



SURVEYOR'S OFFICE
Hamilton **C**ounty

Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495
Fax (317) 776-9628

Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

August 22, 2012

To: Hamilton County Drainage Board

Re: Bear Creek Drainage Area

Attached is a drain map, drainage shed map and schedule of assessments for maintenance for the Bear Creek Drainage Area. This drain is located in White River Township in Hamilton County and Madison Township in Tipton County. The drainage area has a drainage shed of 5,698.72 acres with 5,225.06 acres in Hamilton County and 473.66 acres in Tipton County.

The Bear Creek Drainage Area shall consist of seven (7) separate regulated drains. Those drains are the West Bear Creek, O.F. Beeson, George Parker, Jonas Rogers, Adam Ault, J.J. Billhymer and Rhuetta Hankley Drains.

The West Bear Creek Drain was constructed originally as the John Hollarn by order of the Hamilton County Commissioners on July 28, 1882 (see Commissioners Record Book T, pages 306-317). The drain became the West Bear Creek Drain in 1899 when the Hollarn Drain was cleaned out and lengthened (see Ditch Construction Record Book 2, pages 119-120). The drain consists of 19,250 feet of open ditch in Hamilton County.

The O.F. Beeson Drain was constructed by order of the Hamilton County Circuit Court on February 1, 1924. The drain consists of 23,590 feet of open ditch in Hamilton County.

The George Parker Drain was first viewed by order of the Hamilton County Circuit Court on April 2, 1890 as the Frank Newby Drain. The drain was re-viewed in May 1904 by order of the Hamilton County Commissioners and ordered constructed. The drain was reconstructed by order of the Hamilton County Circuit Court on December 8, 1952. The drain consists of 3,880 feet of tile ditch.

The Jonas Rogers Drain consists of the Jonas Rogers, A.C. Hobbs, Eli Houser and George Carpenter Drains. The Jonas Rogers was constructed by order of the Tipton County Circuit Court (see Tipton County Circuit Court Record Book 1, pages 267, 308, 423 and 433 and Tipton County Circuit Court Record Book 3, page 50). The Rogers Drain consists of 10,100 feet of open ditch in Hamilton County and 4,300 feet of tile drain in Tipton County. The A.C. Hobbs Drain was constructed by order of the Tipton County Commissioners (see Tipton County Commissioners Record Book 12, pages 43, 82, 86,

92, 118 and 122). The Hobbs Drain consists of 2,314 feet of tile in Tipton County. The Eli Houser Drain was constructed by order of the Tipton County Circuit Court (see Tipton County Circuit Court Record Book 2, pages 484-486). The Houser Drain consists of 2,500 feet of tile drain in Tipton County and 600 feet of open ditch in Hamilton County. The George Carpenter Drain was constructed by order of the Hamilton County Commissioners on September 11, 1900. The drain consists of 2,255 feet of tile drain in Hamilton County.

The Adam Ault Drain was constructed by order of the Hamilton County Commissioners in 1886. The drain consists of 1,075 feet of tile drain in Tipton County and 2,360 feet of tile drain in Hamilton County.

The J.J. Billhymer Drain was constructed by order of the Hamilton County Commissioners in 1902. The drain consists of a main drain and four (4) arms. The drain consists of a total of 9,825 feet of tile drain in Hamilton County.

The Rhuetta Hankley Drain was constructed by order of the Hamilton County Commissioners in November 1900. The drain consists of a main drain and one (1) arm. The drain consists of a total of 2,435 feet of tile drain in Hamilton County.

The breakdown of drain length to be maintained in Hamilton and Tipton Counties is as follows:

<u>Drain</u>	<u>Hamilton</u>	<u>Tipton</u>
West Bear Creek	19,250	
O.F. Beeson	23,590	
George Parker	3,880	
Jonas Rogers	12,955	9,114
Adam Ault	2,360	1,075
J.J. Billhymer	9,825	
Rhuetta Hankley	<u>2,435</u>	
Total	74,295	<u>10,189</u>

The breakdown of drain length to be maintained by open or tile drain is as follows:

<u>Drain</u>	<u>Open</u>	<u>Tile</u>
West Bear Creek	19,250	
O.F. Beeson	23,590	
George Parker		3,880
Jonas Rogers	10,700	11,369
Adam Ault		3,435
J.J. Billhymer		9,825
Rhuetta Hankley		<u>2,435</u>
Total	<u>53,540</u>	<u>30,944</u>

The total length of drain to be maintained under this proposed maintenance program is 84,484 feet or 16 miles. The portions of the Jonas Rogers, A.C. Hobbs, Eli Houser and Adam Ault Drains now maintained by Hamilton County but are located in Tipton County shall be included in the maintenance of this drain.

Although the drainage sheds for the West Bear Creek and O.F. Beeson Drains lie in both Hamilton and Tipton Counties, the assessment areas for these drains shall consist of that area only within Hamilton County. These drains are on a maintenance program in Tipton County under the Kaufman Drain as Maines, Peck, Legg and Ault Drain respectively. The exception is that drainage area currently being assessed for the Jonas Rogers and Adam Ault drains within Tipton County shall be included in the assessment for this drainage area. A request for waiver to a Joint Board has been sent to Tipton for this area.

At this time the West Bear Creek Drain is listed on the 2012 Classification List for maintenance at Number 2 and the O.F. Beeson Drain is listed for maintenance at Number 3. The office has had three (3) complaints in the drainage area currently not under maintenance since 2005. Those are as follows:

<u>Date</u>	<u>Applicant</u>	<u>Location</u>	<u>Problem</u>
March 10, 2011	Sherry Hittle	14145 E. 256 th St	Tree trunk in culvert
January 31, 2006	Sherry Hittle	SW corner 256 th & Ray Parker Rd	Sink hole
December 28, 2005	Sherry Hittle	14145 E. 256 th St	Sink hole

I am recommending that the West Bear Creek Drainage Area be placed on maintenance at this time. The nature of the maintenance work required is as follows:

- A. Clearing of trees and brush on the existing open drain as needed to improve flow;
- B. Creation and re-excavation of silt basins;
- C. Re-excavation of open ditch to original grade line;
- D. Surface water structures as might be required;
- E. Bank erosion protection and/or seeding as might be required;
- F. Repair of private tile outlet ends as might be required;
- G. Repair of regulated drain tiles & outlets;
- H. Removal of beaver dams;
- I. Removal of debris and/or blockage from regulated open ditch;
- J. Spraying for vegetation control;
- K. Mowing filter strips;
- L. Any other repairs deemed to be applicable and necessary by the Surveyor to restore the drain to its original intended use and condition.

The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

Currently the George Parker, Jonas Rogers, Adam Ault, J.J. Billhymer, and Rhuetta Hankley Drains are on a maintenance program.

The George Parker Drain was placed on maintenance on December 7, 1970 (see Hamilton County Drainage Board Minutes Book 1, page 61). The current assessment for the George Parker Drain was approved by the Board at hearing on March 26, 2001 (see Hamilton County Drainage Board Minutes Book 6, pages 2-4). The current assessment rates for this drain are as follows:

1. Maintenance assessment for agricultural tracts set at \$1.50 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts set at \$1.50 per acre with a \$15.00 minimum.
3. Maintenance assessment for commercial, institutional and multi-family residential tracts set at \$10.00 per acre with a \$75.00 minimum.
4. Maintenance assessment for platted lots in subdivisions whose drainage systems are not part of the regulated drain shall be set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions are assessed at \$5.00 per acre with a \$35.00 minimum.
5. Maintenance assessments for platted lots within subdivisions whose drainage system is part of the regulated drain are set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions are set at \$10.00 per acre with a \$65.00 minimum.
6. Maintenance assessment for roads and streets set at \$10.00 per acre.

With 565.99 acres in the drainage shed the drains annual assessment is \$1,048.64. The fund is currently \$1,798.23 in the red.

The Jonas Rogers Drain was placed on maintenance on April 16, 1973 (see Hamilton County Drainage Board Minutes Book 1, page 97). The current assessment for the Jonas Rogers Drain was approved at hearing on August 28, 2006 (see Hamilton County Drainage Board Minutes Book 9, pages 304 and 369-370). The current maintenance rates for this drain are as follows:

1. Maintenance assessment for agricultural tracts set at \$2.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts set at \$2.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for commercial, institutional and multi-family residential tracts set at \$10.00 per acre with a \$75.00 minimum.
4. Maintenance assessment for platted lots in subdivisions whose drainage systems are not part of the regulated drain shall be set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions are assessed at \$5.00 per acre with a \$35.00 minimum.
5. Maintenance assessments for platted lots within subdivisions whose drainage system are part of the regulated drain are set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions are set at \$10.00 per acre with a \$65.00 minimum.
6. Maintenance assessment for roads and streets set at \$10.00 per acre.

With 619.36 acres in the Hamilton County Drainage Shed, the drains annual assessment for Hamilton County is \$1,588.00. With 457.32 acres in the Tipton County Drainage Shed, the annual assessment for Tipton County is \$1,381.04. Currently the fund is \$51,616.31 in the red. At its meeting on September 26, 2011 the Board set a special assessment of \$10.00 per acre with a \$75.00 minimum totaling \$10,708.90 per year for five (5) years starting in 2012 in order to pay this shortfall. The special assessment is against the portion of the drainage shed which benefited from the 2008 dredging (see Hamilton County Drainage Board Minutes Book 13, pages 578-579).

The Adam Ault Drain was placed on maintenance on July 25, 1980 (see Hamilton County Drainage Board Minutes Book 1, page 365). The current assessment for the Adam Ault Drain was approved by the Board at hearing on November 28, 2005 (see Hamilton County Drainage Board Minutes Book 8, pages 520-523). The current maintenance rates for this drain are as follows:

1. Maintenance assessment for agricultural tracts set at \$3.50 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts set at \$3.50 per acre with a \$15.00 minimum.
3. Maintenance assessment for commercial, institutional and multi-family residential tracts set at \$10.00 per acre with a \$75.00 minimum.
4. Maintenance assessment for platted lots in subdivisions whose drainage systems are not part of the regulated drain shall be set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions are assessed at \$5.00 per acre with a \$35.00 minimum.
5. Maintenance assessments for platted lots within subdivisions whose drainage system are part of the regulated drain are set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions are set at \$10.00 per acre with a \$65.00 minimum.
6. Maintenance assessment for roads and streets set at \$10.00 per acre.

With 79.53 acres in the Hamilton County Drainage Shed the drains annual assessment for Hamilton County is \$354.86. With 16.34 acres in the Tipton County Drainage Shed the annual assessment for Tipton County is \$96.00. Currently the drain fund has a balance of \$24.00.

The J.J. Billhymer Drain was placed on maintenance on June 2, 1969 (see Hamilton County Drainage Board Minutes Book 1, page 42). The current assessment for the J.J. Billhymer Drain was approved by the Board on June 26, 2006 (see Hamilton County Drainage Board Minutes Book 9, pages 301-302). The current maintenance rates for the drain are as follows:

1. Maintenance assessment for agricultural tracts set at \$2.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts set at \$2.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for commercial, institutional and multi-family residential tracts set at \$10.00 per acre with a \$75.00 minimum.
4. Maintenance assessment for platted lots in subdivisions whose drainage systems are not part of the regulated drain shall be set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions are assessed at \$5.00 per acre with a \$35.00 minimum.

5. Maintenance assessments for platted lots within subdivisions whose drainage system are part of the regulated drain are set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions are set at \$10.00 per acre with a \$65.00 minimum.
6. Maintenance assessment for roads and streets set at \$10.00 per acre.

With 557.50 acres in the drainage shed the drains annual assessment is \$1,723.00.
The current balance in the J.J. Billhymer fund is \$2,447.45.

The Rhuetta Hankley Drain was placed on maintenance on September 7, 1982 (see Hamilton County Drainage Board Minutes Book 1 page 490). The current assessment for the Rhuetta Hankley Drain was approved by the Board at hearing on November 28, 2005 (see Hamilton County Drainage Board Minutes Book 8, pages 523-524). The current rates of assessment for the drain are as follows:

1. Maintenance assessment for agricultural tracts set at \$5.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts set at \$5.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for commercial, institutional and multi-family residential tracts set at \$10.00 per acre with a \$75.00 minimum.
4. Maintenance assessment for platted lots in subdivisions whose drainage systems are not part of the regulated drain shall be set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions are assessed at \$5.00 per acres with a \$35.00 minimum.
5. Maintenance assessments for platted lots within subdivisions whose drainage systems are part of the regulated drain are set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions are set at \$10.00 per acre with a \$65.00 minimum.
6. Maintenance assessment for roads and streets set at \$10.00 per acre.

With 47 acres in the drainage shed the annual assessment for the drain is \$274.26. The drains current fund balance is \$958.15.

Upon review of current outstanding work orders none were found on the above listed drains which are currently on maintenance.

I have reviewed the plans and drain map and believe that all tracts within the drainage shed of the Bear Creek Drainage Area will benefit. The following maintenance assessment should be adopted by the Board:

1. Maintenance assessment for agricultural tracts be set at \$3.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$3.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for commercial institutional and multi-family residential tracts be set at \$10.00 per acre with a \$75.00 minimum.

4. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be considered part of the regulated drain shall be set at \$35.00 per lot - \$35.00 minimum. Common areas within subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$5.00 per acre with a \$35.00 minimum.
5. Maintenance assessments for platted lots within a subdivision whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot with a \$65.00 minimum. Common areas within regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.
6. Maintenance assessment for roads and streets be set at \$10.00 per acre.

The annual maintenance collection for this extension will be \$18,359.06 for Hamilton County and \$1,477.04 for Tipton County for total of \$19,836.10. The period of collection shall be eight (8) years as per IC 36-9-27-43.

This drain may be assessed for maintenance for the Duck Creek Drainage Area sometime in the future.

The current balance in the Adam Ault Drain, J.J. Billhymer Drain and Rhuetta Hankley Drain maintenance funds shall be kept separate and the balance within those funds be expended for needed maintenance for those drains. This shall be done until the funds are exhausted. At that time funding for future maintenance repairs to those drains shall be taken from the fund for the Bear Creek Drainage Area. Future assessments for the drainage areas for these drains will be made into the Bear Creek Drainage Area fund. No future maintenance collections for these drains will be made after 2012, other than any delinquent assessment, penalties and interest which remain unpaid.

Upon approval of this report by the Board the drainage areas for the Jonas Rogers and George Parker shall be double assessed. Starting in 2013 the drainage areas for both drains shall pay maintenance assessments to both the Bear Creek Drainage Area and the Jonas Rogers or the George Parker Drains as set out below.

The special assessment for the Jonas Rogers Drain shall continue to be collected through 2016. The maintenance assessment for the Jonas Rogers Drain shall be assessed in 2013 and 2014. Doing this will pay off the shortfall now experienced in that fund.

The George Parker Drain will continue being assessed for maintenance in 2013 and 2014. This is in order to pay off the shortfall for this drain fund.

Upon approval of this report by the Board, the cost of maintenance repairs for these drains shall be taken from the Bear Creek Drainage Area.

Upon completion of the collections for the Jonas Rogers Drain and the George Parker Drain, as detailed above, any surplus funds within those drain funds shall be kept separate and that balance expended for needed maintenance for those drains. This shall be done until the funds are exhausted. At that time funding for the future maintenance repairs to those drains shall again be taken from the fund for the Bear Creek Drainage Area.

At this time Bear Creek is unstudied. However, it is planned to be included in a future study of Duck Creek for the development of a Watershed Master Plan.

Bear Creek has been identified in the NPDES Phase II General Permit Application, Storm Water Quality Management Plan Part C: Program Implementation Report, page 4, as a MS4 area receiving stream. Bear Creek – West Fork Bear Creek is also listed on page 8 as a priority watershed for a watershed study.

Bear Creek is listed in the NPDES Phase II General Permit Application Storm Water Quality Management Plan Part B: Baseline Characterization Report on the following pages:

Page 3 as an MS4 Area Receiving Stream

Page 8 as #05120201060050 Watershed within the MS4 Area with drainage size of 11,022.00 acres.

Page 15 as being in the IDEM 305(b) Report as being an impaired water body due to E. Coli.

Pages 19-20 Bear Creek – West Fork Bear Creek is shown as being part of a Section 319 study of Duck Creek.

Page 32 listed as a priority watershed.

Page 44 as being a priority watershed for a watershed study.

This drain is not listed on the 2012 303(d) list of impaired waters for Indiana. It was last listed in 2008 for E. Coli. Since then a TMDL study was conducted and it was dropped from the list. Although it was dropped off the list, it does not mean that it is not impaired per IDEM, only that a TMDL study was completed.

I recommend the Board set a hearing for this proposed maintenance for October 22, 2012.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll



Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495
Fax (317) 776-9628

Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

August 24, 2012

Tipton County Drainage Board
c/o Tipton County Surveyor
101 East Jefferson Street
Room 102
Tipton, IN 46072

RE: Bear Creek Drainage Area

At this time the Hamilton County Drainage Board is planning to place the Bear Creek Drainage Area on maintenance. This shall consist of the West Bear Creek, O.F. Beeson, George Parker, Jonas Rogers, Adam Ault, J.J. Billhymer and Rhuetta Hankley Drains in Hamilton County. The proposal includes portions of the Jonas Rogers, A.C. Hobbs, Eli Houser and Adam Ault Drains within Tipton County.

The upper end of the West Bear Creek Drain and O.F. Beeson Drain is known in Tipton County as the Kaufman Drain and Maines, Peck, Legg and Ault Drain respectively. These drains are presently under maintenance by Tipton County. The proposed Bear Creek Drainage Area will not change what is in place in Tipton County.

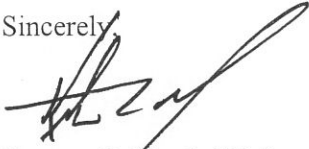
The Jonas Rogers Drain within both Hamilton and Tipton Counties has been maintained by Hamilton County since July 16, 1973. The length of the Rogers Drain within Tipton County is 9,114 feet. The drainage area within Tipton County is 457.32 acres.

The Adam Ault Drain within both Hamilton and Tipton Counties has been maintained by Hamilton County since July 7, 1980. The Tipton County Drainage Board waived its rights to a Joint Board for this drain on April 17, 1980. The length of the Ault Drain within Tipton County is 1,075 feet. The drainage area within Tipton County is 23.24 acres.

The total length of drain within Hamilton County is 74,295 feet and within Tipton County is 10,189 feet. The total drainage area within Hamilton County is 5,225.06 acres and within Tipton County is 480.56 acres.

Based on the above the Hamilton County Drainage Board requests Tipton County to waive its rights to a Joint Board under IC 36-9-27-14. It is Hamilton County's hope to set this for hearing on October 22, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', written over a horizontal line.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll



Jason R. Henderson, RLS
Tipton County Surveyor

Courthouse • 101 E. Jefferson St. • Tipton, Indiana 46072 • Tel: (765) 675-2793

October 18th, 2012

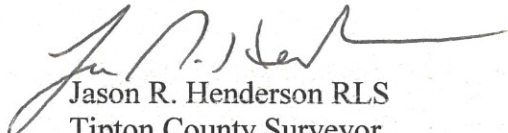
Hamilton County Drainage Board
% Hamilton County Surveyor
One Hamilton County Square, Suite 188
Noblesville, IN 46060

Re: Bear Creek Maintenance Fund Establishment.


Honorable Board,

This letter is to serve as notice that at the September 24th meeting of the Tipton County Drainage Board a motion to waive the rights regarding a joint board for the Bear Creek Drain Area (watershed) was approved unanimously.

Sincerely,


Jason R. Henderson RLS
Tipton County Surveyor

Attest:


Dean Bocock
Tipton County Drainage Board Secretary

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

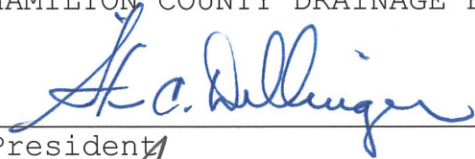
Bear Creek Drainage Area

O. F. Beeson, George Parker, Jonas Rogers, Adam Ault, J. J. Billhymer and Rhuetta Hankley Arms

On this 22nd day of October, 2012, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Bear Creek Drainage Area, O. F. Beeson, George Parker, Jonas Rogers, Adam Ault, J. J. Billhymer and Rhuetta Hankley Arms.**

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest:



October 6, 2012



HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste.188
Noblesville, IN 46060

Bear Creek Drainage Area

Parcel: 07-03-02-00-00-001.000	80.00Ac
07-04-06-00-00-001.000	58.97Ac
07-03-02-00-00-013.000	79.40Ac
07-03-02-00-00-012.000	13.88Ac

We object to the proposed drainage assessment to the above referenced parcels.

The assessments are excessive.

In August we received the newest Notice of Assessment of Land and Structures-Form 11. Again an increase. The drain is part of the property. Property taxes keep rising. With the increased drainage assessments, agricultural land ownership has become disconcerting.

Keith Billhimer
Geneva Billhimer
Keith & Geneva Billhimer
29115 SR 213
Atlanta, IN 46031

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

September 21, 2012

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the
Bear Creek Drainage Area.

Billhymer, Keith & Geneva with LE
29115 SR 213
Atlanta, IN 46031

Under the Indiana Drainage Code, all land which drains directly, or indirectly, may be assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. From time to time the assessments may be increased or changed. The chart below contains your proposed assessment and your percentage of the total annual maintenance contribution to the costs attributable to providing drainage to your land.

The Drainage Board has received a maintenance report and schedule of assessments which affects your land. You are hereby notified that the maintenance report of the County Surveyor and the schedule of assessments made by the Drainage Board have been filed and are available for public inspection in the office of the County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the entire drain is \$19,836.10. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts: This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Bear Creek Drainage Area Proposed Assessment Information			
Parcel: 07-03-02-00-001.000 Rate: Residential/Ag			
Description	Acres Benefitted	Maintenance Assessment	% of Assessment
S2 T20 R5 80.00Ac	80.00	\$240.00	1.21%

Upon approval of this hearing the Jonas Rogers and George Parker Drains shall continue to be assessed for 2013 & 2014 in order to pay off the shortfall in the drain fund. The special assessment for Jonas Rogers will also continue to be collected through 2016. The parcels assessed to Jonas Rogers and George Parker will also be assessed to Bear Creek Drainage Area starting in 2013. The parcels on J.J. Billhymer, Rhuetta Hankley and Adam Ault will no longer be assessed starting in 2013 but will be assessed to Bear Creek instead.

J.J. Billhymer Acres Benefitted	J.J. Billhymer Current Assessment	George Parker Acres Benefitted	George Parker Current Assessment	Jonas Rogers Acres Benefitted	Jonas Rogers Current Assessment	Rhuetta Hankley Acres Benefitted	Rhuetta Hankley Current Assessment	Adam Ault Acres Benefitted	Adam Ault Current Assessment

A public hearing will be held by the Drainage Board in Commissioner's Court at **9:05 A.M. on October 22, 2012** on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed. The failure of any owner to file an objection constitutes a waiver of his right to thereafter object on such ground to any final action of the Board. On or before the hearing date the Surveyor or any owner of lands named in the schedule of assessments may cause written evidence to be filed in support of or in rebuttal to any objection filed.

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060

For a copy of the Surveyor's Report to the Drainage Board and a copy of the map, if applicable, please go to www.hamiltoncounty.in.gov/drainageboardnotices.

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

September 21, 2012

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the
Bear Creek Drainage Area.

Billhymer Farm LLC
29115 SR 213
Atlanta, IN 46031

Under the Indiana Drainage Code, all land which drains directly, or indirectly, may be assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. From time to time the assessments may be increased or changed. The chart below contains your proposed assessment and your percentage of the total annual maintenance contribution to the costs attributable to providing drainage to your land.

The Drainage Board has received a maintenance report and schedule of assessments which affects your land. You are hereby notified that the maintenance report of the County Surveyor and the schedule of assessments made by the Drainage Board have been filed and are available for public inspection in the office of the County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the entire drain is \$19,836.10. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts: This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Bear Creek Drainage Area Proposed Assessment Information			
Parcel: 07-04-06-00-00-001.000 Rate: Residential/Ag			
Description	Acres Benefitted	Maintenance Assessment	% of Assessment
S6 T20 R6 56.97Ac	53.97	\$161.92	0.82%

Upon approval of this hearing the Jonas Rogers and George Parker Drains shall continue to be assessed for 2013 & 2014 in order to pay off the shortfall in the drain fund. The special assessment for Jonas Rogers will also continue to be collected through 2016. The parcels assessed to Jonas Rogers and George Parker will also be assessed to Bear Creek Drainage Area starting in 2013. The parcels on J.J. Billhymer, Rhuetta Hankley and Adam Ault will no longer be assessed starting in 2013 but will be assessed to Bear Creek instead.

J.J. Billhymer Acres Benefitted	J.J. Billhymer Current Assessment	George Parker Acres Benefitted	George Parker Current Assessment	Jonas Rogers Acres Benefitted	Jonas Rogers Current Assessment	Rhuetta Hankley Acres Benefitted	Rhuetta Hankley Current Assessment	Adam Ault Acres Benefitted	Adam Ault Current Assessment
								49.00	\$171.50

A public hearing will be held by the Drainage Board in Commissioner's Court at **9:05 A.M. on October 22, 2012** on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed. The failure of any owner to file an objection constitutes a waiver of his right to thereafter object on such ground to any final action of the Board. On or before the hearing date the Surveyor or any owner of lands named in the schedule of assessments may cause written evidence to be filed in support of or in rebuttal to any objection filed.

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060

For a copy of the Surveyor's Report to the Drainage Board and a copy of the map, if applicable, please go to www.hamiltoncounty.in.gov/drainageboardnotices.

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OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD
 September 21, 2012

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the
Bear Creek Drainage Area.

Billhymer Farm LLC
 29115 SR 213
 Atlanta, IN 46031

Under the Indiana Drainage Code, all land which drains directly, or indirectly, may be assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. From time to time the assessments may be increased or changed. The chart below contains your proposed assessment and your percentage of the total annual maintenance contribution to the costs attributable to providing drainage to your land.

The Drainage Board has received a maintenance report and schedule of assessments which affects your land. You are hereby notified that the maintenance report of the County Surveyor and the schedule of assessments made by the Drainage Board have been filed and are available for public inspection in the office of the County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the entire drain is \$19,836.10. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts: This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Bear Creek Drainage Area Proposed Assessment Information			
Parcel: 07-03-02-00-00-013.000 Rate: Residential/Ag			
Description	Acres Benefitted	Maintenance Assessment	% of Assessment
S2 T20 R5 79.40Ac	79.40	\$238.20	1.20%

Upon approval of this hearing the Jonas Rogers and George Parker Drains shall continue to be assessed for 2013 & 2014 in order to pay off the shortfall in the drain fund. The special assessment for Jonas Rogers will also continue to be collected through 2016. The parcels assessed to Jonas Rogers and George Parker will also be assessed to Bear Creek Drainage Area starting in 2013. The parcels on J.J. Billhymer, Rhuetta Hankley and Adam Ault will no longer be assessed starting in 2013 but will be assessed to Bear Creek instead.

J.J. Billhymer Acres Benefitted	J.J. Billhymer Current Assessment	George Parker Acres Benefitted	George Parker Current Assessment	Jonas Rogers Acres Benefitted	Jonas Rogers Current Assessment	Rhuetta Hankley Acres Benefitted	Rhuetta Hankley Current Assessment	Adam Ault Acres Benefitted	Adam Ault Current Assessment

A public hearing will be held by the Drainage Board in Commissioner's Court at **9:05 A.M. on October 22, 2012** on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed. The failure of any owner to file an objection constitutes a waiver of his right to thereafter object on such ground to any final action of the Board. On or before the hearing date the Surveyor or any owner of lands named in the schedule of assessments may cause written evidence to be filed in support of or in rebuttal to any objection filed.

HAMILTON COUNTY DRAINAGE BOARD
 One Hamilton County Square, Ste. 188
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Bear Creek Drainage Area Proposed Assessment Information			
Parcel: 07-03-02-00-00-012.000 Rate: Residential/Ag			
Description	Acres Benefited	Maintenance Assessment	% of Assessment
S2 T20 R5 13.88Ac	13.88	\$41.64	0.21%

Upon approval of this hearing the Jonas Rogers and George Parker Drains shall continue to be assessed for 2013 & 2014 in order to pay off the shortfall in the drain fund. The special assessment for Jonas Rogers will also continue to be collected through 2016. The parcels assessed to Jonas Rogers and George Parker will also be assessed to Bear Creek Drainage Area starting in 2013. The parcels on J.J. Billhymer, Rhuetta Hankley and Adam Ault will no longer be assessed starting in 2013 but will be assessed to Bear Creek instead.

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October 6, 2012

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste.188
Noblesville, IN 46060

RE: Parcel: 07-03-02-00-00-002.000 *Bear Creek Drainage Area*
23.59Ac Jonas Rogers Drain

We object to the proposed drainage assessment to the above referenced parcel. As stated according to your notice (attached), costs for this parcel for 2013 and 2014 will be \$20.00, plus the present special assessment of \$100.00, plus the proposed assessment of \$70.78. For 2015 and 2016 drainage assessment fees will be the present special assessment of \$100.00, plus the proposed assessment of \$70.78.

This is excessive.

In August we received the newest Notice of Assessment of Land and Structures-Form 11. Again an increase. The drain is part of the property. Property taxes keep rising. With the increased drainage assessments, agricultural land ownership has become disconcerting.

Keith Billhymer
Geneva Billhymer
Keith & Geneva Billhymer
29115 SR 213
Atlanta, IN 46031

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD
 September 21, 2012

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the
Bear Creek Drainage Area.

Billhymer, Keith & Geneva with LE
 29115 SR 213
 Atlanta, IN 46031

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The Drainage Board has received a maintenance report and schedule of assessments which affects your land. You are hereby notified that the maintenance report of the County Surveyor and the schedule of assessments made by the Drainage Board have been filed and are available for public inspection in the office of the County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the entire drain is \$19,836.10. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts: This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Bear Creek Drainage Area Proposed Assessment Information			
Parcel: 07-03-02-00-00-002.000 Rate: Residential/Ag			
Description	Acres Benefitted	Maintenance Assessment	% of Assessment
S2 T20 R5 23.59Ac	23.59	\$70.78	0.36%

Upon approval of this hearing the Jonas Rogers and George Parker Drains shall continue to be assessed for 2013 & 2014 in order to pay off the shortfall in the drain fund. The special assessment for Jonas Rogers will also continue to be collected through 2016. The parcels assessed to Jonas Rogers and George Parker will also be assessed to Bear Creek Drainage Area starting in 2013. The parcels on J.J. Billhymer, Rhuetta Hankley and Adam Ault will no longer be assessed starting in 2013 but will be assessed to Bear Creek instead.

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				10.00	\$20.00				

A public hearing will be held by the Drainage Board in Commissioner's Court at **9:05 A.M. on October 22, 2012** on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed. The failure of any owner to file an objection constitutes a waiver of his right to thereafter object on such ground to any final action of the Board. On or before the hearing date the Surveyor or any owner of lands named in the schedule of assessments may cause written evidence to be filed in support of or in rebuttal to any objection filed.

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BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Bear Creek Drainage Area

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Bear Creek Drainage Area** on **October 22, 2012** at **9:05 A.M.** in Commissioners Court, Hamilton County Historic Courthouse, 33 N. 9th Street in the Historic Courtroom, 2nd Floor, Noblesville, Indiana, and which construction and maintenance reports of the Surveyor and the Schedule of Assessments made by the Drainage Board have been filed and are available for public inspection in the office of the Hamilton County Surveyor.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Bear Creek Drainage Area

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **October 22, 2012** has issued an order adopting the Schedule of Assessments, filed the same and made public announcement thereof at the hearing and ordered publication. If judicial review of the findings and order of the Board is not requested pursuant to Article Eight of this code within twenty (20) days from the date of this publication, the order shall be conclusive.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY