

SURVEYOR'S OFFICE  
**Hamilton County**

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October 6, 2014

To: Hamilton County Drainage Board

Re: Duck Creek Drainage Area

Attached is a drain map, drainage shed map and schedule of assessments for maintenance for the Duck Creek Regulated Drain Area. This drain is located in White River Township in Hamilton County. The drainage area has a drainage shed of 18,894.94 acres and 35 lots in Hamilton County and 1,103.72 acres in Tipton County. Duck Creek is listed as number one on the Drains in Need of Maintenance on the 2014 Drain Classification List.

The Duck Creek Drainage Area shall consist of (21) separate regulated drains. Those drains are Duck Creek, George Keck, Robert House, Hill & Webb, Webb & Winders, Mary Webb, Grant Carey, J.W. McCord, Mary Morris, Carpenter & Johnson, Rebecca Webb, Francis Shaw, Charles Caylor, Deer Walk Estates, West Bear Creek, O.F. Beeson, George Parker, Jonas Rogers, Adam Ault, J.J. Billhmer and Rhuetta Hankley Drains.

Madison County Circuit Court was petitioned for Reconstruction of Duck Creek on April 12, 1929. Duck Creek Regulated Drain was ordered to be reconstructed by the Madison County Circuit Court on July 13, 1931. (C.C. No# 9629, Madison County Drainage Book No. 9, Madison Circuit Court.) Final Report for the reconstruction was February 11, 1942. The total cost of reconstruction was \$60,266.05. Since the reconstruction, no records of Duck Creek being placed on a maintenance program or having been maintained by Hamilton County have been found

The George Keck Drain was constructed in 1909 through the Hamilton County Commissioners Court (D.R. Book #4, Pgs. 5&6). It consists of 12,969 feet of tile drain and 7,812 feet of open drain for a total length of 20,781 feet.

The Robert House Drain was constructed in 1892 through the Hamilton County Commissioners Court. It consists of 7,125 feet of tile drain for a total length of 7,125 feet.

The Hill and Webb Drain was constructed as two separate arms through the Hamilton County Commissioners Court. The James H. Hill arm was constructed in 1894 and consists of



5,885 feet of tiled drain. The James C. Webb arm was constructed in 1898 and consists of 3,245 feet of tiled drain for a total length of 9,130 feet for the Hill and Webb drain.

The Webb and Winders was originally constructed in 1900 as the Marcus Webb Drain through the Hamilton County Commissioners Court. It was petitioned through Hamilton County Circuit Court for reconstruction in 1944 by Doyle Winders (Hamilton County Circuit #1944-A5152). The drain consists of 8,156 feet of tiled drain and 4,300 feet of open drain for a total length of 12,456 feet.

The Mary Webb Drain was constructed in 1904 through the Hamilton County Commissioners Court. It consists of 8,424 feet of tile drain and 2,060 feet of open drain for a total length of 10,484 feet.

The Grant Carey Drain was constructed in 1903 through the Hamilton County Commissioners Court. It consists of 12,455 feet of tile drain for a total length of 12,455 feet.

The J.W. McCord Drain was constructed in 1901 through the Hamilton County Commissioners Court. It consists of 5,955 feet of tile drain for a total length of 5,955 feet.

The Mary Morris Drain was constructed in 1900 through the Hamilton County Commissioners Court. It consists of 2,385 feet of tile drain for a total length of 2,385 feet.

The Carpenter & Johnson Drain was constructed in 1896 through the Hamilton County Commissioners Court. It consisted of 6,720 feet of tile drain. In 1908 B. B. Johnson petitioned the Hamilton County Commissioners Court for an arm to be constructed to Carpenter & Johnson Drain. The B.B. Johnson Arm consisted of 4,175 feet of tiled drain. In 1981 the Hamilton County Drainage Board approved a partial reconstruction of the Carpenter & Johnson Drain. This reconstruction included extending the open portion of the regulated drain an additional 4,740 feet for a total length of 15,635 feet for the Carpenter & Johnson Drain.

The Rebecca Webb Drain was constructed in 1908 through the Hamilton County Commissioners Court. It consists of 7,060 feet of tile drain and 340 feet of open drain for a total length of 7,400 feet.

The Francis Shaw Drain was constructed in 1908 through the Tipton County Court, Cause #12169. The majority of the Francis Shaw Drain (77.35%) is located in Tipton County and the outlet of the Francis Shaw Drain is located in Hamilton County Indiana. In 1980 the Hamilton County Drainage Board extended the Francis Shaw Drain to include 200 feet of the open ditch downstream from the outlet of the tile. On July 7, 1980 the Hamilton County Drainage Board waived its rights to a joint board making Tipton County the Drainage Board providing maintenance for the Francis Shaw. It consists of 1,878 feet of tile drain and 200 feet of open drain for a total length of 2,078 feet. Hamilton County collects assessments from the benefited parcels in Hamilton County and sends the settlement to Tipton County, the controlling county. Maintenance of the Francis Shaw Drain shall continue to be completed and paid by Tipton County. Only the Hamilton County landowners shall be double assessed and pay the assessment for Duck Creek also.

The Charles Caylor Drainage Area consists of the Charles Caylor Drain and includes the Henry Beck Drain, the Sarah Dientz Drain and the W.S. Carrick Drain.



The Charles Caylor Drain was originally constructed through the Hamilton County Commissioners Court in 1876 as the John Bryant Drain. In 1885 the drain was reconstructed as the James Gordon Drain or Long Branch. In 1904 a portion of the open ditch was reconstructed as the Charles Caylor Drain. Since that time it has been reconstructed around 1930 and again in 1950. It consists of 17,480 feet of tile drain and 20,400 feet of open drain for a total length of 37,880 feet.

The Henry Beck Drain was constructed in 1902 through the Hamilton County Commissioners Court and consists of 4,683 feet of tile drain. The Henry Beck Drain was incorporated as part of the Charles Caylor Drain Area in by the Hamilton County Drainage Board in January 1985.

The W.S. Carrick Drain was constructed in 1902 through the Hamilton County Commissioners Court and consists of 9,138 feet of tile drain. The W.S. Carrick Drain was incorporated as part of the Charles Caylor Drain Area in by the Hamilton County Drainage Board in January 1985.

The Sarah Dientz Drain was constructed in 1902 through the Hamilton County Commissioners Court and consists of 3,300 feet of tile drain and 5,830 feet of open drain for a total of 9,130 feet. The Sarah Dientz Drain was incorporated as part of the Charles Caylor Drain Area in by the Hamilton County Drainage Board in January 1985. The Sarah Dientz Drain Rulon Arm was constructed by the Hamilton County Drainage Board in 2013. It consists of 91 feet of tile drain that increased the total length of the Sarah Dientz Drain to 9221 feet.

The Deerwalk Estates Drain was originally constructed through the Hamilton County Drainage Board in 1990. It consists of 1,279 feet of tile drain and 2,310 feet of open drain for a total length of 3,589 feet.

The Bear Creek Drainage Area consists of seven (7) separate regulated drains. Those drains are the West Bear Creek, O.F. Beeson, George Parker, Jonas Rogers, Adam Ault, J.J. Billhymer and Rhuetta Hankley Drains.

The West Bear Creek Drain was constructed originally as the John Hollarn by order of the Hamilton County Commissioners on July 28, 1882 (see Commissioners Record Book T, pages 306-317). The drain became the West Bear Creek Drain in 1899 when the Hollarn Drain was cleaned out and lengthened (see Ditch Construction Record Book 2, pages 119-120). The drain consists of 19,250 feet of open ditch in Hamilton County.

The O.F. Beeson Drain was constructed by order of the Hamilton County Circuit Court on February 1, 1924. The drain consists of 23,590 feet of open ditch in Hamilton County.

The George Parker Drain was first viewed by order of the Hamilton County Circuit Court on April 2, 1890 as the Frank Newby Drain. The drain was re-viewed in May 1904 by order of the Hamilton County Commissioners and ordered constructed. The drain was reconstructed by order of the Hamilton County Circuit Court on December 8, 1952. The drain consists of 3,880 feet of tile ditch.

The Jonas Rogers Drain consists of the Jonas Rogers, A.C. Hobbs, Eli Houser and George Carpenter Drains. The Jonas Rogers was constructed by order of the Tipton County Circuit Court (see Tipton County Circuit Court Record Book 1, pages 267, 308, 423 and 433 and

Tipton County Circuit Court Record Book 3, page 50). The Rogers Drain consists of 10,100 feet of open ditch in Hamilton County and 4,300 feet of tile drain in Tipton County. The A.C. Hobbs Drain was constructed by order of the Tipton County Commissioners (see Tipton County Commissioners Record Book 12, pages 43, 82, 86, 92, 118 and 122). The Hobbs Drain consists of 2,314 feet of tile in Tipton County. The Eli Houser Drain was constructed by order of the Tipton County Circuit Court (see Tipton County Circuit Court Record Book 2, pages 484-486). The Houser Drain consists of 2,500 feet of tile drain in Tipton County and 600 feet of open ditch in Hamilton County. The George Carpenter Drain was constructed by order of the Hamilton County Commissioners on September 11, 1900. The drain consists of 2,255 feet of tile drain in Hamilton County.

The Adam Ault Drain was constructed by order of the Hamilton County Commissioners in 1886. The drain consists of 1,075 feet of tile drain in Tipton County and 2,360 feet of tile drain in Hamilton County.

The J.J. Billhymer Drain was constructed by order of the Hamilton County Commissioners in 1902. The drain consists of a main drain and four (4) arms. The drain consists of a total of 9,825 feet of tile drain in Hamilton County.

The Rhuetta Hankley Drain was constructed by order of the Hamilton County Commissioners in November 1900. The drain consists of a main drain and one (1) arm. The drain consists of a total of 2,435 feet of tile drain in Hamilton County.

The breakdown of drain length maintained in Hamilton and Tipton Counties as the Bear Creek Drainage Area is as follows:

<u>Drain</u>	<u>Hamilton</u>	<u>Tipton</u>
West Bear Creek	19,250	
O.F. Beeson	23,590	
George Parker	3,880	
Jonas Rogers	12,955	9,114
Adam Ault	2,360	1,075
J.J. Billhymer	9,825	
Rhuetta Hankley	<u>2,435</u>	
Total	74,295	10,189

The breakdown of drain length maintained by open or tile drain is as follows:

<u>Drain</u>	<u>Open</u>	<u>Tile</u>
West Bear Creek	19,250	
O.F. Beeson	23,590	
George Parker		3,880
Jonas Rogers	10,700	11,369
Adam Ault		3,435
J.J. Billhymer		9,825
Rhuetta Hankley		<u>2,435</u>
Total	<u>53,540</u>	30,944

The total length of drain to be maintained under the Bear Creek Drainage Area is 84,484 feet or 16 miles. The portions of the Jonas Rogers, A.C. Hobbs, Eli Houser and Adam Ault



Drains now maintained by Hamilton County but are located in Tipton County are included in the maintenance of this drain.

Although the drainage sheds for the West Bear Creek and O.F. Beeson Drains lie in both Hamilton and Tipton Counties, the assessment areas for these drains consist of that area only within Hamilton County. These drains are on a maintenance program in Tipton County under the Kaufman Drain as Maines, Peck, Legg and Ault Drain respectively. The exception is that drainage areas currently being assessed for the Jonas Rogers and Adam Ault drains within Tipton County are included in the assessment for this drainage area.

The cumulative footage of all drains to be maintained by the Duck Creek Drainage Area is 101,332 feet of open drain and 151,469' feet of tile drain.

Currently all of the above described drains and drainage sheds (George Keck, Robert House, Hill & Webb, Webb & Winders, Mary Webb, Grant Carey, J.W. McCord, Mary Morris, Carpenter & Johnson, Rebecca Webb, Charles Caylor, Deerwalk Estates, Bear Creek & Francis Shaw) are on a maintenance program.

The rates for the drains currently on maintenance are as follows:

Drain	Res/Ag Acre Rt	Res/Ag Min	Un-Reg Sub Ac	Un-Reg Sub Min	Reg.Sub Sub Ac	Reg.Sub Min	Com Acre Rt	Com Min.	Roads Acre	Acres	Annual Assmnt	Drain Fund Balance
George Keck	1.00	15.00	5.00	35.00	10.00	65.00	10.00	75.00	10.00	1238.45	2,234.06	4,226.60
Robert House	2.00	15.00	5.00	35.00	10.00	65.00	10.00	75.00	10.00	323.50	754.62	3,425.53
Hill & Webb	3.00	15.00	5.00	35.00	10.00	65.00	10.00	75.00	10.00	322.88	1,013.36	4,572.27
Webb & Winders	2.00	15.00	5.00	35.00	10.00	65.00	10.00	75.00	10.00	617.07	1,326.10	122.95
Mary Webb	2.00	15.00	5.00	35.00	10.00	65.00	10.00	75.00	10.00	377.96	948.34	4,677.07
Grant Carey	5.00	40.00	5.00	35.00	10.00	65.00	10.00	75.00	25.00	496.30	3,004.34	-4,616.84
JW McCord	2.00	15.00	5.00	35.00	10.00	65.00	10.00	75.00	10.00	235.42	545.24	2,184.69
Mary Morris	3.00	15.00	5.00	35.00	10.00	65.00	10.00	75.00	10.00	203.20	663.20	2,343.40
Carpenter & Johnson	2.00	15.00	5.00	35.00	10.00	65.00	10.00	75.00	10.00	705.27	1,729.12	5,252.51
Rebecca Webb	3.00	15.00	5.00	35.00	10.00	65.00	10.00	75.00	10.00	159.00	561.16	2,380.48
Charles Caylor	1.00	15.00	5.00	35.00	10.00	65.00	10.00	75.00	10.00	2909.18	4,869.12	34,924.70
Deer Walk Estates					5.00	45.00			5.00	7ac,22 lots	1,025.00	4,192.62
Bear Creek Dmrg Area	3.00	15.00	5.00	35.00	10.00	65.00	10.00	75.00	10.00	5225.06	18,354.36	-789.44
Adam Ault	Combined with Bear Creek #360 per 10/22/12 hearing											0.00
J.J. Billhmer	Combined with Bear Creek #360 per 10/22/12 hearing											0.00
Rhuetta Hankley	Combined with Bear Creek #360 per 10/22/12 hearing											1,048.69
George Parker	Combined with Bear Creek #360 per 10/22/12 hearing (Collected 2013&14)											330.98
Jonas Rogers	Combined with Bear Creek #360 per 10/22/12 hearing (Collected 2013&14)											-27,063.33
Jonas Rogers Special	Special Asmt \$10/ac, \$75/Min for 2012, 2013, 2014, 2015 & 2016. & Tipton										5,993.00	
Francis Shaw	Increased from \$2/\$6 to \$10/\$40 starting 2013 per Tipton Co. Hamilton Co. sends \$530 per year to Tipton.											

The cumulative annual amount for maintenance for the above drains is \$37,028.02. This figure does not include the Special Assessments.

In the October 14, 2013 Drainage Board Meeting, the Board discussed whether to keep the above shed separate and adding an assessment for Duck Creek to the lands within the drainage sheds thus double assessing the properties or combing all of the contributing watersheds to Duck Creek into one overall watershed. At that time the Board moved to combine all of the various drains that make up the Duck Creek drainage shed into one overall shed for assessment purposes. (D.B. 15 pages 203-204).

I am recommending that the Duck Creek Drainage Area be placed on maintenance at this time. The nature of the maintenance work required is as follows:

- A. Clearing of trees and brush on the existing open drain as needed to improve flow;
- B. Creation and re-excavation of silt basins;



- C. Re-excavation of open ditch to original grade line;
- D. Surface water structures as might be required;
- E. Bank erosion protection and/or seeding as might be required;
- F. Repair of private tile outlet ends as might be required;
- G. Repair of regulated drain tiles & outlets;
- H. Removal of beaver dams;
- I. Removal of debris and/or blockage from regulated open ditch;
- J. Spraying for vegetation control;
- K. Mowing filter strips;
- L. 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 condition of the drain.

The proposed assessments or Duck Creek are as follows:

1. Maintenance assessment for agricultural tracts set at \$5.00 per acre with a \$35.00 minimum.
2. Maintenance assessment for non-platted residential tracts set at \$5.00 per acre with a \$35.00 minimum.
3. Maintenance assessment for commercial, institutional and multi-family residential tracts set at \$10.00 per acre with a \$75.00 minimum.
4. Maintenance assessment for platted lots in subdivisions whose drainage systems are not part of the regulated drain shall be set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions are assessed at \$5.00 per acre with a \$35.00 minimum.
5. Maintenance assessments for platted lots within subdivisions whose drainage system is part of the regulated drain are set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions are set at \$10.00 per acre with a \$65.00 minimum.
6. Maintenance assessment for roads and streets set at \$15.00 per acre.

With 18,894.94 acres & 35 lots in Hamilton County and 1,103.72 acres in Tipton County in the drainage shed, the proposed Duck Creek Drainage Area annual assessment is \$115,248.66 for Hamilton County and \$5,700.88 for Tipton County. The combined total is \$120,949.54.

I further recommend to the board that the drain maintenance assessment collections be set at eight (8) times the annual collections as allowed in IC 36-9-27-43. This will allow an increase in the available balance in the fund in an amount of \$967,596.32 based on the proposed annual assessment. The Board will then be able to utilize maintenance fund monies to partially pay for future reconstruction projects. Under IC 36-9-27-45.5, the Board may transfer up to 75% of a maintenance fund to pay for reconstruction projects. This could reduce or eliminate the assessment for a future reconstruction.



The drainage areas for the Jonas Rogers and George Parker were double assessed. Starting in 2013 the drainage areas for both drains paid maintenance assessments to both the Bear Creek Drainage Area and the Jonas Rogers or the George Parker Drains as set out below.

The special assessment for the Jonas Rogers Drain shall continue to be collected through 2016. This will be in addition to the Duck Creek Drainage Area assessment. The maintenance assessment for the Jonas Rogers Drain was assessed in 2013 and 2014. This is to pay off a shortfall in the fund. The Fall 2014 collections will be posted after settlement is received.

The George Parker Drain was assessed for maintenance in 2013 and 2014. This was in order to pay off a shortfall for this drain fund. The Fall 2014 collections will be posted after settlement is received.

The Grant Carey Drain currently has a negative balance and will continue to be collected in 2015 & 2016 in addition to the Duck Creek Drainage Area assessment until the fund is out of the red.

The Bear Creek Drainage Area currently has a negative balance but will have a positive balance after Fall 2014 collections are posted.

Upon completion of the collections for the Jonas Rogers, George Parker, Grant Carey & Bear Creek Drainage Area as detailed above, any surplus funds within those drain funds shall be kept separate and that balance expended for needed maintenance for those drains. This shall be done until the funds are exhausted. At that time funding for the future maintenance repairs to those drains shall again be taken from the fund for the Duck Creek Drainage Area.

The current balance in the George Keck, Robert House, Hill & Webb, Webb & Winders, Mary Webb, J.W. McCord, Mary Morris, Carpenter & Johnson, Rebecca Webb, Charles Caylor, Deer Walk Estates and Rhuetta Hankley shall be kept separate and that balance expended for needed maintenance for those drains. This shall be done until the funds are exhausted. At that time funding for future maintenance repairs to those drains shall be taken from the fund for the Duck Creek Drainage Area.

The Francis Shaw will continue to be collected in addition to the Duck Creek Drainage Area assessment and the collections be sent to Tipton County because they are the controlling county. Maintenance for the Francis Shaw Drain shall be paid by Tipton County.

The Sarah Dientz Arm to the Charles Caylor Drain is currently assessed for a reconstruction and these assessments will continue until the assessments are paid in full.

At this time Duck Creek is unstudied. However, it is planned to be included in a future study of Duck Creek Drainage Area for the development of a Watershed Master Plan.

An inspection performed in the spring of 2014 found nine major logjams, ten minor logjams and twenty five small logjams.

A Preliminary Opinion of Probable Cost for logjams of similar size and nature derived from past Big Cicero Creek projects indicate that costs associated with log jam removal is as follows:



Major log jam removal (9) \$270,000.00 to \$450,000.00  
Minor logjam removal (10) \$170,000.00 to \$250,000.00  
Small log jam removal (25) \$187,500.00 to \$350,000.00

The range for the total estimate is \$627,500.00 to \$1,005,000.00 for logjam removal.

This drain is not listed on the 2012 303(d) list of impaired waters for Indiana.

I recommend the Board set a hearing for this proposed maintenance for November 24, 2014.

Sincerely,

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

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll



FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Duck Creek Drainage Area

(Duck Creek, George Keck, Robert House, Hill & Webb, Webb & Winders, Mary Webb, Grant Carey, J. W. McCord, Mary Morris, Carpenter & Johnson, Rebecca Webb, Francis Shaw, Charles Caylor, Deer Walk Estates, West Bear Creek, O. F. Beeson, George Parker, Jonas Rogers, Adam Ault, J. J. Billhymer and Rhuetta Hankley)

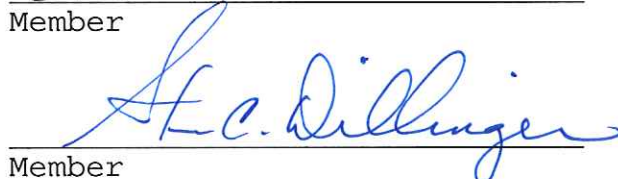
On this 24<sup>th</sup> day of November, 2014, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Duck Creek Drainage Area*.

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:   
Executive Secretary



**DUCK CREEK DRAINAGE AREA**

<b>Property Owner</b>	<b>Parcel Number</b>	<b>Current Drain</b>	<b>Current Acres Benefit</b>	<b>Current Assessment</b>	<b>Proposed Duck Creek Ben</b>	<b>Proposed Duck Creek Assessment</b>	<b>% of Total</b>
Billhymer Farms LLC	07-03-02-00-00-012.000	Bear Creek Drain	13.88	\$41.64	13.88	\$69.40	0.057%
	07-03-02-00-00-013.000	Bear Creek Drain	79.4	\$238.20	79.40	\$397.00	0.328%
	07-04-06-00-00-001.000	Carpenter & Johnson	3	\$15.00	56.97	\$284.86	0.236%
		Bear Creek Drain	53.97	\$161.92			
Billhymer, Keith & Geneva	07-03-02-00-00-001.000	Bear Creek Drain	80	\$240.00	80.00	\$400.00	0.331%
	07-03-02-00-00-002.000	Jonas Rogers	10	\$20.00	23.59	\$117.96	0.098%
		Jonas Rogers Special	10	\$100.00			
		Bear Creek Drain	23.59	\$70.78			
Stowe, Richard J. Jr.	07-04-08-01-01-007.000		0	\$0.00	1.20	\$35.00	0.029%
Sprung, John M. & Sheila A.	07-04-08-00-00-016.003		0	\$0.00	10.56	\$52.80	0.044%
Lilly, Kerry (McKay)	07-04-08-00-00-018.000		0	\$0.00	2.00	\$35.00	0.029%
Strickland, Clyde W. & Linda F.	07-04-08-00-00-016.001		0	\$0.00	10.50	\$52.50	0.043%
Rupe, Wayne N. & Robin L.	07-04-08-03-01-012.000		0	\$0.00	0.68	\$35.00	0.029%
Curry, Robert Allen & Marianne	07-04-08-00-00-015.003		0	\$0.00	1.84	\$35.00	0.029%
Reveal, Steven E. Jr. & Melissa	07-04-08-00-00-017.000		0	\$0.00	0.32	\$35.00	0.029%
McCarty, Joe H. & Janet R.	07-03-14-00-00-011.000	Bear Creek Drain	77	\$231.00	77.00	\$385.00	0.029%
<b>TOTALS</b>			<b>350.84</b>	<b>\$1,118.54</b>	<b>357.94</b>	<b>\$1,934.52</b>	<b>1.311%</b>





October 27, 2014

HAMILTON COUNTY DRAINAGE BOARD

This is notification of objection that the proposed drainage proposed assessments is excessive.

Parcels are:

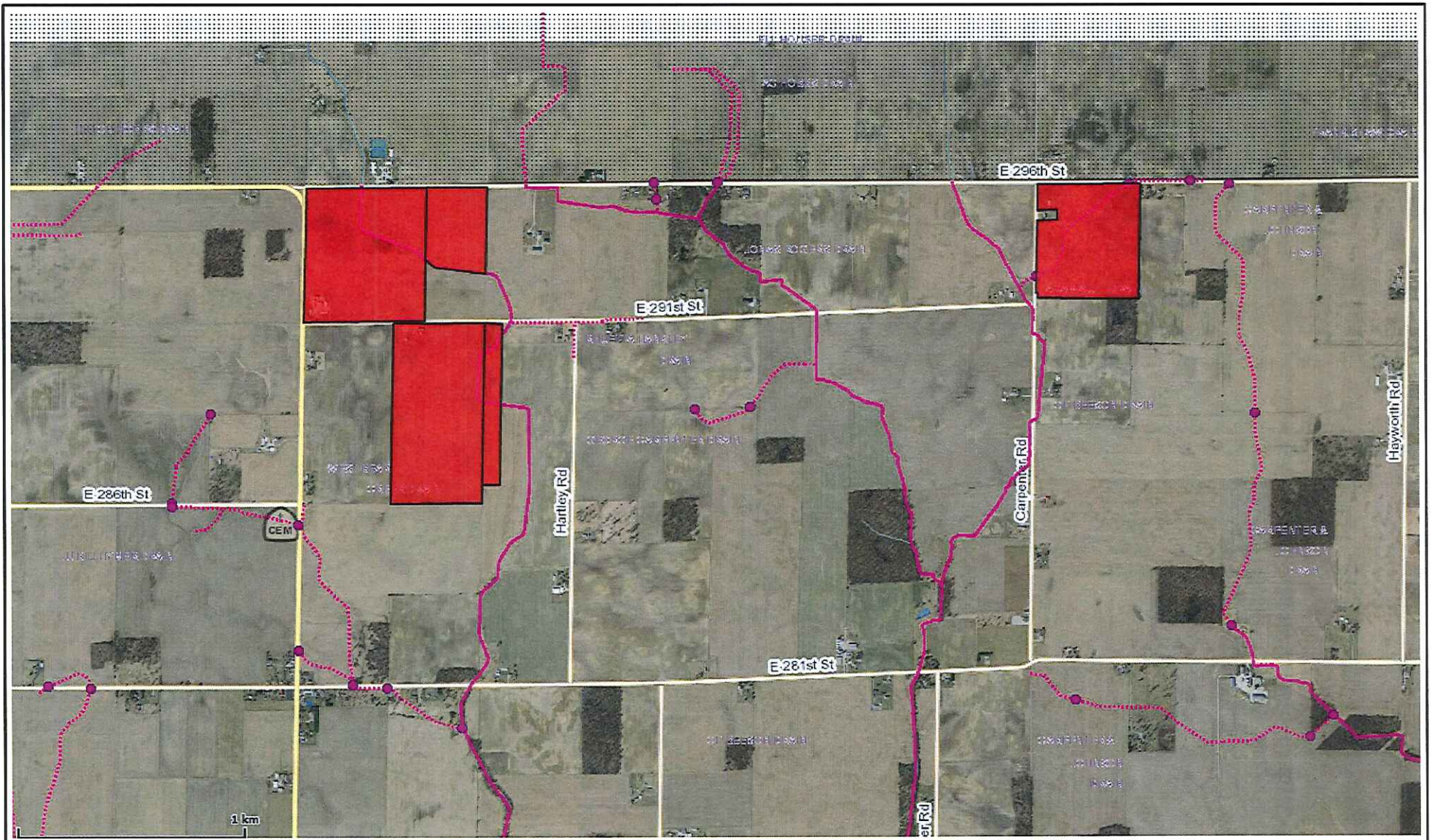
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- ✓07-03-02-00-00-012.000
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- ✓07-03-02-00-00-001.000
- ✓07-03-02-00-00-002.000

A handwritten signature in cursive script that reads "Geneva Billhymer".

Geneva Billhymer  
29115 N State Road 213  
Atlanta, IN 46031

Duck Creek Drainage Area

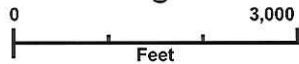




# Hamilton County

## This is My Map

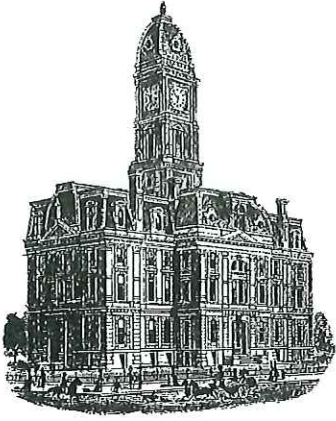
Printed: Oct 28, 2014



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County of  
**Hamilton**  
 Indiana  
[www.hamiltoncounty.in.gov](http://www.hamiltoncounty.in.gov)





SURVEYOR'S OFFICE  
**Hamilton County**

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

November 18, 2014

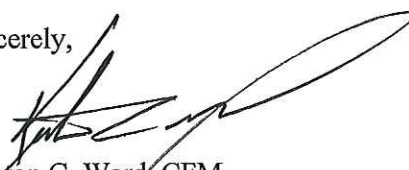
Geneva Billhmer  
29115 N. State Road 213  
Atlanta, IN 46031

RE: Duck Creek Drainage Area

I received your objection dated October 27, 2014 regarding the above referenced drain. Upon review I felt that I should respond.

Currently your properties are assessed for West Bear Creek at \$3.00 per acre, Carpenter & Johnson at \$2.00 per acre and the Jonas Rogers at \$2.00 per acre with a special assessment at \$10.00 per acre. The drains will be collapsed into one drainage shed as the Duck Creek Drainage Area assessed at \$5.00 per acre. The drains you currently are assessed for maintenance separately will now be under maintenance as part of the Duck Creek Drainage Area. The difference is the addition of Duck Creek being placed on maintenance which adds 9.24 miles of ditch to maintain.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

Nov 3, 2014

07-04-08-01-01-007.000



This letter is in regards to the <sup>Survey for</sup> maintenance report & assessment for the Duck Creek Drainage area.

We are not objecting to the assessment but are concerned about what can be done to help our drainage problem on our property.

We are lower than the farm land to the East and every time it rains heavily we have a problem. Our basement floods and we have suffered losses due to the lack of problems in getting proper drains on 281st St.

There should be drains running down to the creek by Henry Gunn Rd. We have reported this problem and have not received any answers. When our land floods, it runs into the neighbors yard and so on.

If this assessment will help our situation we are all for it. Thank you

Richard G. Stowe Jr.

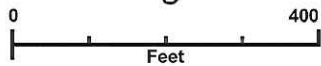




# Hamilton County

## This is My Map

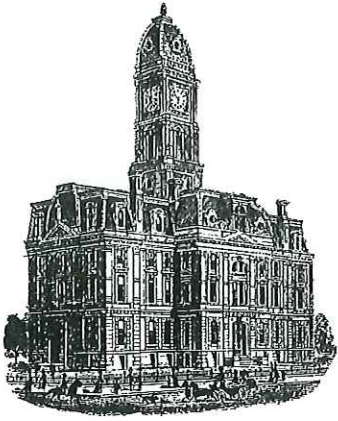
Printed: Nov 06, 2014



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County of  
**Hamilton**  
Indiana  
[www.hamiltoncounty.in.gov](http://www.hamiltoncounty.in.gov)





*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*

November 18, 2014

Richard J. Stowe Jr.  
16182 E. 281<sup>st</sup> St.  
Atlanta, In 46031

RE: Duck Creek Drainage Area

I received your letter of objection dated November 3, 2014 to the above referenced drain. Upon review I could not find any drainage complaints from your area. Therefore, I have submitted a drainage complaint on your behalf. An inspector will be visiting your property to determine a possible solution to your problem. The inspector will be Mr. Andy Conover and he can be contacted at 317-776-8495, if you would like to discuss the problem with him. Otherwise he will complete his investigation and mail you the findings.

Sincerely,

A handwritten signature in black ink that reads "Kenton C. Ward". The signature is fluid and cursive, with a large loop at the end.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll





John and Sheila Sprung  
16464 E 276<sup>th</sup> Street  
Atlanta, IN 46031-9724  
November 7, 2014

Parcel: 07-04-08-00-016.003

President of the Hamilton County Drainage Board  
One Hamilton County Square: Suite 188  
Noblesville, IN 46060

Honorable Mark Heirbrandt,

**Regarding the Duck Creek Drainage Area Proposed Assessment Hearing**

The proposed assessment for my property, although not excessive, is unacceptable for the following reasons:

1. Sheila and I have lived on this property for 18 years. We have seen no observable improvements in clearing or maintaining the Duck Creek waterway/streambed by the county in that time.
2. If no maintenance has been performed there is no basis for the annual cost. Therefor there must be some big plan for the future use of the monies to be collected?
3. Without a clear, concise plan for future use of the collected tax monies, I strongly object to any plan for accepting a tax assessment for Duck Creek.
4. If the Drainage Board has been spending \$120,900+ dollars on maintenance where has that money come from up till now? Why haven't we been paying a maintenance assessment for the last 18 years?

We strongly believe the Drainage Board owes the assessed property owners the following:

1. A substantial and detailed plan for how the collected taxes will be used
2. A timeline for the projected plan from start to completion
3. A statement or promise of how long this tax is expected to continue
4. A description of how this project will benefit my property and the larger, diverse community

Thank you for reading and addressing the objections stated.

Sincerely,

John and Sheila Sprung





# Hamilton County

## This is My Map

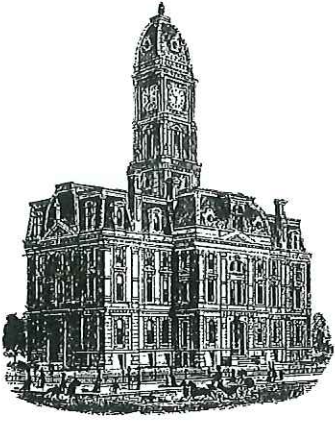
Printed: Nov 10, 2014



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*Fax (317) 776-9628*

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

November 18, 2014

John & Sheila Sprung  
16464 E. 276<sup>th</sup> St.  
Atlanta, IN. 46031-9724

RE: Duck Creek Drainage Area


I received your objection dated November 7, 2014 regarding the above referenced drain. Upon review of your letter of objection I agree that since it's clean out in 1931 our records show only one entry of any work being done on the drain. This was in 1992-1993 when logjams were removed after a flood event. The work was done near the Tipton-Hamilton County line utilizing FEMA funding.

There exists several logjams located throughout the length of the drain through Hamilton County, some quite large. Along with this is severe bank erosion throughout its length caused by existing or past logjams and high water. Two of these areas are encroaching on roads and without action will jeopardize public safety as does the flooding caused by the logjams themselves.

The plan of action is to remedy the two areas impacting roads first. Then the work will start upstream and move downstream removing the existing logjams and trees which have already dislodged or are about to which catches them before a logjam is created. Once the logjams and other obstructions are removed work will begin on bank protection. This work will continue under the maintenance program and as future problems are found they will be addressed with the funds collected. The time table is to begin in the spring of 2015 and continue thereafter as need arises. The fund will discontinue collections once the balance in the fund equals eight (8) times the annual assessment. Collections will automatically begin when the balance in the fund falls below that amount.

The assessment is based on past experience and costs with other drains such as Duck Creek and the other regulated drains which make up drainage area currently on maintenance. I believe the \$120,900.00 you mention is the amount of funds collected for the accounts of the regulated drains currently on maintenance. These funds are used for the maintenance of those drains. Duck Creek has not been paying a maintenance assessment because it has not been placed on a maintenance program as of yet. This is the purpose of the hearing on November 24<sup>th</sup>.

Sincerely,

  
Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll



Kerry Lilly McKay  
and Tim McKay  
27622 Henry Gunn Rd.  
Atlanta, IN 46031-9724  
November 7, 2014

Parcel: 07-04-08-00-00-018.000

President of the Hamilton County Drainage Board  
One Hamilton County Square: Suite 188  
Noblesville, IN 46060

Honorable Mark Heirbrandt,

**Regarding the Duck Creek Drainage Area Proposed Assessment Hearing**

The proposed assessment for my property, although not excessive, is unacceptable for the following reasons:

1. Tim and I have lived on this property for 15 years and our neighbor has lived here for 42 years. We both share the same observation: No observable improvements in clearing or maintaining the Duck Creek waterway/streambed by the county exist.
2. Without a clear, concise plan for future use of the collected tax monies, I strongly object to any plan for accepting a tax assessment for Duck Creek.
3. The Board's failure to provide clear evidence of where and when the collected monies will be spent is evidence of taxation without representation.

We strongly believe the Drainage Board owes the assessed property owners with the following:

1. A substantial and detailed plan for how the collected taxes will be used
2. A timeline for the projected plan from start to completion
3. A statement or promise of how long this tax is expected to continue
4. A description of how this project will benefit the larger, diverse community

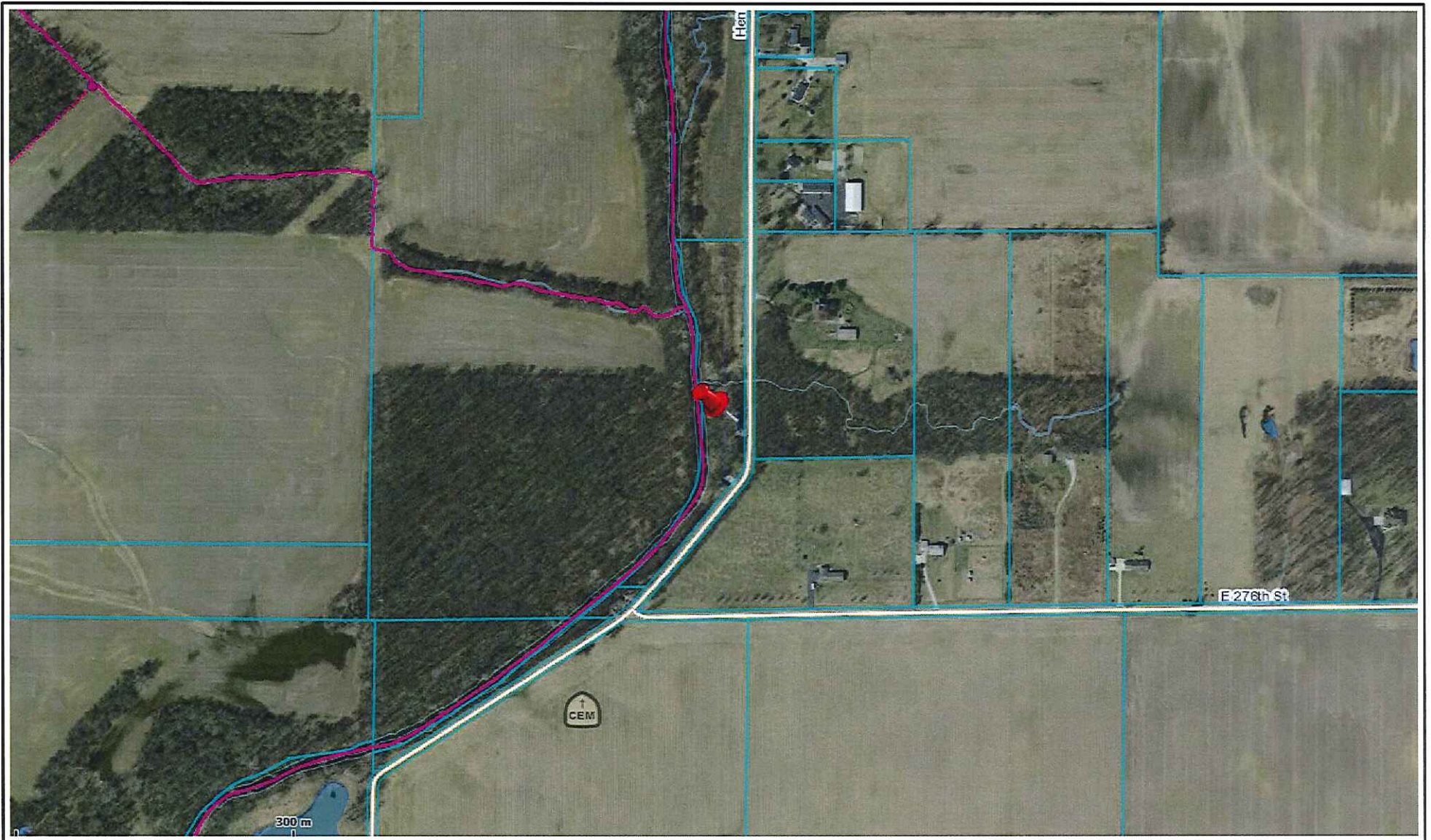
Thank you for reading and addressing the objections stated.

Sincerely,

Tim and Kerry McKay

Two handwritten signatures in cursive ink. The top signature is "Tim McKay" and the bottom signature is "Kerry McKay".

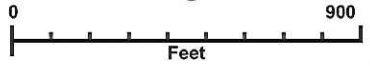




# Hamilton County

## This is My Map

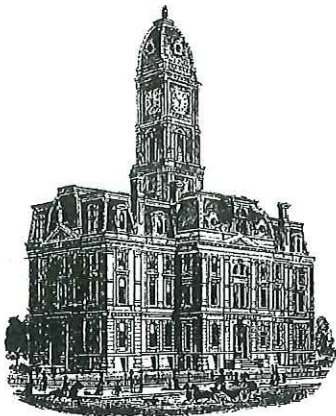
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SURVEYOR'S OFFICE  
**Hamilton County**

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*Fax (317) 776-9628*

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

November 18, 2014

Tim & Kerry Lilly McKay  
27622 Henry Gunn Road  
Atlanta, IN 46031-9724

RE: Duck Creek Drainage Area

I received your objection dated November 7, 2014 regarding the above referenced drain. Upon review of your letter of objection I agree that since it's clean out in 1931 our records show only one entry of any work being done on the drain. This was in 1992-1993 when logjams were removed after a flood event. The work was done near the Tipton-Hamilton County line utilizing FEMA funding.

There exists several logjams located throughout the length of the drain through Hamilton County, some quite large. Along with this is severe bank erosion throughout its length caused by existing or past logjams and high water. Two of these areas are encroaching on roads and without action will jeopardize public safety as does the flooding caused by the logjams themselves.

The plan of action is to remedy the two areas impacting roads first. Then the work will start upstream and move downstream removing the existing logjams and trees which have already dislodged or are about to which catches them before a logjam is created. Once the logjams and other obstructions are removed work will begin on bank protection. This work will continue under the maintenance program and as future problems are found they will be addressed with the funds collected. The time table is to begin in the spring of 2015 and continue thereafter as need arises. The fund will discontinue collections once the balance in the fund equals eight (8) times the annual assessment. Collections will automatically begin when the balance in the fund falls below that amount.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll





Bill and Linda Strickland  
27819 Henry Gunn Rd.  
Atlanta, IN 46031-9724  
November 6, 2014

Parcel: 07-04-08-00-00-016.001

President of the Hamilton County Drainage Board  
One Hamilton County Square: Suite 188  
Noblesville, IN 46060

Honorable Mark Heirbrandt,

**Regarding the Duck Creek Drainage Area Proposed Assessment Hearing**

The proposed assessment for my property, although not excessive, is unacceptable for the following reasons:

1. Linda and I have lived on this property for 24 years and our neighbor has lived here for 42 years. We both share the same observation: No observable improvements in clearing or maintaining the Duck Creek waterway/streambed by the county exist.
2. Without a clear, concise plan for future use of the collected tax monies, I strongly object to any plan for accepting a tax assessment for Duck Creek.
3. The Board's failure to provide clear evidence of where and when the collected monies will be spent is evidence of taxation without representation.

We strongly believe the Drainage Board owes the assessed property owners with the following:

1. A substantial and detailed plan for how the collected taxes will be used
2. A timeline for the projected plan from start to completion
3. A statement or promise of how long this tax is expected to continue
4. A description of how this project will benefit the larger, diverse community

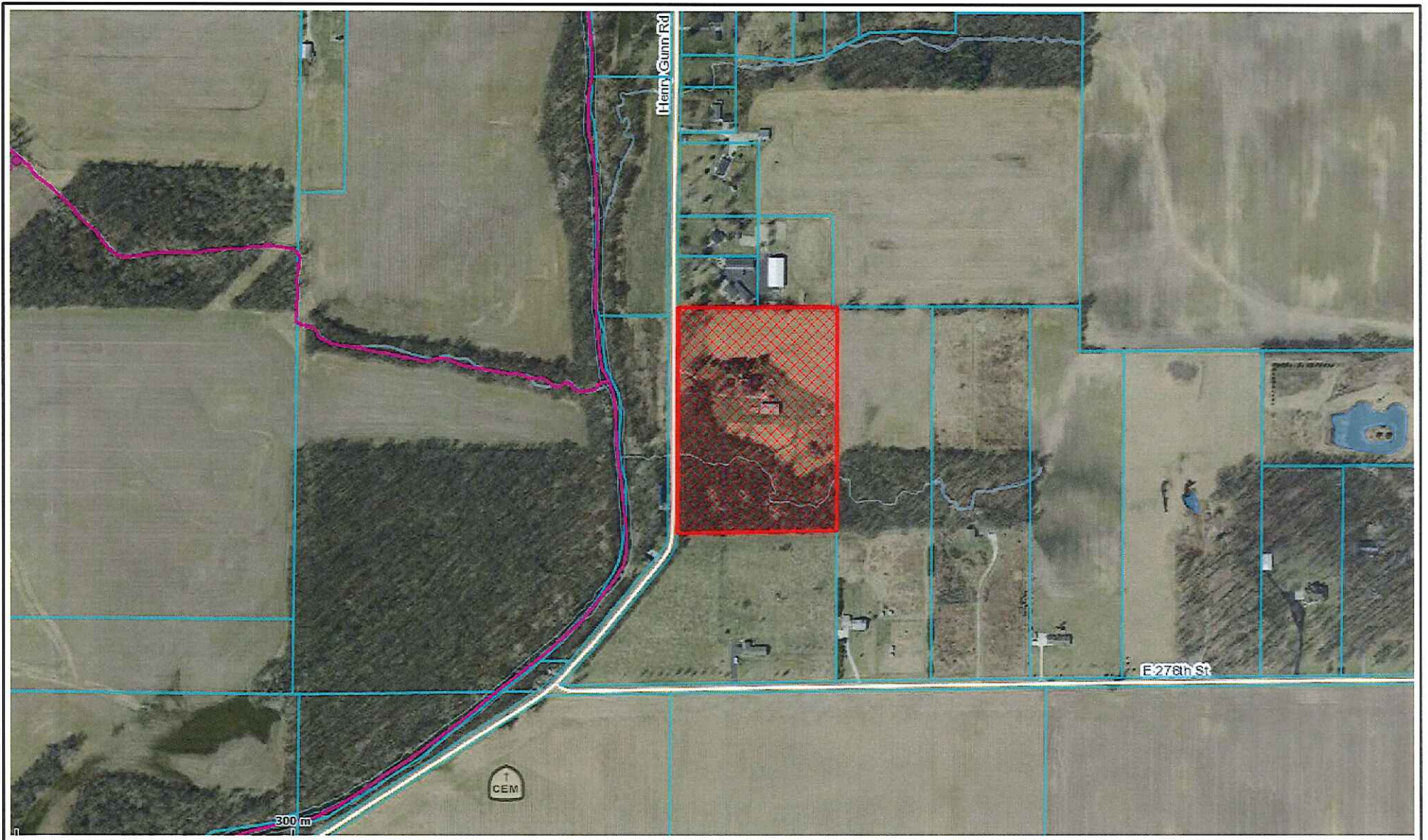
Thank you for reading and addressing the objections stated.

Sincerely,

Two handwritten signatures in black ink. The top signature is "Linda Strickland" and the bottom signature is "Bill Strickland". Both are written in a cursive, flowing style.

Linda and Bill Strickland

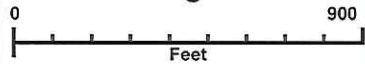




# Hamilton County

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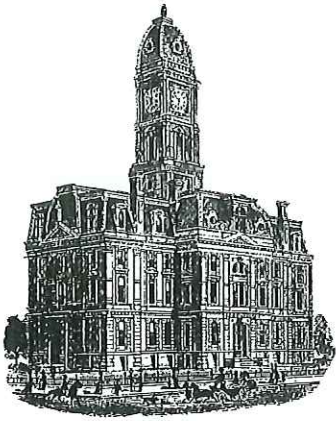
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*Fax (317) 776-9628*

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

November 18, 2014

Bill & Linda Strickland  
27819 Henry Gunn Rd.  
Atlanta, IN. 46031-9724

RE: Duck Creek Drainage Area

I received your objection dated November 7, 2014 regarding the above referenced drain. Upon review of your letter of objection I agree that since it's clean out in 1931 our records show only one entry of any work being done on the drain. This was in 1992-1993 when logjams were removed after a flood event. The work was done near the Tipton-Hamilton County line utilizing FEMA funding.

There exists several logjams located throughout the length of the drain through Hamilton County, some quite large. Along with this is severe bank erosion throughout its length caused by existing or past logjams and high water. Two of these areas are encroaching on roads and without action will jeopardize public safety as does the flooding caused by the logjams themselves.

The plan of action is to remedy the two areas impacting roads first. Then the work will start upstream and move downstream removing the existing logjams and trees which have already dislodged or are about to which catches them before a logjam is created. Once the logjams and other obstructions are removed work will begin on bank protection. This work will continue under the maintenance program and as future problems are found they will be addressed with the funds collected. The time table is to begin in the spring of 2015 and continue thereafter as need arises. The fund will discontinue collections once the balance in the fund equals eight (8) times the annual assessment. Collections will automatically begin when the balance in the fund falls below that amount.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll



Wayne and Robin Rupe  
27979 Henry Gunn Road  
Atlanta, IN 46031-9724  
November 7, 2014

Parcel: 07-04-08-03-01-012.000

President of the Hamilton County Drainage Board  
One Hamilton County Square: Suite 188  
Noblesville, IN 46060

Honorable Mark Heirbrandt,

**Regarding the Duck Creek Drainage Area Proposed Assessment Hearing**

The proposed assessment for my property, although not excessive, is unacceptable for the following reasons:

1. Robin and I have lived on this property for 28 years and our neighbor has lived here for 42 years. We both share the same observation: No observable improvements in clearing or maintaining the Duck Creek waterway/streambed by the county exist.
2. Without a clear, concise plan for future use of the collected tax monies, I strongly object to any plan for accepting a tax assessment for Duck Creek.
3. The Board's failure to provide clear evidence of where and when the collected monies will be spent is evidence of taxation without representation.

We strongly believe the Drainage Board owes the assessed property owners with the following:

1. A substantial and detailed plan for how the collected taxes will be used
2. A timeline for the projected plan from start to completion
3. A statement or promise of how long this tax is expected to continue
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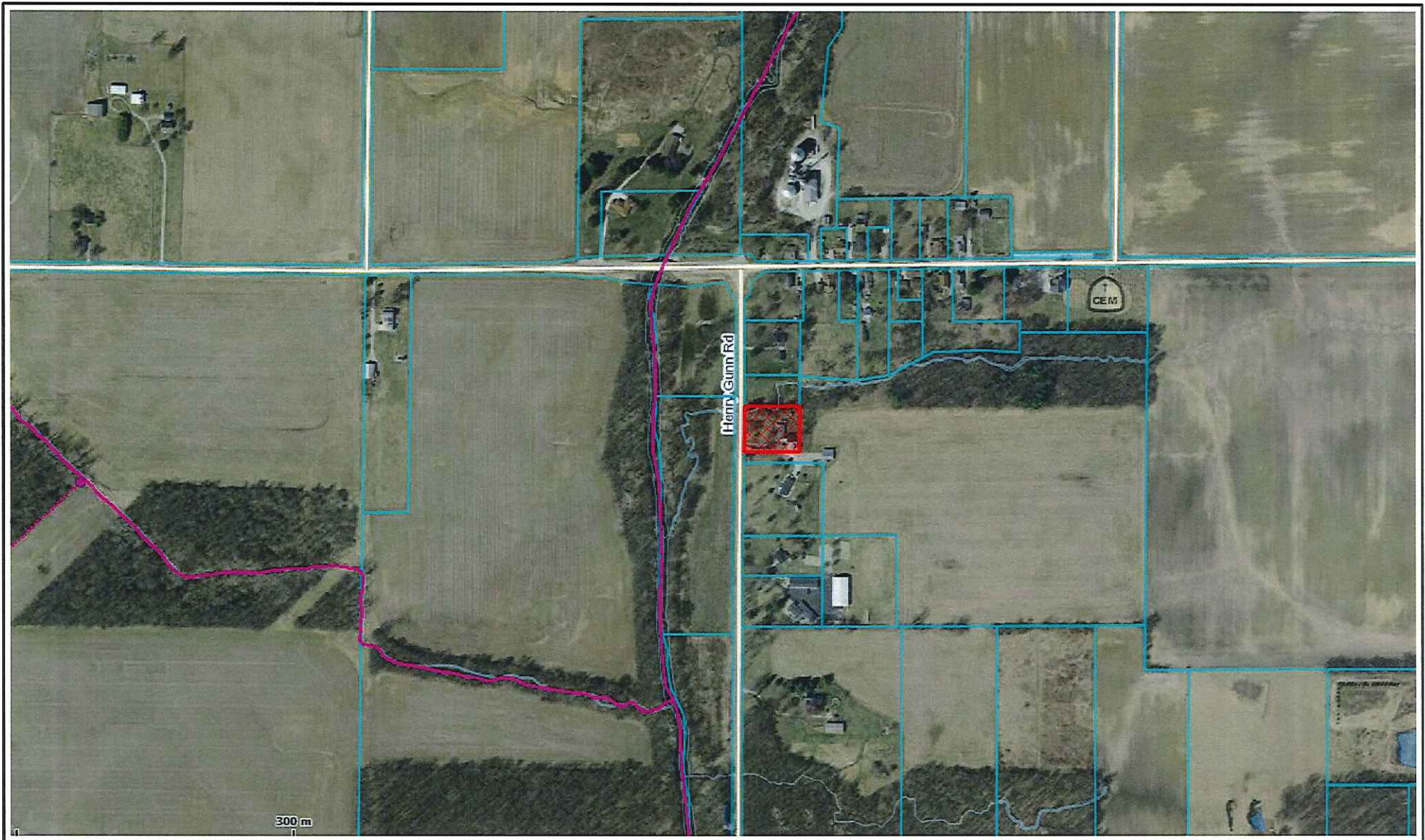
Thank you for reading and addressing the objections stated.

Sincerely,

A handwritten signature in cursive that reads "Wayne and Robin Rupe".

Wayne and Robin Rupe

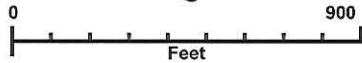




# Hamilton County

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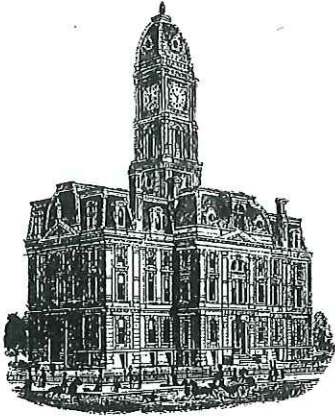
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*Fax (317) 776-9628*

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

November 18, 2014

Wayne & Robin Rupe  
27979 Henry Gunn Road  
Atlanta, IN. 46031-9724

RE: Duck Creek Drainage Area

I received your objection dated November 7, 2014 regarding the above referenced drain. Upon review of your letter of objection I agree that since it's clean out in 1931 our records show only one entry of any work being done on the drain. This was in 1992-1993 when logjams were removed after a flood event. The work was done near the Tipton-Hamilton County line utilizing FEMA funding.

There exists several logjams located throughout the length of the drain through Hamilton County, some quite large. Along with this is severe bank erosion throughout its length caused by existing or past logjams and high water. Two of these areas are encroaching on roads and without action will jeopardize public safety as does the flooding caused by the logjams themselves.

The plan of action is to remedy the two areas impacting roads first. Then the work will start upstream and move downstream removing the existing logjams and trees which have already dislodged or are about to which catches them before a logjam is created. Once the logjams and other obstructions are removed work will begin on bank protection. This work will continue under the maintenance program and as future problems are found they will be addressed with the funds collected. The time table is to begin in the spring of 2015 and continue thereafter as need arises. The fund will discontinue collections once the balance in the fund equals eight (8) times the annual assessment. Collections will automatically begin when the balance in the fund falls below that amount.

Sincerely,

  
Kenton C. Ward, CFM  
Hamilton County Surveyor

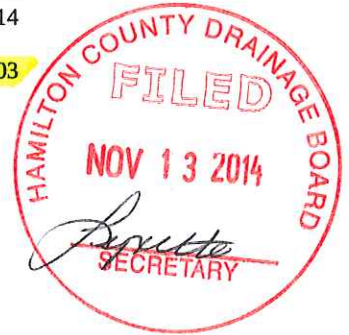
KCW/pll



Robert A and Marianne Curry  
 27939 Henry Gunn rd.  
 Atlanta, IN 46031-9724  
 November 11, 2014

Parcel: 07-04-08-00-00-015.003

President of the Hamilton County Drainage Board  
 One Hamilton County Square: Suite 188  
 Noblesville, IN 46060



Honorable Mark Heirbrandt,

**Regarding the Duck Creek Drainage Area Proposed Assessment Hearing**

The proposed assessment for my property, although not excessive, is unacceptable for the following reasons:

1. Marianne and I have lived on this property for 14½ years and our neighbor has lived here for 42 years. We both share the same observation: No observable improvements in clearing or maintaining the Duck Creek waterway/streambed by the county exist.
2. Without a clear, concise plan for future use of the collected tax monies, I strongly object to any plan for accepting a tax assessment for Duck Creek.
3. The Board's failure to provide clear evidence of where and when the collected monies will be spent is evidence of taxation without representation.

We strongly believe the Drainage Board owes the assessed property owners with the following:

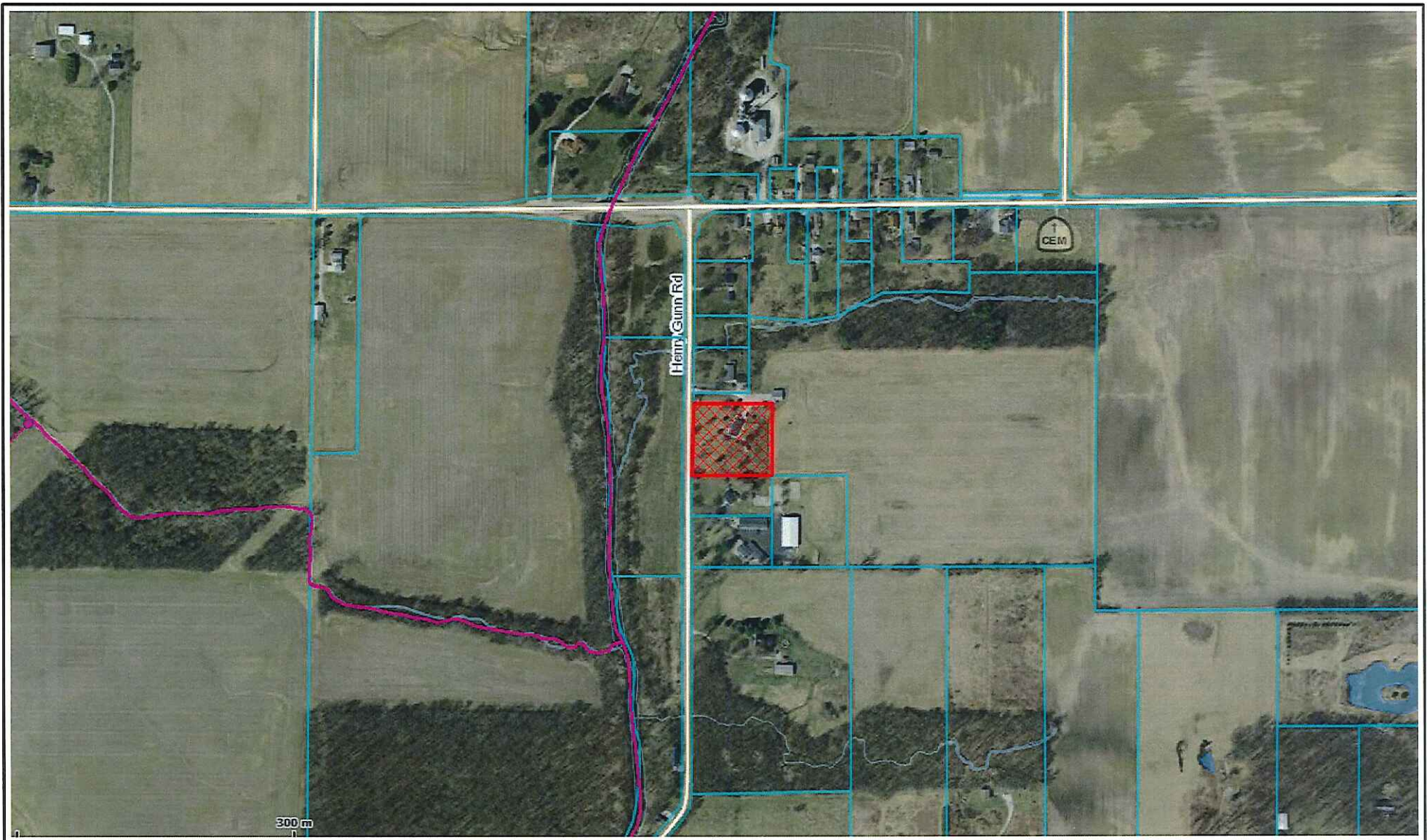
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2. A timeline for the projected plan from start to completion
3. A statement or promise of how long this tax is expected to continue
4. A description of how this project will benefit the larger, diverse community

Thank you for reading and addressing the objections stated.

Sincerely,

Robert A and Marianne Curry

*Robert A. Curry* 11-9-2014  
*Marianne Curry* 11-9-2014



# Hamilton County

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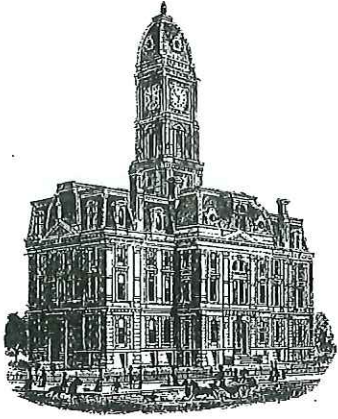
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*Fax (317) 776-9628*

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

November 18, 2014

Robert & Marianne Curry  
27939 Henry Gunn Rd.  
Atlanta, IN. 46031-9724


RE: Duck Creek Drainage Area

I received your objection dated November 7, 2014 regarding the above referenced drain. Upon review of your letter of objection I agree that since it's clean out in 1931 our records show only one entry of any work being done on the drain. This was in 1992-1993 when logjams were removed after a flood event. The work was done near the Tipton-Hamilton County line utilizing FEMA funding.

There exists several logjams located throughout the length of the drain through Hamilton County, some quite large. Along with this is severe bank erosion throughout its length caused by existing or past logjams and high water. Two of these areas are encroaching on roads and without action will jeopardize public safety as does the flooding caused by the logjams themselves.

The plan of action is to remedy the two areas impacting roads first. Then the work will start upstream and move downstream removing the existing logjams and trees which have already dislodged or are about to which catches them before a logjam is created. Once the logjams and other obstructions are removed work will begin on bank protection. This work will continue under the maintenance program and as future problems are found they will be addressed with the funds collected. The time table is to begin in the spring of 2015 and continue thereafter as need arises. The fund will discontinue collections once the balance in the fund equals eight (8) times the annual assessment. Collections will automatically begin when the balance in the fund falls below that amount.

Sincerely,

  
Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll



PACCEL

07-04-08-00-00-017,000

Steve Reveal  
27510 N Henry Gunn Road  
Atlanta, IN 46031-9724

TO: WHO IT MAY CONCERN!

Me my wife and son STRONGLY OBJECT  
TO ANY PLAN FOR ACCEPTING A TAX ASSESSMENT FOR  
DUCK CREEK.

NOTHING HAS BEEN DONE ON OUR CREEK  
FOR OVER 20 YEARS THAT WE LIVED HERE,

I'VE SEEN DAMS COME AND GO OVER THESE  
YEARS. MOTHER NATURE HAS ITS OWN WAY  
OF CLEARING THIS CREEK,

NO MORE TAXES PLEASE

Sincerely

Steven E Reveal

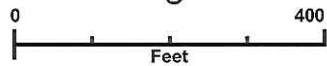




# Hamilton County

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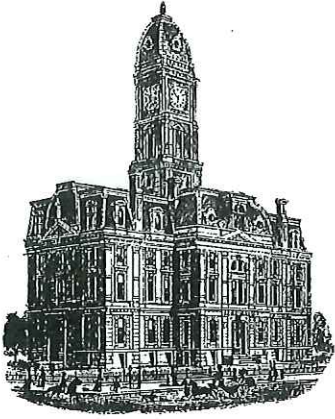
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*Surveyor of Hamilton County*  
*Phone (317) 776-8495*  
*Fax (317) 776-9628*

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

November 18, 2014

Steven E. Reveal  
27510 N Henry Gunn Road  
Atlanta, IN. 46031-9724

RE: Duck Creek Drainage Area

I received your objection file stamped November 14, 2014 regarding the above referenced drain. Upon review I must agree that since it's clean out in 1931 our records show only one record of any work being done on the drain since. That was in 1992-1993 when some logjams near the Tipton County line were removed using FEMA funding.

As far as Mother Nature taking care of the logjams, this is what is currently happening. Unfortunately when a logjam is left in place the water behind it wants to move downstream and searches for the lowest point to do so. As evidenced during our inspection of the drain, the result of this action is to scour the bank to go around the obstruction. This is resulting in severe bank erosion and the loss of more trees, soil, property including row crop farm ground and in two cases at some point in the future, roads.

I hope this helps you to understand the reason for this proposal. For more information please go to the Surveyor's Report link shown on the bottom of your notice.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll





320 W. Wood Ridge Dr.  
Dunlap, IL 61525  
17 November, 2014

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

My wife and I own parcel No. 07-03-14-00-00-011.000, 77 acres, in Whiteriver Township. We are protesting the huge increase in drainage assessment of 67% for the new Duck Creek Drainage Area. The dollar amount increased from \$231 to \$385, or \$5/acre. We think this is excessive.

First of all, why so much at one time? Did your expenses really increase that much? Secondly, why does the collection for Duck Creek have to be done each year until the fund reaches **eight** times its annual assessment? Why not four or five times as much?

And last, the very important reason we consider this is unfair are the charges for clearing out brush and trees on open drains. See Surveyors letter dated October 6, 2014, page 5 of 8, sub paragraph A. It is not reasonable at all to charge me and other land owners for brush and other objects in an open ditch or creek which did NOT come from owners who have no land bordering said ditch or creek. I believe other such owners would agree with me.

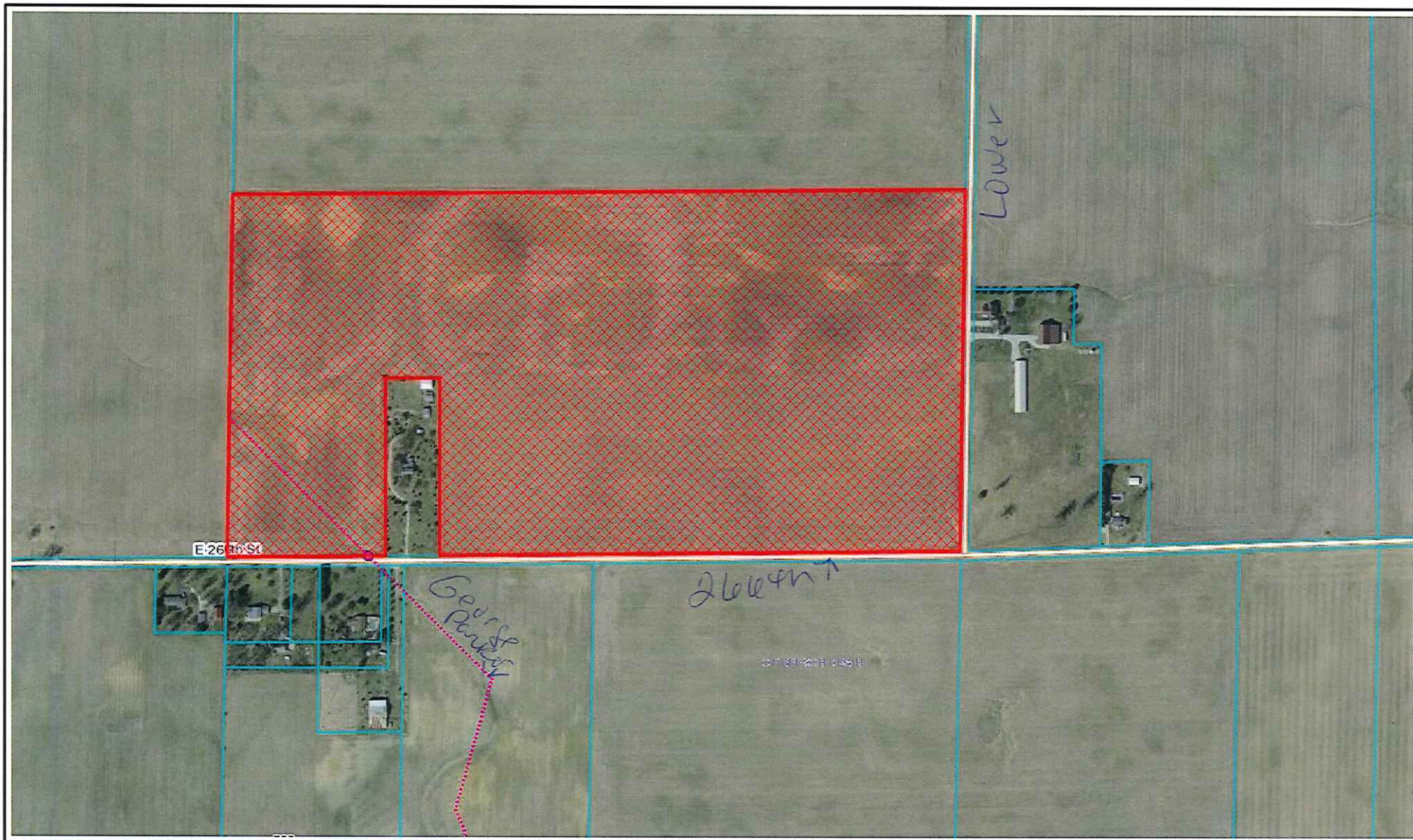
In our opinion, the owners of any drains or creeks where flow is obstructed by their trash and trees are responsible because they did **not** maintain the areas they own.

Sincerely,

Handwritten signatures of Joe H. McCarty and Janet R. McCarty in cursive script.

Joe H. McCarty and Janet R. McCarty Co-Trustees

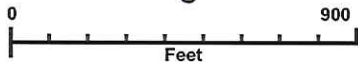




# N. of 266th W. of Lower Road

## This is My Map

Printed: Nov 20, 2014



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OFFICE OF  
HAMILTON COUNTY DRAINAGE BOARD

October 24, 2014

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
Duck Creek Drainage Area.

McCarty, Joe H & Janet R CoTrustees  
320 Wood Ridge Dr W  
Dunlap, IL 61525

Under the Indiana Drainage Code, all land which drains directly, or indirectly, may be 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 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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The Surveyor has estimated that the annual cost of periodically maintaining the entire drain is \$120,949.54. 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.

<b>Duck Creek Drainage Area Proposed Assessment Information</b>			
Parcel: 07-03-14-00-00-011.000 Rate: Residential/Ag			
Description	Acres Benefited	Maintenance Assessment	% of Total
S14 T20 R5 77.00Ac	77.00	\$385.00	0.318%

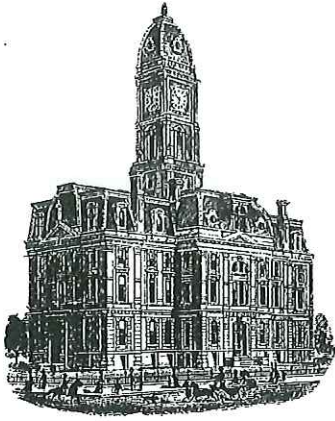
The table below shows regular current maintenance assessments (if any) for this parcel. Upon approval of this hearing, future assessments will be made to Duck Creek Drainage Area as shown above. The Francis Shaw Drain will continue to be assessed and collections sent to Tipton County because they are the controlling county. Collections for the Grant Carey Drain will continue to be assessed until the negative balance of the fund has been repaid. This will be in addition to the Duck Creek Drainage Area assessment. The other drains listed will no longer be assessed as individual drains. The Jonas Rogers Special assessment & the reconstruction assessment on the Sarah Dietz, Rulon Arm (Caylor Shed) will continue as scheduled. The period of collection for Duck Creek will be until the fund has 8 times its annual assessment.

Drain Name	Benefitted Acre / Lot	Current Assessment
Bear Creek #360	77.00	\$231.00

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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).*



*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*

November 21, 2014

Joe H. & Janet R. McCarty  
320 W. Wood Ridge Drive  
Dunlap, IL. 61525

RE: Duck Creek Drainage Area

I received your letter of objection file stamped November 19, 2014 regarding the above referenced drainage area. Upon review of your letter I felt that I should respond.

You have read my report to the Drainage Board as evidenced by your reference to it in your third paragraph. By doing so you should understand that the drain you are assessed on currently, Bear Creek, is being collapsed with twenty others into a single drainage area. Of those, Duck Creek currently is not assessed but is the receiving stream for the other twenty drains, including Bear Creek. The additional cost will cover the increased maintenance cost of adding the 9.24 miles of Duck Creek. By building the fund up to eight times the annual assessment allows the Board to utilize a portion of those funds for reconstruction of the drain in the future.

As for the clearing of brush on the drain, all reports for maintenance having open ditch involved will have this statement. The removal of wood vegetation is often required on open drains, and at tile systems, in order to keep the drains unobstructed.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll





*Jason R. Henderson, RLS*  
*Tipton County Surveyor*

*Courthouse • 101 E. Jefferson St. • Tipton, Indiana 46072 • Tel: (765) 675-2793*

11-13-14

To whom it may concern,

For you upcoming hearing regarding the combination to Duck Creek, I need to make the following corrections in the attached spreadsheet. The issue arose thanks in part to Mr. Kauffman contacting the Hamilton County Surveyor, then my Office. I would like to report the following:

1. Tipton County collects maintenance (2.00 an acre or 15.00 minimum) on the Jonas Rogers and forwards to Hamilton County.
2. In addition to the regular maintenance, Hamilton County initiated a "special assessment hearing" a few years ago; the rate for it is 10.00 an acre or 75.00 minimum.
3. In the original assessments supplied (spreadsheet) to Hamilton county for the upcoming Watershed combination hearing, it contained a list that showed each parcel listed twice. One for the regular maintenance and one for the special assessment, yet each have the same parcel number.
4. Unfortunately the computer generated two duplicate notices. This confused the citizens of Tipton County, since the data supplied to Hamilton County was faulty.
5. In review of this issue, I noted that there were three parcels (same parcel number) that had different acreages listed in the regular maintenance, when compared to the special assessment. They should have been the same.
6. I have corrected the acreage, and they are reflected in the spreadsheet, attached.

I hope this information is beneficial, and I apologize for the miscommunication.

  
Jason R. Henderson

Tipton County Surveyor

*Received*  
*Nov 14 2014*  
*[Signature]*  
*[Signature]*

OFFICE OF  
HAMILTON COUNTY DRAINAGE BOARD  
October 24, 2014

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
Duck Creek Drainage Area.

Kauffman, Ralph L. & Roberta J. Kau  
4228 E 600 S  
Atlanta IN 46031

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Duck Creek Drainage Area Proposed Assessment Information			
Parcel: 008-00772-00 Rate: Residential/Ag			
Description	Acres Benefitted	Maintenance Assessment	% of Total
S Pt SW 64.00 Ac 35 -21 -5	64	\$320.00	0.265%

The table below shows regular current maintenance assessments (if any) for this parcel. Upon approval of this hearing, future assessments will be made to Duck Creek Drainage Area as shown above. The Francis Shaw Drain will continue to be assessed and collections sent to Tipton County because they are the controlling county. Collections for the Grant Carey Drain will continue to be assessed until the negative balance of the fund has been repaid. This will be in addition to the Duck Creek Drainage Area assessment. The other drains listed will no longer be assessed as individual drains. The Jonas Rogers Special assessment & the reconstruction assessment on the Sarah Dietz, Rulon Arm (Caylor Shed) will continue as scheduled. The period of collection for Duck Creek will be until the fund has 8 times its annual assessment.

Drain Name	Benefitted Acre / Lot	Current Assessment
Bear Crk, Rogers Arm	64	\$192.00

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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*

X



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Kauffman, Ralph L. & Roberta J. Kau  
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<b>Duck Creek Drainage Area Proposed Assessment Information</b>			
Parcel: 008-00772-00 Rate: Residential/Ag			
Description	Acres Benefitted	Maintenance Assessment	% of Total
S Pt SW 64.00 Ac 35 -21 -5	22.5	\$112.50	0.093%

The table below shows regular current maintenance assessments (if any) for this parcel. Upon approval of this hearing, future assessments will be made to Duck Creek Drainage Area as shown above. The Francis Shaw Drain will continue to be assessed and collections sent to Tipton County because they are the controlling county. Collections for the Grant Carey Drainage Area assessment will be assessed until the negative balance of the fund has been repaid. This will be in addition to the Duck Creek Drainage Area assessment. The other drains listed will no longer be assessed as individual drains. The Jonas Rogers Special assessment & the reconstruction assessment on the Sarah Dietz, Rulon Arm (Caylor Shed) will continue as scheduled. The period of collection for Duck Creek will be until the fund has 8 times its annual assessment.

Drain Name	Benefitted Acre / Lot	Current Assessment
Bear Crk, Rogers Arm	22.5	\$67.50

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Assessment Name	Benefitted Acreage	Alt. Assd Value	Rate Description	Rate	Minimum Amt
Rogers-Houser-Hobbs (682)	6.25	0	Z - Rate	1.0000000	6.00
Maines-Legg-Peck (631)	33.75	0	Z - Rate	1.2500000	6.00
Jonas Rogers (681)	6.25	0	Z - Rate	2.0000000	15.00
Jonas Rogers (681)	40.00	0	Special Rate	10.0000000	75.00



Payable 2015 Property Other Assessments for Tax Identification Number: 008-01370-00

Assessment Name	Benefitted Acreage	Alt. Assd Value	Rate Description	Rate	Minimum Amt
Rogers-Houser-Hobbs (682)	6.25	0	Z - Rate	1.0000000	6.00
Maines-Legg-Peck (631)	33.75	0	Z - Rate	1.2500000	6.00
Jonas Rogers (681)	40.00	0	Z - Rate	2.0000000	15.00
Jonas Rogers (681)	40.00	0	Special Rate	10.0000000	75.00

OFFICE OF  
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Kauffman, Ralph L. & Roberta J. Kau  
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Duck Creek Drainage Area Proposed Assessment Information			
Parcel: 008-00774-00 Rate: Residential/Ag			
Description	Acres Benefitted	Maintenance Assessment	% of Total
S Pt W 1/2 SE 50.00 Ac 35 -21 -5	50	\$250.00	0.207%

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Drain Name	Benefitted Acre / Lot	Current Assessment
Bear Crk, Rogers Arm	50	\$150.00

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**HAMILTON COUNTY DRAINAGE BOARD**  
 October 24, 2014

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S Pt W 1/2 SE 50.00 Ac 35 -21 -5	50	\$250.00	0.207%

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 One Hamilton County Square, Ste. 188  
 Noblesville, IN 46060

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X

Payable 2015 Property Other Assessments for Tax Identification Number: 008-00772-00

<b>Assessment Name</b>	<b>Benefitted Acreage</b>	<b>Alt. Assd Value</b>	<b>Rate Description</b>	<b>Rate</b>	<b>Minimum Amt</b>
J M Gustin Tile (583)	22.50	0	Z - Rate	2.0000000	5.00
Jonas Rogers (681)	22.50	0	Z - Rate	2.0000000	15.00
Jonas Rogers (681)	64.00	0	Special Rate	10.0000000	75.00
Lee Kaufman Open (612)	41.50	0	Z - Rate	3.0000000	30.00



Assessment Name	Benefitted Acreage	Alt. Assd Value	Rate Description	Rate	Minimum Amt
J M Gustin Tile (583)	50.00	0	Z - Rate	2.0000000	5.00
Jonas Rogers (681)	50.00	0	Z - Rate	2.0000000	15.00
Jonas Rogers (681)	50.00	0	Special Rate	10.0000000	75.00
Rogers-Houser-Hobbs (682)	10.00	0	Z - Rate	1.0000000	6.00

Assessment Name	Benefitted Acreage	Alt. Assd Value	Rate Description	Rate	Minimum Amt
Rogers-Houser-Hobbs (682)	16.07	0	Z - Rate	1.0000000	6.00
Maines-Legg-Peck (631)	29.00	0	Z - Rate	1.2500000	6.00
Jonas Rogers (681)	16.07	0	Z - Rate	2.0000000	15.00
Jonas Rogers (681)	45.07	0	Special Rate	10.0000000	75.00



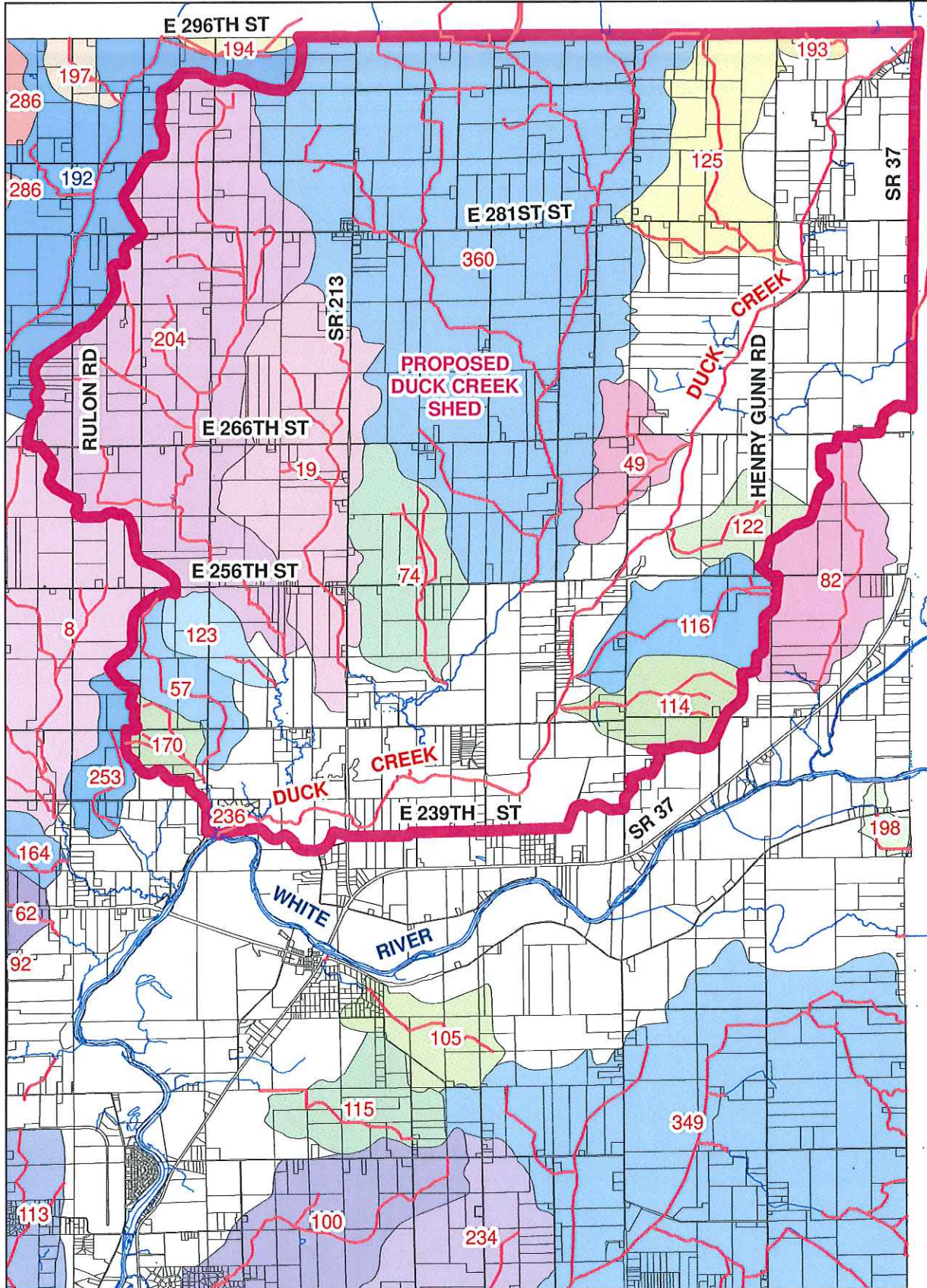
Assessment Name	Benefitted Acreage	Alt. Assd Value	Rate Description	Rate	Minimum Amt
Rogers-Houser-Hobbs (682)	16.07	0	Z - Rate	1.0000000	6.00
Maines-Legg-Peck (631)	29.00	0	Z - Rate	1.2500000	6.00
Jonas Rogers (681)	45.07	0	Z - Rate	2.0000000	15.00
Jonas Rogers (681)	45.07	0	Special Rate	10.0000000	75.00

Assessment Name	Benefitted Acreage	Alt. Assd Value	Rate Description	Rate	Minimum Amt
Lee Kaufman Open (612)	68.49	0	Z - Rate	3.0000000	30.00
Jonas Rogers (681)	90.99	0	Z - Rate	2.0000000	15.00
Jonas Rogers (681)	90.99	0	Special Rate	10.0000000	75.00
J M Gustin Tile (583)	22.50	0	Z - Rate	2.0000000	5.00



# PROPOSED DUCK CREEK SHED

Total Acres for Proposed Duck Creek Shed: 18,228.52



Printing Date: 10/7/2014  
 Prepared By: Darren Wilson, GISP  
 Hamilton County Surveyor's Office  
 One Hamilton County Square, Ste 188  
 Noblesville, IN 46060  
 317-776-8495

Sheds encompassed by Proposed Duck Creek Shed:

- |                     |                         |                       |
|---------------------|-------------------------|-----------------------|
| 19-Geo Keck         | 116-Grant Carey         | 193-Francis Shaw      |
| 49-Robert M House   | 122-JW McCord           | 204-Charles Caylor    |
| 57-Hill & Webb Shed | 123-Mary Morris         | 236-Deer Walk Estates |
| 74-Webb 2 & Winders | 125-Carpenter & Johnson | 360-Bear Creek        |
| 114-Mary Webb       | 170-Rebecca Webb        |                       |



OFFICE OF  
HAMILTON COUNTY DRAINAGE BOARD

October 24, 2014

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
**Duck Creek Drainage Area.**



Kingery, Bryce D & Kimberly A  
322 Duck Creek Ln  
Noblesville, IN 46060

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Parcel: 07-03-35-00-00-018.000 Rate: Residential/Ag			
Description	Acres Benefitted	Maintenance Assessment	% of Total
S35 T20 R5 0.97Ac	0.97	\$35.00	0.029%

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n/a	n/a	n/a

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General Assembly Of The First  
% David Jessee  
14720 E 281ST ST  
Atlanta, IN 46031



Under the Indiana Drainage Code, all land which drains directly, or indirectly, may be 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 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 \$120,949.54. 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.

Duck Creek Drainage Area Proposed Assessment Information			
Parcel: 07-03-12-00-00-010.001 Rate: Residential/Ag			
Description	Acres Benefitted	Maintenance Assessment	% of Total
S12 T20 R5 1.08Ac	1.08	\$35.00	0.029%

The table below shows regular current maintenance assessments (if any) for this parcel. Upon approval of this hearing, future assessments will be made to Duck Creek Drainage Area as shown above. The Francis Shaw Drain will continue to be assessed and collections sent to Tipton County because they are the controlling county. Collections for the Grant Carey Drain will continue to be assessed until the negative balance of the fund has been repaid. This will be in addition to the Duck Creek Drainage Area assessment. The other drains listed will no longer be assessed as individual drains. The Jonas Rogers Special assessment & the reconstruction assessment on the Sarah Dietz, Rulon Arm (Caylor Shed) will continue as scheduled. The period of collection for Duck Creek will be until the fund has 8 times its annual assessment.

Drain Name	Benefitted Acre / Lot	Current Assessment
Bear Creek #360	1.08	\$15.00

A public hearing will be held by the Drainage Board in Commissioner's Court at **9:45 A.M.** on November 24, 2014 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).*

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

*Duck Creek Drainage Area*

NOTICE

To Whom It May Concern and: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Duck Creek Drainage Area** on **November 24, 2014** at **9:45 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

**Duck Creek Drainage Area**

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **November 24, 2014** 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: Lynette Mosbaugh

ONE TIME ONLY