

# Little Calumet River Basin Development Commission

8149 Kennedy Avenue Highland, Indiana 46322 (219) 923-1118

ARLENE COLVIN, Chairperson  
Mayor of Gary's  
Appointment

GEORGE CARLSON, Vice-Chairman  
Mayor of Hammond's  
Appointment

CLYDE BAUGHARD, Treasurer  
Governor's Appointment

WILLIAM CRITSER, Secretary  
Governor's Appointment

CHARLES AGNEW  
Governor's Appointment

NATHANIEL LEONARD  
Lake County Commissioners'  
Appointment

STEVE DAVIS  
Dept. of Natural Resources'  
Appointment

JOHN DEMEO  
Governor's Appointment

DAVID SPRINGMAN  
Governor's Appointment

WILLIAM TANKE  
Porter County Commissioners'  
Appointment

VACANCY  
Governor's Appointment

DAN GARDNER  
Executive Director

## MEETING NOTICE

THERE WILL BE A MEETING OF THE  
LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION  
AT 6:30 P.M. THURSDAY, FEBRUARY 7, 1991  
AT THE OFFICE OF THE REGIONAL PLANNING COMMISSION  
8149 KENNEDY AVENUE  
HIGHLAND, INDIANA

### A G E N D A

1. Call to Order by Chairperson Arlene Colvin
2. Recognition of Visitors, Guests
3. Approval of minutes of January 3rd meeting
4. Reports of Standing Committees

A. Finance/Policy Committee - Clyde Baughard,  
Treasurer

- Financial status report
- Approval of claims for January
- 1990 Investments tracking
- Other issues

B. Legislative Committee - George Carlson,  
Chairman

- House Ways & Means biennial budget
- Supplement to Local Cooperation Agreement
- Other issues

Pages

1-4

5  
6  
7-8

9

C. Interim Flood Control - Clyde Baughard, Chairman

- Applied for permit to DNR for pier removal at Erie R.R. bridge
- Bidding specifications packet for Conrail culverts project

D. Land Acquisition/Management Committee - Charles Agnew, Chairman

- Committee meeting at 5:30 p.m.
- Appraisals, offers, acquisitions, recommended actions
- Ratification of farm lease awards
- Meetings held with Gary Park officials re: Gary park land
- Letter from DNR re: permit for Corps levee construction
- Other issues

10-14  
15

E. Breakwaters/Marina Committee - Bill Tanke, Chairman

- 1/3 share payment to GTE for relocation of telephone line
- Final order on issuance of marina permits - Portage
- Meetings held regarding public marina site, Corps channel dredging
- Other issues

5. Executive Director's Report

- Maintenance agreement with DNR for emergency levee in Highland to replace railroad embankment
- Letter from Lane Ralph re: minority contractors involvement
- City of Gary, Lake County public works projects re: flood control project

16-30  
31  
32-35

6. Statements to Board from the floor

7. Set date for next meeting, adjournment

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION  
HELD AT 6:30 P.M. THURSDAY, JANUARY 3, 1991  
AT THE COMMISSION OFFICES  
8149 KENNEDY AVENUE, HIGHLAND, INDIANA

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Chairperson Arlene Colvin called the meeting to order at 6:30 p.m. Ten (10) Commissioners were present. Quorum was declared and guests were recognized.

Development Commissioners:

Charles Agnew  
Clyde Baughard  
Dave Springman  
Steve Davis  
Nathaniel Leonard  
William Critser  
George Carlson  
Arlene Colvin  
William Tanke  
John DeMeo

Staff:

Dan Gardner  
Lou Casale, Attorney  
Bruce Stouffer  
Sandy Mordus

Visitors:

Joyce Agnew  
Pete & M.J. Zak-S. Shore Marina  
Virginia Baughard  
Edward Lukowski - Hammond  
Dick Wawrzyniak - IDNR  
Shirley DeMeo  
Barbara Tanke  
Sheila Carlson  
Phyllis Springman  
Richard Bundy - Salmon Unltd.  
Charles Pettersen-Councilman,  
city of Hammond  
Bob Huffman - LCRBC  
Barry Saunders - Post Tribune

A motion was made by Clyde Baughard to approve the minutes of the December 6th meeting; motion seconded by John DeMeo; motion passed unanimously.

Nominating Committee Chairman Chuck Agnew recommended to the Board the following Commission members for 1991 officers: For the position of Chairman, Mr. Agnew made a motion for Arlene Colvin to be retained as Chairman; seconded by Clyde Baughard; Mr. Agnew then made a motion to retain George Carlson as Vice Chairman; motion seconded by John DeMeo; Mr. Agnew then made a motion to retain Clyde Baughard as Treasurer; motion seconded by John DeMeo; Mr. Agnew then made a motion to retain William Critser as Secretary; motion seconded by Clyde Baughard. All motions were approved unanimously.

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Finance/Policy Committee - Treasurer Clyde Baughard presented the proposed 1991 Operating Budget to the Board. It was pointed out that there are two new classifications - (1) Project Cash Share Payments/Escrow Account - \$195,000 and (2) Utility Relocation Costs - \$100,000. The Professional Services line has also increased from \$150,000 to \$250,000. Mr. Baughard made a motion to accept the 1991 budget as presented; seconded by John DeMeo; motion passed unanimously. Mr. Baughard then gave the financial status report for December as well as the claims. Mr. Baughard made a motion to approve the pending claims; motion seconded by Chuck Agnew; motion passed unanimously.

Mr. Gardner asked for approval of the NIRPC contract for services for 1991. He described minor changes that were made from the previous contract. Mr. Baughard made a motion to approve the contract with NIRPC for 1991; motion seconded by Charles Agnew; motion passed unanimously.

Legislative Committee - Committee Chairman George Carlson referred to the letter from the State Budget Agency regarding the Commission's 15 minute allotted time to appear before the Ways and Means Committee on February 19th to request \$3 million in this years biennium. A letter was also received from Pat Bauer, Ways and Means Chairman, requesting we reduce our existing budget by 2-3%.

Mr. Gardner distributed a supplement to the Local Cooperation Agreement just received from the Corps. The supplement addresses the additional flood protection for Burr Street area. It was the Commission's desire to include complete levee protection on Burr Street in lieu of floodproofing measures. There will be an additional cost to the Commission. The LCA supplement addresses that issue. No action is to be taken at this time. Attorney is reviewing it.

Land Acquisition/Management Committee - Committee Chairman Chuck Agnew gave committee report. Mr. Agnew made a motion to authorize staff to offer new purchase prices on DC305 (Earl McClatchy) and DC306 (Pettice Jackson). Mr. McClatchy's offer will increase from \$2,327 to \$10,400 and Mr. Jackson's offer will increase from \$4,153 to \$27,400. Reappraisals were done to substantiate the new price. The previous appraisals excluded certain information. The motion was seconded by George Carlson; motion passed unanimously.

Mr. Agnew informed the Commission of the Corps' latest construction schedule which includes in Section I Broadway to Harrison, north levee, beginning schedule May 1991 and in Section II Harrison to Grant, north levee, start in 1991. There are approximately 5 parcels in private ownership; others are in the name of the city or Lake County. Mr. Agnew made a motion that staff pursue either fee simple ownership or permanent levee easements or through condemnation the necessary properties needed for the first phase construction for levees in 1991; motion seconded by George Carlson; motion passed unanimously.

Mr. Agnew reported that farm bids were due in January 10th. He made a motion authorizing staff to award the bid to the highest, responsible and more responsive bidder with ratification by Board to take place at the next Commission meeting; motion seconded by George Carlson; motion passed unanimously.

Mr. Agnew also made a motion to roll over current farm leases on farm land leased to Dale Nimetz and farm land leased to Gary Dunlap for the year 1991; motion seconded by George Carlson; motion passed unanimously.

Mr. Gardner referred to correspondence received from Col. Inouye listing six sites with the Little Cal project area which could possibly contain hazardous substances. It was determined that three sites were clean and three needed to be tested. Mr. Gardner indicated that the starting point was to set up a meeting between the Corps, EPA, IDEM, Div. of Hazardous & Solid Waste and identify the parameters and to proceed from here.

Marina/Breakwaters Committee - Committee Chairman Bill Tanke referred to a letter contained in packet regarding shoreline erosion and the need to remove the sand from the marina site. Mr. Gardner reported he has met with the Congressman to explain the situation and will continue to meet with Frank Martin, Director of the Indiana Port Commission to try to secure some funding for sand removal.

Executive Director's Report - Mr. Gardner referred to the Northwest Indiana Forum letter outlining their legislative agenda for 1991 priority legislative issues. Mr. Gardner responded with a detailed update on the Little Calumet River Flood Control/ Recreation project and requested support from the Forum for the Commission's \$3 million budget request. Mr. Gardner has talked informally with several legislators and is confident the request will be supported.

Mr. Gardner stated he will attend the meeting of the Urban League of Gary. Strong interest remains from small minority contractors for construction projects let by the Corps.

Mr. Gardner spoke on the emergency levee status for Indianapolis Blvd. He stated that DNR has been designated to design the interim emergency levee. State emergency money will finance it - not the Development Commission. Contract letting for the construction of the levee will be by the State. It is anticipated that the town of Highland will assume maintenance after it is in place. Mr. Gardner met today with DNR, design engineer, Tri State attorney, and town officials working out details. Tri State still wants as much parking space as possible. Material for levee construction still needs to be identified.

Mr. Gardner also reported that the Little Calumet River Basin Commission did have their final meeting. The Development Commission will now assume the takeover of projects that the Basin Commission started; i.e. pier removal at Erie R.R. bridge and culvert enlargement at Penn Central.

Mr. Gardner congratulated William Tanke on his reappointment to the Development Commission. Mr. Tanke is the appointment of the Porter County Commissioners and has been reappointed for another four-year term.

Statements from the floor - Richard Bundy, Salmon Unlimited, stated that he was in agreement that he did not feel that taxpayers money should go toward the cost of the emergency levee.

There being no further business, the meeting was adjourned at 7:25 p.m. The next meeting was scheduled for February 7, 1991.

/sjm

# LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

## MERCANTILE NATIONAL BANK

JANUARY 1, 1990 - DECEMBER 31, 1990

### CASH POSITION - JANUARY 1, 1990

CHECKING ACCOUNT			
LAND ACQUISITION	\$		19,369.97
GENERAL FUND			55,692.86
TAX FUND			1,124.07
INVESTMENTS			<u>916,500.00</u>
		\$	992,686.90

### RECEIPTS - JANUARY 1, 1990 - DECEMBER 31, 1990

LEASE RENTS	\$		59,002.78
INTEREST			86,727.83
LAND ACQUISITION			1,064,445.79
TAX FUND			10,339.86
MISCELLANEOUS INCOME			<u>97.39</u>
		\$	\$1,220,613.65

### DISBURSEMENTS - JANUARY 1, 1990 - DECEMBER 31, 1990

1989 EXPENSES PAID IN 1990	\$		15,988.84
TAXES			8,930.62
PER DIEM EXPENSES			3,950.00
LEGAL SERVICES			3,266.50
N I R P C			52,612.75
TRAVEL MILEAGE			6,269.91
PRINTING & ADVERTISING			1,104.95
BONDS & INSURANCE			5,918.50
MEETING EXPENSES			1,492.43
L/A PROFESSIONAL SERVICES			
(A) APPRAISAL SERVICES			10,345.00
(C) ENGINEERING			1,100.00
(D) LAND PURCHASE CONTRACTUAL			21,825.05
(E) OPERATIONAL CONTRACTUAL			38,454.70
L/A LEGAL SERVICES			28,071.00
L/A LAND PURCHASE COST			204,504.29
MOVING & RELOCATION			95,616.56
L/A LAND CAP. IMPROVEMENTS			117,207.70
CASH CONTRIBUTION			355,000.00
L/A INSURANCE			<u>15,288.90</u>
TOTAL DISBURSEMENTS:		\$	986,947.70

### CASH POSITION - DECEMBER 31, 1990

CHECKING ACCOUNT			
LAND ACQUISITION	\$		190,340.89
GENERAL FUND			117,719.92
TAX FUND			1,792.04
INVESTMENTS			<u>916,500.00</u>
		\$	\$ 1,226,352.85



**NORTHWESTERN INDIANA  
REGIONAL  
PLANNING COMMISSION**

8149 Kennedy Ave.  
Highland, Indiana 46322

219-923-1060  
312-731-2646

DATE: JANUARY 23, 1991

ORGANIZATION: LITTLE CALUMET RIVER BASIN  
DEVELOPMENT COMMISSION

PROJECT: FOR SERVICES PERFORMED DURING DECEMBER, 1990

CONTRACT NO: P1.01

CONTRACT CODE: 952

INVOICE NO: 12/12

I N V O I C E

SALARIES AND FRINGE BENEFITS: DAN GARDNER & SANDY MORJUS	\$ 3,900.00
ROOM RENTAL FOR ADDITIONAL LCRBDC STAFF	215.00
ACCOUNTING SERVICES	150.00
TELEPHONE: LOCAL SERVICE	60.00
TELEPHONE: BILLABLE CHARGES (ATTACHMENTS)	98.01
POSTAGE	25.15
COPYING CHARGES @ \$.05 PER COPY 2,349	117.45
GRAPHICS/PRINTING TIME @ \$17.50 PER HOUR (ATTACHMENTS)	35.00
STAFF MILEAGE/EXPENSES	96.48
OTHER CHARGES (ATTACHMENTS)	-0-
TOTAL DECEMBER 1990 COSTS	4,697.09
OUTSTANDING PAYMENT DUE	-0-
TOTAL PAYMENT DUE	\$ 4,697.09



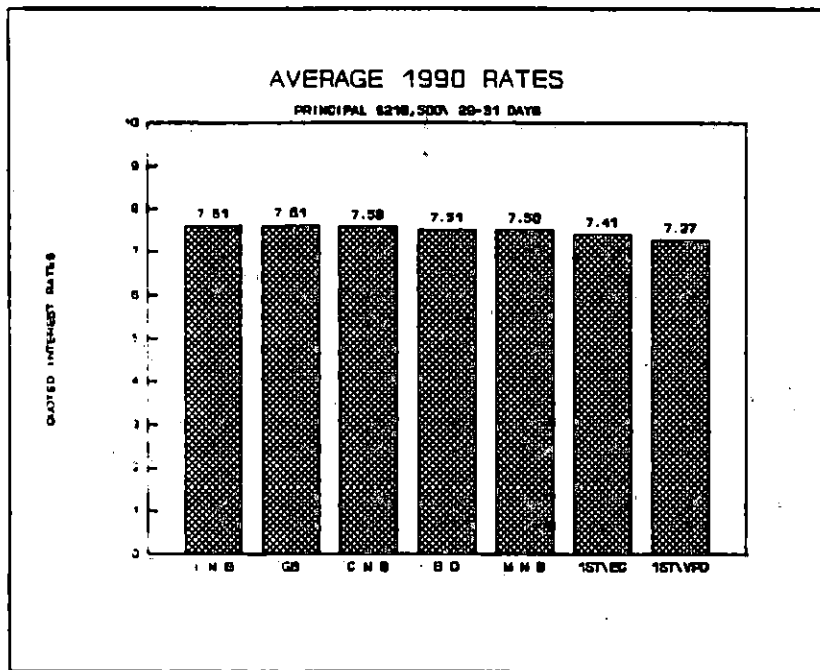
# INTEREST RATE QUOTES

1 9 9 0

TIME TABLE: 29-31 DAYS

PRINCIPLE AMOUNT: \$216,500

NAME OF BANKS	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	AUG.	SEPT.	OCT.	NOV.	DEC.	AVG.
INB National Bank, NW	7.35	7.81	8.02	7.93	7.76	7.76	7.55	7.58	7.62	7.42	6.87	7.61
Gainer Bank	7.7	7.75	7.8	7.75	7.8	7.7	7.65	7.55	7.55	7.35	7.15	7.61
Calumet National Bank	7.65	7.65	7.85	7.85	7.7	7.75	7.5	7.6	7.6	7.25	6.95	7.58
Bank One	7.55	7.75	7.65	7.8	7.75	7.65	7.5	7.4	7.4	7.3	6.85	7.51
Mercantile National Bank	7.8	7.65	7.8	7.97	7.83	7.83	7.25	7.2	7.25	7.05	6.9	7.50
First National Bank/East Chicago		7.7	7.7	7.65	7.7	7.65	7.3	7.35	7.25	7.1	6.7	7.41
First National Bank/Valparaiso	7.5	7.25	7.5	7.5	7.35	7.35	7.25	7.375	7.2	7.15	6.5	7.27



July figures  
unavailable

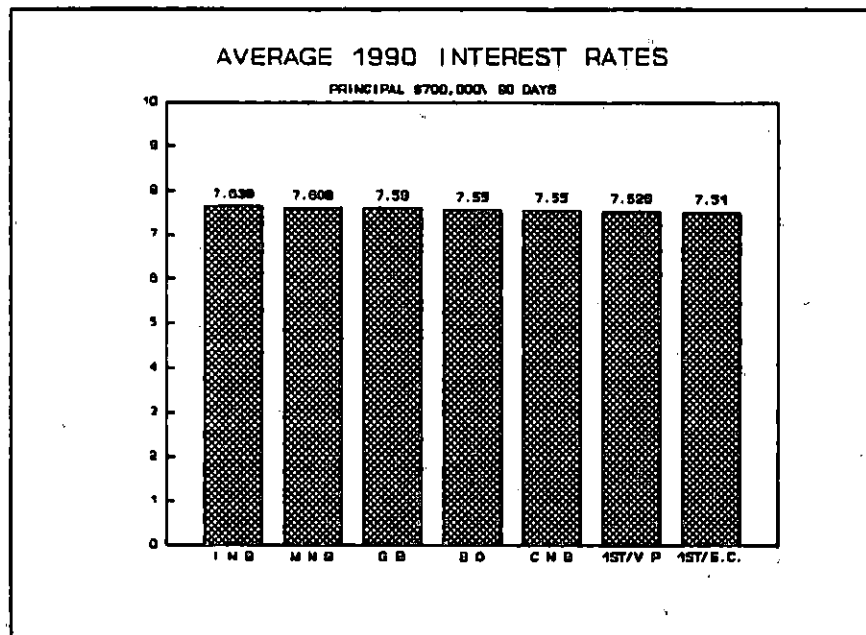
## BANK ABBREVIATIONS

INB.....	INB National Bank, NW
GB.....	Gainer Bank
CNB.....	Calumet National Bank
BO.....	Bank One
MNB.....	Mercantile National Bank
1ST/EC.....	First National Bank/East Chicago
1ST/VPO.....	First National Bank/Valparaiso

**INTEREST RATE QUOTES  
1990**

**TIME FRAME: 90 DAYS  
PRINCIPLE: \$700,000**

BANK NAME	12/12/89	03/13/90	06/11/90	09/10/90	12/10/90	Average for 1990
INB National Bank, NW	7.97	7.97	7.81	7.51	6.93	7.638
Mercantile National Bank	7.8	8.06	7.97	7.25	6.95	7.606
Gainer Bank	7.75	7.85	7.8	7.6	6.95	7.59
Bank One	7.75	7.8	7.7	7.5	7.0	7.55
Calumet National Bank	7.8	7.9	7.7	7.5	6.85	7.55
First National Bank/Valparaiso		7.625	7.6	7.74	7.15	7.529
First National Bank/E. Chicago	7.75	7.75	7.65	7.3	7.1	7.51



**BANK ABBREVIATIONS ON GRAPHS**

I N B.....INB National Bank, NW  
 M N B.....Mercantile National Bank  
 G B .....Gainer Bank  
 B O.....Bank One  
 C N B.....Calumet National Bank  
 1ST/V P.....First National Bank/Valparaiso  
 1ST/E.C.....First National Bank/E. Chicago



STATE OF INDIANA  
HOUSE OF REPRESENTATIVES

B. PATRICK BAUER  
THIRD FLOOR STATE HOUSE  
INDIANAPOLIS, INDIANA 46204

1307 SUNNYMEDE  
SOUTH BEND, INDIANA 46615

COMMITTEES: 1991-92  
WAYS AND MEANS  
CHAIRMAN

January 30, 1991

Dan Gardner, Director  
Little Calumet River Basin  
Development Commission  
8149 Kennedy Avenue  
Highland, IN 46322

Dear Mr. Gardner:

It is my opinion that a budget hearing for your agency before the Ways and Means Committee is not necessary at this time. However, I would like for you to submit a short written summary of your budget for this biennium. This will be distributed to the members of the Ways and Means Committee.

If later we feel it is necessary for you to come before the committee, we will inform you and schedule a date and time.

I would like to thank you for your patience in this budget process. Your cooperation is very much appreciated. Please contact me if you have any questions, or if I can be of any assistance in any way.

Sincerely,

A handwritten signature in cursive script that reads "B. Patrick Bauer".

Rep. B. Patrick Bauer  
Chairman, Ways and Means Committee

BPB:jm

LAW OFFICES  
OF  
**JULIAN B. ALLEN**  
ATTORNEY AT LAW  
PROFESSIONAL CORPORATION  
437 CONNECTICUT STREET  
GARY, INDIANA 46402

TELEPHONE 866-2688  
AREA CODE 219

January 24, 1991

George Rogge, President  
Gary Park Board  
455 Massachusetts Street  
Gary, Indiana 46402

Re: Little Calumet River Basin  
Project

Dear Mr. Rogge:

This letter serves as a memorandum of a meeting held with officials from the United States Army Corps of Engineers, Dan Gardner, Edmond Vasquez, Arlene Colvin, and you and I, on January 22, 1991, at the Park Headquarters. It was mutually agreed that the Corps of Engineers will include the following items in their engineering document:

1. A nature hiking/bike trail with a ramp at Broadway, and a turnaround at Martin Luther King Drive.
2. Parking to be located at North Gleason to support access to the hiking/bike trail. The parking should accommodate ideally some fifty (50) cars and one (1) to two (2) buses; should be asphalt paved over the existing parking lot with a turnaround large enough to accommodate the buses. Some sort of connector to be constructed between the parking lot and the trail, approximately eight (8) feet wide.
3. Exhibit Shelters.
4. Some plan to preserve the building - the old Park Headquarters at North Gleason, but that water proofing would not be practical.
5. A turnaround facility at Martin Luther King Drive in the circular mode providing access to the Drive.
6. Greenhouse maintenance facility - if it cannot be relocated physically, monetary compensation in lieu of relocation.

Page - 2  
George Rogge, President  
January 24, 1991

7. Deep wetlands (large lake with an island) enhancement. This area would be between the Indiana University parking lot adjacent to South Gleason Golf Course, and south of the Little Calumet River.
8. An access for fishing from the River in Area 11 in the vicinity of Harrison and North Gleason.
9. Bird watching station in Area 11, (overlook tower).

Dan Gardner, Edmond Vasquez and I will meet at 3:00 P.M. on the 25th at Park Headquarters to discuss the selection of a consultant to advise us on the possible uses of the North Gleason Golf Course and other improvements after the levies are constructed.

Very truly yours,

JULIAN B. ALLEN  
ATTORNEY AT LAW, P.C.

BY

  
Julian B. Allen

JBA/myh



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**CHICAGO DISTRICT, CORPS OF ENGINEERS**  
**111 NORTH CANAL STREET**  
**CHICAGO, ILLINOIS 60606-7206**

25 JAN 1991

Life Cycle Project Management

Mr. Dan Gardner  
Executive Director  
Little Calumet River Basin  
Development Commission  
8149 Kennedy Avenue  
Highland, Indiana 46322

Dear Mr. Gardner:

The purpose of this letter is to confirm with you the agreements reached at a meeting with the Gary Park District on January 22, 1991, regarding the features to be provided in or near recreation area number 5. A list of meeting attendees is attached.

It was agreed at the meeting that the following features/work will be reflected in the Corps design:

- a. Access to the recreation trail will be provided on the south side of the river just west of Broadway.
- b. The Corps will revisit the feasibility and cost effectiveness of floodproofing the existing concrete block building which is presumed to be a future Nature Education Center.
- c. Existing parking will be resurfaced and new parking added adjacent to the east side to provide a total of 50 automobile and 2 bus parking spaces with a bus turnaround area.
- d. A trail will be provided between the parking area and the vicinity of the bridge over the river at Broadway for access to the recreation trail on the south side of the river.
- e. An exhibit/display sign will be provided at the parking lot.
- f. The feasibility of adding an access to the recreation trail in the vicinity of Martin Luther King Drive will be investigated.
- g. The existing greenhouse and maintenance facilities will

be removed from the wetland enhancement area south of the river.

h. Features will be added in the form of wooden structures and an access trail to provide for fishing and bird watching north of the river and east of Harrison Street.

Should you have any questions, please contact Mr. Beldon McPheron at (312) 353-8809.

Sincerely,

*Richard E. Carlson*

Richard E. Carlson  
Deputy District Engineer (PM)

Enclosure

Meeting - Gary Park District 22 Jan 91

ATTENDANCE LIST

<u>NAME</u>	<u>ORGANIZATION</u>	<u>TEL. NO.</u>
Belden McPherson	Corps of Engineers, Proj. Mgr.	(312) 353-8809
Keith Ryder	Corps of Eng.	312-353-7795
Sandra Henry	"	(312) 886-0454
Melissa Kennedy	"	(312) 353-2167
Dan Gardner	Little Cal. River Dev. Comm.	219-923-1118
George ROGGE	Gary Park Dept	219-738-2838
ARLENE COLVIN	City of Gary / Little CAL	219-881-1425
ED VASQUEZ	GARY PARK DEPT.	219 8861099
James B. Allen	City of Gary (Park Dept.)	<u>219-886-2888</u>



January 11, 1991

Richard Carlson  
Deputy District Engineer  
U.S. Army Corps of Engineers  
111 N. Canal Street  
Chicago, IL 60606

Dear Mr. Carlson,

My staff has become aware the construction of Section 1 of Phase II of the Little Calumet River Flood Control Project, the levee on the north side of the river from Broadway to Harrison, is scheduled to start in May of 1991.

I wish to call to your attention to a probable timing problem. Your partner in this project, the Little Calumet River Basin Development Commission, will have to obtain a permit for construction in a floodway prior to the start of construction. Currently we have a significant backlog of applications for permits which normally gets larger in the spring construction season. Also, the law requires that we provide a thirty day waiting period in which objections may be filed prior to the issuance of a permit.

It is apparent to me that if the levee construction is to begin in May 1991, data must be furnished to the Little Calumet River Basin Development Commission immediately so that they can apply for the permit. We are very anxious to see the levee construction begin on the Little Calumet River Flood Control Project, but we are also bound to obey State law.

If you have any questions, please call Mr. Mike Neyer who is in charge of the Regulatory Branch. His phone number is 317-232-4163.

Sincerely,

John N. Simpson  
Director  
Division of Water

JNS/RLW/dm

pc: Beldon McPherson  
Dan Gardner

## AGREEMENT BETWEEN

CARDINAL SERVICE, INC. (Owner)  
TRI-STATE COACH LINES, INC. (Lessee)

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION  
(hereinafter referred to as the Little Calumet Commission)

and the

INDIANA DEPARTMENT OF NATURAL RESOURCES  
(hereinafter referred to as the Department)

WHEREAS, on November 27 thru 29, 1990 record high water levels on the Little Calumet River caused the flooding of the Wicker Park Manor Subdivision in Highland, Indiana damaging in excess of 270 homes; and

WHEREAS, the Wicker Park Manor Subdivision is afforded some protection from flooding events by an existing spoil bank on its northern boundary, and existing railroad embankments to the east and west; and

WHEREAS, a portion of the railroad embankment located on the property at 8144 Indianapolis Boulevard, Highland, Indiana, known as Tri-State Coach Lines is presently at an elevation well below the water level elevation of the November 27 to 29, 1990 flood; and

WHEREAS, the Little Calumet River Basin Development Commission was created by Indiana Code 14-6-29.5 to maintain flood control and other public works projects and for other purposes; and

WHEREAS, Cardinal Service, Inc., an Indiana Corporation located at \_\_\_\_\_, is the owner of the real estate described in Section III A of this agreement; and

WHEREAS, Tri-State Coach Lines leased the above mentioned property from Cardinal Services, Inc.; and

WHEREAS, water from future floods could again enter the Wicker Park Manor Subdivision especially across the property of Cardinal Services, Inc. resulting in additional damages to the homes and property in said subdivision; and

WHEREAS, the situation constitutes an emergency due to the continuing threat to the homes and property and the hazard to the public health; and

WHEREAS, another flood could occur at anytime; and

WHEREAS, the Natural Resources Commission of the Department of Natural Resources may construct flood control works pursuant to Indiana Code 13-2-22-11(b); and

WHEREAS, the State of Indiana and the Little Calumet River Basin Development Commission wish to provide as much protection as possible from future floods to the Wicker Park Manor Subdivision until such time as a permanent flood control project is in place to provide permanent protection to the subdivision; and

WHEREAS, the State of Indiana through the Disaster Relief Funds Account #0885-DR-IN has agreed to provide funds to implement a project which will provide increased protection to the Wicker Park Manor Subdivision from future flooding events by constructing an emergency levee on the property known as Tri-State Coach Lines, Inc.; now

THEREFORE, it is mutually agreed that the project shall consist of the installation of steel sheet piling with a crest elevation of 600.9 feet sea level datum, said piling shall extend along those portions of the old railroad embankment which are below this elevation. The project shall be located on the property owned by Cardinal Service, Inc. and leased by Tri-State Coach Lines, Inc. more particularly described in Section III A of this agreement; now

THEREFORE, it is mutually agreed that:

I. The DEPARTMENT will:

a) prepare all necessary plans, specifications, and cost estimates for the project; and

b) Pay for the initial cost of the installation of the project; and

c) Award, administer and supervise the contract for the construction of the project pursuant to Indiana Code 4-13.6; and

d) Provide periodic supervision and final inspection of the project.

II. THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION WILL:

a) Upon final inspection and acceptance of the project by the Department assume the responsibility to maintain the project according to sound and accepted engineering practice in such a manner as to maintain a state of readiness for use as the need may arise from time to time.

b) Perform periodic inspections of the project to ascertain the need for maintenance and repair of the project.

c) Be responsible for the costs associated with the maintenance and repair of the project.

III. CARDINAL SERVICE, INC. and TRI-STATE COACHLINES, INC. will:

a) In consideration of the mutual benefits contained herein grant a temporary construction easement to the Department and the contractors working at the direction of the DEPARTMENT for the purpose of constructing the project in accordance with the plans and specifications prepared by the DEPARTMENT and shown on attachment B on their property more particularly described as follows:

Part of the Southeast Quarter of the Southeast Quarter of Section 17 and part of the Northeast Quarter of the Northeast Quarter of Section 20, all in Township 36 North, Range 9 West of the Second principal Meridian, being more particularly described as follows: Beginning at a point on the Northeasterly right of way line of the Chesapeake and Ohio Railway System said point being 307.75 feet northwesterly from the intersection of the Northeasterly line of said Railroad right of way with the U.S. Government Meander line of the south bank of the Little Calumet River survey of 1834; thence south 37° 48'00" east along said northeasterly right of way line a distance of 821.07 feet; thence south 52° 12'00" west a

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION  
MONTHLY BUDGET REPORT  
MARCH 31, 1991

ACCOUNT	DESCRIPTION	BUDGET AMOUNT	AMOUNT PAID PREVIOUSLY	UNPAID BALANCE	AMOUNT READY FOR PAYMENT	PROJECTED BALANCE
5119	PER DIEM EXPENSES	\$16,000.00	0.00	16,000.00	0.00	\$16,000.00
5311	LEGAL EXPENSES	7,500.00	626.66	6,873.34	283.33	6,590.01
5312	NIRPC SERVICES	94,000.00	10,486.20	83,513.80	5,875.75	77,638.05
5323	TRAVEL & MILEAGE	7,500.00	44.16	7,455.84	0.00	7,455.84
5331	PRINTING & ADVERTISING	2,000.00	29.81	1,970.19	0.00	1,970.19
5341	BONDS & INSURANCE	7,500.00	12.50	7,487.50	305.00	7,182.50
5361	EMERGENCY MAINTENANCE COSTS	3,000.00	0.00	3,000.00	0.00	3,000.00
5399	MEETING EXPENSES	2,500.00	529.80	1,970.20	0.00	1,970.20
5410	LEGAL SERVICES	50,000.00	4,554.00	45,446.00	2,826.00	42,620.00
5420	PROFESSIONAL SERVICES	250,000.00	26,400.34	223,599.66	4,978.25	218,621.41
5430	PROJECT LAND PURCHASE COSTS	3,902,705.00	58,620.63	3,844,084.37	21.00	3,844,063.37
5440	PROPERTY/STRUCTURES INSURANCE	25,000.00	0.00	25,000.00	14,193.00	10,807.00
5450	UTILITY RELOCATION COSTS	100,000.00	0.00	100,000.00	0.00	100,000.00
5460	PROJECT LAND CAPITAL IMPROVEMENTS	150,000.00	0.00	150,000.00	0.00	150,000.00
5470	STRUCTURES CAPITAL IMPROVEMENT	40,000.00	0.00	40,000.00	0.00	40,000.00
5480	BURNS WATERWAY BREAKWATER	44,000.00	0.00	44,000.00	0.00	44,000.00
5490	ESCROW ACCOUNT	195,000.00	0.00	195,000.00	0.00	195,000.00
TOTAL:		\$4,896,705.00	\$101,304.10	\$4,795,400.90	\$28,482.33	\$4,766,918.57

C L A I M S   R E A D Y   F O R   P A Y M E N T

ACCOUNT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5311	LOUIS M. CASALE	283.33	RETAINER FEE FOR THE MONTH OF MARCH 1991
5312	NIRPC	5875.75	FOR SERVICES RENDERED DURING FEBRUARY 1991
5341	HARLEY SNYDER INSURANCE	305.00	COST INCURRED RE: RENEWAL OF BOND FOR CLYDE BAUGHARD
5410	LOUIS M. CASALE	2,826.00	LAND ACQUISITION LEGAL SERVICES RE: 2/27-3/25/91
5421	VERNON E. LEE	1,200.00	APPRAISAL SERVICES RENDERED ON DC 356
5423	CHICAGO TITLE INSURANCE	430.00	TITLE WORK INCURRED ON DC 52
5423	NIMETZ TRUCKING	300.00	COST INCURRED RE: REPAIR OF DIKE BETWEEN CHASE & GRANT STREETS
5423	CHICAGO TITLE INSURANCE	215.00	TITLE WORK INCURRED ON DC 52
5423	CHICAGO TITLE INSURANCE	1,505.00	TITLE WORK INCURRED ON DC 52
5424	ROBERT B. STOFFER	1,328.25	LAND ACQUISITION/MANAGEMENT SERVICES RENDERED MARCH 5-27, 1991
5431	ROBERT B. STOFFER	21.00	REIMBURSEMENT OF RECORDING FEES PAID ON DC305, DC306 & DC318
5440	VALPARAISO INSURANCE	14,193.00	COST INCURRED RE: LIABILITY INSURANCE RENEWAL
		-----	
		28,482.33	



## ATTENDANCE ROSTER

Name of meeting:

LCRBDC

Date:

2-7-91

	NAME (please print)	Organization and/or Address	
1	C. D. GREEN	6406 W LINCOLN HWY C.P.	1
2	Bobby Wright	Griffith Park Walton	2
3	MIKE KERR	TENNET PAVONI ASSOC.	3
4	Rada Indjick	The Times	4
5	George Buncie	Griffith IWLA	5
6	Pete Zak	South Shore Marine Inc	6
7	Mary Jane Zak	" " " "	7
8	Jane Moran	Hammond City Council	8
9	Kurt Read	Porter County IWLA	9
10	DICK WAWRZYNIAK	DNR - DIV. WATER	10
11	Bill Leeks		11
12	Ed Beatty	N. Twp. for L.C. Dist. Advisory	12
13	Adam Adams	Comm. W. Elmhurst	13
14			14
15			15
16	Charles Patterson		16
17			17
18			18
19			19
20			20
21			21
22			22
23			23
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26			26
27			27
28			28
29			29
30			30
31			31

Chairman:

Arlene Colvin

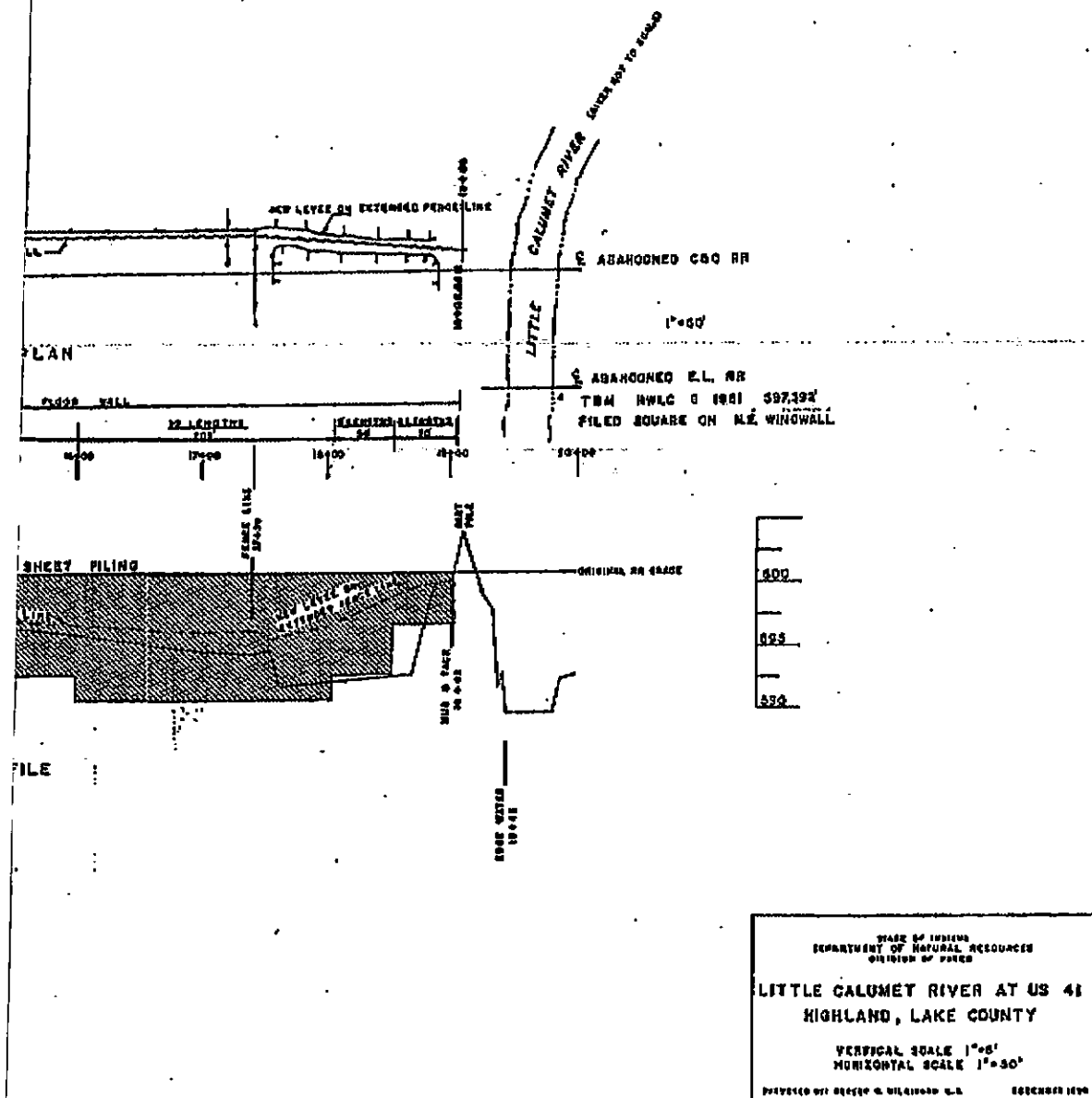
Location:

01/28/91 16:01 5317 241 8772



DIV. OF WATER →→→ N.I.R.P.C.

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distance of 100.0 feet, thence north 37° 48'00" west a distance of 821.07 feet; thence north 52° 12'00" East a distance of 100.00 feet to the point of beginning containing 1.885 acres, more or less.

b) Grant the LITTLE CALUMET COMMISSION, its agents and employees a similar temporary construction easement on the property described above in the event of the need to repair or maintain the project.

c) Provide the DEPARTMENT, its agents, representatives, and contractors with a right to ingress and egress to construct the project and at all reasonable times for inspection during and upon completion of construction.

d) Provide the LITTLE CALUMET COMMISSION, its agents and employees with a right of ingress and egress to the project at all reasonable times for inspection of the project and performance of needed maintenance.

e) Restrict parking and access to the two westernmost lanes of the parking lot located on the property until construction and final inspection of the project have been completed.

f) Agree to indemnify, defend, exculpate and hold harmless the Department its agents and representatives from any liability due to loss, damage, injuries or other casualties of whatsoever kind, or by whomever caused to the person or property of anyone on or off the easement area arising out of or resulting from the alteration to or

construction, maintenance, operation, repair, removal, relocation, change of size or replacement of any improvements upon the herein described easement area whether said liability be founded upon the theory of strict liability in tort or due in whole or in part to negligent acts or omissions of the Cardinal Service, Inc. and Tri-State, its agents or employees, the joint negligence of the Department, its agents or representatives or any other party or the negligence of any of them, but this clause shall not exculpate the Department from the consequences of its sole negligence.

Nondiscrimination - Pursuant to Indiana Code 22-9-1-10, the parties shall not discriminate against any employee or applicant for employment, to be employed in the performance of this agreement, with respect to his hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of his race, color, religion, sex, handicap, national origin or ancestry. Breach of this covenant may be regarded as a material breach of contract.

This agreement may be altered only by separate written instrument to be an addendum agreement between the parties, executed by the parties hereto, and may be terminated only in a like manner.

This agreement shall be in effect upon approval by the Governor of Indiana.

FOR CARDINAL SERVICE, INC:

---

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. The President talks about the war with Mexico, and about the situation in the South. He also talks about the economy, and about the need for more money. The letter is written in a very formal style, and it is very long. It is a very important document, and it is one of the most important documents in the history of the United States.

2. The second part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Treasury at that time. The Secretary talks about the need for more money, and about the need for more bonds. He also talks about the need for more gold, and about the need for more silver. The letter is written in a very formal style, and it is very short. It is a very important document, and it is one of the most important documents in the history of the United States.

3. The third part of the document is a letter from the Secretary of the Treasury to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the Treasury at that time. The Secretary talks about the need for more money, and about the need for more bonds. He also talks about the need for more gold, and about the need for more silver. The letter is written in a very formal style, and it is very long. It is a very important document, and it is one of the most important documents in the history of the United States.

4. The fourth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very short letter, and it contains a great deal of information about the state of the Treasury at that time. The Secretary talks about the need for more money, and about the need for more bonds. He also talks about the need for more gold, and about the need for more silver. The letter is written in a very formal style, and it is very short. It is a very important document, and it is one of the most important documents in the history of the United States.

5. The fifth part of the document is a letter from the Secretary of the Treasury to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the Treasury at that time. The Secretary talks about the need for more money, and about the need for more bonds. He also talks about the need for more gold, and about the need for more silver. The letter is written in a very formal style, and it is very long. It is a very important document, and it is one of the most important documents in the history of the United States.

007

N.I.R.P.C.

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DIV. OF WATER

317 241 8771

15:58

01/29/91

Before me, a Notary Public in and for said County and State personally appeared \_\_\_\_\_, who acknowledged the truth of the statements in the foregoing affidavit on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Residence County:

Notary Public

Commission Expires:

Printed Name

FOR TRI-STATE COACH LINES, INC.

Before me, a Notary Public in and for said County and State personally appeared \_\_\_\_\_, who acknowledged the truth of the statements in the foregoing affidavit on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Residence County:

Notary Public

Commission Expires:

Printed Name

FOR THE LITTLE CALUMET RIVER  
DEVELOPMENT COMMISSION:

DEPARTMENT:

Arlene Colvin, Chairperson

Patrick R. Ralston, Secretary  
Natural Resources Commission  
Department of Natural Resources

01/29/91 15:58 317 241 8771

DIV. OF WATER →→→

N.I.R.P.C.

008

APPROVE:

Dan Gardner  
Secretary-Treasurer

INDIANA DEPARTMENT  
OF ADMINISTRATION:

John J. Kish, Commissioner

DATE: \_\_\_\_\_

APPROVE:

John N. Simpson, Director  
Division of Water

STATE BUDGET AGENCY:

Frank Sullivan Jr., Director

DATE: \_\_\_\_\_

APPROVED AS TO FORM & LEGALITY  
This \_\_\_ day of \_\_\_ 19\_\_

ACCEPTED AND APPROVED  
Date: \_\_\_\_\_

Linley B. Pearson  
Attorney General of Indiana

Even Bayh  
Governor of Indiana

This instrument prepared by:

Cecelia Clark  
Chief, Legal Counsel  
Department of Natural Resources

STATE LAND OFFICE

Q 010

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA  
COUNTY OF MONROE

SS:

N. I. R. P. C.

The undersigned, being duly sworn on oath says, that he is the contracting party, or that he is the representative, agent, member, or officer of the contracting party, that he has not, nor has any other member, employee representative, agent or officer of the firm, company corporation or partnership represented by him, directly or indirectly, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he has not received or paid, any sum of money or other consideration for the execution of the annexed contract other than that which appears upon the face of the contract.

+++

DIV. OF WATER

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Company \_\_\_\_\_

Q 317 241 8771

Before me, a Notary Public in and for said County and State personally appeared \_\_\_\_\_, who acknowledged the truth of the statements in the foregoing affidavit on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

15:59

Residence County: \_\_\_\_\_

Notary Public \_\_\_\_\_

Printed Name \_\_\_\_\_

01/29/91

My Commission Expires: \_\_\_\_\_

011

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA  
COUNTY OF MONROE

SS:

N.I.R.P.C.

The undersigned, being duly sworn on oath says, that he is the contracting party, or that he is the representative, agent, member, or officer of the contracting party, that he has not, nor has any other member, employee representative, agent or officer of the firm, company corporation or partnership represented by him, directly or indirectly, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he has not received or paid, any sum of money or other consideration for the execution of the annexed contract other than that which appears upon the face of the contract.

---

DIV. OF WATER

Signature

Printed Name

Title

Company

3317 241 8771

Before me, a Notary Public in and for said County and State personally appeared \_\_\_\_\_, who acknowledged the truth of the statements in the foregoing affidavit on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Residence County:

Notary Public

15:59

Printed Name

01/29/91

My Commission Expires:



012

N.I.R.P.C.

+++

DIV. OF WATER

317 241 8771

16:00

01/29/91

PLANS & SPECIFICATIONS  
for the  
TEMPORARY REPLACEMENT OF  
THE HIGHLAND RAILROAD EMBANKMENT  
WITH A STEEL SHEET PILING FLOOD WALL  
LAKE COUNTY, INDIANA

Proj. No. E6

INDIANA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER  
1991

## - SCOPE OF PROJECT -

N.I.R.P.C.

---

DIV. OF WATER

01/29/91 16:00 3317 241 8771

The work under this contract consists of placing a steel sheet piling wall for a distance of 720 feet parallel to and west of the centerline of the abandoned C & O railroad through the parking lot of Tri-State Coach Lines in Highland, Indiana. The site is west of U.S. Highway 41 and south of the Little Calumet River.

The Department of Natural Resources has an easement from Tri-State Coach Lines to enter their property for the construction of this project. It will be the contractors responsibility for any damage to public or personal property on or along this easement. It is also the contractor's responsibility to leave conditions in the parking lot as they were prior to the work.

The contractor will be responsible for the layout of his work from a baseline and bench mark established by the Department of Natural Resources. The contractor's layout will be subject to accuracy checks by the Department of Natural Resources.

The completion of the entire construction, including cleanup, shall be within 30 calendar days from the date construction commences. Work shall begin no later than 10 days following the award date of this contract as described on page 14 of 26, Article 8, paragraph 8.2 of the General Conditions.

The work under this contract shall be bid as a lump sum price to complete the work as shown on the plans and described in the specifications.

This lump sum payment will be considered full compensation for furnishing all material, labor, equipment and incidentals to complete the work as shown or specified.

## - STEEL SHEET PILING -

N.I.R.P.C.

The steel sheet piling shall be fabricated from cold rolled black steel having a minimum thickness of 10 gage. The corrugations shall have a minimum depth of 2.75 inches. The sheets shall have a full length interlocking joint between the pieces. A minimum nominal covering width per piece of 14 inches. The piling shall have a minimum square foot weight of 7 pounds per square foot.

Extreme care shall be taken to alleviate or at least minimize crushing damage to the top of the piling. The tops of the piling shall be driven to grade, elevation 600.9 feet. A deviation in excess of 0.10 foot from this grade will not be acceptable.

+++

Attempting to penetrate the frost with the 10 gage piling will not be permitted, the frost must first be broken with the proper equipment.

DIV. OF WATER

Each piece of piling shall be driven plumb and in alignment as shown. Any driven piece not plumb in all directions and on alignment, shall be pulled and correctly driven before proceeding to the next piece. The correctly driven pieces shall be welded a minimum of 3 inches to each other.

This steel sheet piling wall will cross the parking lot chain link fence. The fence shall be removed to permit pile driving and then replaced. The south location will require only notching the fabric over the steel sheet piling. The bottom tension wire shall pass through a 1/4 inch diameter hole cut through the steel sheet piling. The north location of the fence will require the installation of a new post on each side of the steel sheet piling wall. These posts, tension bars and attaching hardware shall be equal to the material and workmanship of the existing fence.

01/29/91 16:00 3317 241 8771

The existing parking barriers shall be replaced after completion and acceptance of the steel sheet piling. The barriers shall be placed a proper distance from the steel sheet piling wall as requested by Tri-State Coach Lines.

# United States Senate

WASHINGTON, DC 20510

January 4, 1991

Dan Gardner, Executive Director  
Little Calumet River Basin Development Commission  
8149 Kennedy Avenue  
Highland, Indiana 46322

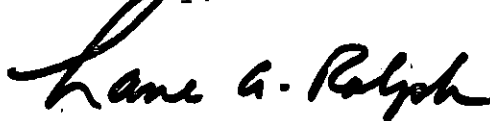
Dear Dan:

I want to thank you and the Little Calumet River Basin Development Commission for assisting the interest of the Urban League in maximizing procurement opportunities for upcoming work on this major public works construction project.

As we discussed, Colonel Randall Inouye, District Engineer of the Chicago District, Corps of Engineers agreed to assist with a meeting to provide information on the minority contracting opportunities for the Little Calumet River public works project. The Colonel and his staff welcome efforts to enhance minority firm participation in the project. The Senators have expressed their support for a meeting to enhance minority firm awareness and involvement by the Urban League and other interested parties.

Please advise John Hall or myself if you need any additional assistance and/or information to finalize arrangements on this meet. I understand the Commission did discuss this matter at their January 3rd meeting. Should you have questions you can reach me at 317-226-5555. Thank you.

Sincerely,



Lane A. Ralph  
Assistant State Director  
U.S. Senators Richard G. Lugar  
and Dan Coats

cc: Colonel Randall Inouye, District Engineer, Chicago District  
John Hall

# CITY OF GARY



## DIVISION OF PHYSICAL & ECONOMIC DEVELOPMENT

401 BROADWAY

THOMAS V. BARNES, MAYOR • ARLENE D. COLVIN, Esq., DIRECTOR

GARY, INDIANA 46402

(219) 881-1425

December 19, 1990

Mr. Dan Gardner  
Executive Director  
Little Calumet River Basin Development  
Commission  
8149 Kennedy Avenue  
Highland, IN 46322

Dear Dan:

This letter will advise you of road/public works projects planned by the City of Gary that could impact upon the Little Calumet River flood protection project.

The city has applied for Build Indiana funding for the installation of sewers in the Black Oak area at Burr Street. While funding for this project has not yet been approved, the project has been specially targeted by the Selection Committee. Mayor Barnes has discussed this project with Governor Bayh and we feel confident that it will receive favorable consideration.


The city also has plans to widen the following roads:

1. Burr Street from I/80-94 to Ridge Road;
2. 25th Avenue from Clark Road to Cline Avenue;
3. 15th Avenue from Clay Street to Martin Luther King;
4. Lake Street from Lake Michigan to Gary/Lake Station boundary.

All of the above road projects have been included in the city's five year plan that has been submitted to NIRPC.

If you have questions, please contact me.

Sincerely,

  
Arlene D. Colvin  
Division Director

ADC:ie

*Public Office Means - Public Service*



City of Gary  
**ENGINEERING DEPARTMENT**

THOMAS V. BARNES  
MAYOR

MUNICIPAL BUILDING  
GARY, INDIANA 46402  
TELEPHONE: 881-1366

ROLAND ELVAMBUENA, P.E.  
CITY ENGINEER

MAKHAN KACHRU  
ASSISTANT CITY ENGINEER

December 31, 1990

Lake County Commission  
2293 North Main Street  
Crown Point, Indiana 46307

Attention: Mr. Rudolph Clay, President

RE: Bridges over Little Calumet River at Grant and Burr Streets, in Gary

Dear Mr. Clay:

The Little Calumet River Basin Commission in conjunction with the U.S. Corps of Engineers (COE) in their flood control plan are proposing the closure of all north and south streets through Gary during flooding periods, except for Broadway and Cline Avenue, both of which are State Highways.

Such a plan would impose a major inconvenience to, not only the citizens of the City of Gary, but would extend to South County as well. The proposed plan would close Grant Street that is the major thoroughfare servicing both Gary Hospitals at 6th and Harrison and 6th and Grant Street; as well as the Fire Station at 5th Avenue and Pierce Street.

The City of Gary currently is in the process of preparing plans to improve Burr Street from 29th Avenue to Ridge Road, making it a four-lane road. Due to the proposed levy on both sides of the LCR, the roadway will have to be raised to traverse over the levy and permit access to through traffic during flood conditions. In order for this to be accomplished, the bridge over the LCR will have to be widened and raised accordingly and designed to accommodate the anticipated heavy traffic to and from the I-80/94 interstate highway.


A similar situation exists at Grant Street, already a four-lane highway and bridge. The construction of the COE levy will, during flooding periods cause this street to be closed to traffic. We request that this bridge also be raised together with the approaches to permit the levy to be constructed under the raised roadway approaches. Such a plan would eliminate the need to flood and close Grant Street. Further, it would not require the manual installation of flood gates across the roadway whenever a flooding condition occurs.

It is our understanding that the County is responsible for upgrading and maintaining the bridges and their approaches to meet the current needs. We therefore officially request that you consider this responsibility by commencing preparation of plans and inclusion in the next budget. Because this situation is a result of the LCRBC construction program which is funded by the State, it is suggested that you may be able to have the State participate in the resultant planning and construction costs for both the Burr Street and Grant Street bridges and approaches between the two levies.

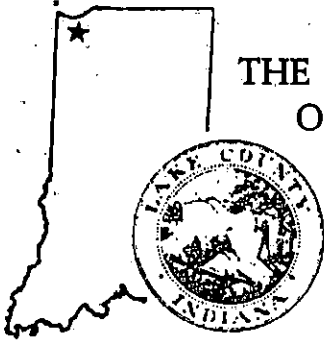
The levy construction plan calls for construction to commence by the summer of 1992. Your participation in these projects is vital to the flood control program and we would be happy to have further discussions to expedite the work and coordinate this work with the County, City, LCRBC and State.

Please feel free to communicate with me at your earliest convenience, at 881-1366.

Very truly yours,

  
ROLAND P. ELVAMBUENA, P.E.  
City Engineer

cc: Ernest Niemeyer, Commissioner  
Steve Corey, Commissioner  
Dan Gardner, Exec. Director LCRBC  
Frank DeRisis, LaPorte District, INDOT  
Arlene Colvin, Director, Physical and Economic Development, Gary  
Richard Commer, Deputy Mayor



THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF LAKE

**Rudolph CLAY**

2293 NORTH MAIN STREET  
CROWN POINT, INDIANA 46307  
219-755-3204

400 BROADWAY  
GARY, INDIANA 46402  
219-881-6078

3711 MAIN STREET  
EAST CHICAGO, INDIANA 46312  
219-397-6728

January 9, 1991

Mr. Roland P. Elvambuena, P.E.  
Municipal Building  
401 Broadway  
Gary, Indiana 46402

Dear Mr. Elvambuena:

Received your letter requesting the County to prepare plans and include in the 1991 budget money to Construct Burr and Grant Street Bridge over the Little Calumet River.

I support your rationale of the situation and have forwarded your correspondence to Mr. Dale Catt's our Highway Engineer.

I will also ask our Highway Superintendent to look into the issue.

Thanking you in advance.

Sincerely,

Rudolph Clay, President  
Board of Commissioner

RC/hh

cc: Dan Gardner, Exec. Director LCRBC  
Frank DeRisis, LaPorte District, INDOT  
Arlene Colvin, Director, Physical & Economic Development  
Richard Comer, Deputy Mayor



# THE TIMES

Tuesday, February 5, 1991

## Corps asks for \$6.5 million to aid river project

By ANNE HAZARD  
States News Service

WASHINGTON — The U.S. Army Corps of Engineers is seeking \$7.9 million in 1992 from Congress for flood control and navigation projects in Lake and Porter counties, including \$6.5 million to build levees along the Little Calumet River.

The Little Calumet flood control project, which began in 1990, is to eliminate some \$11.8 million in damage done annually by the river when it overruns its banks.

Ultimately, the \$92.3 million project will consist of a 22-mile-long system of levees and flood walls along the river from the Illinois-Indiana line to Gary. The scheduled completion date is September 1996.

"It's a very good sign" that the Little Calumet project has been included in the corps' budget request to Congress, spokesman Evelyn Schiele said, particularly in light of programs that the Bush administration has recommended be cut because of budgetary constraints.

The corps obtained just more than \$3 million to start building the levees this year, and the \$6.5 million request for 1992 would be used to continue the work, she said.

For 1992, the corps also is asking Congress for \$535,000 to design a disposal plant for dumping contaminated sediments that are dredged from Indiana Harbor Ship Canal in East Chicago.

The harbor, which contains sediments

## Corps

Continued from Page B-1

that have been poisoned by heavy metals and polychlorinated biphenyls, or PCBs, has not been dredged since 1972 because government agencies have been unable to agree on a safe way to dispose of the sediments.

The sediments have so clogged the harbor that some of the freighters that serve the local oil refineries and steel mills can no longer dock and unload.

Environmentalists favor treating the sediments to reduce substantially their toxicity before disposal, but "the treatment technology is extremely expensive, and we may not be able to afford it," Schiele said.

No matter how the sediments are treated, a disposal facility will be needed, she said. The corps plans to build one large enough to hold 3 million cubic yards, which should last 30 years, corps spokesman John Dorkin said.

In July, the corps is scheduled to release a draft environmental im-

pact statement on different technologies for treating the sediments. Still to be decided by the corps is where the landfill will be located.

The agency is considering four sites, including an area in Lake Michigan behind Inland Steel's breakwater that would have to be filled, the abandoned ECI Refinery in East Chicago, the J-Pit site in Gary and a location on the north side of 141st Street next to the Indiana East-West Toll Road in Hammond.

The corps also is seeking \$701,000 to replace damaged stone on the north breakwater of the Burns Harbor Waterway in Porter County near Gary, and \$122,000 to continue monitoring a beach west of the Burns Waterway Small Boat Harbor for erosion.

The agency also has asked for \$22,000 to inspect shoreline protection structures built to protect the town of Beverly Shores. But if the examination should reveal problems, "there's no money to do any repairs," Schiele said.

See CORPS, Page B-2

## AGREEMENT BETWEEN

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION  
(hereinafter referred to as the "COMMISSION")

and the

INDIANA DEPARTMENT OF NATURAL RESOURCES  
(hereinafter referred to as the "DEPARTMENT")

WHEREAS, on November 27 thru 29, 1990 record high water levels on the Little Calumet River caused the flooding of the Wicker Park Manor Subdivision in Highland, Indiana damaging in excess of 270 homes; and

WHEREAS, the Wicker Park Manor Subdivision is afforded some protection from flooding events by an existing spoil bank on its northern boundary, and existing railroad embankments to the east and west; and

WHEREAS, a portion of the railroad embankment located on the property at 8144 Indianapolis Boulevard, Highland, Indiana, known as Tri-State Coach Lines is presently at an elevation well below the water level elevation of the November 27 to 29, 1990 flood; and

WHEREAS, the Little Calumet River Basin Development Commission was created by Indiana Code 14-6-29.5 to maintain flood control and other public works projects and for other purposes; and

WHEREAS, Cardinal Service, Inc., an Indiana Corporation located at \_\_\_\_\_, is the owner of the real estate described in Exhibit "A" attached to this agreement; and

WHEREAS, Tri-State Coach Lines leased the above mentioned property from Cardinal Services, Inc.; and

WHEREAS, water from future floods could again enter the Wicker Park Manor Subdivision especially across the property of Cardinal

Services, Inc. resulting in additional damages to the homes and property in said subdivision; and

WHEREAS, the situation constitutes an emergency due to the continuing threat to the homes and property and a hazard to the public health; and

WHEREAS, another flood could occur at anytime; and

WHEREAS, the Natural Resources Commission of the Department of Natural Resources may construct flood control works pursuant to Indiana Code 13-2-22-11(b); and

WHEREAS, the State of Indiana and the COMMISSION wish to provide as much protection as possible from future floods to the Wicker Park Manor Subdivision until such time as a permanent flood control project is in place to provide permanent protection to the subdivision; and

WHEREAS, the State of Indiana through the Disaster Relief Funds Account #0885-DR-IN has agreed to provide funds to implement a project which will provide increased protection to the Wicker Park Manor Subdivision from future flooding events by constructing an emergency levee on the property described in Exhibit "A"; now

THEREFORE, it is mutually agreed that the project shall consist of the installation of steel sheet piling with a crest elevation of 600.9 feet sea level datum, said piling shall extend along those portions of the old railroad embankment which are below this elevation. The project shall be located on the property owned by Cardinal Service, Inc. and leased by Tri-State Coach Lines, Inc. upon, over and across easements granted to the Parties hereto by Cardinal.

• THEREFORE, it is mutually agreed that:

I. The DEPARTMENT will:

- A) prepare all necessary plans, specifications, and cost estimates for the project; and
- B) pay for the initial cost of the installation of the project; and
- C) award, administer and supervise the contract for the construction of the project pursuant to Indiana Code 4-13.6; and
- D) Provide periodic supervision and final inspection of the project.
- E) Provide that the engineer and contractor hired by it to design and construct the project shall hold harmless and indemnify the COMMISSION from any liability action, claims or damage arising or resulting from the negligent design or construction of the project.

II. THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION WILL:

- A) Upon final inspection and acceptance of the project by the DEPARTMENT and the COMMISSION, assume the responsibility to maintain the project according to sound and accepted engineering practice.
- B) Perform periodic inspections of the project to ascertain the need for maintenance and repair of the project.
- C) Be responsible for the costs associated with the maintenance and repair of the project except for when necessitated by the negligent, insufficient or improper design or construction of the project.

III. NONDISCRIMINATION - Pursuant to Indiana Code 22-9-1-10, the parties shall not discriminate against any employee or applicant for employment, to be employed in the performance of this agreement, with respect to his hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of his race, color, religion, sex, handicap, national origin or ancestry. Breach of this covenant may be regarded as a material breach of contract.

This agreement may be altered only by separate written instrument to be an addendum agreement between the parties, executed by the parties hereto, and may be terminated only in a like manner.

This agreement shall be in affect upon approval by the Governor of Indiana.

LITTLE CALUMET RIVER BASIN  
DEVELOPMENT COMMISSION

DEPARTMENT OF NATURAL RESOURCES

\_\_\_\_\_  
ARLENE COLVIN, Chairperson

\_\_\_\_\_  
PATRICK R. RALSTON, Secretary  
Natural Resources Commission  
Department of Natural Resources

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
JOHN N. SIMPSON, Director  
Division of Water

INDIANA DEPARTMENT  
OF ADMINISTRATION

STATE BUDGET AGENCY

\_\_\_\_\_  
JOHN J. KISH, Commissioner

\_\_\_\_\_  
FRANK SULLIVAN, JR., Director

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY  
This \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ACCEPTED AND APPROVED  
DATE: \_\_\_\_\_

\_\_\_\_\_  
LINLEY E. PEARSON  
Attorney General of Indiana

\_\_\_\_\_  
EVAN BAYH  
Governor of Indiana

This instrument prepared by:

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION  
MONTHLY BUDGET REPORT  
JANUARY 31, 1991

ACCOUNT	DESCRIPTION	BUDGET AMOUNT	AMOUNT PAID PREVIOUSLY	UNPAID BALANCE	AMOUNT READY FOR PAYMENT	PROJECTED BALANCE
5119	PER DIEM EXPENSES	\$16,000.00	0.00	\$16,000.00	0.00	\$16,000.00
5311	LEGAL EXPENSES	7,500.00	0.00	7,500.00	343.33	7,156.67
5312	NIRPC SERVICES	94,000.00	0.00	94,000.00	4,697.09	89,302.91
5323	TRAVEL & MILEAGE	7,500.00	0.00	7,500.00	44.16	7,455.84
5331	PRINTING & ADVERTISING	2,000.00	0.00	2,000.00	29.81	1,970.19
5341	BONDS & INSURANCE	7,500.00	0.00	7,500.00	12.50	7,487.50
5361	EMERGENCY MAINTENANCE COSTS	3,000.00	0.00	3,000.00	0.00	3,000.00
5399	MEETING EXPENSES	2,500.00	0.00	2,500.00	529.80	1,970.20
5410	LEGAL SERVICES	50,000.00	0.00	50,000.00	1,896.00	48,104.00
5420	PROFESSIONAL SERVICES	250,000.00	1,478.73	248,521.27	5577.32	242,943.95
5430	PROJECT LAND PURCHASE COSTS	3,902,705.00	827.50	3,901,877.50	77,909.00	3,823,968.50
5440	PROPERTY/STRUCTURES INSURANCE	25,000.00	0.00	25,000.00	0.00	25,000.00
5450	UTILITY RELOCATION COSTS	100,000.00	0.00	100,000.00	0.00	100,000.00
5460	PROJECT LAND CAPITAL IMPROVEMENTS	150,000.00	0.00	150,000.00	21,358.70	128,641.30
5470	STRUCTURES CAPITAL IMPROVEMENT	40,000.00	0.00	40,000.00	0.00	40,000.00
5480	BURNS WATERWAY BREAKWATER	44,000.00	0.00	44,000.00	0.00	44,000.00
5490	ESCROW ACCOUNT	195,000.00	0.00	195,000.00	0.00	195,000.00
TOTAL:		\$4,896,705.00	\$2,306.23	\$4,894,398.77	\$112,397.71	\$4,782,001.06

C L A I M S   R E A D Y   F O R   P A Y M E N T

ACCOUNT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5311	LOUIS M. CASALE	60.00	ADDITIONAL LEGAL SERVICES FOR JANUARY 1991
5311	LOUIS M. CASALE	283.33	ATTORNEY RETAINER FEE FOR THE MONTH OF JANUARY 1991
5312	N I R P C	4,697.09	FOR SERVICES PERFORMED DURING DECEMBER 1990
5323	DAN GARDNER	44.16	MILEAGE EXPENSES 1/8-29/91
5331	THE TIMES	29.81	COST INCURRED RE: LEGAL NOTICE PUBLISHED 12/20-27/90
5341	STATE BOARD OF ACCOUNTS	12.50	COST INCURRED RE: AUDIT EXPENSES OF LCRBC
5399	COURTNEY'S	529.80	MEETING EXPENSES INCURRED ON 1/3/91
5410	LOUIS M. CASALE	1,896.00	LAND ACQUISITION LEGAL SERVICES FOR THE MONTH OF JANUARY 1991
5421	MILO F. VALE & COMPANY	1,700.00	APPRAISAL SERVICES RENDERED ON LCRBDC PROPERTIES
5423	CHICAGO TITLE INSURANCE	815.00	TITLE WORK INCURRED ON DC107,116,109,305, & 311
5423	CHICAGO TITLE INSURANCE	435.00	TITLE WORK INCURRED ON DC318 & 119
5423	CHICAGO TITLE INSURANCE	55.00	TITLE WORK INCURRED ON DC246 & 248
5424	ROBERT B. STOFFER	253.75	LAND ACQUISITION/MANAGEMENT SERVICES RE: 1/7-9/91
5424	ROBERT B. STOFFER	1,010.64	LAND ACQUISITION/MANAGEMENT SERVICES RE: 1/10-29/91
5424	ROBERT B. STOFFER	730.50	LAND ACQUISITION/MANAGEMENT SERVICES RE: 1/30-2/7/91
5426	DEPT. OF NATURAL RESOURCES	50.00	APPLICATION FEE RE: APPROVAL OF CONSTRUCTION IN A FLOOD WAY
5429	C. BULT & SONS INC.	146.20	REFUND FOR BID DEPOSIT ON L101
5429	JERRY EWEN	381.23	REFUND FOR BID DEPOSIT ON L112
5431	PETTICE JACKSON	27,400.00	PURCHASE PRICE OF PROPERTY ON DC306
5431	EARL & FLORA MC CLATCHEY	10,400.00	PURCHASE PRICE OF PROPERTY ON DC305
5431	LAKE COUNTY RECORDERS OFFICE	104.00	RECORDING FEES ON DC314,236,221,226,227, & 275
5432	MARION HOWARD	40,005.00	COST INCURRED RE: REPLACEMENT HOUSING ON DC354
5460	GTE NORTH	21,358.70	COST INCURRED REROUTING OF CABLES
		-----	
		112,397.71	

# LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

## ANNUAL BUDGET REPORT

FOR YEAR ENDED DECEMBER 31, 1990

ACCOUNT	DESCRIPTION	BUDGET AMOUNT	AMOUNT PAID TO DATE	BALANCE
119	PER DIEM EXPENSES			
311	LEGAL EXPENSES	\$16,000.00	\$7,350.00	\$8,650.00
312	NIRPC SERVICES	7,500.00	\$3,549.83	3,950.17
323	TRAVEL & MILEAGE	91,500.00	\$57,454.86	34,045.14
331	PRINTING & ADVERTISING	8,500.00	\$6,670.91	1,829.09
341	BONDS & INSURANCE	2,500.00	\$1,146.15	1,353.85
361	EMERGENCY MAINTENANCE COSTS	7,500.00	\$5,918.50	1,581.50
399	MEETING EXPENSES	3,500.00	\$0.00	3,500.00
411	LEGAL SERVICES	3,000.00	\$1,525.88	1,474.12
412	PROFESSIONAL SERVICES	50,000.00	\$30,279.00	19,721.00
413	LAND PURCHASE COSTS	150,000.00	\$86,946.61	63,053.39
414	LAND CAPITAL IMPROVEMENTS	5,790,576.00	\$530,105.41	5,260,470.59
415	BURNS WATERWAY BREAKWATER	150,000.00	\$117,207.70	32,792.30
416	STRUCTURES CAPITAL IMPROVEMENT	0.00	\$0.00	0.00
417	PROPERTY/STRUCTURES INSURANCE	40,000.00	\$0.00	40,000.00
418	ESCROW ACCOUNT	25,000.00	\$15,288.90	9,711.10
		355,000.00	\$160,000.00	195,000.00
=====				
TOTAL:		\$6,700,576.00	\$1,023,443.75	\$5,677,132.25

=====

**GOVERNOR'S FACT FINDING COMMITTEE  
TO  
INVESTIGATE THE FLOODING  
IN  
WICKER PARK MANOR  
HIGHLAND, INDIANA**

**JANUARY 1991**



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	<u>Exhibit</u>
Site Map.....	"A"
Spoil Bank Profile.....	"B"
Frequency Estimation and High Water Survey Data.....	"C"
Parking Lot and Railroad Profile.....	"D"
Proposed Parking Lot Plans.....	"E"
Photographs of Existing Parking Lot.....	"F"
1965 DNR Mapping.....	"G"
Hydrograph.....	"H"
IC 13-2-22 with Amendment.....	"I"
DNR application for Construction in a Floodway (IC 13-2-22)....	"J"
Local Ordinances and Construction Codes.....	"K"
USACE Flood Level Projections.....	"L"
IC 36-9-27, Only Section 33.....	"M"
DNR Project No. 90-1 and IC 14-6-29.5.....	"N"
Donald Shapiro R.L.S. "As Built" Sketch.....	"O"

## I. Authority and Scope

A fact finding committee was formed to investigate the cause of the flooding in Wicker Park Manor in Highland, Indiana on November 27 through November 29, 1990 at the request of Governor Evan Bayh. Jerry Hauer, Director of the State Emergency Management Agency was appointed to direct the investigation.

Mr. Hauer directed representatives from State Emergency Management Agency (SEMA), Indiana Department of Natural Resources (IDNR), Indiana State Police (ISP) and Indiana Department of Environmental Management (IDEM) to research the following:

1. What caused the flood in Wicker Park Manor?
2. Could it have been prevented?

Note: This committee does not contain attorneys. While it performed some research into applicable statutes and ordinances, research should not be considered as conclusive on legal responsibility. There is a lawsuit pending that will ultimately determine the legal responsibilities of the parties.

## II. Acknowledgments

The following persons were members of the fact finding committee:

Charles R. Ferrell	Indiana State Police Sgt., Enforcement Division
Wayne C. Capek	Department of Natural Resources Head, Floodplain Management Section Division of Water
Michael P. Kuss	Indiana Department of Environmental Mgmt. Environmental Engineer, Water Quality Surveillance and Standard Branch

Dean G. Ogan

State Emergency Management Agency  
Hazard Mitigation Program Manager

### III. Introduction

The Wicker Park Manor Subdivision is surrounded by two railroad embankments and a spoil bank along the Little Calumet River in Highland, Indiana. These structures form a triangle which provides some protection against flooding if a low spot at the Highway 41 bridge approach is sandbagged.

Tri State Coach Lines, Inc. obtained a quitclaim deed for a portion of the west railroad embankment adjacent to their property and expanded a parking lot. During the construction of the parking lot the railroad embankment was lowered 1 to 5 feet along a seven hundred (700) feet section.

On November 27 through 28, 1990, a heavy rain produced a record flood on the Little Calumet River. These floodwaters entered the Wicker park Manor Subdivision through the low section in the Tri State Coach Lines, Inc. parking lot.

### IV. Flooding Background and History of Wicker Park Manor

Wicker Park Manor in Highland, Indiana has been provided some protection from flooding in the past by an existing railroad embankment on the eastern (Conrail Railroad) and western (Chessie System Railroad) boundaries and a spoil bank on the northern boundary along the Little Calumet River (See Exhibit "A" for Site Map). The spoil bank was the result of channel deepening and widening projects in the Little Calumet

River between 1933 and 1936. These structures were never designed for flood control, although they do provide some protection from flooding events if Highway 41 (Indianapolis Blvd.) is sandbagged or fill is placed to block the floodwaters, since the road approaches are about 4 to 6 feet below the top of the spoil banks. During some flooding events sandbagging is also required at a low point near the pump station (See Exhibit "B" for Spoil Bank Profile).

According to local sources, this area has flooded seven times previously since 1954, when the bridge approaches were not sandbagged in time to stop the floodwaters or the sandbags failed to contain the floodwaters. According to local sources, the bridge approach on the south bank of the Little Calumet River is the only location where floodwaters had entered the subdivision until the November 27-29, 1990 flood event.

On November 27 through 28, 1990, 5 to 6.25 inches of rain fell in Lake County, most of it within a five hour period, producing a flooding event on the Little Calumet River at a 70 year frequency. A seventy (70) year frequency event has a 1.4% chance of occurring any given year. In addition, this flooding event is the highest flood of record reaching an elevation of about 598.4 at the site (See Exhibit "C" for Frequency Estimation and High Water Mark Survey Data).

During the flooding event the Town of Highland started their standard emergency sandbagging on the Highway 41 bridge approach at the south bank of the Little Calumet River. The emergency efforts at the Highway 41 bridge did stop the floodwaters from entering the Wicker Park subdivision at the bridge approach; however, the floodwaters

entered the Wicker Park Subdivision through the northwest corner of the Tri State Coach Lines, Inc. parking lot (See Exhibit "D" for Parking lot and Railroad Profile).

The Tri State Coach Lines, Inc. in 1987 obtained a quitclaim deed for a portion of the west railroad tracks (Chessie System Railroad) and constructed a new parking lot (See Exhibit "E" and "F" for Proposed Parking Lot Plans and Photographs of existing Parking Lot). The top of the railroad embankment, before the start of construction, was at an elevation of approximately 600 feet National Geodetic Vertical Datum (N.G.V.D.), based on 1965 one foot contour mapping prepared by the Department of Natural Resources (DNR). A survey conducted by the DNR, Division of Water, Survey Section on December 18-20, 1990 shows that the railroad embankment was lowered during the construction of the parking lot to an elevation of about 596.0 N.G.V.D. at the lowest point along the west edge of the parking lot (See Exhibit "G" and "D" for 1965 DNR Mapping and DNR Survey of Parking Lot).

According to SEMA, attempts were made by the Town of Highland and other emergency response personnel to stop the floodwaters from entering Wicker Park through the Tri State Coachlines, Inc. parking lot by constructing an emergency levee. The emergency levee was not constructed in time to stop the floodwaters from entering Wicker Park. The magnitude of the flooding event and the rapid rise of floodwaters (average rise of 1/2 foot per hour) made it virtually impossible to construct an emergency levee in time to protect the Wicker Park Subdivision (See Exhibit "H" for Hydrograph).

## V. Identification of the Governmental and Private Entities contacted

It was determined that the following entities and individuals should be contacted to gather information concerning the parking lot construction.

- The Town of Highland  
Ron Bradly, Public Works Director  
Tony Satkulak, Chief Inspector  
Rhett Tauber, Town Attorney  
William Banister, Town Engineer
- The Lake County Drainage Board and Surveyor's Office  
Steve Manich, Elected County Surveyor  
Bill Henderson, County Surveyor's Office  
Cliff Duggan, County Surveyor's Office
- Shapiro and Associates, Inc. (Representative For Tri State Coach Lines, Inc.)  
Don Shapiro, Registered Land Surveyor (Note: Mr. Shapiro declined to speak with our committee)
- Largura Construction, Inc.  
Tino Largura, Owner
- Department of Natural Resources, Division of Water - Regulations Branch

## VI. Investigation Details

On January 23, 1989, Shapiro and Associates, 520 Ridge Road, Munster, Indiana, acting as agent for Tri State Coach Lines, Inc. 21011 West 37th Avenue, Gary, Indiana made application for approval of construction in a floodway, under the 1945 Flood Control Act (IC 13-2-22), to the Department of Natural Resources, Division of Water to excavate and expand an existing detention pond. The application contained a location map including a legal description of the property on which this construction was to take place.

The 1945 Flood Control Act (IC 13-2-22) prohibits constructing abodes or residences in or on a floodway and requires the prior approval of the Department of Natural Resources for any other type of construction, excavation, or filling in or on a floodway (See Exhibit "I" for Copy of IC 13-2-22). IC 13-2-22-13(b) states "It is unlawful to erect, make use or maintain any structure, obstruction, deposit, or excavation to be erected, made, used or maintained in or on any floodway, which will... by virtue of its nature, design, method of construction, state of maintenance, or physical condition, will constitute an unreasonable hazard to the safety of life or property...". The Department of Natural Resources has for several years, based on 1965 mapping and a memo regarding a meeting between officials from the DNR, Highland and Hammond dated December 1967, used a flood control corridor, which extends no more than 200 feet south of the Little Calumet River at the site, as its floodway in this area to determine the extent of its jurisdiction (See Exhibit "G" for DNR 1965 Mapping Showing Flood Control Corridor). This flood control corridor covers about 20% of the total railroad fill and spoil bank area lowered during the parking lot construction by Tri State Coach Lines, Inc.. The permit requested by Tri State Coach Lines Inc. was for the excavation and expansion of an existing detention pond which was part of the parking lot construction. This permit application was received by the Division of Water on February 3, 1989 and covered an area that was landward of this flood control corridor. The application states that the project will be 200 feet from the river and this was verified in a telephone conversation in late May/early June 1989 with the applicant's engineer Donald Shapiro; therefore, it was not within the jurisdictional authority of the DNR. So there would be no question as

to the project's proposed location, the DNR letter terminating this project stated, "your proposed project, which is at least 200 feet south of the south bank of the Little Calumet River...". As such, the proposed project application no. G-11,350 was terminated (See Exhibit "J" for Application and Related Correspondence).

At the time of application for a construction in a floodway permit the DNR was not provided with an accurate location of the proposed detention pond showing that the detention pond was in the floodway. Furthermore, no request was made for approval to excavate the railroad embankment within the 200 feet corridor. There was also no information which suggested that this railroad embankment provided protection to the Wicker Park Manor Subdivision during flooding events.

The only other possible authority the DNR could have had at this site would have been if the railroad embankment, which was removed at the site, had been a portion of an existing flood control levee. The Division of Water considers a levee to be flood control if it was designed to confine floodwaters to a given frequency with at least 2 feet of freeboard above that frequency flood elevation and if the levee is to be owned and maintained by a governmental agency. In addition, if the levee is being designed to contain the 100 year frequency flood, it is also necessary to meet the design criteria under the National Flood Insurance Program (44 CFR Section 65.10) in order to remove areas landward of the levee from the regulatory floodplain (100 year floodplain). No levee project had been implemented in this area at the time the project was reviewed; therefore, the DNR has no jurisdiction over the railroad embankment as a portion of a flood control project.



On about April 6, 1990, it came to the attention of the Town of Highland that construction at Tri State Coach Lines, Inc. terminal, 8144 Indianapolis Blvd., Highland, Indiana, altered a portion of the spoil bank and railroad fill at the Tri State Coach Lines, Inc. parking lot along the south bank of the Little Calumet River. The Town of Highland was concerned that, due to the alterations, an increased potential for flooding at that location existed.

Since the Town of Highland decided it had no jurisdiction over the degradation of the railroad fill or the spoil bank (See Exhibit "K" for Ordinances and Construction Codes), Highland officials contacted various outside entities that they felt may have some jurisdictional authority in the matter. These agencies included the Army Corps of Engineers, Lake County Drainage Board, Little Calumet River Basin Drainage Commission and the Lake County Surveyor's Office.

Various meetings, both formal and informal were held during the months of April and May, 1990 to discuss the perceived hazardous situation which existed at the construction site. Representatives of Highland, Tri State Coach Lines, Inc. and the above agencies were in attendance at some or all of these meetings.

The Lake County Drainage Board and the Lake County Surveyor's Office took the lead in attempting to ensure that the parking lot was constructed to the proper elevation at this location so that flooding might be prevented. The Army Corps of Engineers provided information concerning protection based on a 100-year flood level of 599.3 National Geodetic Vertical Datum (N.G.V.D.) at the site (See Exhibit

"L" for USACE Flood Level Projections).

According to officials of the Lake County Surveyor's Office and from our review of the Indiana drainage law (IC 36-9-27), which gives the Drainage Board its authority, the jurisdiction of the Lake County Drainage Board extends seventy-five (75) foot south of the south bank of the Little Calumet River at the site. However, the majority of the detention pond and all of the parking lot was outside the seventy-five (75) foot right of way which is under the authority of the Lake County Drainage Board. (See Exhibit "M" for IC 36-9-27-33).

Although most of the construction work was outside of the Lake County Drainage Board's jurisdiction, all entities including Tri State Coach Lines, Inc. recognized the need for a finished grade elevation of at least 599.3 N.G.V.D. based on USACE Projections.

On May 4, 1990 a field conference was held at Tri State Coach Lines, Inc. Highland terminal with representatives from the contractor, Highland Public Works, Lake County Surveyor's Office and the project engineer. The contractor explained at this meeting that additional topsoil and grading would be completed once the ground dried. Those in attendance expressed an acceptance of the construction at that time based on the agreed remedial alterations. Donald Shapiro R.L.S. (Consultant for Tri State Coach Lines, Inc.) agreed to submit an "As Built" sketch to the County Drainage Board.

On May 15, 1990 the Little Calumet River Flood Control Project was approved by the Department of Natural Resources. The approval of this project transferred the right of entry and right of way powers given to

the County Surveyor or Drainage Board under IC 36-9-27-33 to the Little Calumet River Basin Development Commission. The Little Calumet River ceased to be subject to the authority of the Lake County Drainage Board under IC 36-9-27. This change of authority was accomplished in accordance with an amendment (IC 14-6-29.5-11) to the state enabling act (IC 14-6-29.5) which created the Little Calumet River Basin Development Commission (See Exhibit "N" for DNR Project No. 90-1 and IC 14-6-29.5).

The Little Calumet River Basin Development Commission only has the authority as stated in the drainage law (IC 36-9-27-33). This authority limits them to right of way powers within a seventy five (75) foot area south of the south bank of the Little Calumet at the site. All other authority under IC 36-9-27 ceased as of May 15, 1990 on the Little Calumet River in Lake County.

On or about May 15, 1990 Shapiro and Associates presented an "as built" sketch of the job to the Lake County Surveyor's office representative. Subsequently, the Lake County Drainage Board at their May 15, 1990 meeting, approved the project based on a minimum finish grade elevation of 599.5 feet N.G.V.D. as shown on the as built sketch (See Exhibit "O" for "As Built" Sketch), even though the Board no longer had authority over the project.

Independent surveys, conducted after the flooding incident, by the Town of Highland, Lake County Surveyor's Office and the Department of Natural Resources indicate a finish grade elevation less than 599.5 feet, N.G.V.D. (See Exhibit "D" for Survey Data). At the lowest point along the west boundary of the parking lot the elevation is at 596.0

feet N.G.V.D. which is 3.5 feet below the "As Built" Sketch submitted by Donald Shapiro R.L.S. to the Lake County Surveyor Office.

According to the U. S. Army Corps of Engineers, Chicago District, the O'Brien Lock and Dam on the Little Calumet River in Illinois does not affect the Little Calumet River at the state line or at the Wicker Park Subdivision. Therefore, this structure did not contribute to the flooding at the Wicker Park Manor subdivision.

## VII. Conclusions

- 1) A possible violation of the Indiana Flood Control Act (IC 13-2-22) by Tri State Coach Lines, Inc. exists because there was no permit issued for construction in a floodway. DNR did not issue a permit because it concluded it had no jurisdiction over the construction, based on Tri State Coach Line's inaccurate application.
- 2) According to officials of the Town of Highland and from our review of local ordinances and construction codes, the Town of Highland had no jurisdiction over the degradation of the railroad fill or the spoil bank along the Little Calumet River at the site.
- 3) According to officials of the Lake County Surveyor's Office and from our review of the Indiana drainage law (IC 36-9-27), the Lake County Drainage Board and the Lake County Surveyors Office had jurisdiction over only a small portion of the railroad fill and the spoil bank which was lowered. It appears that no provision under the drainage board's authority could have required the parking lot to be

elevated to the level of the railroad fill before the construction began. On May 15, 1990, the authority of the Lake County Drainage Board ceased for the Little Calumet River due to the transfer of authority to the Little Calumet River Basin Development Commission.

4) Although it appears that the Lake County Drainage Board and the Lake County Surveyor had limited authority over the area, they made efforts to assure that the parking lot was built at least to the USACE projected elevation of 599.3 feet N.G.V.D. by requiring an "As Built" sketch of the Parking lot from Donald Shapiro R.L.S. (Consultant for Tri State Coach Lines) before the project was approved by the drainage board. However, the parking lot is up to 3.5 feet lower along the west edge of the parking lot than the "As Built" sketch submitted to the drainage board.

5) It appears that the Little Calumet River Basin Development Commission had no authority to require Tri State Coach Lines, Inc. to elevate the parking lot, even after a portion of the authority of the Lake County Drainage Board was transferred to Development Commission on May 15, 1990 (IC 36-9-27-33).

6) The "As Built" sketch submitted to the Lake County Drainage Board by Donald Shapiro R.L.S. is incorrect, when compared to a survey completed by the Department of Natural Resources which shows that the parking lot is up to 3.5 feet lower than the "As Built" sketch indicates. Two additional surveys conducted by the Town of Highland and the Lake County Surveyors Office also confirm the DNR survey.

7) It is the opinion of this committee that an emergency levee needs

degradation of these structures.

B) No governmental agency has comprehensive authority to prevent the structures.

A) These structures are owned by various private businesses and home owners which may not understand the consequences of degrading these for the following reasons:

The Town of Highland should establish control of these structures

protection to the subdivision.

8) Local officials should initiate action to establish control over any proposals which might alter the existing structures providing

Fund.

soon as possible, funds have been earmarked from the Disaster Relief maintain the levee. To allow construction of the levee to start as property. The Little Calumet River Basin Development Commission will hire a contractor to build a levee on Trl State Coach Lines Inc. and the Little Calumet River Basin Development Commission whereby DNR The DNR has prepared an agreement with Trl State Coach Lines, Inc.

and/or filling of these low areas.

officials develop a better emergency plan to coordinate sandbagging subdivision at these two locations it is recommended that local the pump station. To prevent flood waters from entering the portion of the spoil bank along the north side of the subdivision near through a low bridge approach at the Highway 41 bridge and a low Inc. parking lot. A similar flood could still enter the subdivision floodwaters entering the subdivision through the Trl State Coach Lines, to be constructed as soon as possible to lessen the possibility of

C) Similar degrading could occur that would increase the potential for flooding in the Wicker Park Manor Subdivision in the future.

9) The O'Brien Lock and Dam on the Little Calumet River in Illinois did not contribute to the flooding at the Wicker Park Manor subdivision.