

KCW

SURVEYOR'S OFFICE
Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495

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

To Hamilton County Drainage Board ^{Fax (317) 776-9628}

April 23, 2021

Re: W. R. Fertig Drain, J. W. Hawkins Arm, Monon Ditch Encapsulation Partial Vacation

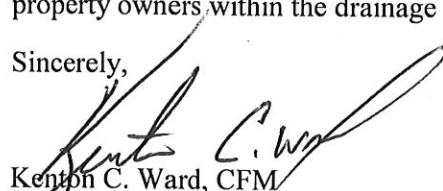
Attached is a request to vacate a portion of the W. R. Fertig Drain, J. W. Hawkins Arm by the City of Carmel as well as Onyx and East Developers. The proposal is to vacate a portion of the existing J. W. Hawkins Arm in Carmel, Indiana beginning on the south side of Gradle Drive thus running north and ending at its current beginning point of station 8+25 of the J. W. Hawkins Arm. Station 0 to Station 8+25 was previously vacated by the Board per my report dated September 1, 2005 and approved at the Drainage Board hearing on January 9, 2006 (see Hamilton County Drainage Board Minute Book 8, Page 579). The portion of the drain to be vacated is located in the public right-of-way for Gradle Drive as well as parcel 16-09-36-00-00-008.000 which is owned by the Carmel Clay Municipal Building Corporation.

The J. W. Hawkins Drain is a regulated drain established in 1885 and is currently maintained by Hamilton County. The portion of the J. W. Hawkins Drain to be vacated will begin on the north side of Gradle Drive at existing Station 8+25 and ends south of Gradle Drive at Station 12+70. The request will vacate 445 feet of open drain.

With the approval of this vacation, the City of Carmel will be encapsulating the ditch with 326 linear feet of 72" Reinforced Concrete Pipe (RCP) and 15 feet of 9x7 concrete box culvert. The vacation is as per the above-mentioned plans prepared by Cross Road Engineers, PC, City of Carmel Project No. 20-SW-09, dated December 1, 2020. The reconstructed drain will begin at Station 246+79.63 per the plans before running north for 15 feet and flowing into the 72" pipe at Station 246+94.00 per the plans. The drain then runs north for 324.6 feet before stopping at Structure 13 which is at Station 250+18.66 per the plans. This run of 72" RCP includes Structures 2, 3 and 4 as shown on the plans. Maintenance of the new stormwater infrastructure will be the responsibility of the City of Carmel.

Upon review of the request, I believe the above portion of the drain meets the requirements for vacation as set out in IC-36-9-27-34(d). In my opinion, the vacation will not adversely affect other property owners within the drainage shed. I recommend the Board set a hearing date for July 26, 2021.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**W. R. Fertig Drain, J. W. Hawkins Arm
Monon Ditch Encapsulation Partial Vacation**

Station 8+25 to Station 12+70

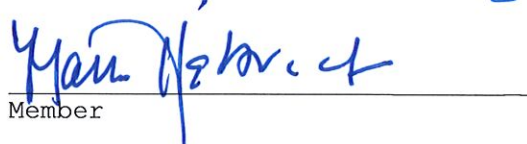
On this **26th day of July, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **W. R. Fertig Drain, J. W. Hawkins Arm, Monon Ditch Encapsulation Partial Vacation (Station 8+25 to Station 12+70)**.

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 **W. R. Fertig Drain, J. W. Hawkins Arm, Monon Ditch Encapsulation Partial Vacation (Station 8+25 to Station 12+70)**.

HAMILTON COUNTY DRAINAGE BOARD



President



Member

Member

Attest: 

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD IN THE MATTER OF THE

**W. R. Fertig Drain, J. W. Hawkins Arm
Monon Ditch Encapsulation Partial Vacation**

Station 8+25 to Station 12+70

NOTICE is hereby given that a petition to vacate has been received by the Hamilton County Surveyor for the **W. R. Fertig Drain, J. W. Hawkins Arm, Monon Ditch Encapsulation Partial Vacation** across Parcel 16-09-36-00-00-008.000 owned by Carmel Clay Municipal Building Corporation (Station 8+25 to Station 12+70) and that a hearing is scheduled for July 26, 2021 at 9:15 A.M. on that request.

Objections to the VACATION of the drain must be filed in writing not less than five (5) days before the date of the hearing.

The Board will consider whether the drain performs the function for which it was designed and constructed; whether the expense of maintenance outweighs the benefits to be derived therefrom, and whether the abandonment thereof will not be detrimental to the public welfare.

HAMILTON COUNTY DRAINAGE BOARD

ATTEST: Lynette Mosbaugh
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

**W. R. Fertig Drain, J. W. Hawkins Arm
Monon Ditch Encapsulation Partial Vacation**

NOTICE

Notice is hereby given pursuant to Indiana Code 36-9-27-63 (before codification in 1981) that this Board, prior to final adjournment on **July 26, 2021** issued an order adopting the partial vacation, filed the same and made public announcement thereof at the hearing and ordered publication. Copies of the schedule of assessments and order are on file in the office of the Hamilton County Surveyor. If judicial review of the findings and order of the Board is not requested pursuant to Indiana Code 36-9-27-65(f) 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