

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

April 7, 2010

To: Hamilton County Drainage Board

Re: Cool Creek Drain, Wehmeier Extension

Attached is a drain map for the Cool Creek Drain, Wehmeier Extension. This proposed drain is located in Washington Township.

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a highway and be of public utility and that the costs, 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 – 396 feet

The Cool Creek Drain, Wehmeier Extension shall begin at the east right of way of U.S. 31 which is the current terminus of the Cool Creek Drain, HG Kenyon & Harmon Clark Arm, per my report dated November 3, 2006 and approved by the Board at hearing on February 26, 2007 (See Hamilton County Drainage Board Minutes Book 10, Pages 103 to 105). Thence run downstream within the existing Cool Creek Tributary 396 feet to the confluence with Cool Creek on parcel 09-09-12-00-00-017.000, owned by Mary Wehmeier, Kurt Wehmeier, Julie Gilliam, Linda Mendell, and Dana Randall. The ending point is the Cool Creek Drain, Wheeler & Beals – John Beals Arm per the 1881 legal description (See Commissioner Records Book S, Pages 486 to 496).

The nature of maintenance work required is as follows:

1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.

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


The easement for the drain on the parcels should be set at 75' from the top of bank as set out in IC 36-9-27-33. According to the FEMA Flood Insurance Rate Map, Map Number 18057C0119F, the area for the Cool Creek Open Ditch is covered by the floodplain for Cool Creek. Therefore, I believe that no damages will result to landowners by the regulating of this drain.

Regulated Drain easement will be added to the following tracts:

| <u>Parcel</u> | <u>Owner</u> |
|------------------------|--|
| 09-09-12-00-00-017.000 | Mary A. Wehmeier, Kurt O. Wehmeier, Julie K. Gilliam Linda S. Mendell, and Dana A Randall |
| 09-09-12-00-00-018.000 | SePRO Development Company I LLC |

I recommend that the Board set a hearing for this extension for June 28, 2010.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

**Gasb 34 Asset Price &
Drain Length Log**

Drain-Improvement: Cool Creek - Wehmer Extension

| Drain Type: | Size: | Length | Length (DB Query) | Length Reconcile | If Applicable | |
|-------------|-------|--------|----------------------|---------------------|---------------|------------|
| | | | | | Price: | Cost: |
| Open | - | 396 | 396 | Ø | \$19.55/F | \$7,741.80 |
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Sum: _____ \$7,741.80

Final Report: N/A

Comments:

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, Wehmeier Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Cool Creek Drain, Wehmeier Extension** came before the Hamilton County Drainage Board for hearing **on June 28, 2010**, 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.

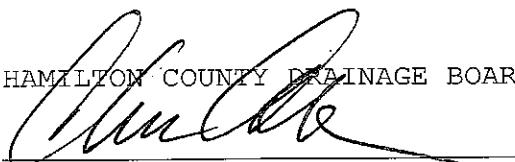
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included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

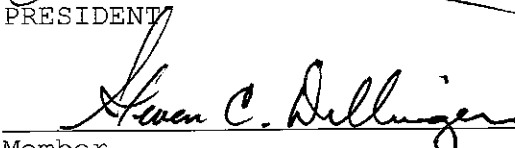
The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Cool Creek Drain, Wehmeier 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:

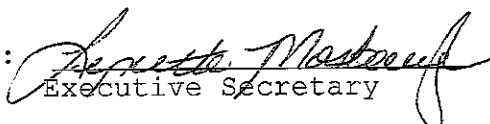
HAMILTON COUNTY DRAINAGE BOARD


PRESIDENT


Member

Member

ATTEST:


Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Cool Creek Drain, Wehmeier Extension

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, Wehmeier Extension** on **June 28, 2010**, 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, Wehmeier Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **June 28, 2010** 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: Christine Altman
PRESIDENT

ATTEST: Pamela Louks
SECRETARY