

SURVEYOR'S OFFICE

# Hamilton County

*Kenton C. Ward, CEM*  
*Surveyor of Hamilton County*  
*Phone (317) 776-8495*  
*Fax (317) 776-9628*

*Suite 188*  
*One Hamilton County Square*  
*Noblesville, Indiana 46060-2230*

June 29, 2010

To: Hamilton County Drainage Board

Re: Cool Creek Drainage Area, Springmill Villages #268 Arm

Upon review of the Cool Creek Drain, I believe that the Springmill Villages Drain should be made an arm to the Cool Creek Drain, as the Springmill Villages Drain is a tributary to the Cool Creek Drain. This would also avoid a double assessment on the tracts currently assessed for the Springmill Villages Drain when the remainder of the Cool Creek Drain is assessed for maintenance.

The Springmill Villages Drain was created by the Hamilton County Drainage Board per the Surveyor's report dated May 17, 1994 and approved by the Board on July 25, 1994 (See Drainage Board Minutes Book 3, Pages 265 to 266). At present the Springmill Villages Drain maintenance assessment affects 191.43 acres and 555 lots. The rate of assessment for the drain is set at \$5.00 per acre for common areas and road, with a \$30.00 minimum, and \$30.00 per lot. This rate collects \$18,403.10 annually and the balance within the fund is \$77,049.08. There are no outstanding work orders for this drain at this time.

The current maintenance assessments, as per the existing rates set for the Cool Creek Drain are as follows:

1. Maintenance assessment for roads and streets are set at \$10.00 per acre with a \$25.00 minimum.
2. Maintenance assessment for agricultural tracts are set at \$2.00 per acre with a \$15.00 minimum.

3. Maintenance assessment for non-platted residential tracts are set at \$2.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts are 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 shall be set at \$25.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed 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 \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$15.00 per acre with a \$65.00 minimum.

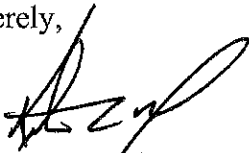
The total annual assessment for this arm will be \$39,904.76.

The current balance of the Springmill Villages Drain shall be kept separate and these funds expended for needed maintenance on the Springmill Villages Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Cool Creek Drain fund.

Future assessments for the drainage area of the Springmill Villages Drain will be made into the Cool Creek Drain fund. No further maintenance collections for the Springmill Villages Drain shall be made after 2010 other than any delinquent assessment penalties and interest which remain unpaid.

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

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

**COOL CREEK DRAINAGE AREA, SPRINGMILL VILLAGES ARM**

Property Owner	Parcel Number	Current Benefit	Current Assessment	Cool Creek Benefit	Cool Creek Assessment	% of Total
Sailor, Steven L. & Eileen R.	08-09-14-01-07-021.000	One Lot	\$30.00	One Lot	\$65.00	0.16%
Brumbarger, Ronald W. & Cynthia L.	08-09-11-00-02-007.000	One Lot	\$30.00	One Lot	\$65.00	0.16%
Colip, Matthew S. & Brandy	08-09-14-01-07-005.000	One Lot	\$30.00	One Lot	\$65.00	0.16%
<b>TOTALS</b>		<b>2 Lots</b>	<b>\$90.00</b>	<b>2 Lots</b>	<b>\$195.00</b>	<b>0.48%</b>

**Hamilton County Drainage Board  
Cool Creek Drainage Area, Springmill Villages Arm.**

Steve & Eileen Sailor  
15408 Bloomfield Court  
Westfield, IN 46074

October 1, 2010

Hamilton County Drainage Board  
One Hamilton County Square, Suite 188  
Noblesville, IN 46060



Dear Sir or Madam:

I am writing to register my objection to the assessment for the periodic maintenance of the Cool Creek drainage area, Springmill Villages Arm. I read the Surveyor's Report. The report does not contain any information to justify the Surveyor's statement "I believe that the Springmill Villages Drain should be made an arm to the Cool Creek Drain." Let the property owners served along the Cool Creek Drain pay for their section. Where is the justification for a > 115% increase in assessment? From the Surveyor's Report it looks to me like we should get a rate reduction due to the fact that we are building a surplus.

Sincerely,

A handwritten signature in cursive script that reads "Steven L. Sailor".

Steven L. Sailor

08-09-14 - 01-07-021.000

October 3, 2010

Hamilton County Drainage Board  
One Hamilton County Square, Ste 188  
Noblesville, IN 46060



Dear Sirs:

I am in receipt of your notice regarding the Cool Creek Drainage Area, Springville Villages Arm. In your notice you note the current assessment is \$30/year for the Springmill Villages Drain and the proposed assessment for the Cool Creek Drain is \$65/year.

With so many jurisdictions across our country coming under heavy scrutiny for taxation and spending far beyond expectations, such notices with (about) 120% increases raise serious concerns. While the overall increase is not that significant, I simply do not support a 120% increase in any form of taxation.

While I am certainly not a drainage expert, an annual fee of \$39,904.76 along with a 120% increase seems quite exorbitant. Without further substantiation presented with your notice, I cannot support such increases. My letter is, therefore, submitted to you, opposing your proposed increase.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Brumbarger". The signature is stylized with a large, sweeping flourish that extends to the right.

Ron Brumbarger

34 W. Woodsage Ct.  
Westfield, IN 46074

Phone: 317.490.4376  
email: ron@brumbarger.com

08-09-11-00-02-007,000

Hamilton County Drainage Board  
15 October 2010



To whom it may concern:

I am writing to make known to the Hamilton County Drainage Board my objection of Mr. Kenton Ward's assessment and subsequent recommendation (dated 29 June 2010) for the Cool Creek Drainage Area, Springmill Villages Arm (was #268).

The notice of hearing provided to home owners by mail does not provide any justification for the recommendation. Further review of Mr. Ward's letter to the Hamilton County Drainage Board (dated 29 June 2010), found by following the link ([www.hamiltoncounty.in.gov/drainageboardnotices](http://www.hamiltoncounty.in.gov/drainageboardnotices)) provided in the mailed notice, did not reveal any additional justification. As such, it is impossible to support a decision to increase the assessment for home owners within the area identified by more than 100%. Such an increase (>100%) in any other area of life would automatically be considered excessive without second thought. No evidence of quotations or historical data for periodic maintenance of the entire drain has been provided to change this.

Ignoring the cost, the logic behind the recommendation is still not clear. Per Mr. Ward's letter, the Springmill Villages Drain is currently a tributary to the Cool Creek Drain and yet the cost for the Cool Creek Drain does not appear to have been passed to the inhabitants of the Springmill Villages Drain area to date. No explanation has been provided to define what will change to make the Springmill Villages Drain an Arm to the Cool Creek Drain instead of a tributary. Is this a matter of semantics or of actual civil infrastructure? In either case, there is no reasoning provided for why the current scenario should change.

Additionally, the current balance for the Springmill Villages Drain is more than four times (4x) the annual rate required. Why is such a large balance necessary? It is stated in Mr. Ward's letter that this balance will not be carried forward for use with the Cool Creek Drain, but will be kept separate for use of the Springmill Villages Drain until the funds are exhausted. However, it also states that no additional funds will be assessed into the Springmill Villages Drain after 2010 and that when the current balance is subsequently exhausted, that funds will be taken from the Cool Creek Drain. At that point in time, future assessments for the Springmill Villages Drain shall be made into the Cool Creek Drain fund. It is not clear if the rates will increase further at that time or not.

Without additional information for proper explanation and justification, my objection will remain.

Kind regards,  
Scott Colip

FINDINGS AND ORDER


CONCERNING THE MAINTENANCE OF THE

Cool Creek Drainage Area, Springmill Villages Arm

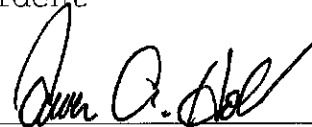
On this **25th day of October 2010**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek Drainage Area, Springmill Villages Arm.**

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



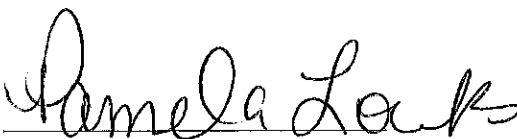
\_\_\_\_\_  
President



\_\_\_\_\_  
Member



\_\_\_\_\_  
Member

Attest: 

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Cool Creek Drain, Springmill Villages Arm***

NOTICE

To Whom It May Concern and: Muller, Gustavo Porto

Waldrop, James R & Karen A

Thompson, John J & Tresia K

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Cool Creek Drain, Springmill Villages 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



## HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
Cool Creek Drainage Area, Springmill Villages Arm.

Muller, Gustavo Porto  
15405 Wildflower Ct  
Westfield, IN 46074

Under the Indiana Drainage Code, all land which drains directly, or indirectly, is assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. From time to time the assessments may be increased or changed. The chart below contains your existing assessment, the proposed assessment, and your percentage of the total annual maintenance contribution to the costs attributable to providing drainage to your land.

The Drainage Board has received a maintenance report and schedule of assessments which affects your land. You are hereby notified that the maintenance report of the County 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 County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the entire drain is \$39,904.76. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts. This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Description: 08-09-14-01-07-046.000	Rate	Acres/Lot Benefitted	Current Assessment to Springmill Villages Drain	Proposed Assessment to Cool Creek	Percentage of total assessment
Crossings at Springmill Vlgs 2nd Lot 103	Regulated Subd	One Lot	\$30	\$65	0.16%
It is proposed that the Springmill Villages Drain be combined as an arm of the Cool Creek Drainage Area. Future assessments will be made to Cool Creek instead of the Springmill Villages Drain.					

A public hearing will be held by the Drainage Board in Commissioner's Court at 9:15 A.M. on October 25, 2010 on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed. The failure of any owner to file an objection constitutes a waiver of his right to thereafter object on such ground to any final action of the Board. On or before the hearing date the Surveyor or any owner of lands named in the schedule of assessments may cause written evidence to be filed in support of or in rebuttal to any objection filed.

HAMILTON COUNTY DRAINAGE BOARD  
One Hamilton County Square, Ste. 188  
Noblesville, IN 46060

*For a copy of the Surveyor's Report to the Drainage Board and a copy of the map, if applicable, please go to [www.hamiltoncounty.in.gov/drainageboardnotices](http://www.hamiltoncounty.in.gov/drainageboardnotices).*

## HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
Cool Creek Drainage Area, Springmill Villages Arm.

Waldrop, James R & Karen A  
64 Wisteria Way E  
Westfield, IN 46074

Under the Indiana Drainage Code, all land which drains directly, or indirectly, is assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. From time to time the assessments may be increased or changed. The chart below contains your existing assessment, the proposed assessment, and your percentage of the total annual maintenance contribution to the costs attributable to providing drainage to your land.

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Description: 08-09-14-01-11-008.000	Rate	Acres/Lot Benefitted	Current Assessment to Springmill Villages Drain	Proposed Assessment to Cool Creek	Percentage of total assessment
Crossings at Springmill Vlgs 3rd Lot 123	Regulated Subd	One Lot	\$30	\$65	0.16%
It is proposed that the Springmill Villages Drain be combined as an arm of the Cool Creek Drainage Area. Future assessments will be made to Cool Creek instead of the Springmill Villages Drain.					

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## HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
Cool Creek Drainage Area, Springmill Villages Arm.

Thompson, John J & Tresia K  
15761 Wildrye Dr  
Westfield, IN 46074

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Description: 08-09-11-00-02-024.000	Rate	Acres/Lot Benefitted	Current Assessment to Springmill Villages Drain	Proposed Assessment to Cool Creek	Percentage of total assessment
Springdale Farms 2nd Lot 65	Regulated Subd	One Lot	\$30	\$65	0.16%
It is proposed that the Springmill Villages Drain be combined as an arm of the Cool Creek Drainage Area. Future assessments will be made to Cool Creek instead of the Springmill Villages Drain.					

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BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF THE

*Cool Creek Drainage Area, Springmill Villages 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.

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Hamilton County Drainage Board

Attest: Pamela Louks

ONE TIME ONLY