

Kew

SURVEYOR'S OFFICE
Hamilton County

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Surveyor of Hamilton County
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One Hamilton County Square
Noblesville, Indiana 46060-2230

January 28, 2015

To: Hamilton County Drainage Board

Re: Cool Creek Drain, Custom Commerce Park Arm – Thieneman Reconstruction

Attached is a petition from Thieneman Properties LLC, along with plans for the proposed reconstruction of the Custom Commerce Park Arm of the Cool Creek Drain. The proposal is to reconstruct (remove) the drain to allow for commercial development.

The reconstructed drain shall consist of removal of those lengths of pipes between the following structures as shown on sheet C100 of the plans by American Structurepoint, dated October 31, 2014, and having job number 2014.02154.

The removed drain shall begin at Str. R15 per the original development as-built plans by American Consulting, Inc., dated January 20, 2005, and having job number IN2004.0452. The removal is 18 feet of 18" RCP from Str. R15 to Str. R16. Also to be removed is 34 feet of 24" RCP from Str. R11 to Str. R12 and 24 feet of 15" RCP from Str. R3A to Str. R3.

The total length of new drain for this arm shall be 0 feet. The 76 feet of the original drain from the structures described above shall be vacated. This proposal will remove 76 feet from the drains total length.

The cost of the reconstruction is to be paid by Thieneman Properties, LLC.

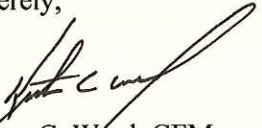
This reconstruction affects the following parcels and owners:

09-09-01-00-02-001.000
Foundation Parkway ROW

Oak Ridge Real Estates Development, LLC
City of Westfield

I recommend the Board set a hearing for this proposed drain for March 23, 2015.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

FILED
DEC 12 2014

IN RE: Custom Commerce Park)
Hamilton County, Indiana)

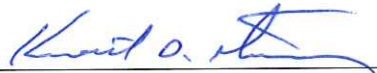
OFFICE OF HAMILTON COUNTY SURVEYOR

PETITION FOR RELOCATION AND RECONSTRUCTION

Thieneman Properties LLC (hereinafter "Petitioner"),
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a
section of the Anna Kendall/Cool Creek Regulated Drain Drain, and in support of
said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Anna Kendall/Cool Creek Reg. 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 Anna Kendall/Cool Creek Regulated 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 Anna Kendall/Cool Creek Regulated Drain, without cost to other property owners on the watershed of the Anna Kendall/Cool Creek Regulated 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 Anna Kendall/Cool Creek Reg. Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.


Signed

Kenneth O. Thieneman
Printed

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Cool Creek Drain, Custom Commerce Park Arm, Thieneman Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Cool Creek Drain, Custom Commerce Park Arm, Thieneman Reconstruction* came before the Hamilton County Drainage Board for hearing on *March 23, 2015*, 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 *Cool Creek Drain, Custom Commerce Park Arm, Thieneman Reconstruction* 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

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE


Cool Creek Drain, Custom Commerce Park Arm
Thieneman Reconstruction

Structure R15 to Structure R16; Structure R11 to Structure R12;
and Structure R3A to Structure R3

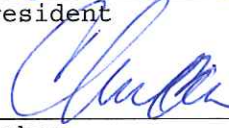
On this 23rd day of March, 2015, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Cool Creek Drain, Custom Commerce Park Arm, Thieneman Reconstruction - Structure R15 to Structure R16; Structure R11 to Structure R12; and Structure R3A to Structure R3.*

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 *Cool Creek Drain, Custom Commerce Park Arm, Thieneman Reconstruction - Structure R15 to Structure R16; Structure R11 to Structure R12; and Structure R3A to Structure R3.*


HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest:



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

*Cool Creek Drain, Custom Commerce Park Arm
Thieneman Reconstruction*

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **Cool Creek Drain, Custom Commerce Park Arm, Thieneman Reconstruction** on **March 23, 2015 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 Cool Creek Drain, Custom Commerce Park
Arm, Thieneman Reconstruction**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **March 23, 2015** 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 C. Dillinger
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY