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SURVEYOR'S OFFICE
Hamilton County

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April 4th, 2023

To: Hamilton County Drainage Board

Re: Cool Creek, Anna Kendall (main) and Anna Kendall; E.M Osborne Reconstruction;
Oak Ridge Pointe

Attached are petition by William Eric LLC., and plans for the proposed reconstruction and relocation of a portion of the County Regulated Anna Kendall Drain (main) and the EM Osborne Arm of the Anna Kendall Drain. This project is to be paid for by the developer. In order to facilitate site improvements, the proposal is to reconstruct the existing drain per the construction plans by Kimley Horn called "Oak Ridge Pointe Mass Grading and Plans" dated 4/29/2022, project No. 170090000.

The original Anna Kendall Drain (Main) was established in 1881 and the E.M Osborne Arm of the Anna Kendall Drain was established with the Quail Ridge/Pine Ridge Relocation on February 26th, 2001 (Drainage Board Minutes Book 5, Page 560-562)

The proposed project is located in the southwest corner of Oak Ridge Road and State Road 32. Per the plans by Kimley Horn, the existing drain will be reconstructed within the project site and will affect the following parcels: 09-09-02-00-00-004.011 owned by William Eric Group and 09-09-02-00-00-004.101 owned by Westfield Public Safety Building Corp.

Per the plans, the reconstruction of the main Anna Kendall Drain will begin at the culvert on the south side of State Road 32 at Sta. 0+0 per the plans and Sta. 90+65 per the drain 1881 description. From there, the open drain will run in its current location for 850 feet stopping at Sta. 8+50 per the plans and Sta. 99+15 per the drain 1881 description. The reconstruction will involve over excavation of the banks as shown on the attached plans.

In addition, a portion of the E.M. Osborne Arm of the Anna Kendall Drain will be reconstructed and relocated, as well. This arm currently enters the site along the south property line. The existing open drain will be intercepted at the south property line at Sta. 0+0 per the plans and Sta. 7+65 per the open drains 2001 description. The drain then

runs eastward for 300 feet as open ditch before turning to the north and running for 400 feet as open ditch before flowing into the Main Anna Kendall Drain at Sta. 700 per the plans and Sta. 98+65 per the Anna Kendall's (main) 1881 description. The total length of the reconstruction will be 1,550 feet. This project will add 325 feet from the current overall length of the Anna Kendall Drain. Within the project limits, the 375 feet of open ditch consisting of the existing E.M Osborne Drain from Sta. 7+65 to 11+40 per the drain's 2001 description, will be vacated.

The reconstruction will consist of the following:

Main Arm:
850' of Open Drain

E.M Osborne Arm:
700' of Open Drain

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The non-enforcement is for the altering of the regulated drain easement widths as shown in the above referenced plans and secondary plat designed by Kimley Horn. A new variable drainage easement of 40 feet will be provided for the E.M Osborne and Anna Kendall Regulated Drain which is reflected in the above referenced plans and secondary plat as well.

The cost of the project is to be paid by the developer. The petitioner has not submitted surety for the proposed drain reconstruction at this time. Per the Board's policy, if approved, the developer shall submit surety in the amount of 120% of the engineer's estimate prior to reconstruction.

This proposal meets the criteria for reconstruction of a regulated drain as laid out in IC-39-9-27-52.5.

I recommend the Board set a hearing for this proposed drain for June 26, 2023.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: Samuel Clark - Surveyor's Office)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

William Eric Group, LLC (hereinafter "Petitioner"),

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

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

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



Signed

William Eric Group, LLC by Travis W. May
Printed

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Cool Creek, Anna Kendall (Main) and Anna Kendall,
E.M. Osborne Reconstruction, Oak Ridge Pointe**

E. M. Osborne Drain - Station 7+65 to Station 11+40

On this 26th day of June, 2023, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek, Anna Kendall (Main) and Anna Kendall, E.M. Osborne Reconstruction, Oak Ridge Pointe** (E. M. Osborne Drain - Station 7+65 to Station 11+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 **Cool Creek, Anna Kendall (Main) and Anna Kendall, E.M. Osborne Reconstruction, Oak Ridge Pointe** (E. M. Osborne Drain - Station 7+65 to Station 11+40).

HAMILTON COUNTY DRAINAGE BOARD

Mark J. Lovat
President

Chris [Signature]
Member

Steve C. Dellinger
Member

Attest: Lynette [Signature]

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, Anna Kendall (Main) and Anna Kendall, E.M. Osborne
Reconstruction, Oak Ridge Pointe**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Cool Creek, Anna Kendall (Main) and Anna Kendall, E.M. Osborne Reconstruction, Oak Ridge Pointe** came before the Hamilton County Drainage Board for hearing on **June 26, 2023**, 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, Anna Kendall (Main) and Anna Kendall, E.M. Osborne Reconstruction, Oak Ridge Pointe** 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:

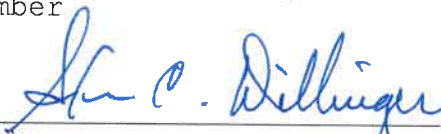
HAMILTON COUNTY DRAINAGE BOARD



PRESIDENT



Member



Member

ATTEST: 
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

*Cool Creek, Anna Kendall (Main) and Anna Kendall
E. M. Osborne Arm Reconstruction - Oak Ridge Pointe*

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, Anna Kendall (Main) and Anna Kendall, E. M. Osborne Arm Reconstruction, Oak Ridge Pointe** on **June 26, 2023** at **9:00 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, Oak Ridge Pointe**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **June 26, 2023** 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: Mark Heirbrandt
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY