

SURVEYOR'S OFFICE

Hamilton County

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

July 7, 2010

To: Hamilton County Drainage Board

Re: Cool Creek Drain, Mary Wilson Arm

Attached is a drain map, drainage shed map and schedule of assessments for the Mary Wilson Arm to the Cool Creek Drain. This drain is located in Washington Township.

The Mary Wilson Arm to Cool Creek shall consist of the Mary Wilson Drain and the Mary Kreag Drain. The Mary Wilson Drain was established by the Hamilton County Board of Commissioners per the Viewers Report to the Board dated November 15, 1894 (see Hamilton County Commissioners Record Book 9, pages 307 – 312). The Mary Kreag Drain was established by the Hamilton County Circuit Court on April 4, 1914 (see Circuit Court Order Book 61, page 282).

The Wilson Drain consists of 866 feet of tile and 3,729 feet of open ditch. The Kreag Drain consists of 3,430 feet of tile. The total length of drain to be placed on maintenance is 8,025 feet.

The Christian Klingensmith Arm to the Mary Wilson Drain was placed on maintenance as an arm to Cool Creek previously. This was done per my report dated December 14, 2008 and approved by the Board at hearing on February 23, 2009 (see Hamilton County Drainage Board Minutes Book 11, pages 482 – 483).

At this time the Mary Wilson Drain is listed on the 2010 Classification List for reconstruction at number seven (7). The office has had three (3) complaints on the drain since 2003. Those are as follows:

DATE	APPLICANT	LOCATION	PROBLEM
Sept. 9, 2003	Jeff Planecki	Soccer Field on Carey Rd.	Standing Water

Sept. 21, 2004	Charles Plumer	Soccer Field on Carey Rd.	Open Ditch Floods and washes out bridge. Debris clogs drain.
May 2, 2007	Lee Hunt	15740 Oak Rd.	Standing water over road.

Although this drain is on the reconstruction list, I recommend that this portion be placed on maintenance at this time. The drain shall remain on the reconstruction list until plans can be finalized and a reconstruction hearing held sometime in 2011.

The nature of maintenance work required is as follows:

1. Clearing of trees and brush on the existing open drain as needed to improve flow;
2. Creation and re-excavation of silt basins;
3. Re-excavation of open ditch to original grade line;
4. Surface water structure as might be required;
5. Bank erosion protection and/or seeding as might be required;
6. Repair of private tile outlet ends as might be required;
7. Repair of regulated drain tile outlets;
8. Removal of beaver dams;
9. Removal of debris and/or blockage from regulated open ditch and tile;
10. Cleaning and/or repair of existing catch basin as might be required;
11. Spraying for vegetation control;
12. Mowing filter strips;
13. Repair of broken tile on regulated drains;
14. Installation of breather pipes as might be required;
15. Any other repairs deemed to be applicable and necessary by the Surveyor to restore the drain to its original intended use and condition.

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

A Watershed Management Plan was prepared for Cool Creek by Clark Dietz Engineers in 2003. The plan was updated through a 319 Grant in 2005. This report provided recommendations to the Drainage Board for maintenance, reconstruction and flood control.

I have reviewed the plans and drain map and believe, as set out in IC 36-9-27-69(b) (1) that all tracts within the drainage shed of the Cool Creek Drain will benefit. The following maintenance assessment has been adopted by the Board:

1. Maintenance assessment for roads and streets be set at \$10.00 per acre with a \$25.00 minimum.
2. Maintenance assessment for agricultural tracts be set at \$2.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts to 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 - \$25.00 minimum. Commons areas within subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by the City of Westfield) shall be set at \$10.00 per acre 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 \$15.00 per acre with a \$65.00 minimum. Common areas within regulated drain subdivisions shall be set at \$15.00 per acre with a \$65.00 minimum.

The drainage shed for this arm consists of 318.21 acres and 4 lots. The annual maintenance collection for this extension will be \$1,284.48.

Cool Creek has been classified as an urban drain under IC 36-9-27-67 per my report dated April 9, 2007.

Cool Creek has been identified in the NPDES Phase II General Permit Application, Storm Water Quality Management Plan Part C: Program Implementation Report, page 3, as a MS4 area receiving stream.

Cool Creek is listed in the NPDES Phase II General Permit Application Storm Water Quality Management Plan Part B: Baseline Characterization Report on the following pages:

Page 3 as an MS4 Area Receiving Stream

Page 6 as #05120201090030 Watershed within the MS4 Area

Page 14 as being in the IDEM 305(b) Report as being fully supportive of aquatic life and full body contact

Page 16 as not substantially impacted by MS4 storm water discharges

Page 30 as a USFW Survey of fish communities and habitat qualities priority stream

Page 31 as a priority stream

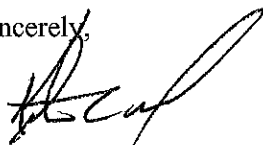
Page 50 as a priority stream

This drain is listed on the 2008 303(d) list of impaired waters for Indiana. The parameter of concern is E.Coli.

Currently the open ditch is heavily overgrown and is in need of clearing. The drain is susceptible to jams caused by debris which causes backwater and localized flooding. Water consistently stands on the soccer fields on Carey Road. It is possible for large woody debris to collect on the road crossing at 151st Street. This creates a threat to the bridge structure and can redirect flow causing erosion. Cool Creek has had a large beaver population.

I recommend that the Board set a hearing for this proposed maintenance for October 25, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', written over a horizontal line.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

COOL CREEK DRAINAGE AREA, MARY WILSON ARM

Property Owner	Parcel Number	Current Benefit	Current Assessment	Cool Creek Benefit	Cool Creek Assessment	% of Total
Baxter, Julia C.	08-10-18-00-00-007.000	0	\$0.00	6.96	\$15.00	1.17%
	08-10-18-00-00-007.001	0	\$0.00	3	\$15.00	1.17%
Baxter, Richard N. Jr. & Julia C.	08-10-18-00-00-010.000	0	\$0.00	42.95	\$85.90	6.69%
	08-10-18-00-00-010.001	0	\$0.00	0.31	\$15.00	1.17%
TOTALS		0	\$0.00	53.22	\$130.90	10.20%

Lynette L. Mosbaugh

From: Julia Baxter [julia.baxter@costcontrolsoftware.com]
Sent: Wednesday, October 20, 2010 4:42 PM
To: Surveyor
Cc: 'Rick Baxter'
Subject: Hearing - Cool Creek Drainage, Mary Wilson Arm



Regarding notice of hearing for assessment for the Periodic maintenance of Cool Creed Drainage Area, and Mary Wilson Arm. Oct. 25, 2010

My properties effected by the assessment:

Description:	08-10-18-00-00-007.000	6.96 acres	1.17% of total assessment
	08-10-18-00-00-010.001	.31 acres	1.17% of total assessment
	08-10-18-00-00-007.001	3.00 acres	1.17% of total assessment

Question/concern: How can three different parcels of differing benefited acres be the same percentage of the total area benefited?

Is there a minimum assessment amount?

Is the per acre assessment more for some properties than others?

See the "actual" percent of total assessment (presuming the % of total assessment is based on acres not \$)

Regarding Property:

Description: 08-10-18-00-00-010.000 42.95 acres 6.69% of total assessment

If 42.95 acres is 6.69% of the

total benefited area, then the total benefited area must be 642 acres? Correct?

Presuming my math is

correct, then the above parcels are not 1.17% of the total.

6.96 acres = 1.08%

3.00 acres = .47%

.31 acres = .05%

This property has 1413.6 feet of the Mary Craig drain at 150' width = 212,040 sq. ft = 4.86 acres of restricted usage because of the ditch and easements.

And 1438.9 feet of the Mary Wilson drain at approx 175' width = 2511,807 sq. ft = 5.78 acres of restricted usage because of the ditch and easements.

We have paid taxes on these ten acres for the last 30 years. Half of the acres have been able to be farmed, but the other half of open drain has been of no use.

Shouldn't the taxes paid on land that I cannot use be put toward maintenance. I feel like I am been double dipped to pay taxes on county controlled ditch land then have to pay an assessment too.

Also: This assessment is for maintained. What if the drainage board determines that because a drain has not been maintained for 30 years, that it needs major reconstruction. Will the drainage board come back to the land owners and assess for the major reconstruction work? Does the board have to have another hearing about major reconstruction, or if this assessment gets approved.... Does that also give approval for major reconstruction costs?

Last but not least.

We believe that before we get assessed, we need some assurances that the money will be

spent wisely on drain maintenance.

At the hearing can you show us specific cases about what money was collected and where and how the drains were maintained and at what cost. A revenue and cost analysis and before and after pictures would be appropriate.

Reference: 43560 Sq. Feet in 1 acre (204,000 sq, feet / 43,560 = 4.68ac)

Please reply so that I know you have received this email.

Thanks,

Julia Baxter

15251 and 15443 Oak Road
Carmel, IN 46033

Phone: (317) 846-6025
Fax : (317) 566-1526
Cell : (317) 403-4223

FINDINGS AND ORDER

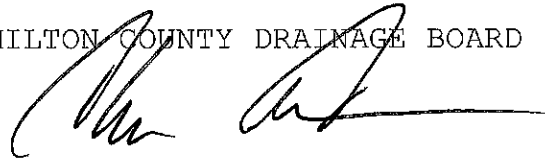
CONCERNING THE MAINTENANCE OF THE

Cool Creek Drainage Area, Mary Wilson Arm

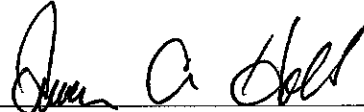
On this **25th day of October 2010**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek Drainage Area, Mary Wilson Arm**.

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.

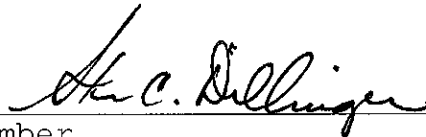
HAMILTON COUNTY DRAINAGE BOARD




President



Member



Member

Attest: 

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Cool Creek Drainage Area, Mary Wilson Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Cool Creek Drainage Area, Mary Wilson Arm** on **October 25, 2010** at **9:15 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana, and which construction and maintenance reports of the Surveyor and the Schedule of Assessments made 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Cool Creek Drainage Area, Mary Wilson Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **October 25, 2010** has issued an order adopting the Schedule of Assessments, filed the same and made public announcement thereof at the hearing and ordered publication. If judicial review of the findings and order of the Board is not requested pursuant to Article Eight of this code within twenty (20) days from the date of this publication, the order shall be conclusive.

Hamilton County Drainage Board

Attest: Pamela Louks

ONE TIME ONLY