



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

October 20, 2011

To: Hamilton County Drainage Board

Re: Elijah Jay Drainage Area

Attached is a drain map, drainage shed map and schedule of assessments for maintenance for the Elijah Jay Drainage Area. This drain is located in Adams Township. The drainage area has a drainage shed of 3,111.02 acres.

The Elijah Jay Drainage Area shall consist of six (6) separate regulated drains. Those drains are the Walker Darnell; George Stephens; J.C. Ringer; Margaret Cade; Kercheval & Reagan; and Elijah Jay.

The Kercheval & Reagan Drain consists of two drains, the John Reagan Drain and the J.C. Kercheval Drain. The John Reagan Drain was constructed by order of the Hamilton County Commissioners on January 7, 1899. The drain consists of 2,490 feet of the tile drain. The J.C. Kercheval Drain was constructed by order of the Hamilton County Commissioners on October 7, 1908. The drain consists of 2,629 feet of tile drain.

The Elijah Jay Drain consists of two drains the John Boatman Drain and the Elijah Jay Drain. The John Boatman Drain was constructed by order of the Hamilton County Commissioners on September 1879. The drain consists of 3,097 feet of tile drain. The Elijah Jay Drain was constructed by order of the Hamilton County Circuit Court on February 8, 1892. The drain consists of 800 feet of the drain and 15,288 feet of open ditch.

The Walker Darnell Drain was constructed by order of the Hamilton County Drainage Board October 2, 1967. The drain consists of 3,440 feet of the drain.

The Margaret Cade Drain consists of two drains, the Margaret Cade Drain and the E.E. Ponsler Drain. The Margaret Cade Drain was constructed by order of the Hamilton County Circuit Court on December 2, 1884. The drain consists of 7,309 feet of open ditch. The E.E. Ponsler Drain was constructed by order of the Hamilton County Circuit Court in April 1916. The drain consists of 2,762 feet of tile drain.

The J.C. Ringer Drain was constructed by order of the Hamilton County Commissioners on January 30, 1903. The drain consists of 5,864 feet of tile drain.

The George Stephens was constructed by order of the Hamilton County Commissioners October 25, 1897. The drain consists of 2,945 feet of tile drain.

The drainage area shall consist of the following length.

<u>DRAIN</u>	<u>TILE</u>	<u>OPEN</u>
Elijah Jay	3,897	15, 288
Kercheval & Reagan	5,119	
Walker & Darnell	3,440	
Margaret Cade	2,762	7,309
J.C. Ringer	5,864	
George Stephens	2,945	

The total length of regulated drain within the drainage area is 46,624 feet

At this time the Elijah Jay Drainage Area is listed on the 2011 Classification List for maintenance at Number 4. The office has had one (1) complaint on the drain since 2004. That complaint is as follows:

<u>DATE</u>	<u>APPLICANT</u>	<u>LOCATION</u>	<u>PROBLEM</u>
11-24-2004	Ringer Farms Inc.	236 th West of Six Point Rd.	Sink hole entire length of tile.

I am recommending that the Elijah Jay Drain Drainage Area be placed on maintenance at this time. The nature of 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 Walker Darnell Drain #4 was placed on maintenance by the Board at hearing on October 2, 1967 (See Hamilton County Drainage Board Minute Book 1, Page 121). The original rate for the drain was \$0.50 per acre with a \$3.00 minimum. On June 26, 2006 the Hamilton County Drainage Board had a hearing to increase the rates. Agricultural and unplatted residential were set at \$5.00 per acre with a \$15.00 minimum, unregulated platted lots set at \$5.00 per acre with a \$35.00 minimum, regulated platted lots set at \$10.00 per acre with a \$65.00 minimum, commercial, institutional and multi-family were set at \$10.00 per acre with a \$75.00 minimum and roads \$10.00 per acre (See Hamilton County Drainage Board Minutes Book 9, Pages 268 to 269).

The current rate for the Walker Darnell collects an annual assessment of \$799.88. At this time the drain has a current balance of \$2,369.56.

The George Stephens Drain #39 was placed on maintenance by the Board at hearing on April 5, 1971. (See Hamilton County Drainage Board Minute Book 1, Page 67). The original rate for the drain was \$1.00 per acre with a \$3.00 minimum. On November 28, 2005 the Hamilton County Drainage Board increased the rate to \$5.00 per acre with a \$10.00 minimum for non-platted residential tracts and agricultural tracts; \$5.00 per acre with a \$35.00 minimum for platted lots in subdivisions whose drainage systems will not be part of the regulated drain; \$10.00 per acre with a \$65.00 minimum for lots within subdivisions whose drainage systems will be part of the regulated drain; \$10.00 per acre with a \$75.00 minimum for commercial and multi-family tracts; and \$10.00 per acre for roads and streets. (See Hamilton County Drainage Board Minutes Book 8, Page 509-511).

The current rate for the George Stephens Drain collects an annual assessment of \$1,145.32. At this time the drain has current balance of \$3,465.23.

The J.C. Ringer #40 was placed on maintenance by the Board at hearing on April 5, 1971. (See Hamilton County Drainage Board Minute Book 1, Page 67). On June 6, 2006 the Hamilton County Drainage Board had a hearing to increase the rates. Agricultural and unplatted residential were set at \$1.00 per acre with a \$15.00 minimum, unregulated platted lots set at \$5.00 per acre with a \$35.00 minimum, regulated platted lots set at \$10.00 per acre with a \$65.00 minimum, commercial, institutional and multi-family were set at \$10.00 per acre with a \$75.00 minimum and roads \$10.00 per acre (See Hamilton County Drainage Board Minutes Book 9, Pages 274).

The current rate for the J.C. Ringer Drain collects an annual assessment of \$1,280.96. At this time the drain has a current balance of \$4,251.07.

The Margaret Cade Drain #97 was placed on maintenance by the Board at hearing on July 17, 1978. (See Hamilton County Drainage Board Minute Book 1, Page 268-269). The original rate for the drain was \$1.50 per acre with a \$3.00 minimum. On August 28, 2006 the Hamilton County Drainage Board had a hearing to increase the rate to \$1.50 per acre with a \$15.00 minimum for non-platted residential tracts and agricultural tracts; \$5.00 per acre with a \$35.00 minimum for platted lots in subdivision whose drainage systems will not be part of the regulated drain; \$10.00 per acre with a \$65.00 minimum for lots within subdivision whose drainage systems will be part of the regulated drain; \$10.00 per acre with a \$75.00 minimum for commercial and multi-family tracts; and 10.00 per acres for roads and streets. (See Hamilton County Drainage Board Minutes Book 9, Page 387).

The current rate for the Margaret Cade Drain collects an annual assessment of \$2,624.88. At this time the drain has a current balance of \$18,662.92.

The Kercheval & Reagan Drain #167 was placed on maintenance by the Board at hearing on April 14, 1983. (See Hamilton County Drainage Board Minute Book 1, Page 526). On June 6, 2006 the Hamilton County Drainage Board had a hearing to increase the rates. Agricultural and unplatted residential were set at \$3.00 per acre with a \$15.00 minimum, unregulated platted lots set at \$5.00 per acre with a \$35.00 minimum, regulated platted lots set at \$10.00 per acre with a \$65.00 minimum, commercial, institutional and multi-family were set at \$10.00 per acre with a \$75.00 minimum and roads \$10.00 per acre (See Hamilton County Drainage Board Minutes Book 9, Pages 232).

The current rate for the Kercheval & Reagan Drain collects an annual assessment of \$740.04. At this time the drain has a current balance of \$50.90.

At this time five (5) drains are currently on a maintenance program. Those drains are the Kercheval & Reagan Drain #167, Walker Darnell Drain #4, Margaret Cade #97, George Stephens Drain #39 and the J.C. Ringer #40. The balances in these drain funds will remain and be expended on those drains until the balance for that drain is exhausted. Afterwards, the cost of repair for that drain will be taken from the overall maintenance fund. For the Elijah Jay Drainage Area this will eliminate the need for double assessing those landowners already paying maintenance on the individual drains listed above.

I have reviewed the plans and drain map and upon considering each tract individually believe that all tracts within the drainage shed of the Elijah Jay Drainage Area will benefit. Upon considering the various methods of determining benefits as set out in IC 36-9-27-112, I recommend that the following maintenance assessment should be adopted by the Board:

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

The annual maintenance collection for this drainage area will be \$17,555.48. The period of collection shall be eight years as per IC 36-9-27-43.

This drain may be assessed for maintenance for the Little Cicero Creek drain at some time in the future.

The Elijah Jay Drain, which is listed in the NPDES Phase II General Permit Application, Storm Water Quality Management Plan Part B: Baseline Characterization Report on pages 14 and 16 as being on the IDEM 305 (b) report as fully supportive of aquatic life and for full body contact.

The Elijah Jay Drain is listed in the NPDES Phase II General Permit Application Storm Water Quality Management Plan Part C: Program Implementation Report on page 5 as an MS4 Area Receiving Stream.

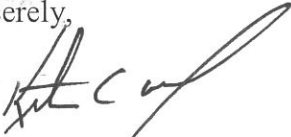
The Elijah Jay Drain is included in a Watershed Management Plan for Little Cicero Creek dated February 1, 2007. This plan is a water quality assessment prepared by J.F. New & Associates and Schneider Corporation. The plan was funded by a 319 grant through IDEM. The Elijah Jay Drain is not specifically identified in the report under final goals and objectives. The report refers to these items in general for the entire watershed from page 87 to page 115 in the report.

Per my 2011 Drain Classification dated February 15, 2011, this drain is listed as a drain which needs to be extended at some time in the future from its current terminus at 246th Street, north to the George Symonds Drain.

Upon review of the FEMA FIRM's for Hamilton County which became effective February 19, 2003 it was found that the Elijah Jay and Margaret Cade Drains are shown in an unstudied Zone A Flood Plain. This is shown on map numbers 18057C0025F and 18057C0110F.

I recommend that the Board set a hearing for this proposed maintenance for November 28, 2011.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenton C. Ward', written in a cursive style.

Kenton C. Ward, CFM
Hamilton County Surveyor

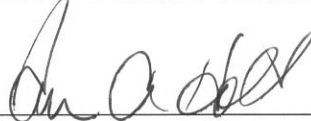
KCW/pll

FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Elijah Jay Drainage Area

On this 28th day of November, 2011, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Elijah Jay 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: 

NOBLE L. ROBERTSON

1687 West 236th Street
Sheridan, IN 46069

noblerobertson@sbcglobal.net

Home 317.758.5244
Cell 317.289.4468

November 4, 2011

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



RE: ANNUAL DRAINAGE ASSESSMENT LETTER OF OCTOBER 28, 2011

Due to no changes in our property , we object to the new drainage assessment of \$200.00. We could accept a small increase in drainage assessment, but 1,233.33 per cent increase from \$15.00 to \$200.00 is completely unacceptable.

Parcel 01-05-04-00-00-006-000

Elijah Jay Drainage Area

Noble L. Robertson

Noble L. Robertson
Janet H. Robertson



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, 2011

Noble L. Robertson
1687 W. 236th St.
Sheridan, IN 46069

RE: Elijah Jay Drainage Area

I received your objection dated November 4, 2011 regarding the Elijah Jay Drainage Area. Allow me this opportunity to explain why such a large increase in your assessment.

Presently you are assessed to the J.C. Ringer Drain. Your assessment to the Ringer Drain is for one (1) acre benefited and your assessment is the \$15.00 minimum assessment for that drain. The proposed assessment for the Elijah Jay Drainage Area is for your entire 40 acre tract being benefited at the \$5.00 per acre agricultural rate for a \$200.00 total annual assessment.

A \$5.00 agricultural rate does sound high until you consider the length of drain being maintained. Presently the six (6) drains within the drainage area under maintenance consists of 27,439 feet of drain. The total collections for these drains amount to \$11, 881.10 annually. This breaks down to \$2.31 per foot. Under the proposed drainage area the total length of drain increases to 46, 624 feet. With an annual assessment of \$17,555.48 the price per foot is \$2.66. Knowing the poor condition of the Jay Drain the additional \$0.35 per foot is more than needed.

I hope this helps explain the reason for the large jump in annual maintenance under this proposal.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

November, 16, 2011

Hamilton County Drainage Board
Re: Your letter of October 28, 2011



Dear Sirs,

I object to the fees being asked when we seldom see anyone maintaining the Ditches. I myself spent about \$700 to unclog the Kercheval Reagan ditch on My property.

Many of these ditches were originally installed by private land owners.

Jerry J Ottinger
Jerry Ottinger
Ottinger Livestock Farms, Inc



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Hamilton County

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

November 23, 2011

Jerry Ottinger
1510 236th St.
Sheridan, IN 46069

RE: Elijah Jay Drainage Area

I am receipt of your objection to the above referenced hearing dated November 16, 2011. Upon reading the objection I'm at a loss as to what you may be referring to. Upon a check of the maintenance record back to 2001 I find only five (5) work orders requested on the Kercheval-Reagan Drain. Only one (1) of these was requested by you. That work was requested on July 28, 2004. It was inspected after crops were out of the field on October 4, 2004 and work completed by removal of tree roots from the tile on March 31, 2005. The other four (4) were requested and complied on tracts east of Six Points Road.

Please keep in mind that the repairs must be requested by the landowners when needed. With over 1,200 miles of regulated drain it is impossible for my staff to inspect the entire system on any regular basis.

I'm not sure what section of the drain you unclogged on your property. You are correct in that many of the ditches were originally installed by the private landowners. These are classified as private or mutual drains and there are far more miles of these throughout the county than there are regulated drains. However, the regulated drains were constructed by the Commissioners Court or Circuit Court of the County prior to 1965 or the Drainage Board since 1965. These drains act as the main outlet for the private or mutual drains.

Sincerely,

Kenton, C. Ward, CFM
Hamilton County Surveyor

KCW/pll

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD
 October 28, 2011

RETURNED

**Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the
 Elijah Jay Drainage Area.**

Morrison, Robert E II
 1555 226th St W
 Sheridan, IN 46069

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 existing assessment, the 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 \$17,555.48. 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.

Parcel: 01-05-10-00-001.001 Rate: Residential/Ag	Drain Name of Current Assessment	Current Acres Benefitted	Current Annual Assessment	Proposed Acres Benefitted to Elijah Jay	Proposed Annual Assmt to Elijah Jay	Percentage of entire drain assessment
S10 T19 R3 0.61Ac	J.C. Ringer #40	0.61	\$15.00	0.61	\$15.00	0.09%
The Walker-Darnell #4; Geo. Stephens #39; J.C. Ringer #40; Margaret Cade #97; and Kercheval & Reagan are currently on a maintenance program. Future assessments will be made to the Elijah Jay Drain instead of the current drain when they are combined as the Elijah Jay Drainage Area.						

A public hearing will be held by the Drainage Board in Commissioner's Court at **9:25 A.M. on November 28, 2011** 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.

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD
October 28, 2011

RETURNED

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Elijah Jay Drainage Area.**

Morrison, Robert E II

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Sheridan, IN 46069

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Parcel: 01-05-10-00-00-001.105 Rate: Residential/Ag	Drain Name of Current Assessment	Current Acres Benefitted	Current Annual Assessment	Proposed Acres Benefitted to Elijah Jay	Proposed Annual Assmt to Elijah Jay	Percentage of entire drain assessment
S10 T19 R3 0.31Ac	J.C. Ringer #40	0.31	\$15.00	0.31	\$15.00	0.09%
The Walker-Darnell #4; Geo. Stephens #39; J.C. Ringer #40; Margaret Cade #97; and Kercheval & Reagan are currently on a maintenance program. Future assessments will be made to the Elijah Jay Drain instead of the current drain when they are combined as the Elijah Jay Drainage Area.						

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HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060

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OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD
 October 28, 2011

RETURNED

**Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the
 Elijah Jay Drainage Area.**

Dozier, Gregory A & Catheryn K

1607 236th St W
 Sheridan, IN 46069

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 existing assessment, the 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 \$17,555.48. 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.

Parcel: 01-05-04-00-00-007.006 Rate: Residential/Ag	Drain Name of Current Assessment	Current Acres Benefitted	Current Annual Assessment	Proposed Acres Benefitted to Elijah Jay	Proposed Annual Assmt to Elijah Jay	Percentage of entire drain assessment
S4 T19 R3 8.90Ac				8.90	\$44.50	0.25%
The Walker-Darnell #4; Geo. Stephens #39; J.C. Ringer #40; Margaret Cade #97; and Kercheval & Reagan are currently on a maintenance program. Future assessments will be made to the Elijah Jay Drain instead of the current drain when they are combined as the Elijah Jay Drainage Area.						

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HAMILTON COUNTY DRAINAGE BOARD
 One Hamilton County Square, Ste. 188
 Noblesville, IN 46060

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BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Elijah Jay Drainage Area

NOTICE

To Whom It May Concern and: Morrison, Robert E II
Dozier, Gregory A. & Catheryn K.

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Elijah Jay Drainage Area** on **November 28, 2011** at **9:25 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

Elijah Jay 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 28, 2011** 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