



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758-ES
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

Eric Holcomb, Governor
Michael Smith, Commissioner

TO: REAL ESTATE DIVISION, INDOT
FROM: CINDY MAURO SENIOR ENVIRONMENTAL MANAGER, INDOT ENVIRONMENTAL SERVICES DIVISION
PREPARED BY: TYLER MCGEORGE, ENVIRONMENTAL MANAGER, INDOT ENVIRONMENTAL SERVICES DIVISION
SUBJECT: STATE CATEGORICALLY EXEMPTED PROJECT, LA CODE 5302, PARCEL 343 (EXCESS PARCEL)
DATE: AUGUST 5, 2024

ENVIRONMENTAL CLEARANCE OF STATE FUNDED EXEMPTED PROJECTS

Under Indiana code IC 13-12-4-5, the Indiana Department of Transportation has determined certain types of projects to be exempt from the State Environmental Policy Act requirements outlined in 327 IAC 11. As this project has been determined to be 100% state funded and otherwise excluded from the National Environmental Policy Act (NEPA) requirements outlined in 23 CFR 771 and 40 CFR 1500-1508, it meets the requirements of the State Environmental Policy Act. As long as funding, approval, and permitting requirements remain the same as reported on this form at letting this project is exempted under 327 IAC 11-1-3, sec. 3. (e) (1). The following table demonstrates the exemptions agreed upon by the Indiana Department of Environmental Management and the Governor of the State of Indiana in accordance with 327 IAC 11, and under the authority of IC 13-12-4 and 13-14-8.

Scope of Work:

INDOT and IDOA recognize that state-owned excess right-of-way exists at various locations throughout the state. This land provides no function to the state highway system in terms of serviceability or maintenance, and prohibits development of the property for productive use for residential, commercial, agricultural, or other private or public use.

Additionally, state-ownership of land may reduce the availability of real estate that is subject to property taxation; revenue which could benefit the community as a whole. Selling such excess parcels of land would benefit the above causes, as well as providing the potential for additional revenue to the state from the proceeds of the sale.

The sale concerned is for the excess parcel located 1.10 miles north of the intersection of US 31 and SR 32 on the west side of US 31 in Hamilton County, Indiana. The parcel is a grassy area with gravel driveways and totals approximately 3.3 acres.

Statements of Disclosure:

Regarding above-ground resources, although the 2016 aerial imagery shows two buildings on this parcel, they have been removed. The Indiana Register of Historic Sites and Structures (State Register) and National Register of Historic Places (National Register) lists, and Indiana Historic Sites and Structures Inventory (IHSSI) information for Hamilton County was checked by an INDOT-Cultural Resources Office (CRO) historian who meets the Secretary of the Interior's Professional Qualification Standards per 36 CFR Part 61. The State and National Register information and the IHSSI information was referenced through the Indiana State Historic Architectural and Archaeological Research Database (SHAARD) and the Indiana Historic Buildings, Bridges, and Cemeteries Mapping (IHBBCM). No listed or IHSSI properties are recorded on or near the parcel. The only items that appear to be present on the parcel are portions of concrete Jersey-style barriers and fencing. INDOT-CRO does not think that the parcel contains any historic buildings or structures and no further work is

recommended before its sale.

Regarding archaeology, a small portion of the excess parcel was examined by ASC as part of the US 31 Improvement Project in Hamilton County. However, aerial images from 1998 to 2017 indicate that the parcel was a commercial business named Portside Marine. During this period, the parcel was subject to various degrees of ground disturbance as the parking lot and driveways were modified and a pond immediately west of the parcel was infilled. Both Striker and Rahe (2004) and Snyder and Nelson (2012) noted disturbed soils adjacent to the excess parcel. The majority of soils within the parcel are classified as Orthents which is a term applied to areas where any former soil has been completely removed through land grading. According to SHAARD, there are no archaeological sites recorded in or adjacent to this parcel. Given these factors, it is recommended that the sale parcel 5302-343 be allowed to proceed without additional archaeological study.

Recommendations from Red Flag Investigation:

INFRASTRUCTURE:

Trails: One (1) potential trail is adjacent to the eastern border of the subject parcel. No impact is expected; however, potential buyers should be informed.

WATER RESOURCES:

NWI – Wetlands/Lakes: One (1) wetland/lake is mapped 0.02 mile west of the subject parcel; however, it appears that this is a lot used for parking. No impact is expected; however, potential buyers should be informed.

HAZARDOUS MATERIALS CONCERNS:

RCRA Generators: The subject property is an unmapped RCRA Generator, Sailboats, Inc., 18622 North Meridian Street, AI #17530. It appears that the facility also went by the name of Portside Marine Sales and Service, Inc. According to a 2015 aerial, two (2) buildings were located on the property, which were used for sales and service of boats. According to a January 4, 1996, letter found in the IDEM Virtual File Cabinet, the site was a one-time Large Quantity Generator of hazardous waste. Twelve (12) tons of lead contaminated soil were removed as part of a remediation. No other records are available. A Phase II Environmental Site Assessment is recommended.

Check all that apply	Exemption number	Project type
	1	Pipe culvert replacement
	2	Bridge painting
	3	Mowing
	4	Installation, modernization or maintenance of signs, traffic signals, pavement markings, highway lighting, and channelization within the existing right-of-way
	5	Patching and crack sealing of roadway surfaces
	6	Resurfacing existing pavement
	7	Guardrail and fence installation or repairs
X	10	Right-of-way abstracting, engineering appraising, property management and administration
	11	Landscaping and erosion control
	12	Safety projects such as pavement grooving, flare screen, safety barriers, and energy attenuators
	13	Addition or reconstruction of railroad crossing protection
	15	Reconstruction or replacement of an existing bridge crossing a stream, railroad, or roadway
	16	Addition of special facilities to an existing highway for the exclusive use of buses
	17	Slide correction measures which are not emergencies but are necessary to preserve the highway facility
	18	Modernization of an existing highway by widening less than a single line (sic.) width, adding shoulders, adding auxiliary lanes for climbing, turning or weaving, and correcting substandard curves and intersections

(Please check all that apply)

 X This project is to receive no federal funding or approval that would lead to NEPA requirements.

 X This project does not qualify as a "Major state action" as defined under 327 IAC 11-3-4.

 X Furthermore, this action fails to meet the definition of "Significantly affecting the quality of the human environment" as defined in 327 IAC 11-3-6.

These conclusions were ascertained by a study of the work type (as listed above) and the accompanying documentation.

 X Red Flag Investigation

 X Historical/Archaeological Survey

 X Other

Concurrence:

I have reviewed the documented information and attest to the validity of this exemption based on current knowledge of the project and the existing known environment. Pursuant to 327 IAC 11-3-4, this exemption does not qualify as a "Major state action" and does not significantly affect the quality of the human environment. Therefore, the Responsible Official for INDOT, as defined in 327 IAC 11-3-5, does not need to approve this exemption.

Cindy Mauro

INDOT District Environmental or INDOT ESD

8/7/2024

Date

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Appendix A:

Cultural Resources (Section 106)



Division of Historic Preservation & Archaeology · 402 W. Washington Street, W274 · Indianapolis, IN 46204-2739
Phone 317-232-1646 · Fax 317-232-0693 · dhpa@dnr.IN.gov · www.IN.gov/dnr/historic



March 23, 2020

Shaun Miller
Cultural Resources Office
Environmental Services
Indiana Department of Transportation
100 North Senate Avenue, Room N642
Indianapolis, Indiana 46204

State Agencies: Indiana Department of Administration ("IDOA"),
and Indiana Department of Transportation ("INDOT")

Re: INDOT Disposal of Excess Parcel 343 (LA Code 5302), located at Section 25 of
Township 19 North, Range 3 East, in Washington Township, Hamilton County, Indiana
(DHPA No. 25086)

Dear Mr. Miller:

Pursuant to Indiana Code 14-21-1-14, the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology ("INDNR-DHPA"), has reviewed your February 24, 2020, review request submittal form, with enclosures, which we received on February 26, 2020, for the aforementioned excess parcel.

Based on the information INDOT has provided, it does not appear that Excess Parcel 343 (LA Code 5302) contains any structures that could be eligible for inclusion in the National Register of Historic Places ("NRHP") or the Indiana Register of Historic Sites and Structures ("IRHSS").

Additionally, based on the information submitted and the documentation available to the INDNR-DHPA, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the NRHP or the IRHSS within Excess Parcel 343 (LA Code 5302).

Accordingly, we do not believe that Excess Parcel 343 (LA Code 5302), in Washington Township, Hamilton County, Indiana, contains a historic site or a historic structure.

If any archaeological artifacts, features, or human remains are uncovered during construction, state law (Indiana Code 14-21-1-27 and -29) requires that the discovery be reported to INDNR-DHPA within two (2) business days. In that event, please call (317) 232-1646.

If you have any questions regarding this determination, please contact INDNR-DHPA. Questions about archaeological issues should be directed to Wade T. Tharp at (317) 232-1650 or wtharp1@dnr.IN.gov. Questions about historic buildings or structures should be directed to Danielle Kauffmann at (317) 232-0582 or dkauffmann@dnr.in.gov.

If there is any future correspondence regarding Excess Parcel 343 (LA Code 5302), in Washington Township, Hamilton County, Indiana, please refer to DHPA No. 25086.

Very truly yours,



Beth K. McCord
Director
Division of Historic Preservation and Archaeology

BKM:DMK:WTT:wt

emc: Anuradha Kumar, INDOT
Shaun Miller, INDOT
Susan Branigin, INDOT
Mary Kennedy, INDOT
Steve Harless, IDOA
Wade T. Tharp, INDNR-DHPA
Danielle Kauffmann, INDNR-DHPA

**INDOT Excess Parcel
Historic Sites and Structures Screening Form**

Date: 2/24/20

LA Code/Parcel#: 5302-343

Associated Project Name/Des. #:

Legal Description: Section 25, Township 19 North, Range 3 East

Township: Washington

City/County: Hamilton County

Information reviewed (please check all that apply):

USGS map ☒ Aerial photograph ☒

SHAARD ☒

Previously completed archaeology reports ☐

Previously completed historic property reports ☐ Interim Report ☒

Other (please specify): Streetview imagery, SHAARD; Indiana Historic Buildings, Bridges, and Cemeteries Map

Striker, Michael and Richard Rahe

2004 Phase Ia Archaeological Investigation for the Proposed US 31 Improvements in Washington and Clay Townships, Hamilton County, Indiana. Report on file, Indiana Department of Transportation, Cultural Resources Office, Indianapolis, In.

Snyder, Jim and Ross Nelson

2012 Phase Ia Survey of More Addition Areas for the US 31 Improvements in Washington and Clay Townships, Hamilton County, Indiana Report on file, Indiana Department of Transportation, Cultural Resources Office, Indianapolis, In.

List of Attachments:

Portion of USGS 7.5' series Westfield, In topographic quadrangle showing parcel location & IHSSI properties

2003 and 2017 aerial images

2016 aerial image showing parcel location & IHSSI properties

Above-Ground Summary:

With regard to above-ground resources, Parcel 343 is a grassy area with gravel driveways. Although the 2016 aerial imagery shows two buildings on this parcel, they have been removed. The Indiana Register of Historic Sites and Structures (State Register) and National Register of Historic Places (National Register) lists, and Indiana Historic Sites and Structures Inventory (IHSSI) information for Hamilton County was checked by an INDOT-Cultural Resources Office (CRO) historian who meets the Secretary of the Interior's Professional Qualification Standards per 36 CFR Part 61. The State and National Register information and the IHSSI information was referenced through the Indiana State Historic Architectural and Archaeological Research Database (SHAARD) and the Indiana Historic Buildings, Bridges, and Cemeteries Mapping (IHBBCM). No listed or IHSSI properties are recorded on or near the parcel.

The only items that appear to be present on the parcel are portions of concrete Jersey-style barriers and fencing. INDOT-CRO does not think that the parcel contains any historic buildings or structures and no further work is recommended before its sale.

Archaeology Summary:

With regards to archaeology, only a small portion of the excess parcel was examined by ASC as part of the US 31 Improvement Project in Hamilton County (Striker and Rahe 2004; Snyder and Nelson 2012). However, aerial images from 1998 to 2017 indicate that the parcel was a commercial business named Portside Marine. During this period, the parcel was subject to various degrees of ground disturbance as the parking lot and driveways were modified and a pond immediately west of the parcel was infilled. Both Striker and Rahe (2004) and Snyder and Nelson (2012) noted disturbed soils adjacent to the excess parcel. Not surprisingly then, the majority of soils within the parcel are classified as Orthents which is a term applied to areas where any former soil has been completely removed through land grading. According to SHAARD, there are no archaeological sites recorded in or adjacent to this parcel. Given these factors, it is recommended that the sale parcel 5302-343 be allowed to proceed without additional archaeological study.

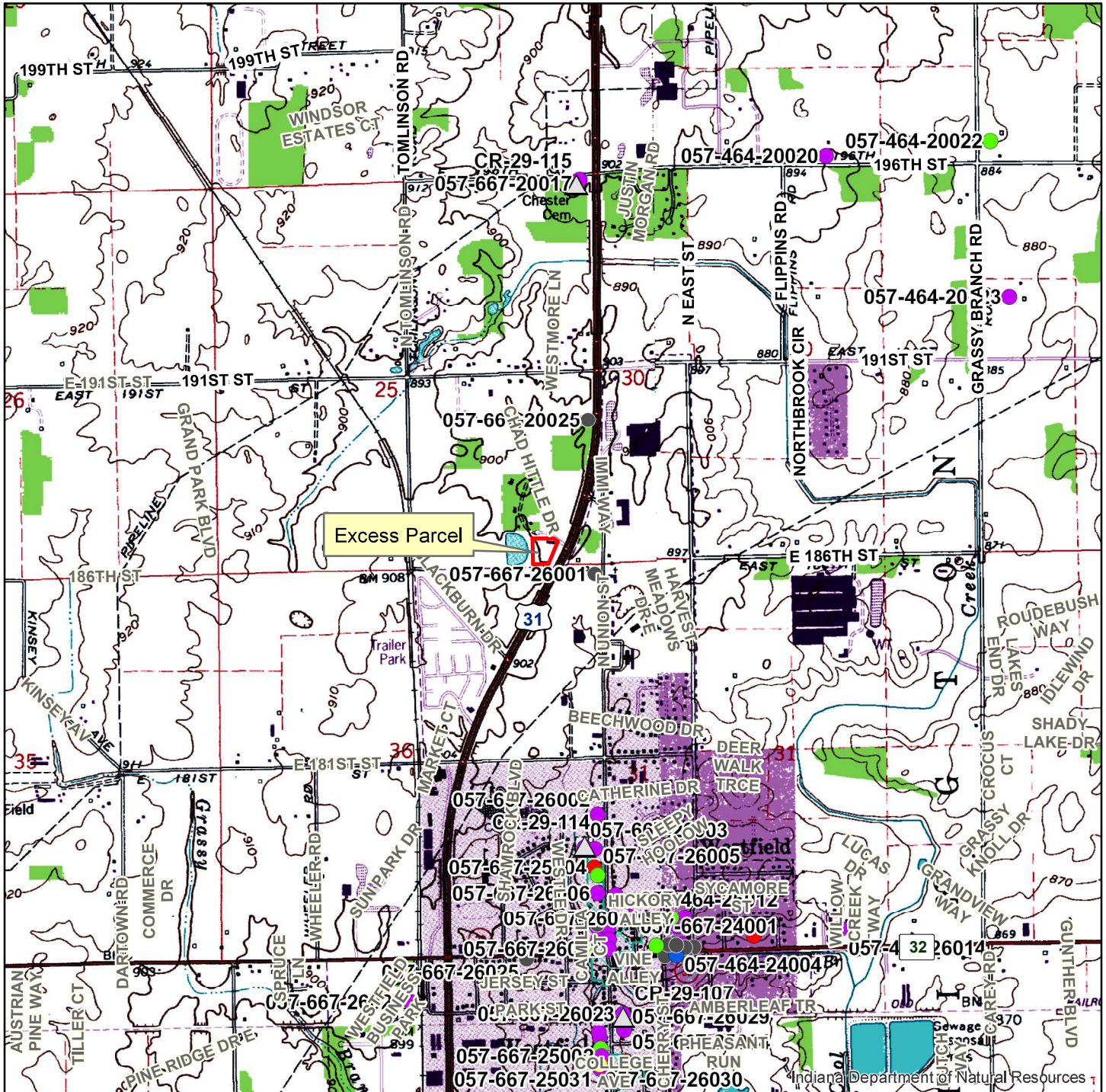
INDOT Cultural Resources staff reviewer(s): Shaun Miller and Mary Kennedy

***Pursuant to Indiana Code 14-21-1-14, the Indiana Department of Transportation on behalf of the Indiana Department of Administration is hereby notifying the Division of Historic Preservation and Archaeology of its intent to offer for sale or transfer the property listed above and described in the attached document. We request that the division inspect the property and notify the Indiana Department of Transportation of the location of each historic site or historic property within 30 days of receipt.

LA Code 5302-343

US 31

Hamilton County



Portion of USGS 7.5' series Westfield, In
topographic quadrangle

1:24,000

0.45 0.225 0 0.45
Miles

Sources: Non Orthophotography

Data - Obtained from the State of Indiana Geographical
Information Office Library

Orthophotography - Obtained from Indiana Map Framework Data
(www.indianamap.org)

Map Projection: UTM Zone 16 N Map Datum: NAD83

Legend

- | | |
|-----------------------|---------------------------|
| △ Cemeteries | ● Demolished |
| ★ County Survey Sites | ● Unknown |
| ● Outstanding | ★ National Register Sites |
| ● Notable | ● Historic Districts |
| ● Contributing | □ Excess Parcels |
| ● Non-Contributing | |

LA Code 5302-343
US 31
Hamilton County



Indiana Department of Natural Resources, National Agriculture Imagery
Program (NAIP), Farm Services Agency (FSA), U. S. Department of
Agriculture (USDA), UITS, Indiana Spatial Data Portal

2016 Imagery

1:2,795.61

0.05 0.025 0 0.05
Miles

Sources: Non Orthophotography

Data - Obtained from the State of Indiana Geographical
Information Office Library

Orthophotography - Obtained from Indiana Map Framework Data
(www.indianamap.org)

Map Projection: UTM Zone 16 N Map Datum: NAD83



Legend

- | | |
|----------------------------|-------------------------|
| Cemeteries | Demolished |
| County Survey Sites | Unknown |
| RATING | National Register Sites |
| Outstanding | Historic Districts |
| Notable | Excess Parcels |
| Contributing | |
| Non-Contributing | |



2003 aerial image showing excess parcel 5302-343 prior to US 31 Road Improvement project



2017 aerial image showing excess parcel 5302-343 after US 31 Road Improvement project

Appendix B:

Red Flag Investigation



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758-ES
Indianapolis, Indiana 46204

PHONE: (317) 694-8283

Eric Holcomb, Governor
Joe McGuinness, Commissioner

Date: March 8, 2021

To: Dalton Johnson
Real Estate Operations Specialist
Real Estate Division
Indiana Department of Transportation
100 N Senate Avenue, Room N758-RE
Indianapolis, IN 46204
djohnson@indot.in.gov

From: Marlene Mathas
Site Assessment & Management (SAM)
Environmental Policy Office, Environmental Services Division
100 N Senate Avenue, Room N758-ES
Indianapolis, IN 46204
mmathas@indot.in.gov

Re: RED FLAG INVESTIGATION
US 31, 1.10 Miles North of the Intersection of US 31 and SR 32
LA Code 5302 Parcel 343, Excess Parcel
Hamilton County, Indiana

NARRATIVE

This RFI is being performed for the sale of one (1) excess parcel, which is 3.3 acres. The parcel is located 1.10 miles north of the intersection of US 31 and SR 32 on the west side of US 31. The Indiana Department of Transportation (INDOT) has decided that this surplus land will not be needed for right-of-way or other transportation purposes in the foreseeable future. A legal description for the excess parcel is available in a separate document.

A review of items of concern for Infrastructure, Water Resources, Mining/Mineral Exploration, Hazardous Material Concerns, and Ecological found within the 0.5 mile search radius using GIS indicated the following:

Infrastructure

Religious Facilities: Three (3) religious facilities, one (1) mapped and two (2) unmapped, are located within the 0.5 mile search radius. The nearest facility is the mapped facility, which is 0.19 mile southeast of the subject parcel. No impact is expected.

Recreational Facilities: Four (4) recreational facilities, three (3) mapped and one (1) unmapped, are located within the 0.5 mile search radius. The nearest facility is 0.07 mile east of the subject parcel across US 31. No impact is expected.

Pipelines: One (1) pipeline is located within the 0.5 mile search radius, 0.25 mile southeast of the subject parcel. No impact is expected.

Schools: One (1) school is located within the 0.5 mile search radius. Westfield High School campus starts 0.07 mile east of the subject parcel and extends down to 181st Street. No impact is expected.

Railroads: One (1) inactive railroad is located within the 0.5 mile search radius, 0.33 mile west of the subject parcel. No impact is expected.

Trails: Thirteen (13) trails are located within the 0.5 mile search radius. The nearest is a potential trail adjacent to the eastern border of the subject parcel. No impact is expected; however, potential buyers should be informed.

Managed Lands: No managed lands are located within the 0.5 mile search radius. No impact is expected.

Water Resources

NWI – Wetlands: Sixteen (16) wetlands are located within the 0.5 mile search radius. The nearest wetland is mapped 0.02 mile west of the subject parcel; however, it appears that this is a lot used for parking. No impact is expected; however, potential buyers should be informed.

Lakes: Five (5) lakes are located within the 0.5 mile search radius. The nearest lake is mapped 0.02 mile west of the subject parcel; however, it appears that this is a lot used for parking. No impact is expected; however, potential buyers should be informed.

Floodplains – DFIRM: One (1) floodplain is located within the 0.5 mile search radius, 0.48 mile northwest of the subject parcel. No impact is expected.

The subject parcel is not located within the Karst Memorandum of Understanding (MOU) Potential Karst Features Region. No impact to karst features is expected.

Mining/Mineral Exploration

No mining/mineral exploration resources are located within the 0.5 mile search radius.

Hazardous Material Concerns

NPDES Facility: Eleven (11) NPDES facilities are located within the 0.5 mile search radius. The nearest facility is 0.25 mile southeast of the subject parcel. No impact is expected.

Leaking Underground Storage Tank (LUST) Sites: One (1) LUST site is located within the 0.5 mile search radius, 0.28 mile southwest of the subject parcel. Former American International Leasing and Brokerage, 18318 US 31 North, AI #17942, received a No Further Action Approval Determination Pursuant to 1994 UST Branch Guidance Manual on April 18, 2013. No impact is expected.

RCRA Generators: The subject property is an unmapped RCRA Generator, Sailboats, Inc., 18622 North Meridian Street, AI #17530. It appears that the facility also went by the name of Portside Marine Sales and Service, Inc. According to a 2015 aerial, two (2) buildings were located on the property which were used for sales and service of boats. According to a January 4, 1996, letter found in the IDEM Virtual File Cabinet, the site was a one-time Large Quantity Generator of hazardous waste. Twelve (12) tons of lead contaminated soil were removed as part of a remediation. No other records are available. A Phase II Environmental Site Assessment is recommended.

Ecological Information Summary

A review of the Indiana Natural Heritage Database did not indicate the presence of ETR species in or within the 0.5 mile search radius. The Indiana Natural Heritage Database listing for Hamilton County can be found at https://www.in.gov/dnr/naturepreserve/files/np_hamilton.pdf. No impact is expected.

A review of the USFWS database did not indicate the presence of endangered bat species in or within 0.5 mile of the subject parcel. No impact is expected.

RECOMMENDATIONS:

Trails: One (1) potential trail is adjacent to the eastern border of the subject parcel. No impact is expected; however, potential buyers should be informed.

Water Resources

NWI – Wetlands/Lakes: One (1) wetland/lake is mapped 0.02 mile west of the subject parcel; however, it appears that this is a lot used for parking. No impact is expected; however, potential buyers should be informed.

Hazardous Material Concerns

RCRA Generators: The subject property is an unmapped RCRA Generator, Sailboats, Inc., 18622 North Meridian Street, AI #17530. It appears that the facility also went by the name of Portside Marine Sales and Service, Inc. According to a 2015 aerial, two (2) buildings were located on the property, which were used for sales and service of boats. According to a January 4, 1996, letter found in the IDEM Virtual File Cabinet, the site was a one-time Large Quantity Generator of hazardous waste. Twelve (12) tons of lead contaminated soil were removed as part of a remediation. No other records are available. A Phase II Environmental Site Assessment is recommended.

INDOT Environmental Services concurrence:  Date: 2021.03.08
12:18:12 -05'00' (Signature)

Prepared by:
Marlene Mathas
SAM Team Lead
Environmental Policy Office
Environmental Services Division

Graphics:

A map for each report section with a ½ mile radius buffer around all project area(s) showing all items identified as possible items of concern is attached. If there is not a section map included, please change the YES to N/A:

SITE LOCATION: YES

INFRASTRUCTURE: YES

WATER RESOURCES: YES

MINING/MINERAL EXPLORATION: N/A

HAZMAT CONCERNS: YES

This is a detailed topographic map of a residential area in Westfield, Massachusetts. The map shows a grid of streets including 199th St, 196th St, 191st St, 186th St, 181st St, 175th St, and various local roads like Kinsey Ave, Grand Park Blvd, and Hamilton Rd. A yellow box highlights 'LA 5302 Parcel 343' on Hamilton Rd. The map features contour lines, green areas for grassy fields, and blue areas for water bodies like Westfield Pond and various creeks. A north arrow is located in the bottom right corner.

WESTFIELD AND NOBLESVILLE
QUADRANGLES
INDIANA
7.5 MINUTE SERIES
(TOPOGRAPHIC)

Red Flag Investigation - Infrastructure

US 31, 1.10 Miles North of the Intersection of US 31 and SR 32

LA 5302 Parcel 343, Excess Parcel

Hamilton County, Indiana



Sources: 0.15 0.075 0 0.15 Miles
Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83
 This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

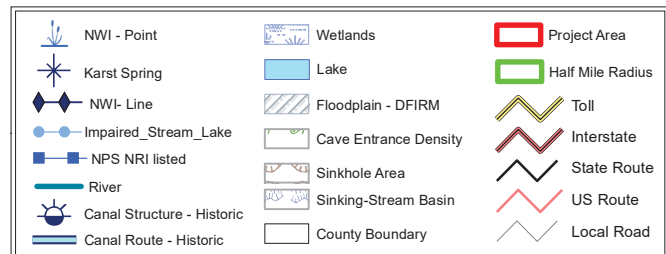
	Religious Facility		Recreation Facility		Project Area
	Airport		Pipeline		Half Mile Radius
	Cemeteries		Railroad		Toll
	Hospital		Trails		Interstate
	School		Managed Lands		State Route
			County Boundary		US Route
					Local Road

Red Flag Investigation - Water Resources
US 31, 1.10 Miles North of the Intersection of US 31 and SR 32
LA 5302 Parcel 343, Excess Parcel
Hamilton County, Indiana



Sources:
Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

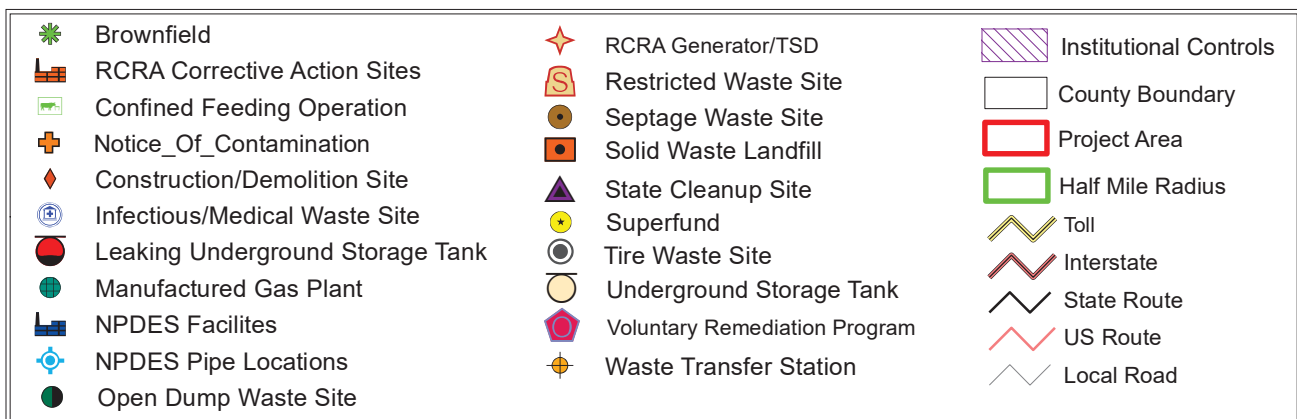


Red Flag Investigation - Hazardous Material Concerns

US 31, 1.10 Miles North of the Intersection of US 31 and SR 32

LA 5302 Parcel 343, Excess Parcel

Hamilton County, Indiana



0.15 0.075 0 0.15 Miles

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

Sources:

Non Orthophotography

Data - Obtained from the State of Indiana Geographical Information Office Library

Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)

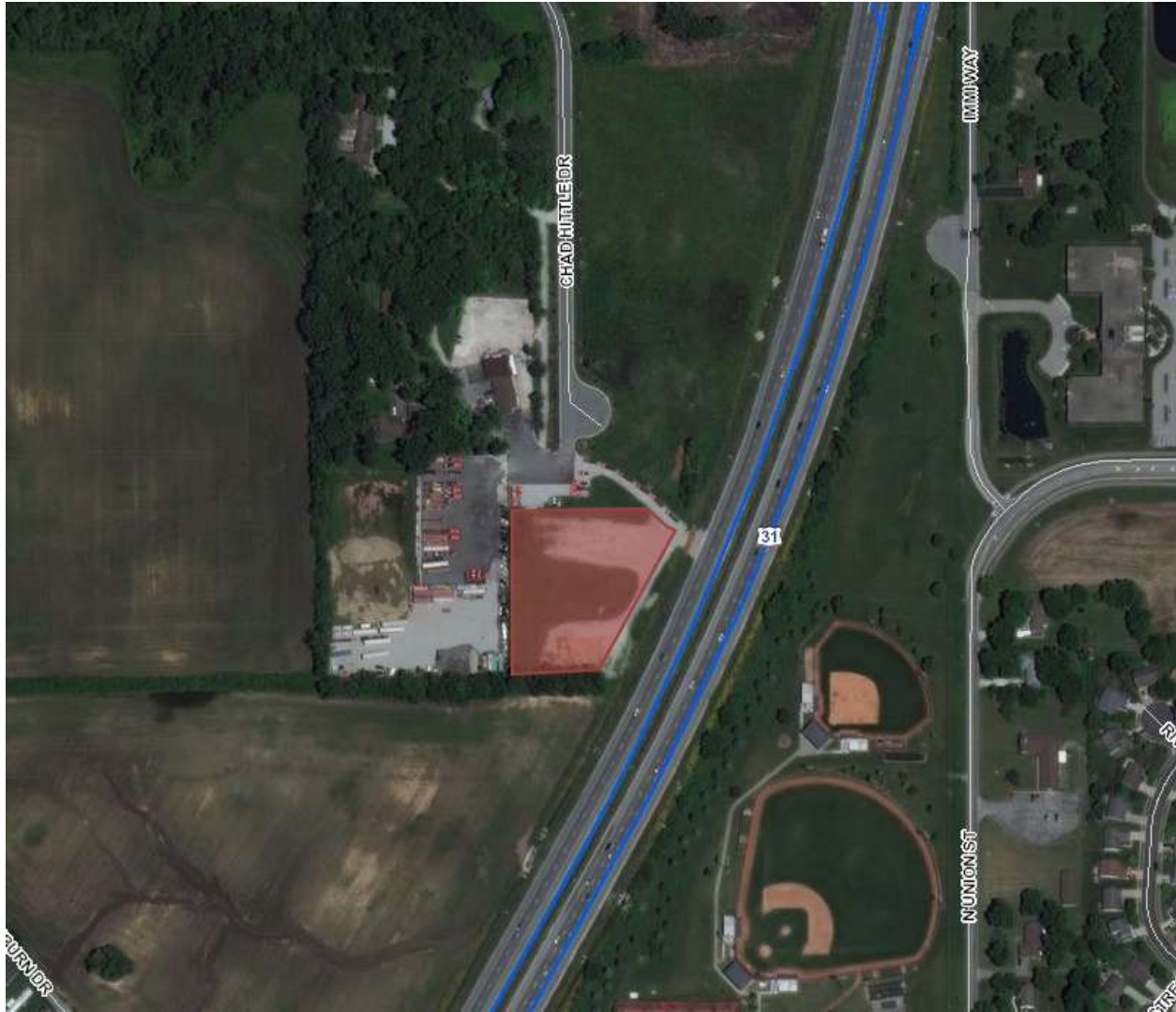
Map Projection: UTM Zone 16 N Map Datum: NAD83

Appendix C:

Parcel Documentation



5302-343, U.S. 31, Hamilton County



This aerial is not a precise representation of the parcel in question. For an exact depiction, please refer to the legal description.



INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

100 North Senate Avenue
Room N601-RE
Indianapolis, Indiana 46204

PHONE: (317) 232-5017
FAX: (317) 233-3055

Eric Holcomb, Governor
Joseph McGuinness, Commissioner

January 13, 2020

To: Clark Packer
Greenfield District Deputy Commissioner

Thru: Josh Betz
Survey Manager, INDOT

From: Dalton Johnson
INDOT Operations Specialist

RE: Request to Sell Excess Land

Project: 800071021500000
Road: U.S. 31
County: Hamilton
Code / Parcel: 5302 / 343

Land the department acquired as Excess Land and is not needed and should be disposed.

The District Deputy Commissioner must decide if the Excess Land at the referenced location is property the department does not need. Land the department acquired as Excess Land is not needed and should be disposed. Attached please find a right of way plan sheet for the requested referenced property.

At a minimum please address the below concerns:

- Yes The District has inspected and supplied a photo of the area to be disposed.
no Are there bridge or pipe structures located in the Excess Land INDOT needs to maintain?
no Are there slopes within the Excess Land that INDOT needs to maintain?
no Are there other INDOT improvements, sod, concrete, paved ditches etc, within the Excess Land INDOT needs to maintain?
no Are there any building structures/wetlands/encroachments/dumping on the excess to be disposed? (Circle)

Note: District Utility Coordinator verifies that utilities are either contained in a legal easement on site, or contains no utilities at all.

utilities may exist on site.

Katie Olson
DISTRICT UTILITY COORDINATOR

DATE 1/13/2020

If there are no maintenance concerns within the requested area, and the district deputy commissioner wishes to declare the property as excess, please approve this request by signing on the appropriate line. If the property is needed now or expected to be needed in the future, please deny this request by signing on the appropriate line.

APPROVED *[Signature]* DATE 1/14/2020
DISTRICT DEPUTY COMMISSIONER

DENIED _____ DATE _____
DISTRICT DEPUTY COMMISSIONER

REASON DENIED _____



www.in.gov/dot/
An Equal Opportunity Employer

DULY ENTERED FOR TAXATION ST
Subject to final acceptance for transfer
25 day of October, 2016
Dawn Coverdale Auditor of Hamilton County
Parcel # R/W

2016056140 JUDGMENT \$0.00
10/25/2016 11:09:55A 12 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

STATE OF INDIANA) THE HAMILTON COUNTY CIRCUIT COURT
) SS:
COUNTY OF HAMILTON) CAUSE NO. 29C01-1403-PL-3019

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
JAMES E. MEACHAM, DONNA K. MEACHAM,)
KEYBANK N.A., RAD MOTORSPORTS, LLC,)
PORTSIDE MARINE SALES AND SERVICE, INC.,)
JEFFREY M. RIPLEY, BMO HARRIS BANK, N.A. and)
HAMILTON COUNTY, INDIANA,)
)
Defendants.)

FILED

AUG 01 2016

Jammy Baits
CLERK OF THE
HAMILTON COUNTY COURT

AGREED FINDINGS AND JUDGMENT

Plaintiff, State of Indiana (the "State"), by Gregory Zoeller, Attorney General of Indiana, and Nicolette Mendenhall, Deputy Attorney General, and Defendants, James E. Meacham, Donna K. Meacham, and Portside Marine Sales and Service, Inc., now jointly move the Court for judgment in this case, and in support, make the following representations to the Court. The Court, having examined the record and being duly advised, now FINDS:

1. The State filed its *Complaint for Appropriation of Real Estate* on March 31, 2014.
2. James E. Meacham, Donna K. Meacham, and Portside Marine Sales and Service, Inc. ("Portside") appeared by counsel in this case on or about April 9, 2014.
3. Jeffrey M. Ripley appeared by counsel in this case on or about April 17, 2014.
4. Hamilton County, Indiana has not appeared in this proceeding.
5. KeyBank N.A., BMO Harris Bank, N.A., and RAD Motorsports, LLC also have not appeared in this proceeding, and on November 12, 2015, this Court granted a *Default Judgment* against KeyBank, N.A., RAD Motorsports, LLC, and BMO Harris Bank, N.A., finding that these parties would not be entitled to any just compensation in this proceeding.
6. On July 1, 2014 the *Order of Appropriation and Appointment of Appraisers* was entered and appraisers were appointed to determine the total amount of just compensation due the defendants in this case.

EXEMPT FROM
SALES DISCLOSURES

7. The court-appointed appraisers filed their *Report of Appraisers* on July 11, 2014 and found that the total just compensation to be paid to the defendants of this proceeding was [REDACTED]

8. The State deposited the sum [REDACTED] for the court-appointed appraisers, with the Clerk of the Court on or about July 29, 2014.

9. The State, James E. Meacham, Donna K. Meacham, Portside, and Jeffrey M. Ripley all timely filed written exceptions ("Exceptions") to the Report of Appraisers pursuant to Ind. Code § 32-24-1-11.

10. On March 8, 2016, James E. Meacham, Donna K. Meacham, and Portside, pursuant to Indiana Code Section 32-24-1-11, filed their Verified Request for Withdrawal and Payment of Damages, and Notice of Written Undertaking, seeking authorization to withdraw the sum of [REDACTED] previously deposited with the Clerk of the Court.

11. On April 22, 2016, the rights of Jeffrey M. Ripley to just compensation based on his interests in the property subject to this eminent domain proceeding were consolidated into the eminent domain proceeding filed under Cause No. 29C01-1403-PL-2949. Based on this consolidation, Jeffrey M. Ripley was dismissed from this proceeding and he continues to pursue his rights to just compensation for his interests in the property subject to this proceeding in the eminent domain proceeding filed under Cause No. 29C01-1403-PL-2949.

12. On May 4, 2016, the Court ordered the Hamilton County Clerk to pay to James E. Meacham, Donna K. Meacham, and Portside, jointly, the sum of [REDACTED] and that the Notice of Written Undertaking be entered into the judgment docket creating a lien upon all real property in Hamilton County, Indiana owned by James E. Meacham, Donna K. Meacham, and Portside.

13. On or about May 18, 2016, James E. Meacham, Donna K. Meacham, and Portside withdrew the sum of [REDACTED]

14. The State, James E. Meacham, Donna K. Meacham, and Portside have entered into an agreement for the State's appropriation of the real estate interests of James E. Meacham, Donna K. Meacham, and Portside in the property described on the attached Exhibit A and Exhibit B; the State, James E. Meacham, Donna K. Meacham, and Portside agree that there shall be total compensation of [REDACTED] [REDACTED] for the appropriation of their interests in this property; and the State, James E. Meacham, Donna K. Meacham, and Portside agree that the compensation shall be disbursed as follows: James E. Meacham and Donna K. Meacham shall jointly recover compensation in the total amount of [REDACTED]

15. James E. Meacham, Donna K. Meacham, and Portside agree that the compensation paid pursuant to the terms of this agreement is the total just compensation to be received for their interests in the property described on the attached Exhibit A and Exhibit B.

16. This *Agreed Findings and Judgment* does not, nor is intended to, foreclose any rights James E. Meacham, Donna K. Meacham, and Portside may have to any relocation assistance and expenses pursuant to Indiana Code Section 8-23-17, *et seq.*, which are, if any, separate from this proceeding and shall survive entry of this *Agreed Findings and Judgment*.

17. This *Agreed Findings and Judgment* does not determine the amount, if any, of just compensation Jeffrey M. Ripley may be entitled to receive for his rights, titles, and/or interests in the real estate subject to this eminent domain proceeding. Any right to compensation held by Jeffrey M. Ripley in the real estate subject to this proceeding will be determined in the eminent domain proceeding filed under Cause No. 29C01-1403-PL-2949.

18. James E. Meacham, Donna K. Meacham, and Portside hereby withdraw their Exceptions.

19. James E. Meacham, Donna K. Meacham, and Portside hereby withdraw their requests for a trial by jury, and there being no trial, James E. Meacham, Donna K. Meacham, and Portside are not entitled to pre- or post-judgment interest and/or attorney's fees and costs.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that there is no reason for delay in entry of judgment upon the terms contained herein, and that upon payment of the agreed

just compensation, the State of Indiana shall hold all the right, title, and interests that James E. Meacham, Donna K. Meacham, and Portside Marine Sales and Service, Inc held in the real estate described in the attached Exhibit A and Exhibit B.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that James K. Meacham and Donna K. Meacham shall have and recover as total compensation for the State's appropriation of their interests in the attached Exhibit A and Exhibit B the amount of [REDACTED] in full satisfaction of their claims in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the State deposited [REDACTED] with the Clerk of the Court; the State is hereby ordered to deposit an [REDACTED] in full satisfaction of any and all remaining defendants' claims in this case. Upon receipt of said amount from the State, the Clerk of the Court, after giving credit for the [REDACTED] previously withdrawn, shall immediately issue payment in the amount of [REDACTED] plus all accrued interest from deposits made in this proceeding,, jointly payable to James E. Meacham and Donna K. Meacham; and that this payment shall be mailed by United States mail to James E. Meacham and Donna K. Meacham, c/o Daniel T. McAfee, KATZMAN & KATZMAN, P.C., 3500 DePauw Blvd., Ste. 2100, Indianapolis, IN 46268.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the lien entered on the judgment docket pursuant to this Court's May 4, 2016 Order against any real estate owned by James E. Meacham, Donna K. Meacham, and Portside in Hamilton County, Indiana is hereby extinguished.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk shall promptly send two (2) certified copies of this *Agreed Findings and Judgment* to the undersigned Deputy Attorney General who, upon receipt, shall forward with a completed Indiana Sales Disclosure Form to the Hamilton County Assessor to be reviewed and forwarded to the Auditor and Recorder of Hamilton County, Indiana; that said Auditor shall remove the above-described fee simple interest in real estate from the tax records and rolls of Hamilton County and cancel all Tax Year 2014 and subsequent years' taxes thereon; and that said Auditor

shall submit evidence of the property duly entered for transfer, by United States mail, to the undersigned Deputy Attorney General; and (2) that said Recorder shall, pursuant to IC 8-23-7-31 and without payment of fee, record the of the above-described real estate to the State of Indiana; and that the Recorder shall submit evidence of that recorded transfer, by United States mail, to Nicolette Mendenhall, Deputy Attorney General at the Office of the Attorney General, Indiana Government Center South, Fifth Floor, 402 West Washington Street, Indianapolis, IN 46204.

CERTIFICATION OF COMPLIANCE WITH TRIAL RULE 5(G)


I hereby certify that the foregoing or attached Court Record or document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Administrative Rule 9(G).



Nicolette Mendenhall (#27964-49)
Deputy Attorney General

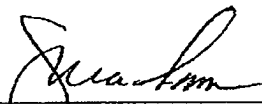
DECLARATION OF COMPLIANCE WITH IC 36-2-11-15


"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."



Nicolette Mendenhall (#27964-49)
Deputy Attorney General

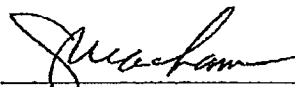
AGREED TO AND APPROVED BY:


James E. Meacham

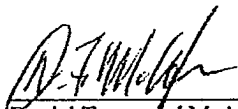

Donna K. Meacham

AGREED TO AND APPROVED BY:

Portside Marine Sales and Service, Inc.


James E. Meacham, President

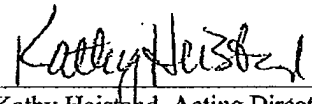
REVIEWED AND APPROVED BY:


Daniel Townsend McAfee, Atty. No. 25691-49
Counsel for Defendants James E. Meacham, Donna K. Meacham, & Portside Marine Sales and Service, Inc.

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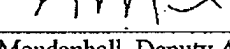
AGREED AND APPROVED BY:

STATE OF INDIANA, PLAINTIFF



Kathy Heistand, Acting Director
Office of Real Estate
Indiana Department of Transportation

GREGORY F. ZOELLER
Attorney General of Indiana
Atty. Reg. No. 1958-98

By: 

Nicolette Mendenhall, Deputy Attorney General
Attorney No.: 27964-49
Attorney for Plaintiff, State of Indiana

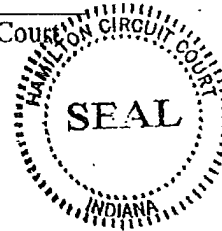
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REVIEWED AND APPROVED BY:


Michael A. Howard, County Attorney

ALL HEREBY ORDERED THIS 29th DAY OF July, 2016


Hon. Paul A. Felix, Hamilton County Circuit Court
Senior Judge Jerry M. Barr,



DISTRIBUTION:

Michael A. Howard
County Attorney
694 Logan Street
Noblesville, IN 46060

Daniel T. McAfee
KATZMAN & KATZMAN, P.C.
3500 DePauw Blvd., Ste. 2100
Indianapolis, IN 46268

Nicolette Mendenhall
Deputy Attorney General
Office of the Attorney General
302 W. Washington Street, Fifth Floor
Indianapolis, IN 46204

THE DOCUMENT TO WHICH THIS CERTIFICATE
IS ATTACHED IS A FULL, TRUE, AND COR-
RECT COPY OF THE ORIGINAL ON FILE AND
OF RECORD IN MY OFFICE.

1-27-16
DATED 8-1-16 Tammy Bartz PAGE 22
DATE OF CERTIFICATION TAMMY BARTZ
CLERK OF COURTS CLERK HAMILTON
COUNTY COURTS

EXHIBIT "A"

PROJECT: 0710215

CODE: 5302

Sheet 1 of 2

PARCEL NO.: 343-Fee Simple with Partial Limitation of Access

Form WL-2

Key Number 29-05-25-000-051.000-015

Part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

Beginning at the intersection of the South line of the Southeast Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 3 East, and the centerline of U.S. Highway #31, which is 572.17 feet South 89 degrees 21 minutes 04 seconds West (assumed bearing) from the Southeast corner of said Quarter Quarter; thence South 89 degrees 21 minutes 04 seconds West on and along said South line 372.13 feet; thence North 00 degrees 05 minutes 34 seconds West parallel with the West line of the Southeast Quarter of said Southeast Quarter 350.01 feet; thence North 89 degrees 21 minutes 04 seconds East parallel with the South line of the Southeast Quarter of said Southeast Quarter 293.05 feet to the Northeast line of the Real Estate described in Deed Record 265, page 355 in the Office of the Recorder of Hamilton County, Indiana; thence South 50 degrees 34 minutes 02 seconds East (this and the next two (2) courses are on the perimeter said Real Estate) 50.89 feet; thence South 62 degrees 32 minutes 51 seconds East 164.73 feet to the centerline of U.S. Highway #31, said point being on a nontangent curve to the right, the radius point of which bears 67 degrees 35 minutes 37 seconds West 5729.58 feet from said point; thence Southwesterly on and along said centerline and curve 263.11 feet to the place of beginning, containing 3.303 acres, more or less.

Together with an easement for access 30 feet in width, described in Deed Record 265, page 355-357 and in Deed Record 262, pages 653-654. The forgoing portion of this description is quoted from Instrument 9609600910

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as U.S. 31 and as Project 0710215), to and from the grantor's remaining lands along the lines described as follows: Beginning on the south line of said quarter section South

EXHIBIT "A"

PROJECT: 0710215

CODE: 5302

Sheet 2 of 2

PARCEL NO.: 343-Fee Simple with Partial Limitation of Access

Form WL-2

Key Number 29-05-25-000-051.000-015

89 degrees 19 minutes 41 seconds West 711.63 feet from the Southeast corner of said quarter section; thence North 29 degrees 35 minutes 13 seconds East 13.48 feet to point "34304" on said plat; thence North 21 degrees 50 minutes 23 seconds East 317.85 feet to the north line of said grantor's land and the terminus. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.



This description was prepared for the Indiana Department of Transportation, by Fred L. Bengé, Indiana Registered Land Surveyor, License Number LS80040408, on the 12th day of April, 2016

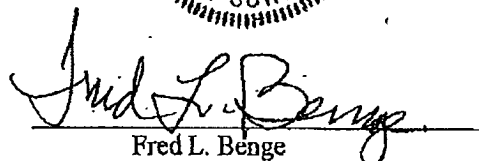

Fred L. Bengé

EXHIBIT "B"

RIGHT-OF-WAY PARCEL PLAT

PREPARED BY CHA CONSULTING, INC. FOR THE
INDIANA DEPARTMENT OF TRANSPORTATION

SHEET 1 OF 1

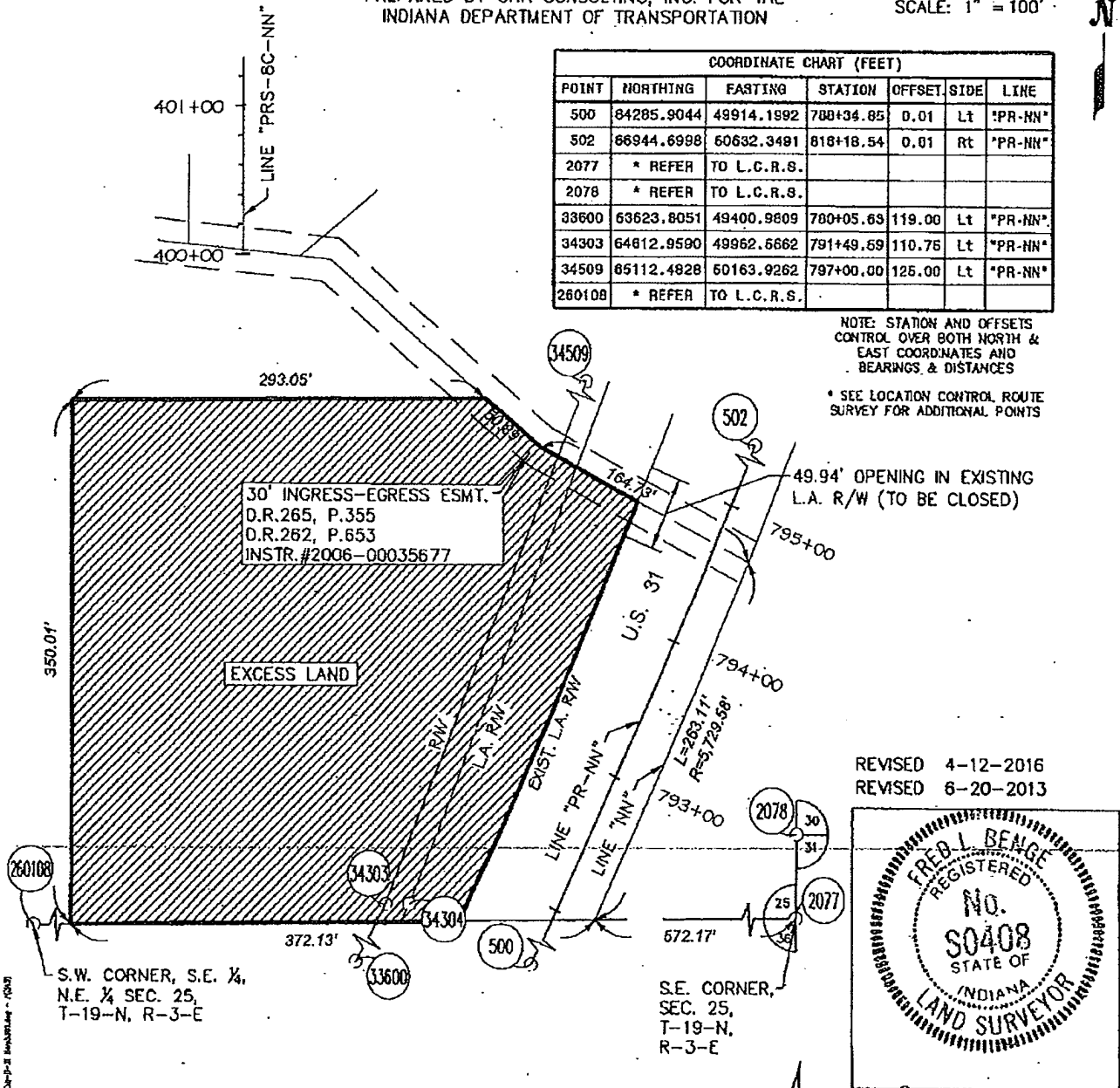
0 50 100

SCALE: 1" = 100'

COORDINATE CHART (FEET)						
POINT	NORTHING	EASTING	STATION	OFFSET	SIDE	LINE
500	84285.9044	49914.1992	788+34.85	0.01	Lt	"PR-NN"
502	86944.6998	60632.3491	818+18.54	0.01	Rt	"PR-NN"
2077	* REFER	TO L.C.R.S.				
2078	* REFER	TO L.C.R.S.				
33600	63623.8051	49400.9809	780+05.63	119.00	Lt	"PR-NN"
34303	64812.9590	49962.6662	791+49.69	110.75	Lt	"PR-NN"
34509	65112.4928	50163.9262	797+00.00	125.00	Lt	"PR-NN"
260108	* REFER	TO L.C.R.S.				

NOTE: STATION AND OFFSETS
CONTROL OVER BOTH NORTH &
EAST COORDINATES AND
BEARINGS & DISTANCES

* SEE LOCATION CONTROL ROUTE
SURVEY FOR ADDITIONAL POINTS



SURVEYOR'S STATEMENT

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT, TOGETHER WITH THE "LOCATION CONTROL ROUTE SURVEY" RECORDED AS INSTRUMENT NO. 2009053314 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, (INCORPORATED AND MADE A PART HEREOF BY REFERENCE) COMPRISE A ROUTE SURVEY EXECUTED IN ACCORDANCE WITH INDIANA ADMINISTRATIVE CODE 865 IAC 1-12, ("RULE 12").

FRED L. BENGÉ
REG. LAND SURVEYOR No. LS0408

OWNER: MEACHAM, JAMES E. ET UX.

PARCEL: 343

ROAD: U.S. 31

COUNTY: HAMILTON

SECTION: 25

TOWNSHIP: 19 NORTH

RANGE: 3 EAST

PROJECT: 0710215

DES. No.: 0600431

CODE: 5302

HATCHED AREA IS
THE APPROXIMATE
TAKING

DRAWN BY: D.TRUEBLOOD DATE: 12-13-11

CHECKED BY: F. BENGÉ DATE: 12-14-11

WARRANTY DEED INSTR. #960960910

DATED: 12-27-1995

KEY No. 29-05-25-000-051.000-015

TAKING= 2.730 AC.