

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

November 20, 2017

To: Hamilton County Drainage Board

Re: Cool Creek Drain – Anna Kendall Arm – Grand Junction Plaza – Grassy Branch Creek Phase 2 Reconstruction

Attached is a petition and plans for the proposed reconstruction of the Anna Kendall Arm of the Cool Creek Drain. The reconstruction is being proposed by the City of Westfield. The proposal is to reconstruct the existing open ditch and relocate a portion of the original open ditch, to better facilitate the development of Grand Junction Plaza.

This line will consist of the following:

541 feet of Open Ditch

The total length of the new open drain shall be 541 feet. The 551 feet of the original drain between Sta. 174+73 and Sta. 180+24 per the original 1882 legal description, shall be vacated. This proposal will remove a total of 10 feet from the Anna Kendall Arm of the Cool Creek Drain's total length.

The open ditch listed above is from the downstream end of the Cool Creek Drain, Anna Kendall Arm, Mill Street Reconstruction per my report dated September 29, 2015, with hearing date of November 23, 2015 (See DB Minutes Book 16, pages 355 to 359) to the west ROW line of South Union Street. This is as shown on pages NR-2.1, NR-2.2, and NR-3.0 of the plans for Grand Junction Plaza – Grassy Branch Creek Phase 2, by Williams Creek Consulting, with job number 01.1270, and dated September, 2017.

The cost of the relocation is to be paid by the City of Westfield.

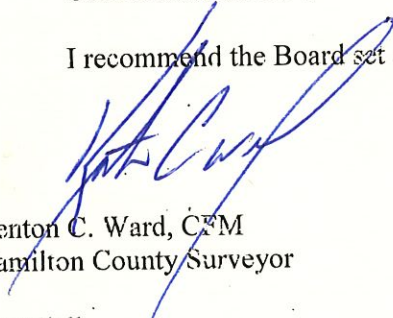
The City of Westfield is responsible for any and all state and federal level permits associated with this project. At this time the permits are in the process but I am not aware that final permit approval has been granted.

Since the petitioner is the City of Westfield and is being performed under public bid process, no bond is required for the relocation/reconstruction work.

The reconstruction will be located on or affect the regulated drain easement on the following parcels:

| Parcel Number | Owner |
|------------------------|------------------------------------|
| 09-09-01-02-05-004.000 | Town of Westfield |
| 09-09-01-02-05-005.000 | Westfield Redevelopment Commission |
| 09-09-01-02-10-004.000 | City of Westfield |
| 09-09-01-02-05-006.000 | City of Westfield |
| 09-09-01-02-10-005.000 | City of Westfield |
| 09-09-01-02-05-007.000 | City of Westfield |
| 09-09-01-02-05-009.000 | City of Westfield |
| 09-09-01-02-07-018.000 | City of Westfield |
| 09-09-01-02-07-020.000 | City of Westfield |
| Old Park Street ROW | City of Westfield |

I recommend the Board set a hearing for this petition for January 22, 2018.



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

FILED

OCT 12 2017

IN RE: Grand Junction Plaza-Grassy Branch Phase 2)
Hamilton County, Indiana)

OFFICE OF HAMILTON COUNTY SURVEYOR

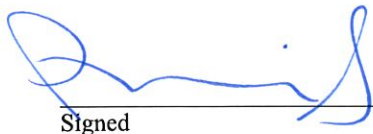
PETITION FOR RELOCATION AND RECONSTRUCTION

City of Westfield, Public Works Department (hereinafter "Petitioner"),

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the Anna Kendall / JM Thompson Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Anna Kendall / JM Thompson 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 / JM Thompson 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 / JM Thompson Drain, without cost to other property owners on the watershed of the Anna Kendall / JM Thompson Drain.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County Drainage Board authorizing relocation and reconstruction of the Anna Kendall / JM Thompson Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.



Signed

Phil A. Sundling, PE

Printed

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

FILED

OCT 12 2017

OFFICE OF HAMILTON COUNTY SURVEYOR

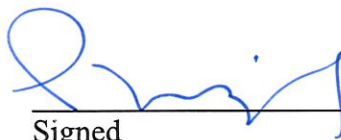
IN RE: Grand Junction Plaza-Grassy Branch Phase 2)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

City of Westfield, Public Works Department (hereinafter "Petitioner"),
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a
section of the Anna Kendall / JM Thompson Drain, and in support of
said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Anna Kendall / JM Thompson
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 / JM Thompson 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 / JM Thompson Drain, without cost to other property owners
on the watershed of the Anna Kendall / JM Thompson Drain.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County
Drainage Board authorizing relocation and reconstruction of the Anna Kendall / JM Thompson
Drain, in conformance with applicable law and plans and specifications on file with the Hamilton
County Surveyor.



Signed

Phil A. Sundling, PE

Printed

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Cool Creek Drain, Anna Kendall Arm,
Grand Junction Plaza, Grassy Branch Creek Phase 2 Reconstruction

Station 174+73 to Station 180+24
from the Original Anna Kendall Arm of the Cool Creek Drain

On this 22nd day of January, 2018, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Cool Creek Drain, Anna Kendall Arm, Grand Junction Plaza, Grassy Branch Creek Phase 2 Reconstruction (Station 174+73 to Station 180+24 from the Original Anna Kendall Arm of the Cool Creek Drain).

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, Anna Kendall Arm, Grand Junction Plaza, Grassy Branch Creek Phase 2 Reconstruction (Station 174+73 to Station 180+24 from the Original Anna Kendall Arm of the Cool Creek Drain).


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
**Cool Creek Drain, Anna Kendall Arm, Grand Junction Plaza, Grassy
Branch Creek Phase 2 Reconstruction**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Cool Creek Drain, Anna Kendall Arm, Grand Junction Plaza, Grassy Branch Creek Phase 2 Reconstruction** came before the Hamilton County Drainage Board for hearing on **January 22, 2018**, 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.

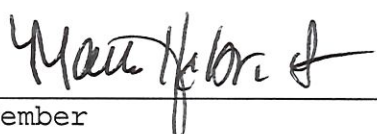
Wherefore, it is ORDERED, that the proposed Reconstruction of the **Cool Creek Drain, Anna Kendall Arm, Grand Junction Plaza, Grassy Branch Creek Phase 2 Reconstruction** be and is hereby declared established.

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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

*Cool Creek Drain, Anna Kendall Arm, Grand Junction Plaza,
Grassy Branch Creek Phase 2 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, Anna Kendall Arm, Grand Junction Plaza, Grassy Branch Creek Phase 2 Reconstruction** on January 22, 2018 at 9:10 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, Anna Kendall Arm, Grand Junction Plaza, Grassy Branch Creek Phase 2 Reconstruction**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **January 22, 2018** 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