



SURVEYOR'S OFFICE  
**H**amilton **C**ounty

August 5, 2011

*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*

TO: Hamilton County Drainage Board

RE: R. J. Craig Drain, Sparks Extension

Attached is a petition and drain map for the R. J. Craig Drain, Sparks Extension. This proposed drain extension is located in Delaware Township. On June 6, 2011 a petition was filed for this proposed extension by Sonnie Sparks.

This extension was set out in my classification report to the Board dated February 15, 2011 and approved by the Board February 28, 2011 at which time the Board referred the list to the Surveyor for maintenance and reconstruction of drains as listed (See Hamilton County Drainage Board Minutes Book 13, Pages 284-291). This extension is a reconstruction of the R. J. Craig Drain and is necessary so as to properly drain the lands affected as per IC 36-9-27-34(b) E. This report is being submitted per IC 36-9-27-49. This extension, which creates a new arm of the drain, is authorized by subsection (b) 2 of section 49. The drain is to be accepted in place without reconstruction costs or reconstruction assessment.

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a highway and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited.

The drain will consist of the following:

R. J. Craig Drain	Open Ditch – 1,353 feet
Margaret O'Brien Drain Arm	Open Ditch – 256 feet
Loma Drain Arm	Open Ditch – 670 feet

The total additional drain length for this extension is 2,279 feet.

The extension of the R. J. Craig Drain shall begin at its present terminus at Sta. 138+70 of the 1951 description of the drain. The drain shall run downstream in the existing channel west and south 1,353 feet to a point on the west right of way line of Hague Road. Said point is approximately 77 feet south and 35 feet west of the northwest corner of Section 12, Township 17 North, Range 4 East.

The extension of the Loma Arm shall begin at the north end of the existing 24" CMP outlet for the detention area for Loma Industrial Park II and run north 30 feet in the existing channel to a point approximately 105 feet east of the southwest corner of parcel 14-14-12-00-00-001.002. The drain shall then run downstream in the existing channel in a northwesterly direction 640 feet to a point of intersection with the above described extension of the R. J. Craig Drain. Said point being approximately 385 feet north and 26 feet west of the afore mentioned southwest corner. The overall length of the Loma Arm is 670 feet.

The extension of the Margaret O'Brien Arm shall begin at its current terminus at Sta. 48+00 of the 1909 description of the drain. The extension shall run thence downstream in the existing channel in a westerly direction 256 feet to its terminus into the above described Loma Arm at a point approximately 76 feet east and 197 feet north of the southwest corner of parcel 14-14-12-00-00-001.002.

The nature of future maintenance work which may be required to adequately drain all affected land is as follows:

1. Bank erosion protection and/or seeding.
2. Removal of debris and/or blockages from existing open drain.
3. Removal of beaver dams.
4. Any other repairs necessary to restore proper flow to the open drain.

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

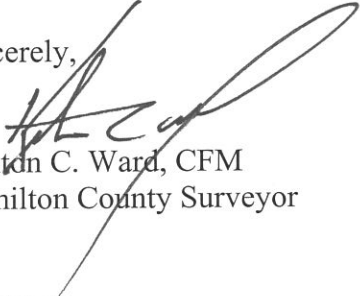
The easement for the drain on the affected parcels should be set at 75' from the top of bank as set out in IC 36-9-27-33. The easement along 106<sup>th</sup> Street shall not extend past the north right of way line in that area. According to FEMA Flood Insurance Rate Map, map number 18057C0235F, the area south of 106<sup>th</sup> Street for the R. J. Open Ditch and the Loma and O'Brien Arms is covered by the unstudied Zone A floodplain for Cheeney Creek. The easement across tract 14-14-12-00-02-004.000 which is Lot 12 of the Loma Industrial Park II exists currently as a platted "drainage detention area easement". This is shown on the secondary plat as recorded in the office of the Recorder of Hamilton County as instrument number 8517802, Plat Book 12, Pages 81-82. Therefore, I believe that no damages will result to landowners by the regulating of this drain.

Regulated drain easement will be added to the following tracts:

<u>Parcel</u>	<u>Owner</u>
14-14-12-00-00-001.002	Sonnie Beth Sparks
14-14-12-00-00-001.004	Sonnie Beth Sparks
14-14-12-00-00-001.001	Mt. Zion Ministry Inc.
14-14-12-00-02-004.000	Jack A. Cain
Hague Road	Town of Fishers
106 <sup>th</sup> Street	Town of Fishers

I recommend that the Board set a hearing for this extension for September 26, 2011

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

**Gasb 34 Asset Price &  
Drain Length Log**

Drain-Improvement: RJ. CRAIG : Sparks Extension

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
open	—	2461	2461	Ø	\$19.55 lf	\$48,112.55
Sum:		<u>2461</u>	<u>2461</u>	<u>Ø</u>		<u>\$48,112.55</u>

Final Report: N/A

Comments:

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FILED

JUN - 6 2011

OFFICE OF HAMILTON COUNTY SURVEYOR

To: Hamilton County Drainage Board

Re: In the matter of the R.J. CRAIG Drain Petition

Comes now the undersigned individuals, who petition the Hamilton County Drainage Board, per IC 36-9-27-54, for a new regulated drain. The undersigned believe the following:

1. They are owners of ten percent (10%) in acreage; or twenty five percent (25%) or more of the assessed valuation of the land that is outside the corporate boundaries of a municipality and is alleged by the petition to be affected by the proposed drain.
2. That as property owners within the drainage shed, they are qualified petitioners.
3. That they now desire that a regulated drain be established in DELAWARE Township, which involves the following public roads; 106th STREET and various areas surrounding these roads in the drainage shed.
4. The names and address of each owner affected by the proposed public drainage are attached hereto, made a part hereof, and marked Exhibit "A", which area of land involved in the proposed drainage area is located in section 12, township 17 north, range 4 east, Hamilton County, Indiana.
5. No other public lands or owners are located in the area which would affect improvement.
6. That the general route of the proposed drain is shown in the attached plan which is marked Exhibit "B" and made a part hereof.
7. That in the opinion of the Petitioner, the costs, damages, and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land to be benefited thereby.
8. That in the opinion of the Petitioner, the proposed improvement will improve the public health; benefit a public highway; and be of public utility.

~~9. That the name of the attorney or spokesman representing petitioner in the drainage petition is \_\_\_\_\_, who has an office at or whose address is \_\_\_\_\_, phone \_\_\_\_\_.~~

~~10. That Petitioners shall pay all the cost of notice and all legal costs if the petition is dismissed. These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.~~

~~11. Petitioners shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established. These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.~~

Signature

Printed Name

Printed Address

Sonnie Sparks Sonnie Sparks 7877 E 106th St.

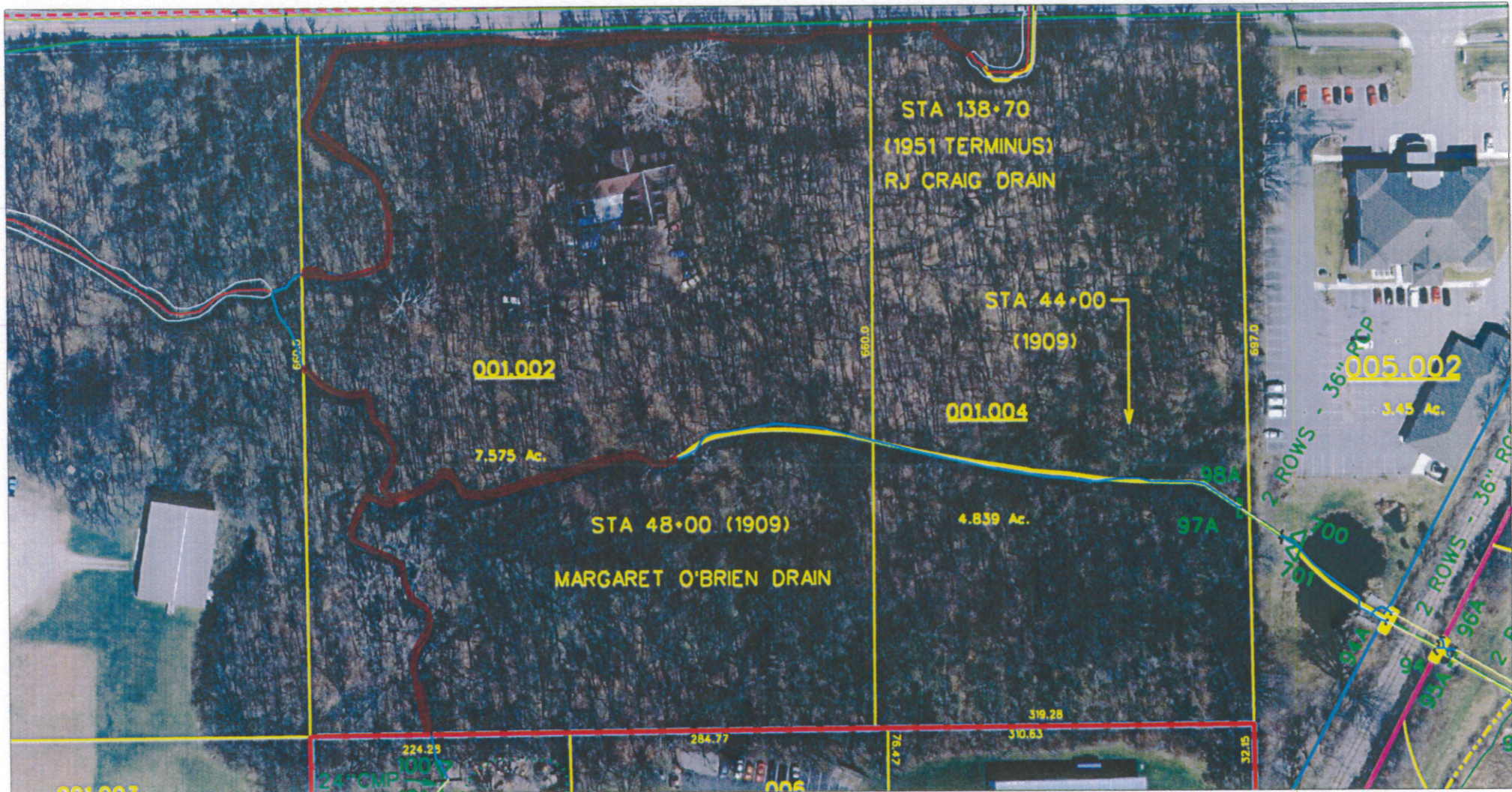
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

EXHIBIT "A"

Sonnie Beth Sparks-14-14-12-00-00-001.002  
P.O. Box 6033  
Fishers, IN 46038

John Sparks -14-14-12-00-00-001.004  
7877 E. 106<sup>th</sup> St.  
Fishers, IN 46038





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STATE OF INDIANA )  
 ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**R. J. Craig Drain, Sparks Extension**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **R. J. Craig Drain, Sparks Extension** came before the Hamilton County Drainage Board for hearing **on September 26, 2011**, 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 **R. J. Craig Drain, Sparks Extension** 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

***R. J. Craig Drain, Sparks Extension***

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 **R. J. Craig Drain, Sparks Extension** on **September 26, 2011**, at **9:05 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 **R. J. Craig Drain, Sparks Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **September 26, 2011** 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 A. Holt  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY