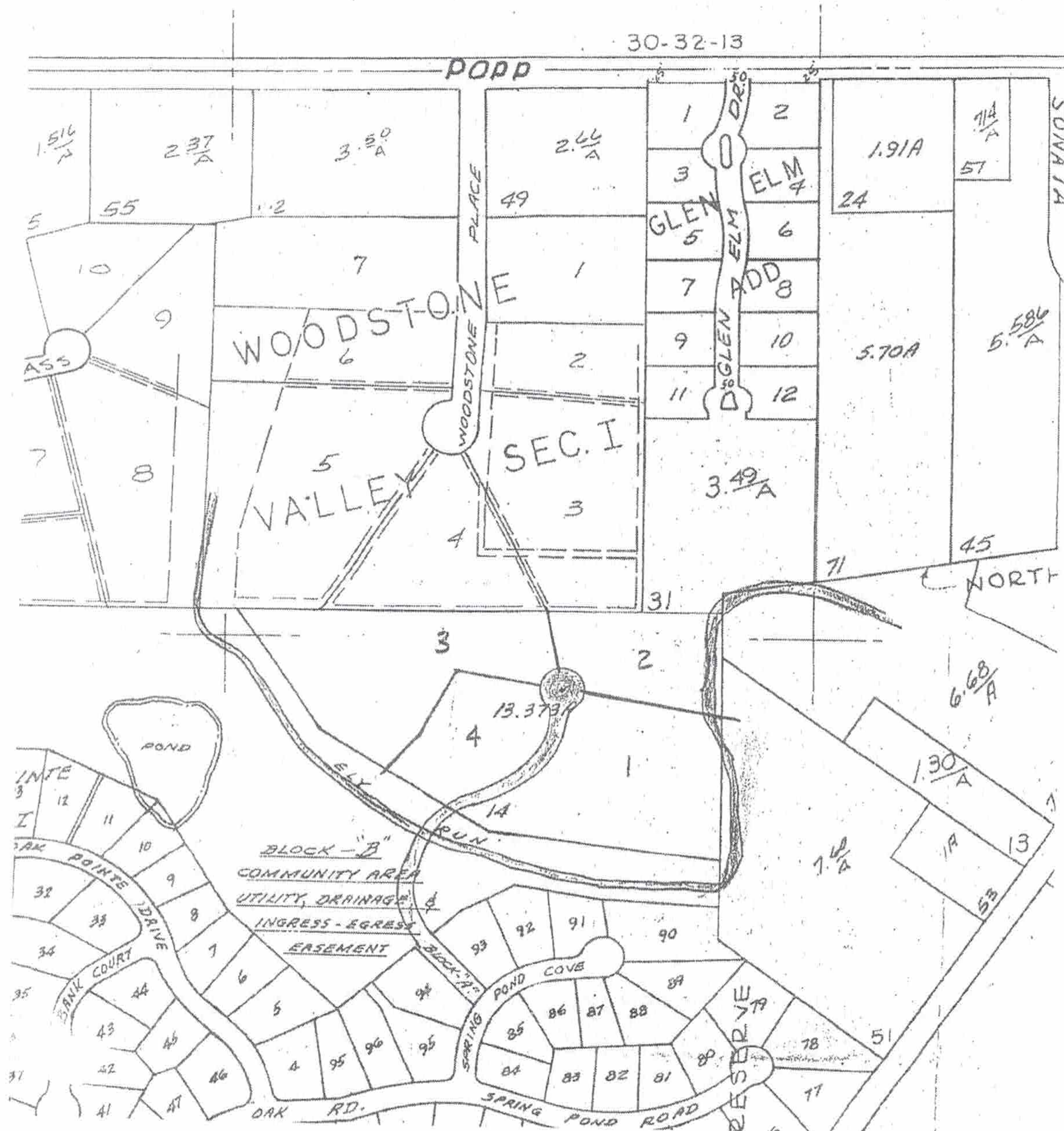
T 32 N R 13 E



SCALE 300 FT. = 1 IN.

- PLAT DEPT. -

ALLEN CO. AUDITOR'S OFFICE





# ELY RUN CULVERTS

## REQUIREMENTS BY IDNR

Drainage Area: 8.7 Sq. MI. ( $= 5570^{40} \pm$ ) - - - - -  $\Rightarrow$   $P_{100} M_1: \pm 5650^{40} \pm$  Sub  
100 Yr. Frequency: Flood Discharge=1600 CFS - - - - -  $\Rightarrow$   $\pm 1200$  cfs  $Q_{100}$   
: Flood Elevation=783.5  $\pm 1070$  cfs  $Q_{50}$   
: Velocity =6 Ft. per second  
Net Effective Waterway Opening=270 sq. ft.

Design will require two 54" diameter CMP culverts. ( $\Rightarrow$  ONLY  $2 \times 15.9 = 31.8 \text{ ft}^2$ )

Maximum flow through culverts will be just before flood overtops roadway.

After water overtops roadway, the flow will be reduced through the culverts.

Use Head =2.5 ft.

782.5 Roadway  
780.0 Top of culverts  
2.5 Ft. Head

Outlet Control Q =

140 Cfs for each culvert  
 $\times 2$   
280 Cfs for both

Inlet Control Q =

155 Cfs for each culvert  
 $\times 2$   
310 Cfs for both

Use conservative number of 280 cfs maximum flow through culvert  
 $1600 - 280 = 1320 \text{ Cfs}$  over roadway

If velocity = 6 Ft/Sec during flood stage, then determine flow through culverts.

54" Diameter = 15.9 Ft. area  $\times 2 = 31.85 \text{ Sq. Ft.}$  Total area

$Q = VA$

$Q = (6 \text{ ft/sec})(31.8 \text{ Sq. Ft.})$

$Q = 191 \text{ Cfs}$  through culverts during flood stage.

11/13/00  
11/13/00

11/13/00  
11/13/00



OAK-POINTE, SEC V  
→ (OR "EXTENDED")

THIS SECTION (4 LOTS ON CUL-DE-SAC) IS NOT  
SUBJECT TO ACPC OR ACSO REVIEW OR ACSO  
APPROVAL - - - APPARENTLY "METES 'N' BOUNDS"

ALSO -- PROPOSED ELY RUN BRIDGE/CROSSING  
IS NOT SUBJECT TO ACSO OR ACDB APPROVAL,  
BEING A NATURAL DRAIN;

THEREFORE THIS IS FILED AS REFERENCE  
INFORMATION ONLY.



# TRANSMITTAL

PROJECT OAK POINTE SECTION V  
DATE 3-28-90 PROJECT NO. \_\_\_\_\_  
TO: ALLEN CO. SURVEYORS OFFICE  
6th Floor City County Bldg.  
FORT WAYNE, IN  
ATTN: LOW MACHLAN

**zktazian**

ASSOCIATES, INC.  
345 WEST WAYNE STREET  
SUITE 202  
FORT WAYNE, INDIANA 46602  
PHONES: 219/424-3232  
219/426-0003



WE TRANSMIT:  
FOR YOUR:

☒ HEREWITH  
☐ APPROVAL  
☐ REVIEW & COMMENT  
☒ USE

☐ UNDER SEPARATE COVER VIA  
☐ DISTRIBUTION TO PARTIES ☐ INFORMATION ☐ AS REQUESTED  
☒ RECORD

NUMBER	DESCRIPTION
2	Copy of IDNR & Army Corps Approval letters for the Elg Run Crossing and Water Main Crossing
1	Copy of Blueprints for Construction of Crossing

REMARKS: These are submitted for your records. Please  
call if you should have any questions.

BY Rick Slayback

DISTRIBUTION:

☐ OWNER  
☐ OFFICE FILE  
☐ \_\_\_\_\_



# TRANSMITTAL

PROJECT OAK POINTE, SECTION IV  
 DATE 7-13-89 PROJECT NO. \_\_\_\_\_  
 TO: Department of Natural Resources  
Division of Water.  
 ATTN: Kenneth Smith, PE/David Eichelberger

**zktazian**

ASSOCIATES, INC.  
 345 WEST WAYNE STREET  
 SUITE 202  
 FORT WAYNE, INDIANA 46802  
 PHONES: 219/424-3232  
 219/426-0003



*Copy*

WE TRANSMIT:  
 FOR YOUR:

☒ HEREWITH  
☐ APPROVAL  
☐ REVIEW & COMMENT  
☒ USE

☐ UNDER SEPARATE COVER VIA  
☐ DISTRIBUTION TO PARTIES ☐ INFORMATION ☐ AS REQUESTED  
☐ RECORD

1 Copy of covenants to run w/the tracts served w/roadway

NUMBER	DESCRIPTION
1	Submittal Letter
1	Application for Approval of Construction in a floodway
1	Check No. 1879 for \$50.00
2	Location Maps (Quad. Map & 300 Scale)
1	Hydraulic Calculations
2	Blue Prints of Engineering Drwgs.
2	Blue prints of Stream cross sections

REMARKS:

Please review as soon as possible.

BY RAS

DISTRIBUTION:

☐ OWNER  
☐ OFFICE FILE  
☐ \_\_\_\_\_



HOFFMAN & MOPPERT

ATTORNEYS AT LAW

SUITE 1212 ANTHONY WAYNE BUILDING

FORT WAYNE, INDIANA 46802

July 14, 1989

JOHN E. HOFFMAN  
EDWARD J. MOPPERT  
R. JOHN WRAY  
KAREN E. RICHARDS

JOHN C. HOFFMAN (1960)

TELEPHONE 433-3331  
AREA CODE 219

Indiana Department of Natural Resources  
Division of Water  
2475 Directors Row  
Indianapolis, Indiana 46241

Attention: David W. Eichelberger

Gentlemen,

As general counsel for Oakmont Development, a general partnership and owner of the land in question, I would advise that the property will be restricted to four (4) single family residences on four (4) separate tracts.

Prior to the transfer of any of said tracts, the Owner will record or cause to be recorded a series of covenants to insure proper protection to all of the future owners and among those restrictions, limitations and easements will be a paragraph stating that:

"Each Tract Owner understands that said Tracts and their owners shall be responsible for the total maintenance of the access bridge and the street connecting Spring Pond Cove and their Tract and each shall assume one-fourth (1/4) the cost of said maintenance. That if in the sole opinion of the Allen County Surveyor work is necessary, Tract Owners shall be given certified notice by said Surveyor of the cost of maintenance and if not so paid within thirty (30) days, said assessment shall become a continuing lien on the Tract unpaid along with interest at the maximum legal rate. The lien may be foreclosed like any other lien and any judgment may include reasonable attorney's fees, interest and cost of said action.

If in the sole opinion of the Allen County Surveyor an emergency exists, said Surveyor may cause said repairs or maintenance to be done and charge back said cost to the Tract Owners and collect same following the collection proceedings as set out above."

My client is conscientiously trying to develop this property in a manner protective of the Tract Owners and in the best interest of your Department and would be more than happy to add additional covenants and/or modify the existing covenants at your suggestion.

Very truly yours,

  
Edward J. Moppert

EJM:ls





July 13, 1989

Indiana Department of Natural Resources  
Division of Water  
2475 Directors Row  
Indianapolis, IN 46241

ATTN: Kenneth E. Smith, P.E.;  
Head of the Recommendations/Violations Section  
David W. Eichelberger;  
Hydraulic Engineer

RE: OAK POINTE DEVELOPMENT

Dear Mr. Smith:

Enclosed is an application for Approval of Construction in a floodway, together with engineering plans for a roadway crossing over Ely Run in Allen County, Indiana.

This design utilizes twin culvert pipes and a partial overtopping of the roadway to accommodate the 100-year frequency discharge of 1600 cfs. It is estimated that the maximum flow over the roadway will be less than 9 inches of water during the 100-year storm frequency, traveling at 6.0 fps which will make the roadway passable to common vehicular traffic, including emergency vehicles.

Our design shows this concept with the understanding that it will have a minor impact on the property for which the roadway serves. It is likely that since this roadway is located well within a residential neighborhood, vehicles will have to maneuver through deeper water within the local flooded county streets than the depth of water over the proposed roadway. Also, this roadway will serve four large lots and is designed as a very low volume street.

Please review the enclosures to acquaint yourself with the proposed design and location.

Anything which you can do to expedite this review will be greatly appreciated.

Sincerely,

Z.K. TAZIAN ASSOCIATES, INC.

Zohrab K. Tazian

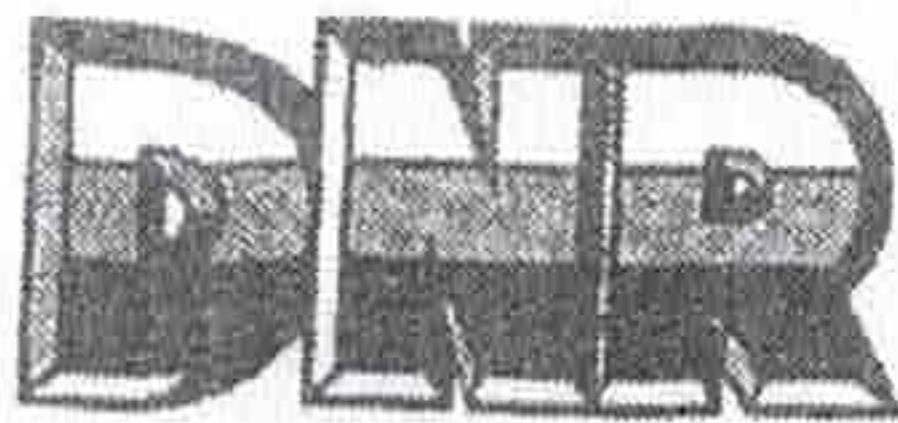
Professional Civil Engineer and Land Surveyor

kj

Enclosures

cc: David Eichelberger





INDIANA DEPARTMENT OF NATURAL RESOURCES

PATRICK R. RALSTON, DIRECTOR

March 23, 1990

Oakmont Development Corp.  
202 West Berry Street  
Fort Wayne, IN 46802

Re: Docket No. B-11,868

Gentlemen:

The 1945 Flood Control Act (IC 13-2-22), charges the Natural Resources Commission with the responsibility to regulate all construction in any floodway in the state. Enclosed is your permit granted by the Commission authorizing the construction, excavation or filling of a floodway. A copy of the Engineers Report is also enclosed. All the authorized work must be initiated within two (2) years from the date of Commission approval (federally funded public bridges must be initiated within five (5) years). The permit must be posted and maintained at the project site. Special attention should be given to the conditions under which the approval was granted.

This permit should not be construed as a waiver of any local building ordinances or other state and federal laws. You may appeal any portion of this permit by the procedures indicated on the attached sheet.

In addition to the permit granted by the Commission, you may also have to obtain a permit from the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act or Section 10 of the Rivers and Harbors Act. For information on the Corps permit requirements, it is recommended you contact the appropriate district office identified below.


☒ U.S. Army Corps of Engineers  
Detroit District Office  
P.O. Box 1027  
Detroit, Michigan 48231  
Telephone (313) 226-2218

☐ U.S. Army Corps of Engineers  
Louisville District Office  
P.O. Box 59  
600 Federal Plaza  
Louisville, Kentucky 40201  
Telephone (502) 582-5607

If you have any questions, please contact the Stream Permits Section, Division of Water, telephone (317) 232-5660.

pc: Z.K. Tazian and Associates  
ACCFF  
Allen County Plan Commission  
Roger Rekeweg, SWCD  
Allen County Drainage Board  
Izaak Walton League  
Maumee River Basin Commission  
C.O.

Sincerely,

  
Michael W. Neyer, P.E.  
Assistant Director  
Division of Water

EQUAL OPPORTUNITY EMPLOYER



STATE OF INDIANA  
DEPARTMENT OF NATURAL RESOURCES  
NATURAL RESOURCES COMMISSION

**Certificate of Approval  
of  
Construction In A Floodway**

This certificate is issued to Oakmont Development Corp.

in accordance with an application dated January 4, 1989

filed by Z.K. Tazian and Associates (Zohrab K. Tazian)

for private road bridge over Ely Run about 2,200 feet east of Tonkel Road near  
Cedarville, Allen County, NW $\frac{1}{4}$ , Section 31, T. 32 N., R. 13 E., UTMN=561100,

UTME=662200

upon the finding by the Commission that the proposed work will not in the reasonably foreseeable future interfere with flood control in the State, or adversely affect the efficiency of nor unduly restrict the capacity of the floodway or constitute an unreasonable hazard to the safety of life or property, nor result in an unreasonable detrimental effect upon fish, wildlife or botanical resources. The Commission approves the proposed work, subject to the limitations and conditions stipulated below, provided the project is constructed and maintained in accordance with the plans, specifications and other data submitted with the application. There shall be no deviation from said plans unless the proposed change in plans shall first have been submitted to and approved in writing by the State of Indiana acting by and through its Natural Resources Commission.

**LIMITATIONS AND CONDITIONS**

This approval granted with the conditions that: (1) no felled trees, brush or other debris be left in the floodway of the stream, (2) all disturbed areas be  
(over)

Further limitations and conditions are that notice shall be given the Commission five days prior to the beginning of construction. This approval shall become void if construction of the project has not been started within 24 months of the date of this Certificate. The approval by the Commission does not relieve the person making application of the responsibility to obtain all other permits, easements or approvals nor of liability for the effects of his project upon the safety of life and property of others.

Recommended approval  
by the Council:

March 21, 1990

Joseph A. Allen  
Council Chairman

Gary A. [Signature]  
Deputy Director

Docket No. B-11,868



LIMITATIONS AND CONDITIONS (continued)

effectively protected from erosion during the construction period, (3) disturbed areas be revegetated with a suitable mixture of grasses, legumes, and woody species upon completion, (4) the approach roads not be raised beyond the scope of this project without the prior approval of the Advisory Council on Water and Mineral Resources, (5) there be a minimum of bank clearing and removal of woody vegetation in the area, (6) the low flow channel be suitably revegetated and protected from erosion during construction, (7) inchannel disturbance and the clearing of woody vegetation be kept to an absolute minimum





IN REPLY REFER TO

DEPARTMENT OF THE ARMY  
DETROIT DISTRICT, CORPS OF ENGINEERS

BOX 1027

DETROIT, MICHIGAN 48231-1027

November 15, 1989

CAMP POINTE V  
ELY RUN CROSSING

Expiration Date: December 31, 1992

Construction-Operations Division  
Regulatory Functions Branch 89-102-17

Richard A. Slayback  
Z.K. Tazian Associates, Inc.  
345 W. Wayne St., Suite 202  
Ft. Wayne, Indiana 46802

Dear Mr. Slayback:

The permit application you recently submitted has been reviewed. It has been determined that the work indicated on the enclosed plans is authorized by regulation. Therefore, no further authorization is required provided that the following conditions are met prior to any discharge or dredged or fill material:

- a. That the discharge will not be located in the proximity of a public water supply intake;
- b. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species;
- c. That the discharge will consist of suitable material free from toxic pollutant in toxic amounts;
- d. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution; and
- e. That the discharge will not occur in a component of the National Wild and Scenic River System.

In addition, the following management practices should be followed to the maximum extent practicable:

- a. Discharges of dredged or fill material into waters of the United States shall be avoided or minimized through the use of other practical alternatives;
- b. Discharges in spawning areas during spawning seasons should be avoided;



c. Discharges shall not restrict or impede the movement of aquatic species indigenous to the waters or the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters);

d. If the discharge creates an impoundment of the water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow, shall be minimized;

e. Discharges in wetlands areas shall be avoided;

f. Heavy equipment working in wetlands shall be placed on mats;

g. Discharges into breeding areas for migratory waterfowl shall be avoided; and


h. All temporary fills shall be removed in their entirety.

To fully document your proposed activity your application and copies of the enclosed plans will be made a part of our permanent records. Any construction activity other than shown on the plans may render this determination invalid.

This letter does not obviate the need to obtain any other Federal, State, and/or local authorization, if required.

If you have any questions regarding this matter, please contact Tom Allenson of this office at (313) 226-2222.

Sincerely,

  
Gary R. Mannes  
Chief, Regulatory Functions Branch  
Construction-Operations Division

Enclosure