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November 9, 2023

To: Hamilton County Drainage Board

Re: Beaver & Brooks Drain, 106<sup>th</sup> & Hoosier Road Roundabout Partial Vacation,  
Station 0+00 to Station 0+70

Attached are the petition by the City of Fishers and plans for the proposed vacation of a portion of the Beaver & Brooks Drain. This project is to be paid for by the City of Fishers. In order to facilitate site improvements for a roundabout, the proposal is to vacate 70' of the existing drain per the construction plans by GIA filed at the County Surveyor's Office on 10/31/2022, revision dated 10/9/2023, project No. 1801420.

The original Beaver & Brooks Drain began with a petition by Marion and Nancy Beaver and Sam Brooks presented to the County Commissioners in June 1897. Following a Viewers Report in July 1897 and a Reviewer's Report in November 1897, the drain was challenged and referred to the Circuit Court in December 1897. In June 1903 the remonstrance was withdrawn, and the drain was ordered to be constructed. In September 1904, the Commissioners extended the contractors completion time. See Commissioner's Record Book 10, pages 508-542; CR Book 14, page 304; CR Book 14, page 466; and CR Book 15, page 332.

The proposed drain vacation is located at the northwest corner of the intersection of 106<sup>th</sup> & Hoosier Road, in the City of Fishers. Per the plans by GIA, a portion of the existing Beaver & Brooks tile will be vacated within the proposed roundabout improvements. The vacation will be located within the right of way for 106<sup>th</sup> & Hoosier Road, owned by the City of Fishers.

The vacation will consist of the following:

70' of 8" Clay field tile

The length of the vacation will be 70'. This project will subtract 70' from the overall length of the Beaver & Brooks Drain. Within the project limits, the 70' of existing tile installed in 1904 as part of the Beaver & Brooks Drain will be vacated. The existing drain to be vacated approximately equates to the following stations of the original 1904 drain: Sta. 0+00 to 0+70. To help identify this location, which will become the new upstream end of the regulated drain, a breather will be installed. The existing drain downstream of this location shall remain at this time.

Regarding easement, the easement will be vacated only for the portion of the drain being vacated. Per IC 36-9-27-33, the easement is measured at right angles 75' from the centerline of the tile.

This proposal meets the criteria for vacation of a regulated drain as laid out in IC-36-9-27-34.

I recommend the Board set the hearing for January 22, 2024.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/stcash

HAMILTON COUNTY DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN RE: \_\_\_\_\_ )  
Hamilton County, Indiana )

PETITION FOR RELOCATION AND RECONSTRUCTION

\_\_\_\_\_ City of Fishers \_\_\_\_\_ (hereinafter "Petitioner"),

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the \_\_\_\_\_ Beaver and Brooks \_\_\_\_\_ Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the \_\_\_\_\_ Beaver and Brooks \_\_\_\_\_ Drain runs.
2. Petitioner plans to develop its real estate with roads, buildings, utilities, storm drains, sanitary sewers and other structures.
3. Petitioner's proposed development of its real estate will require relocation and reconstruction of a portion of the \_\_\_\_\_ Beaver and Brooks \_\_\_\_\_ Drain, as specifically shown on engineering plans and specifications filed with the Hamilton County Surveyor.
4. The work necessary for the proposed relocation and reconstruction will be undertaken at the sole expense of the Petitioner and such work will result in substantial improvement to the \_\_\_\_\_ Beaver and Brooks \_\_\_\_\_ Drain, without cost to other property owners on the watershed of the \_\_\_\_\_ Beaver and Brooks \_\_\_\_\_ Drain.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County Drainage Board authorizing relocation and reconstruction of the \_\_\_\_\_ Beaver and Brooks \_\_\_\_\_ Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Printed

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE


**Beaver & Brooks Drain  
106<sup>th</sup> & Hoosier Road Roundabout Partial Vacation**

**Station 0+00 to Station 0+70**

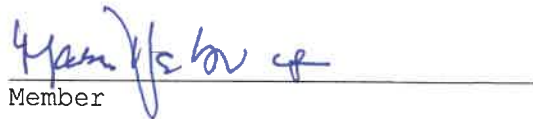
On this **22<sup>nd</sup> day of January, 2024**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Beaver & Brooks Drain, 106<sup>th</sup> & Hoosier Road Roundabout Partial Vacation (Station 0+00 to Station 0+70)**.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Beaver & Brooks Drain, 106<sup>th</sup> & Hoosier Road Roundabout Partial Vacation (Station 0+00 to Station 0+70)**.

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

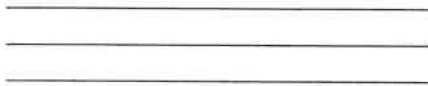
  
\_\_\_\_\_  
Member

Attest:   
\_\_\_\_\_  
Lynette Harbough

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD IN THE MATTER OF THE

**Beaver & Brooks Drain**  
**106<sup>th</sup> & Hoosier Road Roundabout Partial Vacation**

**Station 0+00 to Station 0+70**



NOTICE is hereby given that a petition to vacate has been received by the Hamilton County Surveyor for the **Beaver & Brooks Drain, 106<sup>th</sup> & Hoosier Road Roundabout Partial Vacation** across **Road Right-of-Way owned by the City of Fishers (Station 0+00 to Station 0+70)** and that a hearing is scheduled for **January 22, 2024 at 9:00 A.M.** on that request.

Objections to the VACATION of the drain must be filed in writing not less than five (5) days before the date of the hearing.

The Board will consider whether the drain performs the function for which it was designed and constructed; whether the expense of maintenance outweighs the benefits to be derived therefrom, and whether the abandonment thereof will not be detrimental to the public welfare.

HAMILTON COUNTY DRAINAGE BOARD

ATTEST: Lynette Mosbaugh  
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF THE

**Beaver & Brooks Drain**  
**106<sup>th</sup> & Hoosier Road Roundabout Partial Vaction**

NOTICE

Notice is hereby given pursuant to Indiana Code 36-9-27-63 (before codification in 1981) that this Board, prior to final adjournment on **January 22, 2024** issued an order adopting the partial vacation, filed the same and made public announcement thereof at the hearing and ordered publication. Copies of the schedule of assessments and order are on file in the office of the Hamilton County Surveyor. If judicial review of the findings and order of the Board is not requested pursuant to Indiana Code 36-9-27-65(f) 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