

President's message continued from page one.

Ed French, Andy Van Treese, Gary Keithley & I interviewed three promising firms that were willing to consider our case. In the fall of 2006, we selected Plews, Shadley, Racher & Braun for the job. They were clearly the best firm for the job, and were willing to work on a contingency basis.

The next year was spent building the case. We obtained and studied hundreds of pages of INDOT documents pertaining to the case. We obtained aerial photos of the entire job site, showing the exposed soil and lack of erosion controls. The smoking gun was a June 8, 2004 inspection report from Bill Howard of the Marion County Soil and Water showing unsatisfactory erosion controls on all counts, and showing soil from the project entering Indian Creek.

Another hurdle in the case was finding an expert witness qualified to calculate the amount of sediment that left the Pendleton Pike job site, and willing to testify against INDOT. Ninety percent of the twenty-or-so soil experts that I interviewed performed work for the state, and had a conflict in taking on our case. We were fortunate to find Greg Bright of Commonwealth Biomonitoring who was both willing and able to help us. Mr. Bright eventually calculated that 3280 tons of sediment (that could have been prevented by proper erosion controls) entered our lake from the project. Merrell Brothers of Kokomo provided a formal quotation of \$271,682.14 to remove the calculated amount of sediment from Indian Lake.

On December 22, 2006, ILIA filed litigation in the Marion County Superior Court against INDOT, Gradex and E&B entitled Indian Lake Improvement Association v. INDOT, et al.

On October 31, 2007, Gary, Andy and I attended a pre-trial mediation meeting, to try to reach a settlement with INDOT, Gradex and E&B. Although the mediation was a flop, INDOT contacted us the next day, wanting to settle. The next few days were spent hashing out the details of an agreement, and on November 9, 2007 INDOT agreed to pay Indian Lake \$253,782.14.

Importantly, the INDOT settlement agreement allowed us to pursue a separate additional settlement with Gradex, which we wasted no time in doing.

On February 11, 2008, ILIA filed litigation in the Marion County Superior Court against Gradex. In the subsequent eighteen months, numerous depositions, expert witness opinions and pretrial orders were produced by Gradex and Indian Lake.

Finally, in August, 2009, Gradex indicated they wanted to settle in earnest, and both sides reached an agreement for a \$100,000 settlement. On September 1, the paperwork was executed and check issued.

What will we do with the money?

With the settlement money, we must first pay our legal expenses, about a third of the settlement. Due to the extraordinary dredging efforts of Terry Slocum this summer, our spoils area will need to be re-excavated in the spring. The remainder of the settlement will give us the opportunity to do work in parts of the lake that have been neglected due to cost constraints. This means working in the creek and working in the west end of the lake. In upcoming months, the board will develop a plan to use the remaining funds to enhance our dredging activities.

Thanks again to Andy Van Treese for being the instigator behind this crusade, and to Ed French III, Jeff Van Treese, Jim Hoskins and the rest of the board who put in time and effort to help with this case, especially Gary Keithley, who shouldered much of the burden of the legal discovery process and the burden of administering the Dredging LLC.

2010 Annual Meeting

The 2010 annual meeting took place on January 20th at the Jenn Park pavilion. We were honored to again have Mayor Paul Ricketts and Councilor Stan Stephens as guests. The mayor spoke of upcoming projects and along with Councilor Stephens, fielded questions from residents about a variety of issues concerning our neighborhood.

Gary Keithley is retiring after serving the board as secretary-treasurer for six years. He also served as board member from 1995 through 2000, the last two of those as president. At the annual meeting, Gary was presented a plaque for Outstanding Effort and Dedication to our Community. Gary's attention to detail and wealth of experience were much appreciated by the board. The board also welcomed Lynn Osborn, who will be assuming the role of secretary-treasurer.

Rafael Sanchez on a follow-up visit to Indian Lake



Indian Lake Smoke Signal

• I N D I A N L A K E I M P R O V E M E N T A S S O C I A T I O N •

President's Message

by Mark Rumreich

Indian Lake Wins Gradex Settlement

It's taken five years to fully conclude our case, but our efforts have paid off. On September 1, Indian Lake reached a settlement agreement with Gradex for damages due to negligence in erosion control at the 2005 Pendleton Pike road project. Gradex paid Indian Lake \$100,000 for projected dredging expenses to remove sediment entering Indian Lake. This follows the November 2007 \$253,782 settlement with INDOT over the same project.

History of the Case

In 2004, INDOT and its subcontractors Gradex and E&B Paving began work to improve Pendleton Pike, from Post Road to Oaklandon Road. Lanes were being added, and the bridge over Indian Creek was being replaced. Our watershed watchdogs noticed that little or no erosion control measures were being used for the project. Andy Van Treese brought this to the attention of the board, and we contacted the Marion County Soil and Water Conservation District as well as the City of Lawrence. We provided them with photos of the site taken by Jim Hoskins. As the project progressed, there was no observable improvement in the level of erosion control used, but the board felt somewhat powerless against the State of Indiana.

On July 22, 2005, we experienced a major storm event, with over two inches of rain over a period of a few hours. At the August board meeting, Andy Van Treese reported that an INDOT construction barrel had washed up on the Indian Creek shore near Papoose, and that an island of sediment had formed directly east of the peninsula. This island would come to be known as INDOT Island. Andy had been pushing to call Rafael Sanchez, Call 6 For Help, for some time. With the formation of INDOT Island, the board finally agreed that it was time.

Andy contacted Rafael Sanchez, who was anxious to help. We explained the problem and showed him our dredging operation in action. On Monday August 15, 2005, WRTV Channel 6 broadcast the story. INDOT scrambled to add bright orange silt fencing and many triaxles of rip-rap at the bridge site where the INDOT side of the story was filmed,

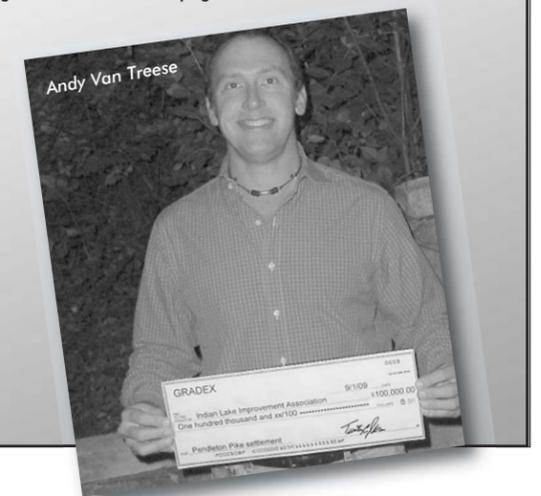
in preparation for the broadcast. Rafael concluded the piece stating that Indian Lake would meet with INDOT to try to resolve the problem.

The subsequent meeting with INDOT officials revealed that they were not willing to do anything more regarding erosion control. Greg Pankow of INDOT stated that if we didn't like it, we could file a tort claim with the Indiana Attorney General. That's exactly what we did.

In the following months, we received a rejection letter from the Indiana Attorney General, stating that INDOT is indemnified through its contractors, Gradex and E&B Paving, and is therefore not liable. We then filed claims with Gradex, both through their liability insurance carrier and their performance bond carrier. Both claims were rejected, on the grounds that Gradex had done its job as specified in the contract.

Realizing that we had hit a dead-end, the board voted to pursue legal action. But the board could not gamble with the Association's money on a case that might not pay off, so we were limited to finding a law firm that would take our case on a contingency basis. This was difficult enough, but we had to find a firm that had expertise in environmental law, and who was willing to take on INDOT. Most law firms do business with the state of Indiana, and told us that they had a conflict of interest in taking on our case.

President's message continued on back page...



When You Need To Call



KEEP THIS WITH YOUR
INDIAN LAKE PHONE DIRECTORY

Assessments - Lynn Osborn	826-1505
Beach Reservations - any board member	
Boat Slip Rentals - Jeff VanTreese	823-6690
Bylaws and Rules - RJ Russell	826-1870
Civic Committee - Ruth Norrington	460-8576
Property Maintenance - RJ Russell	826-1870
Security - Jeff VanTreese	823-6690
Smoke Signal - Lori Rumreich	823-3897

BOARD OF DIRECTORS

Mark Rumreich (president)	823-3897
Jeff VanTreese (vp)	823-6690
Lynn Osborn (secretary/treasurer)	826-1505
Ed French	823-4431
Ron Gillum	723-3917
Jim Hoskins	826-4944
Mike Hurd	823-0313
Paul Legge	823-7133
Ben Slocum	723-3079
Andy VanTreese	823-8990

Mark Your Calendars

February 20th	7:30 pm	Mardi Gras Monte Carlo Night, Indian Lake Country Club
March 17th	7:30 pm	Civic Committee Meeting, Suzanne Keithley's

Looking for Indian Lake Info

We're looking for information to make the Indian Lake website and future editions of the Smoke Signal even better. We're especially interested in:

- Smoke Signals from the nineties
- documents from the thirties, forties or fifties
- old Indian Lake phone directories
- old photos relating to Indian Lake

Please contact rumreich@gmail.com if you can help.

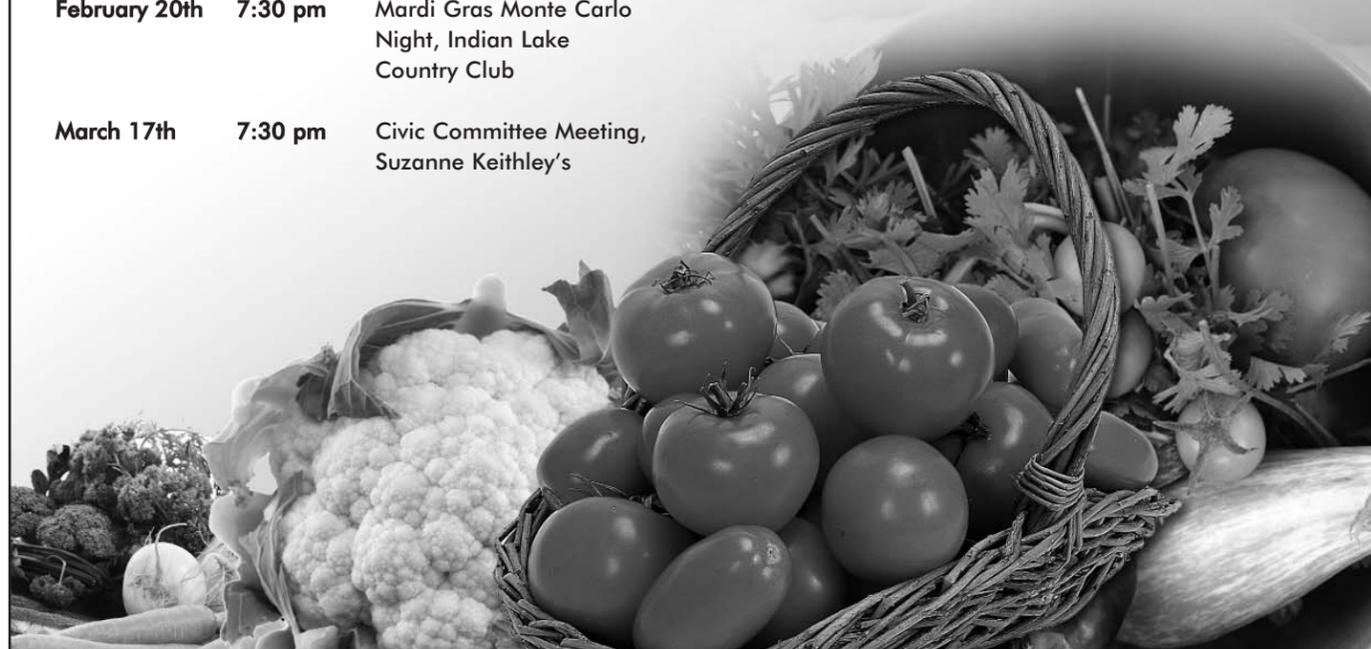
Indian Lake Community Garden

In recent years there has been a sharp increase in establishing Community Gardens with over 200,000 sites throughout the United States. A number of members of our Association have expressed an interest in starting our own Community Garden.

People become involved with Community Gardens for many reasons including growing their own vegetables, providing children's plots, the hobby of propagating heirloom seeds, to simply enjoying the therapy of vegetable gardening. The synergy and results realized from the combined efforts of those participating can be most rewarding.

If there is a significant response, a proposal will be made to our Board of Directors for their consideration to accept the Community Garden as a recognized activity within our community.

If you are interested, please email j.whalen@sbcglobal.net or call Jim Whalen at 716-1986.



Across the Fence

Welcome **Tony & Julie Morgan!** They moved into the Creed (recently Wooten) House on South Drive on Labor Day Weekend. Tony and Julie have a soon to be 3 year old daughter, Grace. Their cat Sonny has made a remarkable transition to his new home. Julie is the daughter of Linda Van Treese, who now enjoys the fact that every one of her four children have moved back to the Lake! Please enjoy the Lake as much as the Van Treese family has! Welcome!

Congratulations to **Cody Zainey** who completed Marine Boot Camp Delta Company 1075 on October 17th. Cody is now a Private First class. He has just graduated from combat training on November 16th. He will be going to Military Occupational Specialty training for electronics maintenance at 29 Palms California. Way to go Cody!

We would like to announce the newest arrivals to the Indian Lake neighborhood:

Emerson Avery was welcomed by proud parents **Ben and Jennifer Slocum** on October 10, 2009 at 2:20pm. She weighed in at 5 lbs 13 oz and was 18 3/4 in long. Big brothers Griffin and Anderson love having a little sister to give kisses to.

Brook and Kim Hale welcomed an early Christmas present with the arrival of their daughter, **Leilah**, born on December 21st. She joins big sister Kiara and brother, Noah.

Our Condolences

We mourn the passing of young Joey Field who died on November 18th. Joey was 13 and a student at Fall Creek Valley Middle School. FCV recently had a raffle to help parents Rob and Kathy with the expenses of Joey's health care. Memorial contributions can be made to the Joey Field Memorial Fund.

We are saddened by the passing of Audrey Flack on February 5. Her husband John preceded her in death in January, 2009. The Flacks built their cabin-like home and joined the Indian Lake Community in the late eighties. In recent years, Audrey volunteered her time as a tutor at Oaklandon Elementary School. Mrs. Flack was a wonderful person and neighbor, and those who knew her will miss her.

Civic Committee Meeting

March 17th, Tuesday, 7:30pm at Suzanne Keithley's

A balmy spring trip

Anne Sharp recently returned from a trip to her dream destination – Antarctica! She admits she got a few raised eyebrows when she told folks where she was going, but her family encouraged her to take advantage of the opportunity.

As Antarctica is in the southern hemisphere, it's now spring there. Anne notes that the weather was actually fairly balmy and she came home with sunburn. Anne and her fellow



travelers on the expedition ship National Geographic Explorer saw sea lion colonies, several types of seals, whales and a large variety of sea birds including albatross. The true spectacle however was the penguins, which were courting, building their rock-lined nests and even sitting on eggs in some cases.

The travelers were ferried to and from the ship via Zodiacs and were also able to kayak in the frigid waters of the Antarctic Ocean as well as bathe in a volcanic hot spring. Anne says she would go back in a heartbeat!

Recent improvements

Has anyone noticed that our "Indian Lake Community" signs have been refinished over the past two years? The last one to be completed has recently been reinstalled at the Winona Drive entrance. The community would like to thank Jeff Van Treese for all of his work. They look great Jeff!

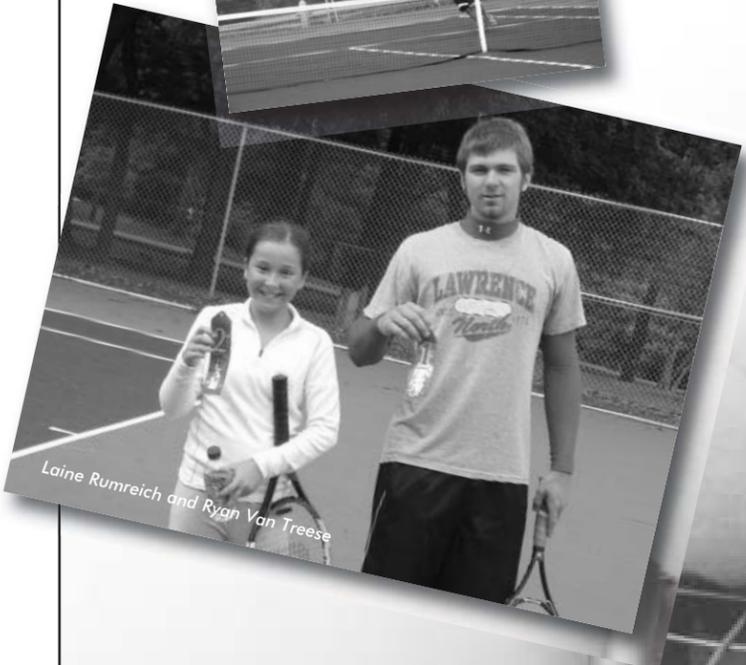
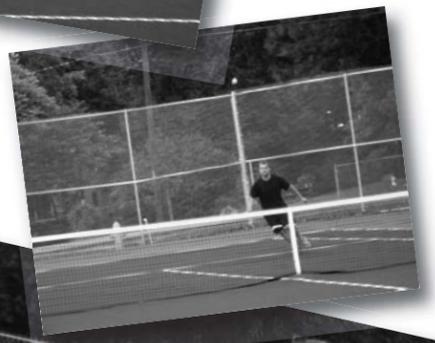
Thanks to Ed French for building and supplying the materials for the new rock wall on the south corner of the newly replaced Tennis Court. Ed excavated the site as well. It really looks great!

Across the Fence continued ...





Ryan Van Treese



Laine Rumreich and Ryan Van Treese

2009 Indian Lake Tennis Tournament

The neighborhood celebrated the renovation of our tennis court on October 3rd, with a tournament open to all residents. We had a total of eight competitors, consisting of six adults and two children, who came out on a crisp morning to have some fun. We also had a gallery of spectators who cheered on the players.

The first round pairings were determined by random draw, with winners advancing to the second and then the final round. The final round competitors were Laine Rumreich and Ryan Van Treese. After a challenging match, Ryan Van Treese won 8 games to 6 over Laine Rumreich, taking home the first place ribbon.

All competitors enjoyed playing on the beautiful new court! Several spectators commented that one of the most entertaining matches of the day was between R. J. Russell and Ben Slocum, where there was more conversation among themselves (while playing!) than among the spectators.

If you have not yet enjoyed the new tennis court, come and try it out as soon as spring arrives so you will be prepared to play in our next neighborhood tournament. The 2010 Indian Lake tournament is tentatively planned for the weekend of the annual picnic.



Mardi Gras Monte Carlo Night



Saturday February 20, 2010
Indian Lake Country Club
Sponsored by
the Indian Lake Civic Committee

Game Play 7:30 - 9:30 p.m.

Silent auction, Live Auction, and raffle immediately following games

Advance sale tickets available by calling Suzy or Stacy and purchasing before Friday February 19th. THAT'S TWICE THE MONEY!!!

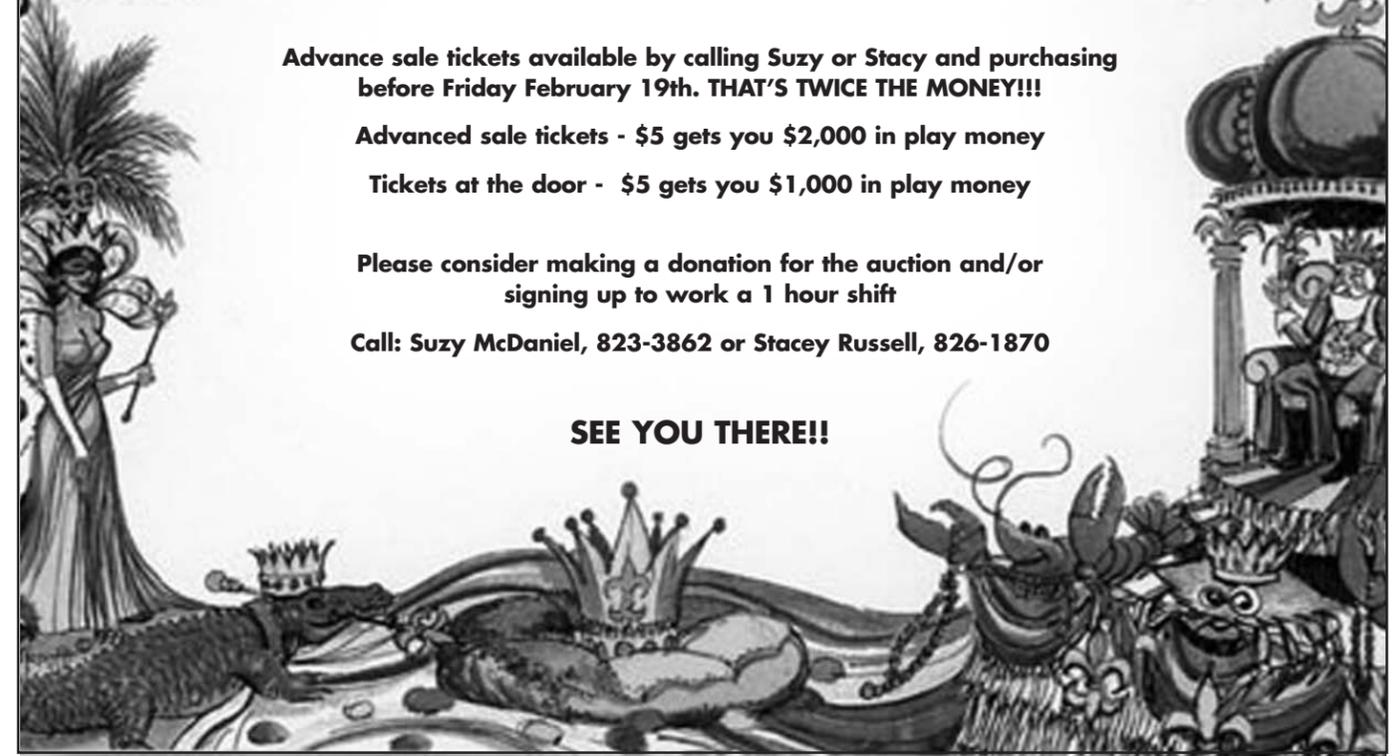
Advanced sale tickets - \$5 gets you \$2,000 in play money

Tickets at the door - \$5 gets you \$1,000 in play money

Please consider making a donation for the auction and/or signing up to work a 1 hour shift

Call: Suzy McDaniel, 823-3862 or Stacey Russell, 826-1870

SEE YOU THERE!!



Join the Indian Lake Email List

Feel like you're missing out on late-breaking Indian Lake news and information? Join the Indian Lake email list! It's simple - send an email to rumreich@gmail.com and ask to be added to the list.

You'll start receiving information that won't reach you in any other way such as:

- crime watch alerts
- lost and found boats
- rescheduled meetings
- short notice events
- road closings

There's no spam, and all emails are sent BCC (blind carbon copy), so your email address won't be revealed to anyone, including other email list members.

Across the Fence continued ...

Easement Committee formed

Your Board of Directors recently formed a committee to study the ILIA commonly owned easements. We will be identifying the locations and sizes over the next few months. These are here for all Association Members' use. Please refer to the By-Laws regarding easements located in your 2009 Directory.

Looking for a babysitter?

Hope Canfield would like to babysit small children in the area. Hope is a freshman at Heritage Christian School. If interested, please call the Canfields at 826-1825.

Marlow Rumreich would also like to babysit. She's a freshman at Lawrence North. If interested, please call the Rumreichs at 823-3897.

If any other student would like to offer babysitting, yard work, snow shoveling or similar services, please contact the Smoke Signal.

Senior Discount on Trash Pickup

Did you know that the City of Lawrence offers a 40% discount on trash pickup? That's a savings of \$72 a year!

If you're 65 years of age or older and live in a one or two-person household, you're eligible. Apply in person for your trash pick-up discount at the Lawrence Utilities billing office, 9105 E. 56th Street, Suite D. Hours are Monday through Friday, 8am to 4:30pm.

Please bring your driver's license or personal identification that shows your date of birth when you apply.



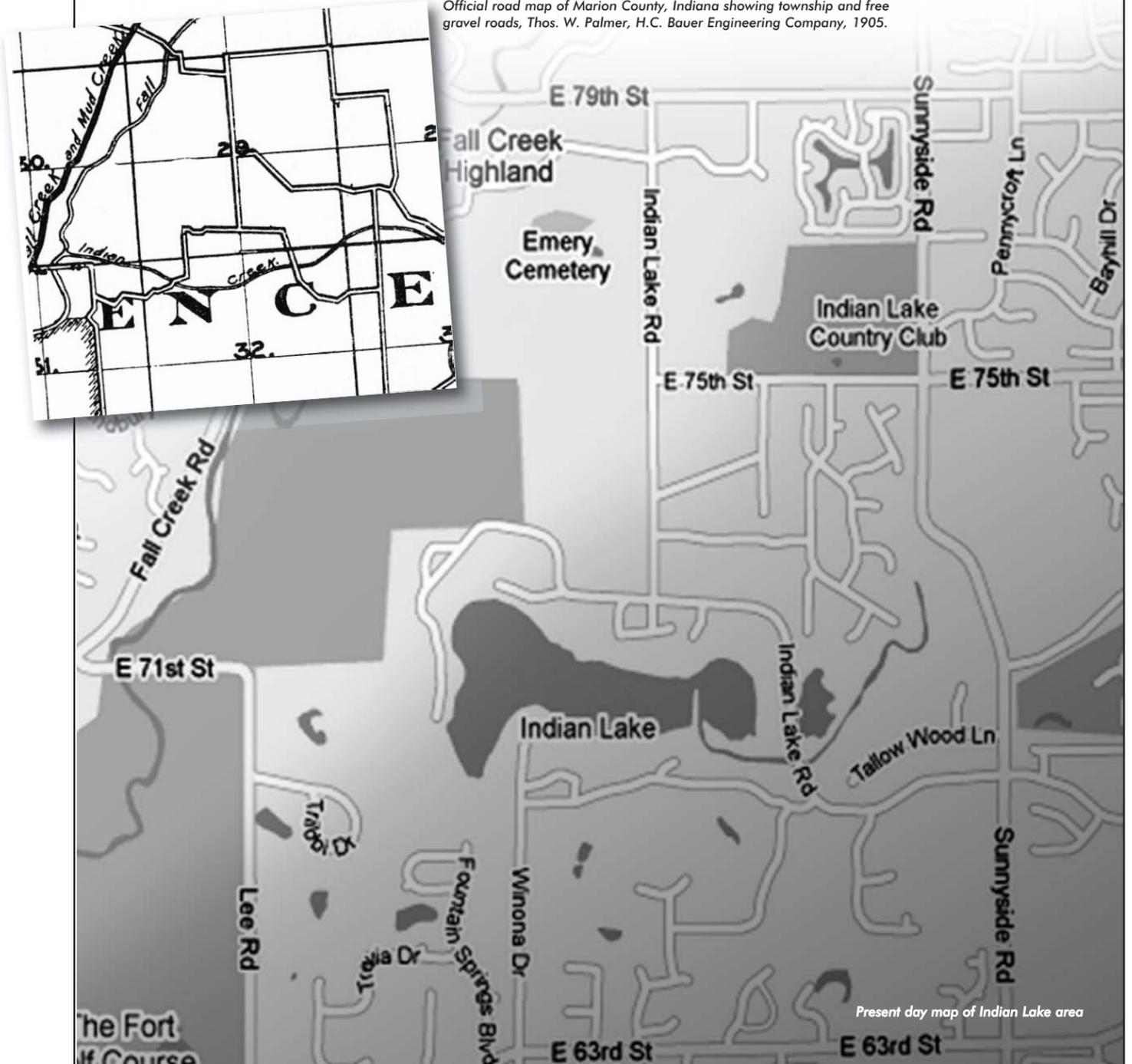
Blast from the Past

This map from 1905 shows the Indian Lake area twenty five years before Indian Lake was created.

Fall Creek Road, 79th Street, 63rd Street, Lee Road and portions of Sunnyside Road all existed in 1905. What is now Indian Lake Road also existed, connecting 79th Street on the north to Sunnyside on the east and crossing Indian Creek with a covered bridge built in 1899.

Most of the roadway connecting Indian Lake Road to Lee Road is gone, to make room for Indian Lake. The portion of the road that appears to be Indian Lake Blvd West Drive is actually further east, close to the western shore of Indian Lake. A bridge crossing Indian Creek on this now defunct road would have been located close to where our spillway now stands. This road ended near where Trilobi Drive is today.

Official road map of Marion County, Indiana showing township and free gravel roads, Thos. W. Palmer, H.C. Bauer Engineering Company, 1905.



Present day map of Indian Lake area