



1260

SURVEYOR'S OFFICE

# Hamilton County

*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*

March 13, 2023

TO: Hamilton County Drainage Board

RE: Guy Gilkey Drain, Revised Report

Attached are drain maps, and schedule of assessments for the Guy Gilkey Drain. This drain is located in Section 8, Township 19 North, Range 5 East in White River Township. This drain is currently listed as Number 1 on the 2022 Drain Classification List for maintenance.

The Guy Gilkey Drain was petitioned to the Hamilton County Circuit Court on October 5, 1953, Cause No. 9614 and referred to the County Surveyor and Viewers on November 10, 1953. The report of the Surveyor and Viewers was filed with the court on May 8, 1954. After several continuances the hearing on the Surveyor and Viewers Reports was held on June 14, 1956. The drain was ordered to be constructed on October 24, 1956 and contract for construction approved on May 2, 1957. The original drain consists of approximately 2,475 feet of 16-inch clay tile. Beginning 300 feet south of 221<sup>st</sup> Street and running in a northerly direction replacing an existing tile drain which was then in place before terminating in the unnamed tributary to White River.

After construction no record of maintenance of the drain has been located. It was added to the 1932 drain map in pencil. It was not certified to the Auditor on June 30, 1957 which was the basis of the Classification List since 1965. This may be due to the drain possibly being under construction at the time the list was compiled. During the mapping project in 2005 the drain was researched, mapped and placed on the Classification List for the first time. On October 15, 2018 Mr. Steve Cavanaugh filed a request to place the drain on maintenance.

In May 2005 an inspection was made by the Surveyor's Office. At that time, it was found that the tile was flowing and in generally good condition; a portion of the tile south of 221<sup>st</sup> Street has been excavated out where the peat and topsoil mining operation was located; and the tile had been removed east of the Cavanaugh property north of 221<sup>st</sup> Street.

In February 2022 another inspection was made on the tile at which time the tile had several break downs with water boiling to the surface and flowing overland to the next location where it could flow back into the tile and at some point, the tile upstream of the lake located south of 221<sup>st</sup> Street created by the past peat and topsoil operation is broken down and not functioning. This was causing the water elevation of the lake to come relatively close to residential structures built around the lake.

In December 2022 the drain was reinspected for the purpose of compiling this report. At that time the water level in the lake had receded to below the invert of the Gilkey Drain. There were five (5) locations where holes have appeared over the tile. The old field stone head wall which was part of the original tile was found within the area east of the Cavanaugh property mentioned above where the tile had been removed. At this time, it was discovered that an additional section of tile had been removed north of 221<sup>st</sup> Street.

With the original length of the 1957 tile drain approximately 151 feet has been removed south of 221<sup>st</sup> Street as part of the peat and topsoil mining operation and the current lake is now in its place. This would be on the current parcel number 07-07-08-00-00-008.000 owned by Robert and Dawn Angiea. I believe since the 1957 tile followed an existing tile drain the length of the finished drain was off by 304 feet. The current length of drain is 2,020 feet. With the excavation by property owners of tile the current length of tile drain is 1,325 and the open ditch as measures from GIS is approximately 695 feet. The open portion of the drain is on current parcels 07-07-08-00-00-007.004 owned by Michael F. Fleming and Susan Dawson, and 07-07-08-00-00-007.000 owned by Brandon D. and Keli R. Etchison.

Maintenance work needed on the drain includes repairing areas of tile where its possibly broken down as evidenced on the holes on the surface of the ground over the tile; installation of breathers on the north side of 221<sup>st</sup> Street at the property line between Cavanaugh and Etchison, and the property line between Cavanaugh and Lehman; clearing along the drain on Fleming; reshaping and seeding of the open portion of the drain where excavated on Fleming and Etchison.

The estimated cost of this work is a follows:

Clearing	1 Ac @ \$5,000/Ac	\$5,000.00
Dredging	695 feet @ \$10.00/ft	\$6,950.00
Seeding	3 acres @ \$3,000/ac	\$9,000.00
Breathers	3 each @ \$1,000/each	\$3,000.00
Tile Repair	Lump Sum @ \$3,500	\$3,500.00
18" CMP Outlet	1 each @ \$2,500.00	\$2,500.00
		\$29,950.00
15% Contingency		\$ 4,492.50
		\$34,442.50

After the February 27, 2023 hearing the drainage shed was reviewed. After the review an additional 44.39 acres were added to the previous shed to the east.

I have reviewed the drainage shed for the Guy Gilkey Drain and considered various factors for benefits and damage as set out in IC 36-9-27-112. Upon considering each parcel individually, I believe that each parcel within the drainage shed will have equal benefits as provided by the reconstruction of the drain, therefore, I recommend each tract be assessed on the same basis equally. I also believe that no damages will result to landowners by the reconstruction of this drain. The benefit of having this drain maintained by the Hamilton County Drainage Board outweighs the damages associated with the drainage easement. Therefore, damages will be set a \$0.00.

I recommend a special assessment of \$106.54 per acre with a minimum of \$500.00 payable over a five (5) year period with the first payment due in May 2024.

I recommend the Guy Gilkey Drain be placed on maintenance at the time as set out in IC 36-9-27-38. The nature of the work which may be required is as follows:

- A. Removal and/or prevention of brush within the drainage easement by hand, mechanical or spray methods.
- B. Re-excavating of open ditch to original grade line.
- C. Installation and/or repair of surface water structure as might be required.
- D. Bank erosion protection and/or seeding as might be required.
- E. Repair of private tile outlet ends as might be required.
- F. Repair of regulated tile outlet at drain end.
- G. Replacement of broken tile outlet ends as might be required.
- H. Cleaning and/or repair of existing catch basins as might be required.
- I. Installation of catch basins or inlets as may be required.
- J. Removal of debris and/or blockage from the existing tile drains including jetting or video work.
- K. Installation and/or repair of breather pipes.
- L. Removal of debris and/or blockage from the existing open drain.
- M. Maintain grass filter strips.
- N. Any other repairs necessary to restore the drain to its original intended condition.

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

I recommend the rates be revised to the following rates:

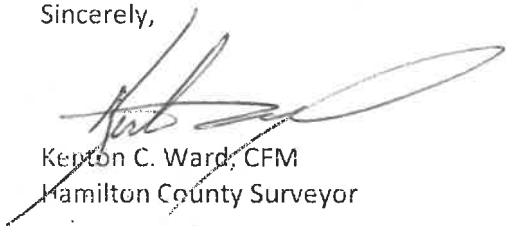
1. Maintenance assessment for agricultural tracts be set at \$6.00 per acres with a \$45.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$6.00 per acres with a \$45.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the non-regulated drain subdivision shall be assessed at \$10.00 per acres with a \$65.00 minimum.
4. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$95.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$25.00 per acres with a \$95.00 minimum.
5. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set a \$35.00 per acres with a \$125.00 minimum.
6. Maintenance assessment for roads and streets be set at \$25.00 per acre.

With 229.48 acres benefits in the drainage shed the drain will collect \$2,673.94 annually. These collections will begin in 2024.

I further recommend that the period of collections be set at 8 times as allowed by IC 36-9-27-43.

I request the Board to set a hearing for this matter on April 24, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerton C. Ward", is written over the typed name and title.

Kerton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Guy Gilkey Drain

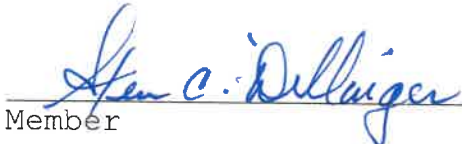
On this 24<sup>th</sup> day of April, 2023, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Guy Gilkey Drain**.

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

STATE OF INDIANA )  
 ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Guy Gilkey Drain (Revised Report)**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Guy Gilkey Drain** came before the Hamilton County Drainage Board for hearing **on April 24, 2023**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.


The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.


Wherefore, it is ORDERED, that the proposed Reconstruction of the **Guy Gilkey Drain** be and is hereby declared established.

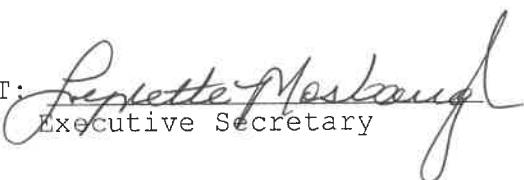
Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
PRESIDENT

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

ATTEST:   
Executive Secretary

### GUY GILKEY DRAIN\_OBJECTIONS

Property Owner	Parcel Number	Acres Benefited	Reconst. Assmnt.	% of Recons.	Maint. Assmnt	% of Maint.
Fite, Ryan & Natalie	07-07-08-00-00-007.009	11.48	\$1,800.30	5.23%	\$68.88	3.31%
Fleming, Michael & Susan Dawson	07-07-08-00-00-007.004	3.48	\$545.74	1.58%	\$45.00	2.16%
Hermann, Sheldon J. & Cheryl A.	07-07-08-00-00-009.001	18.4	\$2,885.50	8.38%	\$110.40	5.31%
<b>Totals</b>		<b>33.36</b>	<b>\$5,231.54</b>	<b>15.19%</b>	<b>\$224.28</b>	<b>10.78%</b>



To: Hamilton County Drainage Board  
RE: Guy Gilkey Drain

The assessment being levied for reconstruction of the Guy Gilkey Drain is being contested for the following reasons:

1. The drain was modified both North and South of 221<sup>st</sup> Street by the owner of the property. The area South of 221<sup>st</sup> Street may or may not have been made with proper permission. The area North of 221<sup>st</sup> Street was modified without permission and unbeknownst to proper authorities. This is where the main breakdown occurred. It is felt that the cost of reconstruction should be borne by the individual who made the modifications, as the drain was not constructed for the modified design.
2. The property surveyed for the purposed Guy Gilkey Drain is much larger than the mapped out proposed Guy Gilkey Shed. Parcel # 07-07-08-00-00-009.000 has a drain tile running East and West through Parcel # 07-07-08-00-00-009.001 with a 15 foot easement on either side of the drain for maintenance. The water from this drain sheds directly into the lake constructed to the West. It is thought that the water shed of this drain should be included in the maintenance assessment of the Guy Gilkey Drain, which should require another survey. Additionally, if reconstruction is to be borne by all, then this additional shed should be included in the assessment. (See Exhibit A attached).

Thank you for your consideration to this objection.

Sincerely,

Fite, Ryan and Natalie

Parcel # 07-07-08-00-00-007.009

Fleming, Michael F.

Parcel # 07-07-08-00-00-007.004

Hermann, Sheldon J. and Cheryl A.

Parcel # 07-07-08-00-00-009.001



Legal Description:

A part of the Northeast Quarter of the Southeast Quarter of Section 8, Township 19 North, Range 5 East located in White River Township, Hamilton County, Indiana, being bounded as follows:

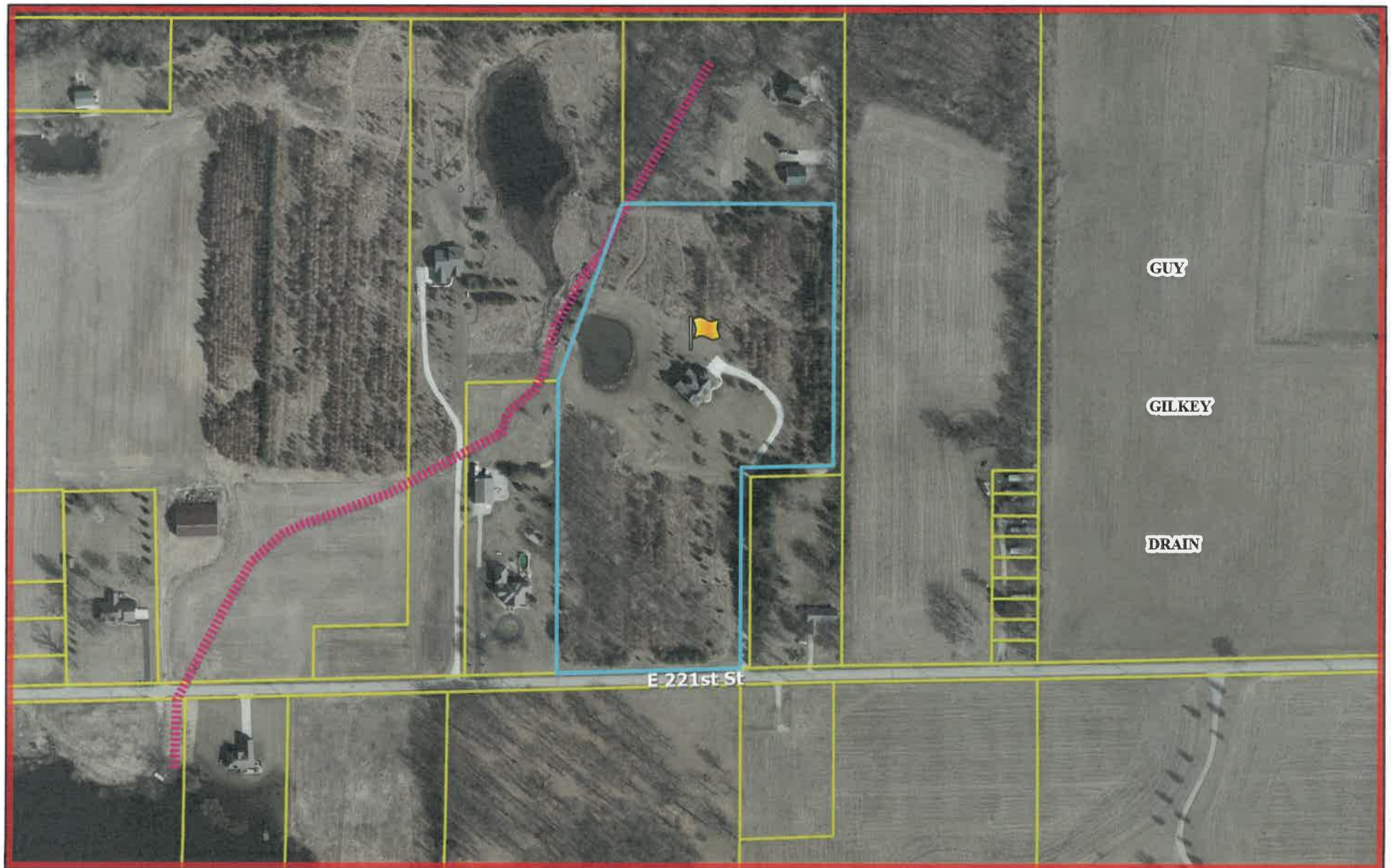
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**GRANTOR HEREBY RESERVES a 15 foot wide Drainage Easement for maintaining a drainage tile and the Repair and Maintenance thereof, more particularly described as follows:**

Commencing at a P.K. nail on the north line of the Southeast Quarter of Section 8, Township 19 North, Range 5 East, said Point of Beginning being South 88 degrees 06 minutes 17 seconds West (assumed bearing) 426.00 feet from a 1/2" iron rod marking the Northeast corner of said Southeast Quarter, thence South 00 degrees 17 minutes 14 seconds East 343.00 feet parallel with the west line of the Northeast Quarter of said Southeast Quarter to a 5/8" iron rod with yellow cap stamped S0083; thence South 87 degrees 57 minutes 28 seconds West 203.13 feet to a 5/8" iron rod with yellow cap stamped S0083; thence South 00 degrees 17 minutes 14 seconds East **618.23 feet** parallel with the west line of the Northeast Quarter of said Southeast Quarter to the POINT OF BEGINNING of the description for the centerline of a 15 foot easement; thence North 88 degrees 31 minutes 16 seconds West **320.00 feet** on and along the centerline of said 15 foot easement to the terminus of said easement.

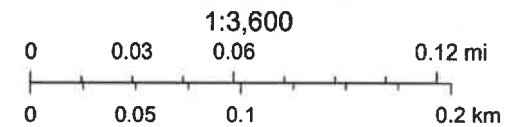
**GRANTOR SHALL MAINTAIN AND REPAIR THE DRAINAGE TILE AT HIS OWN EXPENSE.**

# Guy Gilkey Drain\_Fite Objection



February 21, 2023

Major Roads    Regulated Drains    Drain Name  
                  ■■■■■■■ CLOSED DRAIN    □ Parcels





To: Hamilton County Drainage Board  
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Thank you for your consideration to this objection.

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Parcel # 07-07-08-00-00-007.009

Fleming, Michael F.

Parcel # 07-07-08-00-00-007.004

Hermann, Sheldon J. and Cheryl A.

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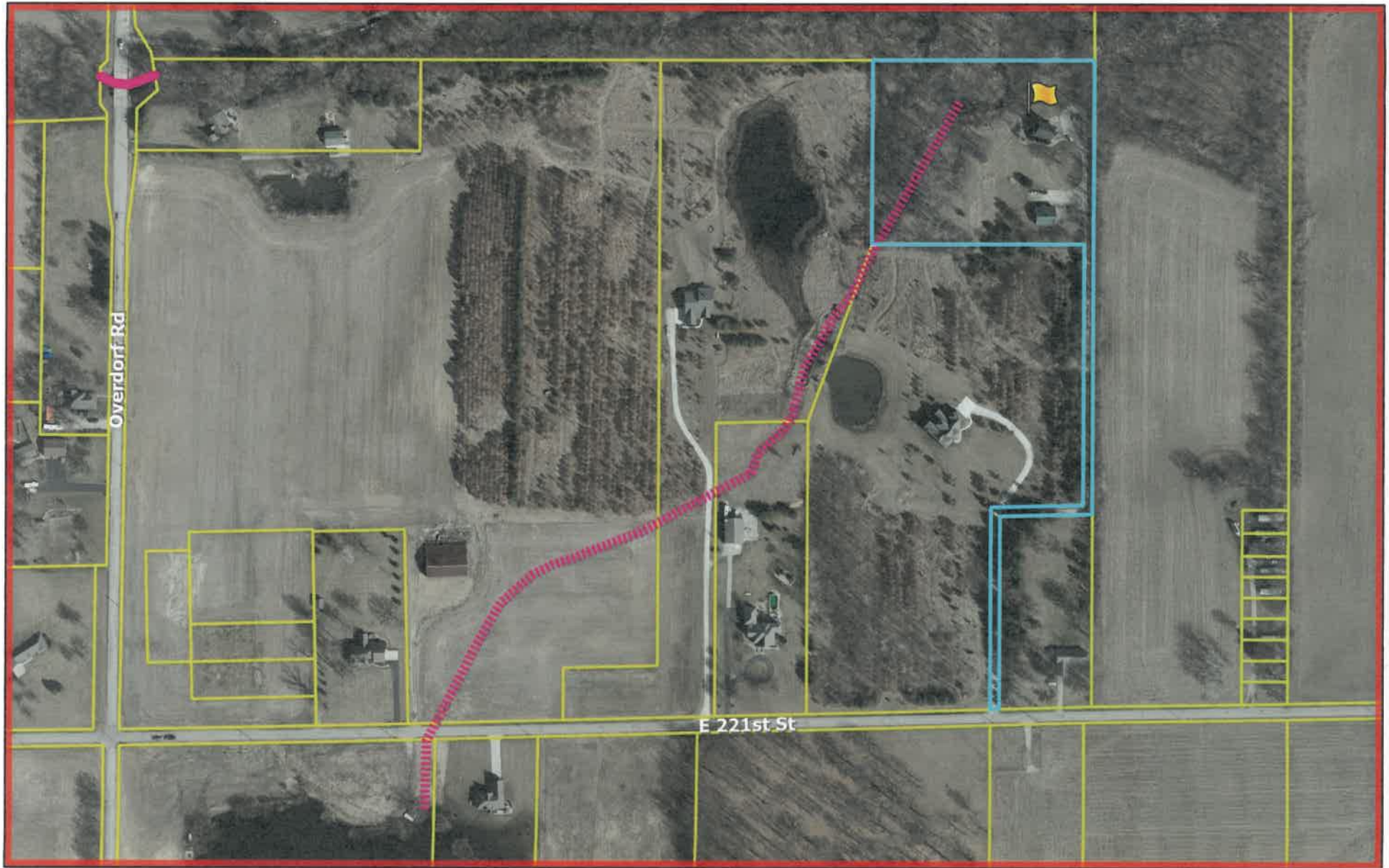
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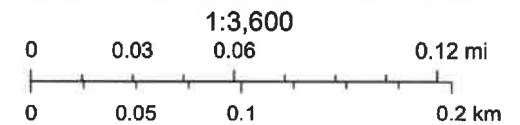
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# Guy Gilkey Drain\_Fleming Objection



February 21, 2023

Major Roads    Regulated Drains    OPEN DRAIN  
CLOSED DRAIN    Parcels



Author: Hamilton County

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Sincerely,

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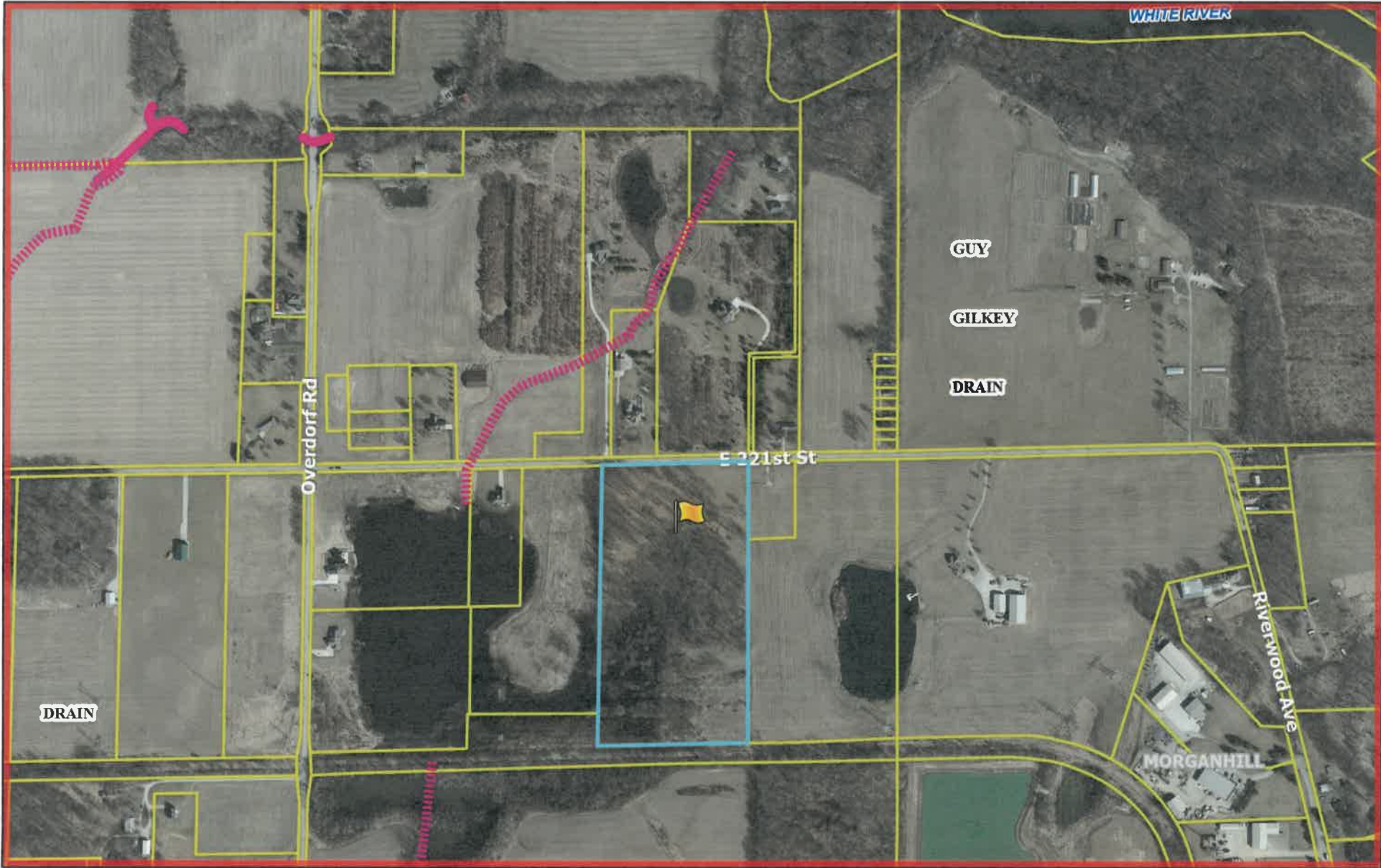
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**GRANTOR SHALL MAINTAIN AND REPAIR THE DRAINAGE TILE AT HIS OWN EXPENSE.**

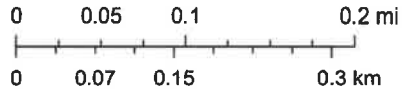
# Guy Gilkey Drain\_Hermann Objection



February 21, 2023

1:7,200

- Rivers & Streams
- Major Roads
- Subdivisions
- Regulated Drains
- OPEN DRAIN
- Drain Name
- CLOSED DRAIN
- Drainage Structures
- All Other Structures
- Parcels



Author: Hamilton County

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FILED

OCT 15 2018

OFFICE OF HAMILTON COUNTY SURVEYOR

Mr. Kenton Ward

October 11, 2018

Surveyor, Hamilton County

Courthouse

Noblesville, In. 46060

Dear Mr. Ward

I offer this letter to you in reference to a dicussion we had today relating to a drainage issue I will call the Guilky Drain. This drain begins about 200 feet South of 10401 E. 221st St., travels North under 221st St. for approximately 200 feet, then turns toward the Northeast, travels an estimated distance of 2000 feet, ending at an open ditch. The tile is 16" inside diameter/18" outside diameter.

I thought I owned all parts of the tile when I purchased the farm in 1976. I thought the tile to be a private drain and in fact confirmed this issue by visiting your office prior to buying the farm. After buying the farm, I have maintained the tile for the last 42 years.

The farm was purchased as an investment for my retirement, which has now occured. As a result, I have sold several tracts of ground to individuals who are building homes on those tracts. I contemplate all of my ground will be sold in the next few years. There are currently 5 separate individuals who own at least a part of the tile. There is a probability of 7 owners at some point in the future.

I think it is time for the county to take over the maintenance of the tile since the county has decided the tile is a regulated drain. This could be accomplished in the traditional manner of determining the acres of land that benefit from the tile being in place and assessing the owners in the same way most tiles like this one are

done. I expect there are nearly 250ac. that drain water through pipes or surface into the drain.

I look forward to the process and hope you can consider this favorably.

Stephen Cavanaugh

*Stephen Cavanaugh*  
*6091 Stonehenge Blvd.*  
*Noblesville, IN. 46062*

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Guy Gilkey Drain***

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 **Guy Gilkey Drain** on **February 27, 2023** at **9:00 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed by the Drainage Board have been filed and are available for public inspection in the office of the Hamilton County Surveyor.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Guy Gilkey Drain, Revised Report***

NOTICE

To Whom It May Concern and:

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Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **Guy Gilkey Drain, Revised Report** on **April 24, 2023** at **9:00 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed by the Drainage Board have been filed and are available for public inspection in the office of the Hamilton County Surveyor.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY

STATE OF INDIANA     )  
                                  ) SS                   BEFORE THE HAMILTON  
                                  )  
COUNTY OF HAMILTON )                   DRAINAGE BOARD

IN THE MATTER OF **Guy Gilkey Drain (Revised Report)**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **April 24, 2023** adopted the reconstruction report of the Surveyor and the Amended Schedule of damages and assessments including annual assessment for periodic maintenance, finding that the costs, damages and expense of the proposed improvement would be less than the benefits which will result to the owner of lands benefited thereby.

The Board issued an order declaring the proposed improvement established. Such findings and order were marked filed and are available for inspection in the Office of the Hamilton County Surveyor.

If judicial review of the findings and order of the Board is not requested pursuant to Article VIII of the 1965 Indiana Drainage Code as amended within twenty (20) days from the date of publication of this notice, the findings and order shall become conclusive.

HAMILTON COUNTY DRAINAGE BOARD

BY: Mark Heirbrandt  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY