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November 6, 2019

To: Hamilton County Drainage Board

**Re: Anna Kendall Drain, E.M Osborne Arm, Meijer Partial Abandonment**

Attached is a petition to abandon a portion of the Anna Kendall Drain, E.M Osborne Arm by Meijer Stores. The proposal is to abandon a portion of the existing E.M Osborne Arm on parcel 08-09-02-00-00-001.000 and 08-09-02-00-00-001.101 owned by Meijer Stores.

The portion of the E.M Osborne drain to be abandoned will begin on the south side of State Road 32 and will begin at existing station 27+72 and end at the south property line of parcel 08-09-02-00-00-001.101 approximately located at station 38+40 of the 1920 description of the E.M Osborne Drain.

The request will remove 1,068 ft. of 12 inch tile.

The upstream drainage going to the existing tile was previously reconstructed in 2011 per the Anna Kendall Drain, State Road 32 Arm per my report dated September 18, 2011 and hearing held by the board on September 26, 2011. (See HCDB Minutes Book 14, Page 4) and now drains through the 72 inch closed drain that intercepts this tile. This portion of the E.M Osborne drain was constructed in 1921. The upstream E.M Osborne Arm was combined with the State Road 32 arm of the Anna Kendall Drain in 2011.

Upon review of the request, I believe the above portion of the drain meets the requirements for for vacation as set out in IC-36-9-27-34(d). In my opinion, the vacation will not adversely affect other property owners within the drainage shed.

I recommend the Board set a hearing date for January 27, 2020.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

KLW

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Anna Kendall Drain, E. M. Osborn Arm, Meijer Partial Abandonment

Station 27+72 to Station 38+40

On this <sup>26</sup>27<sup>th</sup> day of <sup>May</sup>January, 2020, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Anna Kendall Drain, E. M. Osborn Arm, Meijer Partial Abandonment (Station 27+72 to Station 38+40).

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 Anna Kendall Drain, E. M. Osborn Arm, Meijer Partial Abandonment (Station 27+72 to Station 38+40).

HAMILTON COUNTY DRAINAGE BOARD

[Signature]  
President

[Signature]  
Member

[Signature]  
Member

Attest: [Signature]

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD IN THE MATTER OF THE

**Anna Kendall Drain, E. M. Osborne Arm,  
Meijer Partial Abandonment**

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NOTICE is hereby given that a petition to vacate has been received by the Hamilton County Surveyor for the **Anna Kendall Drain, E. M. Osborne Arm, Meijer Partial Abandonment** across Meijer Stores Property (Parcel's 08-09-02-00-00-001.000 and 08-09-02-00-00-001.101) due to upstream drainage going to the existing tile previously reconstructed in 2011 per the Anna Kendall Drain, State Road 32 Arm. The portion of the E. M. Osborne Drain to be abandoned will begin at Existing Station 27+72 and end at approximately Station 38+40 of the 1920 description has been filed and that a hearing is scheduled for January 27, 2020 at 9:30 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

**Anna Kendall Drain, E. M. Osborne Arm  
Meijer Partial Abandonment**

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 **May 26, 2020** 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