

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

December 9, 2008

To: Hamilton County Drainage Board

Re: Johnson and Gardner Drainage Area

Attached is a drain map, drainage shed map and schedule of assessments for maintenance for the Johnson and Gardner Drainage Area. This drain is located in Washington Township in Hamilton County and Union Township in Boone County. The drainage area has a drainage shed of 2,342.17 acres within Hamilton County.

The Johnson and Gardner Drainage Area shall consist of four (4) separate regulated drains. Those drains are the C. W. Pitts, George Gardner, H. R. Johnson, and Jacob Shoemaker.

The C. W. Pitts Drain was constructed by order of the Hamilton County Commissioners April 30, 1888. The drain consists of 6,740 feet of open drain and 5,660 feet of tile drain.

The George Gardner Drain was constructed by order of the Hamilton County Commissioners May 24, 1904. The drain consisted of 3,212 feet of open ditch.

The H.R. Johnson Drain was constructed by order of the Hamilton County Circuit Court on February 22, 1922. The construction consisted of reconstructing a portion of the C.W. Pitts Open Drain in addition to extending the open drain and the construction of 1,855 feet of new tile drain.

The George Gardner Drain, H.R. Johnson Drain and arms were petitioned for reconstruction under one petition through the Hamilton County Circuit Court on October 25, 1960. The reconstruction consisted of 14,455 feet of open ditch.

Arm 1 to Arm 2 of the Johnson and Gardner Drain was constructed through the Hamilton County Drainage Board on May 2, 1983 per my report dated February 23, 1983 (See Hamilton County Drainage Board Minutes Book 1, Page 531). (This consisted of dredging 1,000 feet of existing open ditch and the addition of 1,600 feet of 10" tile).

The Jacob Shoemaker Drain was ordered constructed by the Boone County Circuit Court in 1902, Cause # 1080. The drain consisted of 5,656 feet of tile in Hamilton County and 1,860 feet of tile in Boone County.

The drainage area shall consist of the following lengths:

<u>DRAIN</u>	<u>TILE</u>	<u>OPEN</u>
C.W. Pitts Drain	5,660'	6,740'
George Gardner Drain	3,212'	
H.R. Johnson Drain	1,855'	4,658'
Johnson Gardner Drain		14,455'
Johnson Gardner Drain Arm 1 to Arm 2	1,564'	
Jacob Shoemaker Drain	7,516'	

The total length of regulated drain within the drainage area is 46,660 feet. Hamilton County will continue to maintain the Jacob Shoemaker Drain within both Hamilton County and Boone County.

Although the drainage shed for the drainage area lies in Boone and Hamilton Counties, the assessment area shall consist of that area only within Hamilton County, except for the area in Boone County currently being assessed for the Jacob Shoemaker Drain per a letter dated October 24, 2008 from the Boone County Surveyor. The Boone County Drainage Board at it's meeting on October 20, 2008 chose to continue assessing the Boone County landowners for maintenance of the Abbitt Drain in Boone County.

At this time the Johnson and Gardner Drainage Area is listed on the 2008 Classification List for maintenance at Number 5. A signed petition to advance the drain on the classification list was received May 7, 2007 for Arm 1 of the Johnson Gardner Drain which runs through Jolietville. The office has had twenty-five (25) complaints on the drain since 1997. Those are as follows:

<u>DATE</u>	<u>APPLICANT</u>	<u>LOCATION</u>	<u>PROBLEM</u>
07-2-2008	Stella Ells	3818 SR 32 West	Water standing in field
12-26-2007	Marcus Wiley	186 th & Mule Barn	Hole in field
06-27-2007	Michael Wright	16217 Joliet Road	Trees washed out & fell in ditch
04-3-2007	Stella Ells	3818 SR 32 West	Field under water
04-2-2007	Cindy Tongate	17633 Washington	Standing water
04-27-2006	Joe Payton	SR32 & Washington	Standing water
01-4-2006	John Burnell	3738 SR 32	Drain broken/clogged water backing up

11-4-2005	Linda Leicky	166 th W of Joliet Rd	Beaver Dams
05-10-2005	Karin Dillon	17138 Joliet Road	Sink hole
04-25-2005	John Burnell	3738 SR 32	Broken tile is flooding this area
02-14-2005	Paula Cluxton	SR 32 & Joliet Rd	Standing water in fields, streets, basement
07-27-2004	Julian Brock	17115 Joliet Road	Standing water
06-11-2004	Rob Wohlschager	4251 SR 32	Flooding
12-31-2003	James Wyatt	SR 32 & Joliet Road	½ acre of ground under water
12-23-2003	Rob Wohlschager	4251 SR 32	Flooding in front yard
07-21-2003	John Skinner	17816 Joliet Road	Headwall falling into Ditch
07-14-2003	Ramona Whitaker	3834 SR 32	Flooded basement due to broken tile
07-10-2003	Sam Ells	3818 SR 32	Ditch needed to drain this area
05-7-2002	James Wyatt	SR 32 & Joliet Road	Water is not going into ditch
02-25-2002	Dennis Sanders	SR 32 & Mule Barn Rd	Water standing on Jefferson Street
02-6-2002	James Wyatt	SR 32 & Joliet Road	Yard & driveway is flooding
09-28-1999	Sharon Cole	SR 32 & Joliet Road	Broken field tile
06-3-1998	Jerry Uphold	3810 SR 32	Property flooding
04-22-1998	Anna Harrison	4010 Madison St.	Tile broken, water standing
09-17-1997	Heatherway Kennels	3809 SR32	Front field flooding

I am recommending that the Johnson and Gardner Drain 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 structure 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 Johnson and Gardner Drain #169 was placed on maintenance by the Board at hearing on May 2, 1983 (See Hamilton County Drainage Board Minute Book 1, Page 531). The original rate for the drain was \$2.00 per acre with a \$6.00 minimum. On June 26, 2006 the Hamilton County Drainage Board had a hearing to increase the rates. Agricultural and unplatted residential were set at \$6.00 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 were increased from \$2.00 per acre to \$10.00 per acre (See Hamilton County Drainage Board Minutes Book 9, Pages 297 to 298).

The current rate for the Johnson and Gardner Drain collects an annual assessment of \$503.00. At this time the drain has a current balance of \$1,662.77.

The #99 Jacob Shoemaker Drain was placed on maintenance by the Board at hearing on November 20, 1978. (See Hamilton County Drainage Board Minute Book 1, Page 284). The Boone County Drainage Board waived their rights to a joint board by document filed with the Hamilton County Drainage Board on October 21, 1978. The original rate for the drain was \$1.50 per acre with a \$3.00 minimum. On November 27, 2009 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 \$50.00 minimum for commercial and multi-family tracts; and \$10.00 per acre for roads and streets. On April 25, 2005 the Hamilton County Drainage Board raised the minimum rate for commercial and multi-family tracts from \$50.00 to \$75.00. On May 22, 2006 the Hamilton County Drainage Board increased the minimum assessment rate for residential and agricultural from \$10.00 per acre to \$15.00 per acre.

The current rate collects an annual assessment of \$1,134.92 for Hamilton County and \$359.00 for Boone County. At this time the drain is \$760.57 in the red. I recommend that the collections on this drain continue until such time the balance which is owed to the general drain improvement fund is paid off.

At this time two (2) drains are currently on a maintenance program. Those drains are the #169 Johnson and Gardner Arm 1 to Arm 2 and the #99 Jacob Shoemaker Drain. 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. 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 believe, as set out in IC 36-9-27-69 (b) (1) that all tracts within the drainage shed of the Johnson and Gardner Drainage area will benefit. The following maintenance assessment should be adopted by the Board:

1. Maintenance assessment for agricultural tracts be set at \$3.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$3.00 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 extension will be \$13,745.32 for Hamilton County and \$265.76 for Boone County. 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 Eagle Creek drain at sometime in the future.

The Johnson and Gardner Drain, although not specifically named, is within the Little Eagle Creek watershed which is listed in the NPDES Phase II General Permit Application, Storm Water Quality Management Plan Part B: Program Implementation Report, Page 5, as a MS4 area receiving stream.

The Johnson and Gardner Drain is listed in the NPDES Phase II General Permit Application Storm Water Quality Management Plan Part B: Baseline Characterization Report on the following pages:

Page 4 as an MS4 Area Receiving Stream

Page 14 as being in the IDEM 305(b) Report as being fully supportive of aquatic life and full body contact

Little Eagle Creek is listed on the proposed 2004 303 (d) List of Impaired Water for Indiana as having a parameter of concern for E -Coli.

Per my 2008 Drain Classification dated April 15, 2008, this portion of the drain has two (2) areas noted that are parallel to road right of way. These areas are as follows:

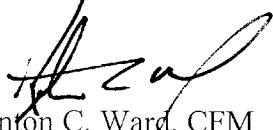
1. Along the west side of Joliet Road approximately 1,900 feet north of State Road 32
2. Along the west side of Joliet Road approximately 2,000 feet south of State Road 32

These areas should be considered for reconstruction in the future in order to move the ditch away from the right of way. This can be done either by developers as development occurs or by petition of the County Commissioners as part of the road improvement plan.

This drain is in need of flowline obstruction removal and bank stabilization. Beavers have infested the area. The open ditch is heavily overgrown and is in need of clearing. The drain is susceptible to jams caused by debris which causes backwater and localized flooding. It is possible for large woody debris to collect on road crossings. This creates a threat to the bridge structure and can redirect flow causing erosion.

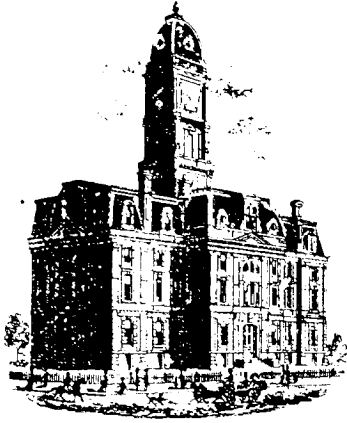
I recommend that the Board set a hearing for this proposed maintenance for March 23, 2009.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll



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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 5, 2009

To: Hamilton County Drainage Board

Re: Johnson & Gardner Drainage Area

It appears that there was some confusion at the last Drainage Board meeting held February 23, 2009 as to the above referenced drain. The Surveyor's report dated December 9, 2008 is to place an existing drain (constructed 1888) onto a maintenance program. All easements associated with the drain are pre-existing. There will be NO new easements associated with the proposal for maintenance. Any structures located within the easement are either grandfathered or has a non-enforcement approved.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Johnson & Gardner Drainage Area

NOTICE

To Whom It May Concern and: Harbin, Beth A

Hogan Properties, LLC

Joliet Properties Company LLC

Haworth, Douglas R

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Johnson & Gardner Drainage Area** on **March 23, 2009** at **9:20 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

Johnson & Gardner 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 **April 13, 2009** 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

Returned

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Johnson & Gardner Drainage Area.

Harbin, Beth A
16136 Joliet Rd
Westfield, IN 46074

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 drain is \$14,011.08 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Proposed Acres Benefited	Proposed Maintenance Assessment	% of Total
	Current Jacob Shoemaker #99			
	Current Johnson & Gardner Arm 1 to Arm 2 #169			
	Additional Benefit for Drainage Area	11.56		
	Total for Johnson & Gardner Drainage Area:	11.56		
08-09-07-00-00-006.000	S7 T18 R3 12.00 Ac Residential/Ag	11.56	\$34.68	0.25%

A hearing will be held by the Drainage Board in Commissioner's Court at 9:20 A.M. on March 23, 2009 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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

Returned

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Johnson & Gardner Drainage Area.

Hogan Properties LLC
P O Box 584
Lebanon, IN 46052

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 drain is \$14,011.08 and that the schedule shows you are the owner of the following lands:

		Acres Benefited		
	Current Jacob Shoemaker #99			
	Current Johnson & Gardner Arm 1 to Arm 2 #169			
	Additional Benefit for Drainage Area	13.85		
	Total for Johnson & Gardner Drainage Area:	13.85		
Parcel	Description	Proposed Acres Benefited	Proposed Maintenance Assessment	% of Total
08-09-06-00-00-034.201	S6 T18 R3 13.85 Ac Residential/Ag	13.85	\$41.56	0.30%

A hearing will be held by the Drainage Board in Commissioner's Court at 9:20 A.M. on March 23, 2009 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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.

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

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HAMILTON COUNTY DRAINAGE BOARD

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Hogan Properties LLC
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Lebanon, IN 46052

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The Surveyor has estimated that the annual cost of periodically maintaining the drain is \$14,011.08 and that the schedule shows you are the owner of the following lands:

		Acres Benefited		
	Current Jacob Shoemaker #99			
	Current Johnson & Gardner Arm 1 to Arm 2 #169			
	Additional Benefit for Drainage Area	0.24		
	Total for Johnson & Gardner Drainage Area:	0.24		
Parcel	Description	Proposed Acres Benefited	Proposed Maintenance Assessment	% of Total
08-09-06-00-00-034.101	S6 T18 R3 0.24 Ac Residential/Ag	0.24	\$15.00	0.11%

A hearing will be held by the Drainage Board in Commissioner's Court at 9:20 A.M. on March 23, 2009 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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.

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

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HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Johnson & Gardner Drainage Area.

Hogan Properties LLC
P O Box 584
Lebanon, IN 46052

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The Surveyor has estimated that the annual cost of periodically maintaining the drain is \$14,011.08 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Proposed Acres Benefited	Proposed Maintenance Assessment	% of Total
	Current Jacob Shoemaker #99			
	Current Johnson & Gardner Arm 1 to Arm 2 #169			
	Additional Benefit for Drainage Area	6.15		
	Total for Johnson & Gardner Drainage Area:	6.15		
08-09-06-00-00-009.000	S6 T18 R3 6.15 Ac Residential/Ag	6.15	\$18.46	0.13%

A hearing will be held by the Drainage Board in Commissioner's Court at 9:20 A.M. on March 23, 2009 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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.

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

Returned

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Johnson & Gardner Drainage Area.

Hogan Properties LLC
P O Box 584
Lebanon, IN 46052

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 drain is \$14,011.08 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Proposed Acres Benefited	Proposed Maintenance Assessment	% of Total
	Current Jacob Shoemaker #99			
	Current Johnson & Gardner Arm 1 to Arm 2 #169			
	Additional Benefit for Drainage Area	7.66		
	Total for Johnson & Gardner Drainage Area:	7.66		
08-09-06-00-00-007.000	S6 T18 R3 7.66 Ac Residential/Ag	7.66	\$22.98	0.16%

A hearing will be held by the Drainage Board in Commissioner's Court at 9:20 A.M. on March 23, 2009 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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.

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

Returned

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Johnson & Gardner Drainage Area.

Joliet Properties Company LLC
50 Meridian St S
Indianapolis, IN 46204

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 drain is \$14,011.08 and that the schedule shows you are the owner of the following lands:

		Acres Benefited		
	Current Jacob Shoemaker #99			
	Current Johnson & Gardner Arm 1 to Arm 2 #169			
	Additional Benefit for Drainage Area	One Lot		
	Total for Johnson & Gardner Drainage Area:	One Lot		
Parcel	Description	Proposed Acres Benefited	Proposed Maintenance Assessment	% of Total
08-09-06-02-01-002.000	Jolietville Lot Pt 46	One Lot	\$35.00	0.25%
	Un-regulated Subd.			

A hearing will be held by the Drainage Board in Commissioner's Court at 9:20 A.M. on March 23, 2009 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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.

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

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HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Johnson & Gardner Drainage Area.

Joliet Properties Company LLC
50 Meridian St S
Indianapolis, IN 46204

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.

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Parcel	Description	Proposed Acres Benefited	Proposed Maintenance Assessment	% of Total
	Current Jacob Shoemaker #99			
	Current Johnson & Gardner Arm 1 to Arm 2 #169			
	Additional Benefit for Drainage Area	One Lot		
	Total for Johnson & Gardner Drainage Area:	One Lot		
08-09-06-02-01-001.000	Jolietville Lot 45	One Lot	\$35.00	0.25%
	Un-regulated Subd.			

A hearing will be held by the Drainage Board in Commissioner's Court at 9:20 A.M. on March 23, 2009 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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.

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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

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Johnson & Gardner Drainage Area.

Haworth, Douglas R
4008 Madison St W
Sheridan, IN 46069

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 drain is \$14,011.08 and that the schedule shows you are the owner of the following lands:

		Acres Benefited		
	Current Jacob Shoemaker #99			
	Current Johnson & Gardner Arm 1 to Arm 2 #169			
	Additional Benefit for Drainage Area	One Lot		
	Total for Johnson & Gardner Drainage Area:	One Lot		
Parcel	Description	Proposed Acres Benefited	Proposed Maintenance Assessment	% of Total
08-05-31-04-03-003.000	Jolietville Lot 2, 0.16 Ac	One Lot	\$35.00	0.25%
	Unregulated Subd.			

A hearing will be held by the Drainage Board in Commissioner's Court at 9:20 A.M. on March 23, 2009 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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.

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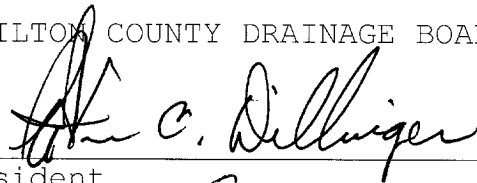
HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060

FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Johnson & Gardner Drainage Area

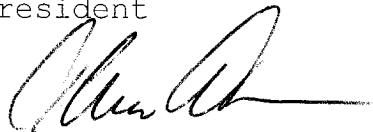
On this 13th day of April 2009, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Johnson & Gardner Drainage Area*.

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.

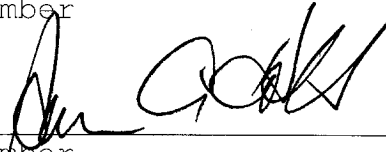
HAMILTON COUNTY DRAINAGE BOARD




President



Member

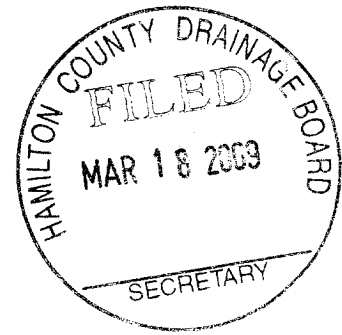


Member

Attest: 

March 17, 2009

From: Virginia Kelleher
3920 West 166th Street
Westfield, IN 46074



To: Hamilton County Drainage Board

Re: Johnson and Gardener Drainage Area

I received notification of maintenance for the above drainage area and of a public hearing scheduled for March 23, 2009. The following are my comments.

I agree with Mr. Ward's report that the drainage area needs maintenance work and have no problem with the monetary assessments for my property. My concerns are with the way in which some of that work will be done. I hope that the Commissioners will consider several design options (instead of riprap) as the work proceeds.

In the past, riprap has been used extensively to stabilize banks. While this is effective in the short term, it is unattractive, detrimental to water quality, and difficult to maintain.

Riprap is unattractive. While it may be appropriate to use in some areas, it is not something that should be the first choice in residential areas. While these are 'legal drains', most people (including developers) consider them streams or creeks and find them an amenity and an attractive place to build. They can be an asset to the county for both drainage and beauty if developed with that thought in mind.

Riprap encourages the growth of weeds and small trees which eventually cause more erosion. The only way to prevent this unwanted overgrowth is to spray with herbicides that wash directly into these legal drains. This drainage area eventually flows into Little Eagle Creek.

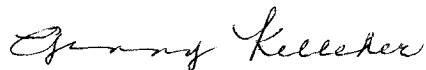
The landowner is left to maintain these areas. If the sides of the drain area are gradual and grassy, the landowner can maintain these by mowing or weed eating. The best example of this is Hanging Tree Golf Course where the J. Edwards drain is located. I have included pictures of some areas along Joliet Road with both riprap and grassy banks so that you can see the difference.

There are other forms of bank stabilization besides riprap. The area along Little Eagle Creek, just north of 86th Street, has a fabric filled with concrete (looks like pillows, see pictures). It has been in place for over 13 years. There is no erosion and it is attractive.

Years ago I was before this body to ask for you to consider wood bridges in some rural areas instead of concrete and metal guardrails. You were open to that idea and we have some very attractive new bridges. I hope that you will consider these design options as well.

On a more personal note, I hope that when you come to the area of the drain that runs along Joliet Road (see aerial photo), you will work on the west side of the drain as much as possible. My property is located to the east and already has a non enforcement of easement for a fence along the drain. We have begun a reforestation program to the east of the fence line. It would be easier to work, and store equipment, along the western boarder in an unoccupied field. There are some large cottonwood and sycamore trees along the creek. I would like to work with you to save as many as possible. I would also like to have the option of keeping any wood if trees are taken down on the east side of the drain.

Thank you,



Ginny Kelleher

867-5833

Jolie Rd. south of SR32



These properties are kept down

Jolie Rd. So of SR32
razed maintained



Joliet Rd. 70 of SR 32
has been reconstructed & maintained.



County maintained

Other side of road (same bridge)
riprap - County built bridge ≈ 1995



Little Eagle Creek North of 86th St.
Fabric with Concrete. Looking North



Little Eagle Creek North of 86th St.
Looking South - transition to riprap





Jennifer Smith
16941 Joliet Rd.
Westfield, IN 46074
March 17, 2009

Hamilton County Drainage Board: Steve Dillinger, Steve Holt, Christine Altman
One Hamilton County Square
Noblesville, IN 46060

Dear Sirs/Madam:

This is in regards to the notice I received for maintenance to the Johnson and Gardner Drainage Area. The Johnson and Gardner drain runs through both the east and the west side of my property, which is at 16941 Joliet Road (see the attached map). We live along the section of the drain, which runs parallel to Joliet Road and where the drain is in the road right of way. Additionally, we have a bridge, which crosses the creek for access to our home. For years we have anticipated the need for maintenance along this drain, and would like to take this opportunity to address several items related these plans.

First of all I would like to thank both Kent Ward and Kristy Kallio for taking time to answer my questions related to the process of drain maintenance. Through those conversations, I understand that a main reason for this hearing is to establish a fund so that there is money available to do the maintenance when the time arrives. At roughly \$30 per year for our property, this is not an issue, and we support the establishment of the maintenance fund. What I was also given to understand is that now is the time to make known any concerns and suggestions we may have about how the maintenance is done. That is what the remainder of this letter is going to do.

We have lived at this property for 20 years. Along with the other homes along Joliet Road this is our primary residence and we have a strong concern that the aesthetics and appearance of the entrance to our homes be maintained. That said, we have noticed several things change through the years for the worse. First, erosion has been significant along the creek next to Joliet Rd. Additionally, the rain and winter thaw we experienced several weeks ago resulted in the highest flooding we have had in 20 years. This is remarkable in that there has not been much of any development (housing or industrial) either north or south along the creek and the rainfall was not the biggest downpour we have received in the 20 years we have been here. Since there has been a relative absence of development change along the watershed, I would speculate that it is changes in the creek itself that are contributing to the problem. Indeed the creek is no longer a straight line to facilitate flow along our property, but a complete zigzag line with shrubs and growth that catch every piece of debris blocking the flow of water at some points and escalating the flow of water causing more erosion at other points.

Related to the erosion. It is a problem. Two pictures indicate the severity and escalation of erosion along our property boundary. The first picture was taken after a flood in May of 2002. Significantly, you can see the bridge, and in the foreground on the left side of the photo you can see that there was 5-6 feet of bank along the roadside. The next picture I took yesterday. The bank has eroded all the way back to the roadside. It is a hazard and a danger. This is especially true as the road was repaved last year, and raised up approximately 9 inches higher with a ridge of gravel (3-5 feet deep) along the edge of the road that gives the appearance of stability. It is not stable. In fact while standing on it to take the next picture, it caved in and I slid down the side into the creek. Any car that pulls too far along on the side of the road is at jeopardy of a similar fate. Again, this is significant, because this amount of erosion has occurred in the last seven years. In a few more years, it will be under the road.

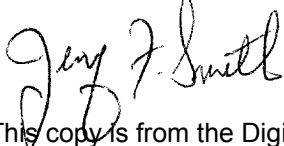
Clearly, these are problems that need to be addressed. Whether this is truly maintenance or a reconstruction issue is beyond my grasp. I only know that there are some pretty bad problems that need to be fixed. Frankly, I am not certain that some of the erosion problems can wait too much longer. Finally, because this is our home, along with other homeowners along the Johnson Gardner drain that flows next to Joliet Road, we hope that serious consideration will be given to doing the work in a manner that preserves and protects the appearance of our home and our property value.

There are five main suggestions/concerns that I have.

1. Aesthetically pleasing design alternatives are identified and chosen for maintenance.
 - It is my hope that when the time comes for maintenance to be performed along the creek, alternatives that preserve and enhance the appearance of the creek and therefore the entrance to my home will be identified and chosen.
 - Riprap is ugly, and not an attractive alternative for erosion control. The look is industrial, and not in keeping with the entrance to our home, or indeed any of the homes along Joliet Rd.
 - There are other alternatives for erosion control that would be visually pleasing, and there are some sample pictures (erosion control mats, concrete "pillows," ect.) of some of these alternatives at the end of this letter.
2. Ease of maintenance.
 - Additionally, as our family does all of the maintenance along the creek, any maintenance or reconstruction should facilitate the ease of weekly maintenance chores that we perform. Currently, we weed eat and mow once a week through out the growing season. It is time consuming and difficult labor that could be significantly reduced with the proper design.
 - A gentle slope that could be easily mowed is preferred.
 - Riprap is difficult to maintain and quickly becomes overgrown with undesirable weeds and trees. Spraying for the weeds is also not environmentally friendly for the watershed. Maintaining it by hand is nearly impossible.
3. Maintaining established property boundary markers.
 - There are established, (old) fence posts within the drain easement that are actually property boundary markers. It would be best if they could remain undisturbed, but if they must be taken out, it would be nice to keep the boundary marked somehow.
4. Aesthetically responsible cutting of shrubs and trees along the creek.
 - There are some significant large cottonwoods, oak, maple, sycamore, buckeye, box elder and elm trees that are along both the front and back creek of my property that I would like to maintain. Identifying and preserving these large trees is important. While some of the growth needs to be removed to provide better flow, clear-cutting everything would negatively affect my property appearance and value.
 - We would like to mark significant trees for preservation.
 - Additionally, when trees and shrubs are cut down, stump removal is important, or it contributes to the difficulty of maintenance.
5. Access for crews during creek maintenance.
 - It is somewhat inevitable that maintenance or reconstruction activities will be disruptive as the creek surrounds us on both sides.
 - Along the section of the creek at the entrance to our home, if the equipment could be kept off of our driveway and not damage it or the bridge, we would appreciate it!
 - If possible we would like any maintenance along the creek at the back of our property to be done on the east side of the creek. There is open farmland abutting the creek, and this would be least disruptive.

Thank you for your time and consideration.

Sincerely,
Jennifer F. Smith



May, 2002. View from the road facing our bridge. Note the mailbox in upper left corner next to the bridge to get orientation for the next picture.



March, 2009. View from the opposite (home side) of the creek facing the road and the erosion.

Picture of riprap north of my home on Johnson Gardner drain.



Picture of bridge south on Joliet Rd with minimal riprap and erosion control mats. Much better alternative, and has held up.



Picture of attractive poured concrete erosion control.



