

To: Hamilton County Drainage Board

Re: In the matter of the Wheeler & Beals Drain Petition

Comes now the undersigned individuals, who petition the Hamilton County Drainage Board, per IC 36-9-27-54, for a new regulated drain. The undersigned believe the following:

1. They are owners of ten percent (10%) in acreage; or twenty five percent (25%) or more of the assessed valuation of the land that is outside the corporate boundaries of a municipality and is alleged by the petition to be affected by the proposed drain.
2. That as property owners within the drainage shed, they are qualified petitioners.
3. That they now desire that a regulated drain be established in Washington Township, which involves the following public roads; E. 146th Street and various areas surrounding these roads in the drainage shed.
4. The names and address of each owner affected by the proposed public drainage are attached hereto, made a part hereof, and marked Exhibit "A", which area of land involved in the proposed drainage area is located in section 18 township 18 north, range 4 east, Hamilton County, Indiana.
5. No other public lands or owners are located in the area which would affect improvement.
6. That the general route of the proposed drain is shown in the attached plan which is marked Exhibit "B" and made a part hereof.
7. That in the opinion of the Petitioner, the costs, damages, and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land to be benefited thereby.
8. That in the opinion of Petitioner, the proposed improvement will improve the public health; benefit a public highway; and be of public utility.
9. That the name of the attorney representing petitioner in the drainage petition is n/a, who has an office at _____, phone _____.
10. That Petitioners shall pay the cost of notice and all legal costs if the petition is dismissed.
11. Petitioner shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established.

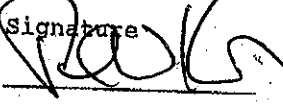
Signature	Printed Name	Printed Address
	<u>PAUL W. KITE</u>	<u>30 S MERIDIAN ST. STE 1100</u> <u>INDIANAPOLIS IN 46204</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Exhibit "A"

Affected Property Owners

Parcel #

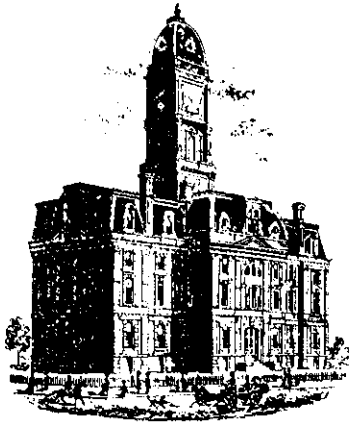
Property Owner

09-10-18-00-00-014.007
09-10-18-00-00-014.008

Westfield One LLC
30 S. Meridian St., #1100
Indianapolis, IN 46204

08-10-18-00-00-014.003
08-10-18-00-00-014.002
08-10-18-00-00-014.001

Willow Branch Limited Partnership
2740 E. 146th St.
Carmel, IN 46033



SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, Surveyor

Phone (317) 776-8495

Fax (317) 776-9628

Suite 188

*One Hamilton County Square
Noblesville, Indiana 46060-2230*

December 21, 2004

To: Hamilton County Drainage Board

Re: Wheeler & Beals Drain Extension

Attached is a petition filed by Kite Development along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Wheeler & Beals Drain Extension to be located in Washington Township. I have reviewed the submittals and petition and have found each to be in proper form.

This drain extension to the Wheeler & Beals Drain was petitioned by the developer as part of the agreement for Cool Creek Commons. The agreement requires the Drainage Board to maintain the floodplain of Cool Creek free of debris and obstructions, including without limitations, mowing the grass thereon. The agreement was approved by the Drainage Board on February 23, 2004 (Drainage Board Minute Book 7, page 343 to 344) and is recorded in the office of the Hamilton County Recorder as instrument #200400011263. A copy of the agreement is included with this report.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable; will improve the public health; benefit a public highway and be of public utility; and that the cost, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

Open Ditch 1,032 ft

The total length of the drain will be 1,032 feet.

The open ditch listed above is that section of Cool Creek from the existing Bridlewood Drain at the southwest corner of Lot 23 of the Bridlewood Drain (Tract Number 08-10-18-04-08-019.000) south to the south right of way for 146th Street.

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, the Wheeler & Beals Drain shall be designated as an Urban Drain.

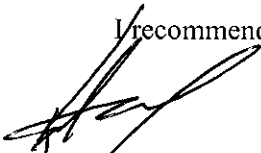
I have reviewed the plans and drain map and believe, as set out in IC 36-9-27-69, that all tracts within the drainage shed of the Wheeler & Beals Drain will benefit. I recommend the following maintenance assessment to be adopted by the Board:

1. Maintenance assessment for roads and streets be set at \$10.00 per acres with a \$25.00 minimum.
2. Maintenance assessment for agricultural tracts be set at \$2.00 per acre with a \$10.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acres with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts be set at \$35.00 per acre with a \$75.00 minimum.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by the City of Westfield) shall be set at \$25.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$10.00 per acres with a \$25.00 minimum.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$50.00 per lot /minimum. Common areas within the regulated drain subdivisions shall be set at \$15.00 per acre with a \$50.00 minimum.

The total annual assessment for this drain will be \$1,933.18.

Parcels assessed for this drain may be assessed for the Cool Creek Drain at sometime in the future.

I recommend the Board set a hearing for this proposed drain for January 24, 2005.



Kenton C. Ward
Hamilton County Surveyor

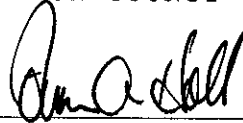
KCW/llm

FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Wheeler & Beals Drain, Extension

On this *24th day of January 2005*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Wheeler & Beals Drain, Extension*.

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.

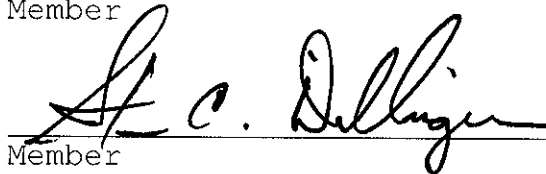
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest:



STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Wheeler & Beals Drain, Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Wheeler & Beals Drain, Extension** came before the Hamilton County Drainage Board for hearing **on January 24, 2005**, 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 **Wheeler & Beals Drain, Extension** 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:

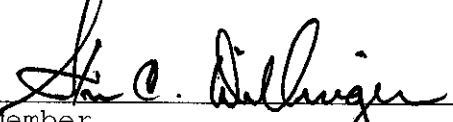
HAMILTON COUNTY DRAINAGE BOARD



PRESIDENT



Member



Member

ATTEST: 
Executive Secretary