

SURVEYOR'S OFFICE
Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County
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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

August 26, 2008

To: Hamilton County Drainage Board

Re: J.W. Brendel Drain, 136th Street and Towne Road-- Roundabout

Attached are petition, plans, and other information for the proposed reconstruction of the J.W. Brendel Drain, for the 136th Street at Towne Road Roundabout project. The reconstruction was petitioned by the City of Carmel. During this reconstruction, the J.W. Brendel Drain – The Lakes at Towne Road Section 1 Arm will be affected. Those changes are as follows:

J.W. Brendel Drain

J.W. Brendel Drain – The Lakes at Towne Road Section 1 Arm: The project will remove Structure 455, 545, and 453, along with the 170 feet of 12” RCP per the plans for The Lakes at Towne Road - Section 1, prepared by Stoepfelwerth & Associates, having Job Number 48700S1, and date of 11/1/04. This will be replaced with Str. 350, 351, and an end section back into Lake #1 (Tract #17-09-29-00-12-027.000, along with 139 feet of 12” RCP per the road plans. Also, the project will remove Str. 453A and 453B, along with the 75 feet of 12” RCP per the subdivision development plans listed above. This will be replaced with 61 feet of 18” RCP from Str. 237 to the end section outlet back into Lake #1. Finally, the project will remove 320 feet (165 feet on the north side and 155 feet on the south side) of SSD at the entrance to The Lakes at Towne Road Subdivision. Thus, 365 feet of drain will be removed from the J.W. Brendel – The Lakes at Towne Road Section 1 Arm. This is shown on Sheets 17 and 21 of the plans prepared by American Structurepoint, Inc., having City of Carmel Project Number 06-12, and dated April 16, 2008.

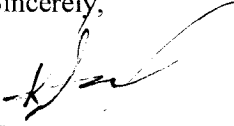
The road project will remove 365 feet of the J.W. Brendel Drain.

The cost of the reconstruction is to be paid by the City of Carmel.

The easements for the drain shall be within the Common Area #1 as shown on the secondary plat for The Lakes at Towne Road - Section 1, as recorded in the office of the Hamilton County Recorder, Plat Cabinet 3, Slide 728. Common Area #1 is a Drainage Easement per the plat.

I recommend the Board set a hearing for this proposed drain for October 27, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', with a long, sweeping flourish extending to the right.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: _____)
Hamilton County, Indiana)


PETITION FOR RELOCATION AND RECONSTRUCTION

_____ The City of Carmel _____ (hereinafter "Petitioner").

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the _____ J.W. Brendle-Lakes at Towne Rd. _____ Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the _____ J.W. Brendle _____ 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 _____ J.W. Brendle-Lakes at Towne Rd. _____ 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 _____ J.W. Brendle-Lakes at Towne Rd _____ Drain, without cost to other property owners on the watershed of the _____ J.W. Brendle _____ Drain.
5. Proposed relocation and reconstruction will not adversely affect other land owners within the drainage shed.
6. Petitioner requests approval of the proposed relocation and reconstruction under IC 36-9-27-52.5.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County Drainage Board authorizing relocation and reconstruction of the _____ J.W. Brendle-Lakes at Towne Rd. _____ Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.



Signed

Printed

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

J. W. Brendel Drain, 136th Street and Towne Road Roundabout

NOTICE

To Whom It May Concern and: Lakes at Towne Road Homeowners Assoc.

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **J. W. Brendel Drain, 136th Street and Towne Road Roundabout** on **October 27, 2008**, at **9:05 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed 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

STATE OF INDIANA)
) SS BEFORE THE HAMILTON
)
COUNTY OF HAMILTON) DRAINAGE BOARD

IN THE MATTER OF **J. W. Brendel Drain, 136th Street & Towne Road Roundabout**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **October 27, 2008** adopted the reconstruction report of the Surveyor and the Amended Schedule of damages and assessments including annual assessment for periodic maintenance, finding that the costs, damages and expense of the proposed improvement would be less than the benefits which will result to the owner of lands benefited thereby.

The Board issued an order declaring the proposed improvement established. Such findings and order were marked filed and are available for inspection in the Office of the Hamilton County Surveyor.

If judicial review of the findings and order of the Board is not requested pursuant to Article VIII of the 1965 Indiana Drainage Code as amended within twenty (20) days from the date of publication of this notice, the findings and order shall become conclusive.

HAMILTON COUNTY DRAINAGE BOARD

BY: Steven A. Holt
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing on Reconstruction & Schedule of Assessments and Damages on the J.W. Brendel Drain, 136th & Towne Road Roundabout.

Lakes at Towne Road Homeowners Assoc.
11711 College Ave N Ste 100
Carmel, IN 46032

The reconstruction report of the Surveyor and schedule of damages and benefits as determined by the Drainage Board for the proposed improvement known as the **J.W. Brendel Drain, 136th & Towne Road Roundabout** have been filed and are available for inspection in the office of the County Surveyor. The schedule of assessments shows the following lands in your name are affected as follows:

Description of Land	Acres Benefited	Damages	Reconst. Assmt.	% of Total	Maint. Assmt.
17-09-29-00-12-027.000					
Lakes at Towne Road CA 1, 2.99 Ac	*	Zero	*	*	*
*Reconstruction to be paid by City of Carmel & no change in current maintenance assessment rates.					

The hearing on the Surveyor's reconstruction report and on the schedules of damages and assessments are set for hearing at **9:05 A.M. on October 27, 2008**, in the Commissioner's Court. The law provides that objections must be written and filed not less than 5 days before the date of the hearing. Objections may be for causes as specified by law and which are available at the Surveyor's Office. Written evidence in support of objections may be filed. The failure to file objections constitutes a waiver of your right to thereafter object, either before the Board or in court on such causes, to any final action of the Board. On or before the day of the hearing before the Board, the Surveyor shall and any owner of affected lands may cause written evidence to be filed in support of or in rebuttal to any filed objections.

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060-2230

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Benton Hinesley Drain, Sheridan Elementary School Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *J. W. Brendel Drain, 136th Street and Towne Road Roundabout* came before the Hamilton County Drainage Board for hearing on *October 27, 2008*, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

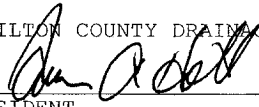
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the *J. W. Brendel Drain, 136th Street and Towne Road Roundabout* be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD



PRESIDENT




Member



Member

ATTEST:


Executive Secretary