



SURVEYOR'S OFFICE
Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County

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

February 25, 2011 *Phone (317) 776-8495*
Fax (317) 776-9628

To: Hamilton County Drainage Board

Re: J.H. Leap Drain Reconstruction

Attached is a petition, plans, drain map, drainage shed map and schedule of assessments for the reconstruction of the J.H. Leap drain

The J.H. Leap Drain was petitioned for reconstruction on May 12, 2008 by five (5) property owners representing 15 percent of the watershed.

The J.H. Leap Watershed consists of the J.H. Leap Arm 1, the J.H. Leap Arm 1 to Arm 1, the J.H. Leap Arm 2 to Arm 1, the J.H. Leap Arm 3 to Arm 1, the J.H. Leap arm 4 to Arm 1 and the J.H. Leap Arm 1 to Arm 4 of Arm 1 drains located in Jackson Township. The J.H. Leap Drain flows to Morse Reservoir.

The J.H. Leap Drain main ditch was constructed per order of the Commissioners Court per the viewers report dated February 12, 1883. The J.H. Leap Arm 1, the J.H. Leap Arm 1 to Arm 1, the J.H. Leap Arm 2 to Arm 1, the J.H. Leap Arm 3 to Arm 1, the J.H. Leap Arm 4 to Arm 1, and the J.H. Leap Arm 1 to Arm 4 to Arm 1 was constructed per the order of the Commissioners per the viewers report dated August 31, 1909.

The J.H. Leap, Forest Bay Estates Extension was placed on maintenance September 28, 2009, Drainage Board meeting minutes, Book 12, pages 250 thru 252. The extension runs from the western bridge R/W on Sculley Rd., thence run downstream within the existing open ditch 2,358 feet to its intersection with Morse Reservoir. This drainage area does not contribute to the proposed reconstruction because it is downstream of the channel to be reconstructed.

The total drainage area within the J.H. Leap shed covers portions of Jackson Township, Hamilton County, Sections 3, 4, and 10, Township 19 N, Range 4 E. The drainage area has a total of 814.78 acres.

Known Problems:

The J.H. Leap drain was cleaned and cleared from the existing headwall to 226th Street in March of 1983. It has been 28 years since the partial cleaning and clearing of 2726 LF of the J.H Leap Drain.

The open ditch is overgrown and is in need of clearing. The existing flow line of the channel has high points that impede the flow of the open channel. Some areas of the channel are ill defined, allowing the drainage to spread out over a wider area of farmable ground.

The regulated drain tile upstream of the open channel continues to deteriorate because the downstream open channel is full of sediment and debris. The water backs up into the tile and the increased pressure breaks the tile.

The following complaints are on file with the Hamilton County Surveyor's office:

<u>Landowner</u>	<u>Date</u>	<u>Complaint</u>
Ron McGill	November 30, 2009	Hole in tile
Mick Shankey	March 19, 2008	Log jams, silt causing flooding
Ron McGill	April 26, 2007	Broken tile
Ron McGill	December 13, 2004	Ditch needs cleaned
Ron McGill	November 3, 2003	Hole in tile
James Douglas	June 20, 2002	Drainage problem since Grasmere
Ron McGill	November 15, 2001	Broken Tile
Ron McGill	March 18, 1994	2 holes in tile
Ron McGill	April 27, 1993	Holes in tile
Kevin Emerson	October 22, 1992	Slow flow near breather
Joe D. Endicott	July 22, 1992	Hole in tile
Omer L. Brown	November 5, 1990	Flow is blocked
Omer L. Brown	November 28, 1990	Standing water
Rex Baliff	June 26, 1990	Trash in ditch
Ron McGill	March 2, 1990	Broken tile
Ron McGill	April 14, 1987	Broken tile
Ron McGill	August 12, 1986	Holes in tile
M&S Ranch	April 7, 1982	Channel needs cleaned out
Ron McGill	January 8, 1982	Old headwall is crushed
Betty Hunter	June 2, 1980	Holes in tile
Earl McGill & Dick Edgar	May 24, 1976	Blow holes and open ditch needs dipped

Reconstruction Project

The proposed reconstruction will dredge the existing open channel of 8,800 linear feet, approximately 2 feet in depth. The existing top of bank on each side of the channel will remain the same. The base of the channel will be four feet wide and the side slopes will be graded at 2 to 1 to match the existing channel banks.

This reconstruction of the J.H. Leap drain will not include any relocation or widening of the drain. The clearing of trees will take place along the drain to facilitate an operation side for the equipment needed for the dredging of the channel. After reconstruction, the operational side will be sprayed each year, under the drains maintenance, to prevent the emergent trees from re-growth. This will create a side for future maintenance access and will generally be the north and east banks of the ditch as shown on the attached plans. This access side will vary per the proposed plans.

Per the proposed construction plans, the project will begin on the west side of the new bridge on Schulley Road, just north of 221st Street and goes north and west 8,800 linear feet and stops at the existing tile outfall, north of 226th Street and west of Millcreek Road. The fall of the proposed channel is 0.26% going north from 221st Street and Schulley Road to Millcreek Road. The proposed channel slope then changes to 0.15% from Mill Creek Road to the northern end of the open channel at the existing headwall.

A sediment basin will be placed at the northern end of the open channel and at Station 57+50 of the proposed plans to collect debris during the construction process. Several rock chutes will be installed to provide erosion control at the locations of large side swales that enter the open channel. Rip rap will be added as bend protection at locations where the open channel changes direction sharply.

Per the proposed construction plans, five existing, private channel crossings will be upgraded to pass the 10-year storm event, and meet the lower flow-line elevation of the dredged channel. The pipe crossings will be buried 6 to 12 inches to maintain the IDEM requirements to allow fish swimming through the culvert.

Shown on the plans is the placement of a twenty foot (20') filter strip along the operational side of the drain in the agricultural land uses. This shall be considered as part of the reconstruction of the drain. The filter strip is part of the IDEM approval for this project. The filter strip shall affect the following properties:

<u>Current Owner</u>	<u>Parcel</u>
Louis J. Costomiris Trustee, Louis J. Costomiris Revocable Living Trust	03-06-03-00-00-016.001
Keith W. & Carol S. Dick	03-06-03-00-00-015.000
Jerry Dale Hunt	03-06-03-00-00-014.000
David Alan & Judith Ann Hunt	03-06-03-00-00-008.006

<u>Current Owner</u>	<u>Parcel</u>
Mick Sharkey	03-06-03-00-00-009.000
Jon S. Hirschfeld	03-06-03-00-00-008.001
White Heron Associates, LLC	03-06-10-00-00-002.000
White Heron Associates, LLC	03-06-10-00-00-003.000
White Heron Associates, LLC	03-06-10-00-00-001.001
Robert E. & Denise J. Moore	03-06-10-00-00-004.101
Robert E. & Denise J. Moore	03-06-10-00-00-004.201
Kevin C. McCullough	03-06-10-00-00-008.000
Jay A & Amy H Jt / RS Farmer	03-06-10-00-00-015.001
Eric D. & Paula J. Smith	03-06-10-00-00-015.000
Christy Lynn & Bernie Ray Jr. Watts	03-06-10-00-00-015.003
Collins, Christy L ½ int &	03-06-10-00-00-015.002
Christy Lynn & Bernie Ray Jr. Watts ½ int	
James Edward Rich	03-06-10-00-00-016.000
James Edward Rich	03-06-10-00-00-017.001
Baliff Family Revocable Living Trust	03-06-10-00-00-017.000

There is an extension of the J.H. Leap drain that will become regulated and placed on maintenance as part of this reconstruction. The extension begins at the terminus of the J.H. Leap drain, per its 1883 description, and extend approximately 1287 feet east, to the beginning of the J.H. Leap Forest Bay Estates Extension. There are 131.40 acres to be added to the J.H. Leap watershed due to the extension of the drain.

Hydrology, Design and Environmental Permits

A hydrology analysis was performed on the J.H. Leap drainage shed. From this analysis, the following information was obtained.

<u>Location</u>	<u>Q10</u>
At the northern existing Head Wall	219 cfs
At 226 th Street	443 cfs
At Mill Creek Road	478 cfs
At Schully Road	619 cfs

The proposed J.H. Leap drain after dredging will convey the ten year storm event within the banks at all locations.

The project shall include excavation of 11,860 cubic yards of sediment from the channel and extensions of 12 existing farm outlets. Surface water outlet pipes will be added as needed for proper drainage of the agricultural land to the open channel.

The drain is being reconstructed in place and the existing 75 foot easement from the top of bank per IC 36-9-27-33 will be maintained. This section of the drain that will be extended as described above will be placed on maintenance. The easement for the drain will be the statutory seventy-five (75) foot easement from the top of bank of the drain.

The benefit of having this drain maintained by the Hamilton County Drainage Board outweighs the damages associated with the drainage easement. Damages for all parcels shall be set at \$0.00. The following list of parcels will be affected by the new easement.

Parcel No.	Owners
03-06-10-00-00-015.002	Collins, Christy L. ½ int. & Bernie Ray Watts ½ int
03-06-10-00-00-016.000	Rich, James Edward
03-06-10-00-00-017.001	Rich, James Edward
03-06-10-00-00-017.000	Baliff Family Revocable Living Trust
221 st Street	Hamilton County Highway Department

The following regulatory approval has been obtained:

- U.S. Army Corp of Engineers Regional General Permit
LRL-2010-196-sjm, September 28, 2010 (Valid for 1 year)
- IDEM – Section 401 Water Quality Certification
No. 2010-262-29-BCB-A, September 15, 2010 (Valid for 2 years)
- Soil and Water Conservation District – SWPPP approval
January 14, 2010

Quantities & Cost Estimate

Item Description	Quantity	Unit	Unit Cost	Total Cost
Channel Excavation	8800	per ft	7	\$61,600.00
Clearing- heavily wooded	6.5	per ac	8000	\$52,000.00
Outlet Pipes Extended				
6"x 20'CMP w/animal guard	7	EA	400	\$2,800.00
8"x 20'CMP w/animal guard	2	EA	500	\$1,000.00
12"x 20'CMP w/animal guard	1	EA	550	\$550.00
15"x20'CMP w/animal guard	1	EA	650	\$650.00
18"x20'CMP w/animal guard	1	EA	700	\$700.00
Channel Crossing replacements				
Sta. 20+97- lower and extend ex. 60" cmp	1	LS	2,500	\$2,500.00

Sta. 61+93- install 84"tank car, 35 ft. long	1	LS	6,500	\$6,500.00
Sta. 72+00 - install 96"tank car, 35 ft. long	1	LS	6,500	\$6,500.00
Sta. 80+15 - install 101"x 62" cempa	20	LF	500	\$10,000.00
Sta. 85+40 - install 101" x 62" cempa	20	LF	500	\$10,000.00

Miscellaneous

Sediment Basins	2	EA	2,000	\$4,000.00
Surface Water Pipes installed	10	EA	1,000	\$10,000.00
7 to 9 in Rip Rap-installed	613	ton	46	\$28,198.00

Seeding

Channel slopes	4.3	per ac	2000	\$8,600.00
Filter Strip Seeding	5.5	per ac	1200	\$6,600.00
Rock Lined chute	3	LS	4000	\$12,000.00
Fence Removal and replacement	1	LS	2500	\$2,500.00

SUB-TOTAL	\$226,698.00
15%Contingency	\$34,004.70
TOTAL	\$260,702.70

Reconstruction Assessment

I have reviewed the drainage shed for the J.H. Leap drain and considered various factors for benefits and damages 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 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 Surveyor's Office outweighs the damages associated with the drainage easement.

I recommend a reconstruction assessment of \$ 319.51 per acre with a minimum of \$ 319.50.

Total Reconstruction Assessment = \$ 260,702.70.

As set out in IC 36-9-27-27-88, this assessment for reconstruction shall be payable over a five (5) year period in ten (10) installments due in May and November of each year.

Maintenance Assessment

I recommend the J.H Leap Drainage Area not already on maintenance, consisting of 131.40 acres be placed on a maintenance program as set out in I.C. 36-9-27-38. This is an expansion of the area currently being assessed.

The nature of the maintenance 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.

The J.H. Leap drain was placed on maintenance on September 18, 1972, Drainage Board Minutes, Book 1 page 89. The drainage shed has 674.02 acres and zero lots. The rates for the drain were revised by the board on June 26th, 2006, Drainage Board Minutes Book 9, page 282-283. The current maintenance rates are as follows:

- 1. Maintenance assessment for roads and streets will be set at \$10.00 per acre.
- 2. Maintenance assessment for agricultural tracts be set at \$2.00 per acre with a \$15.00 minimum.
- 3. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acre and with a \$15.00 minimum.
- 4. Maintenance assessment for commercial, institutional and multi-family residential tracts will be set at \$10.00 per acre with a \$75.00 minimum.
- 5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$5.00 per acre with a \$35.00 minimum.

6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.

These rates collect \$1,750.24 per year. There is currently \$6,565.75 in the maintenance fund.

I have reviewed the plans and drainage shed and believe that the drain will benefit each tract equally as per land use for the propose maintenance. Therefore I recommend that the rates for maintenance be increased as follows:

1. Maintenance assessment for agricultural tracts be set at \$3.00 per acre with a \$25.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$3.00 per acre and increase the \$15.00 minimum to \$25.00 minimum.

The annual maintenance collection will be \$ 3,576.70.

I recommend the Board set a hearing for this proposed reconstruction and maintenance for March 28, 2011.

Sincerely,



Christie Kallio, P.E.
Hamilton County Surveyors Office

**Gasb 34 Asset Price &
Drain Length Log**

Drain-Improvement: JH Leap Extension

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
Open		1287	1287		\$19.55 lf	\$25,160.85
Sum:		<u>1287</u>	<u>1287</u>	<u>0</u>		<u>\$25,160.85</u>

Final Report: n/a

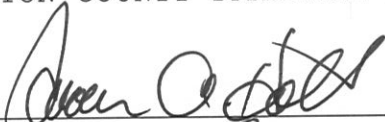
Comments:

FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
J. H. Leap Drain

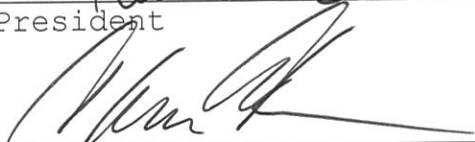
On this **28th day of March, 2011**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **J. H. Leap Drain**.

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. 

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
J. H. Leap Drain Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **J. H. Leap Drain Reconstruction** came before the Hamilton County Drainage Board for hearing **on March 28, 2011**, 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 **J. H. Leap Drain Reconstruction** 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

J. H. Leap Drain Reconstruction

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 **J. H. Leap Drain Reconstruction** on **March 28, 2011**, at **9:05 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 **J. H. Leap Drain**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **March 28, 2011** 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: Steven A. Holt
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY

J. H. LEAP DRAIN RECONSTRUCTION

Property Owner	Parcel Number	Acres Benefited	Proposed Benefit	Current Maint.	Proposed Maint.	Reconst. Assmt.	% of Acres
Bear Slide Development Company LLC	03-06-03-00-00-007.004	17	17	\$34.00	\$51.00	\$5,431.67	2.08%
Bear Slide Golf Club LP	03-06-03-00-00-007.003	25	25	\$50.00	\$75.00	\$7,987.75	3.06%
White Heron Associates, LLC	03-06-10-00-00-001.001	21.01	21.01	\$42.02	\$63.04	\$6,712.91	2.57%
	03-06-10-00-00-002.000	11.19	11.19	\$22.38	\$33.58	\$3,575.32	1.37%
	03-06-10-00-00-003.000	21.2	21.2	\$42.40	\$63.60	\$6,773.61	2.60%
Farmer, Jay A. & Amy H.	03-06-10-00-00-015.001	14	32.9	\$28.00	\$98.70	\$10,511.88	4.03%
	03-06-10-00-00-005.001	0	1.09	\$0.00	\$25.00	\$348.27	0.13%
TOTALS		109.4	129.39	\$218.80	\$409.92	\$41,341.41	15.84%

March 15, 2011

Amy Jo and Jay Farmer
7922 Farley Place
Fishers, IN 46038

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

RE: J.H. Leap Drain

To the Hamilton County Drainage Board:

Recently, we received a *Notice of Public Hearing on Reconstruction and Schedule of Assessments and Damages on the JH Leap Drain*. We have reviewed the corresponding *Surveyor's Report to the Drainage Board* as it appeared online. We have also spoken with Ms. Calli and read the statute regarding drainage assessments objections. After reviewing these materials, we have decided to object to the Schedule of Assessment and request that you file this letter as our written objection.

As landowners, we object to the schedule because the benefits assessed to us are excessive. No evidence of benefit is disclosed to us in the Surveyor's Report. The project is not relevant to our land use plan and would in fact delay and impede our land use plan financially. Without evidence of benefit, we conclude that the \$10,511.88 assessment is excessive.

Thank you for considering our objection.

Amy Jo Farmer

Amy Jo Farmer

Jay Farmer

Jay Farmer



03-06-10-00-00-015.001



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 23, 2011

Jay A. & Amy H. Farmer
7922 Farley Place
Fishers, IN 46038

Re: J. H. Leap Drain Reconstruction

I am in receipt of your objection dated March 15, 2011 regarding the proposed reconstruction of the J. H. Leap Drain. Please be aware that per the Indiana Drainage Code all property within the drainage shed of a drain is considered to be benefitted by that drain. Therefore, the property should be assessed.

In your letter you stated that "the project is not relevant to our land". Upon review of the report, plans and map I found that your tract is immediately adjacent to the ditch. Please be aware that the proposed design will keep up to the 10-year storm event within the banks of the open ditch. Therefore, either keeping the water from flooding your fields along the drain or allowing the water to surface drain faster thus eliminating or reducing crop damage.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

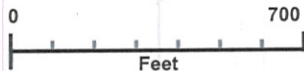
KCW/llm



Hamilton County

This is My Map

Printed: Mar 18, 2011



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County of
Hamilton
Indiana
www.hamiltoncounty.in.gov

March 16, 2011

Amy Jo and Jay Farmer
7922 Farley Place
Fishers, IN 46038

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

RE: J.H. Leap Drain

To the Hamilton County Drainage Board:

It has come to our attention that land parcel number 03-06-10-00-00-005.001 (22280 Schullely Road) is also affected by the drainage assessment. The assessment was made to the Garlick Revocable Living Trust; however in February of this year, we purchased the parcel. We are the current land owners of the property and request that you file this letter as an objection to the drainage schedule. Our reason for objection is the same; the benefits assessed to us are excessive. We have no evidence of benefit and the project is not relevant to our plans for the property.

Thank you for considering our objection.

Amy Jo Farmer

Amy Jo and Jay Farmer



03-06-10-00-00-005.001



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Hamilton **C**ounty

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March 23, 2011

Jay A. & Amy H. Farmer
7922 Farley Place
Fishers, IN 46038

Re: J. H. Leap Drain Reconstruction

I am in receipt of your objection dated March 16, 2011 regarding the proposed reconstruction of the J. H. Leap Drain. Please be aware that even though the parcel you purchased, 03-06-10-00-00-005.001, is not adjacent to the drain it is within the drainage shed. Because it is within the drainage shed, per the Indiana Drainage Code, it is benefitted by the J. H. Leap Drain. The Leap Drain serves as the outlet for the property. Any improvement to the drain improves the drainage availability for all properties within the drainage shed.

Upon review of the aerial photo of the property there is at least a surface water connection between the drain and the parcel. This is evidenced by the dark discoloration on the photo. It is our experience that often this is also an indication that a subsurface tile may exist. This, however, has not been field verified.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm



:GISIKCW\work_kcw.rdl 3/23/2011 10:44:00 AM

WHITE HERON ASSOCIATES, LLC

Ralph J. Secoy
Managing Partner
Email: rsecoy@comcast.net

Tel. & Fax: 843.768.5559
2919 Seabrook Island Road
Johns Island, SC 29455-6222

March 21, 2011

VIA FEDERAL EXPRESS
AND FACSIMILE: 317-776-9628
HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square
Suite 188
Noblesville, IN 46060-2230



RE: J.H. LEAP DRAIN - RECONSTRUCTION & SCHEDULE OF ASSESSMENTS

Dear Board Members:

Enclosed please find notices from your Board referencing reconstruction and assessments on the J.H. Leap Drain for the following three parcels owned by White Heron Associates, LLC:

Land Description	Current Acres Benefited	Proposed Acres Benefited	Reconstruction Assessment
03-06-10-00-00-001.001	21.01	21.01	\$ 6,712.91
03-06-10-00-00-002.000	11.19	11.19	\$ 3,575.32
03-06-10-00-00-003.000	21.20	21.20	\$ 6,773.61
TOTAL	53.40	53.40	\$ 17,061.84

In accordance with your Notices, this will provide legal objection "written and filed not less than 5 days before the date of the hearing" which shall preserve our rights to pursue such objections either before the Board or in court.

According to an expert farm consultant, John M. Miner of Halderman Farm Management Services, there is insufficient benefit to each parcel and to the total acreage of our land to ever break even with the costs of this drain reconstruction.

Further, the vast majority of White Heron Associates, LLC acreage identified as benefiting from additional drainage, in fact, has no drainage problem at all. Of the 53.40 total acres, only 5 have problems that would benefit from the proposed reconstruction. This means that any benefit to my farmland would be a total cost of \$17,061.84 over 5 acres for a per acre cost of \$3,412.37. Obviously, such a high cost can never be compensated, since it would take so many decades for any benefit projected into the future.

White Heron Associates, LLC * A Limited Liability Partnership

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060

The February 25, 2011 Surveyor of Hamilton County Report states, "Upon considering each parcel individually, I believe that each parcel with the drainage shed will have equal benefits as provided by the drain, therefore, I recommend each tract be assessed on the same basis equally." Since only 5 of the total 53.40 acres being assessed will benefit from additional drainage, this appears demonstrably untrue in the case of White Heron Associates, LLC. I would suggest that since only 5 of my 53.40 acres or 9.4% will benefit, I should be assessed only \$17,061.84 x 9.4% or \$1,603.81.

In addition, the per acre cost of this entire project to all owners within the J.H. Leap Drain is excessively high at \$319.51 per acre. Since typical drainage projects often cost in the \$75.00 to \$100.00 range, this reconstruction appears to be more than three times the average.

Of course, I recognize that the work required varies significantly depending on the condition of the drain. However, one cannot simply claim that the drain should be fixed no matter what the cost, because reconstruction can cause more economic harm than the benefits provided. If, for example, this drainage project cost \$1,000,000 for the total area of 814.78 acres, it would be *prima facie* insufficient benefit to justify the cost. At the proposed reconstruction assessment of \$319.51 per acre, I submit that the same applies. At this per acre cost, I would like to know how many landowners will have benefits which exceed the expense within a reasonable time frame.

The February 25, 2011 Surveyor's Report further specifies that the project is justified by twenty-one complaints "on file with the Hamilton County Surveyor's Office". However, there is no such complaint more recent than 2009, and the list includes complaints back to the year 1976. Has the Surveyor checked with complainants to determine whether such conditions are the same after nearly 35 years? Can the Surveyor even determine where and to what these complaints specifically referred after so many decades? I doubt this is the case since a previous owner of my land is listed as a complainant, making said complaint invalid. How many others are also inaccurate?

In addition, a single landowner is responsible for more than half of the total complaints: 11 of the 21 total complaints were filed by Ron McGill. Are these complaints in fact separate incidents, or are they repetitions of the same problem(s) over a complaint period of January 8, 1982 to November 30, 2009 - nearly 27 years?

Further, the disproportionate complaints by a single landowner create an appearance that the statement "each parcel within the drainage shed will have equal benefits" is likely not to be the case, especially since it certainly does not apply with our land.


Finally, has the Surveyor checked with complaining landowners to determine whether their complaints are severe enough to justify paying a repair cost of \$319.51 per acre?

White Heron Associates, LLC by its legally authorized Managing Partner, Ralph J. Secoy, wishes to reserve all rights of objection and legal redress on the basis of matters contained herein and with regard to any further facts, conditions, errors or any other matters which may be henceforth presented or discovered.

HAMILTON COUNTY DRAINAGE BOARD
March 21, 2011
Page 3 of 3

White Heron Associates, LLC wishes to thank the Hamilton County Drainage Board for your consideration of these concerns.

Yours truly,
White Heron Associates, LLC



Ralph J. Secoy

Enclosures

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing on Reconstruction & Schedule of Assessments and Damages on the J.H. Leap Drain.

White Heron Associates Llc
PO Box 337
Greentown, IN 46936

Under the Indiana Drainage Code, all land which drains directly, or indirectly, is 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. The Drainage Board has received a reconstruction report and schedule of assessments which affects your land. The purpose of the reconstruction project is to perform work which will substantially improve the drainage for the entire watershed served by the drain.

You are hereby notified that the reconstruction 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 chart below contains your proposed assessment and your percentage of the total reconstruction assessment.

The reconstruction report of the Surveyor and schedule of damages and benefits as determined by the Drainage Board for the proposed improvement known as the J.H. Leap Drain have been filed and are available for inspection in the office of the County Surveyor. The schedule of assessments shows the following lands in your name are affected as follows. This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Description of Land	Current acres benefitted	Current maintenance assessment	Proposed acres benefitted	Proposed maintenance assessment	Damages	Reconstruction Assessment	Percent of Total Assessment
03-06-10-00-00-001.001							
S12 T19 R4 111.61 AC	21.01	\$42.02	21.01	\$63.04	Zero	\$6,712.91	2.57%
Residential/Ag							

The hearing on the Surveyor's reconstruction report and on the schedules of damages and assessments are set for hearing at 9:05 A.M. on March 26, 2011, in the Commissioner's Court. The law provides that objections must be written and filed not less than 5 days before the date of the hearing. Objections may be for causes as specified by law and which are available at the Surveyor's Office. Written evidence in support of objections may be filed. The failure to file objections constitutes a waiver of your right to thereafter object, either before the Board or in court on such causes, to any final action of the Board. On or before the day of the hearing before the Board, the Surveyor shall and any owner of affected lands may cause written evidence to be filed in support of or in rebuttal to any filed objections.

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060-2230

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

Notice of Hearing on Reconstruction & Schedule of Assessments and Damages on the J.H. Leap Drain.

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Description of Land	Current acres benefitted	Current maintenance assessment	Proposed acres benefitted	Proposed maintenance assessment	Damages	Reconstruction Assessment	Percent of Total Assessment
03-06-10-00-00-002.000							
S10 T19 R4 19.99AC Residential/Ag	11.19	\$22.38	11.19	\$33.58	Zero	\$3,575.32	1.37%

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OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing on Reconstruction & Schedule of Assessments and Damages on the J.H. Leap Drain.

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Greentown, IN 46936

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Description of Land	Current acres benefited	Current maintenance assessment	Proposed acres benefited	Proposed maintenance assessment	Damages	Reconstruction Assessment	Percent of Total Assessment
03-06-10-00-00-003.000	21.20	\$42.40	21.20	\$63.60	Zero	\$6,773.61	2.60%
S10 T19 R4 40.0 AC Residential/Ag							

The hearing on the Surveyor's reconstruction report and on the schedules of damages and assessments are set for hearing at 9:05 A.M. on March 28, 2011, in the Commissioner's Court. The law provides that objections must be written and filed not less than 5 days before the date of the hearing. Objections may be for causes as specified by law and which are available at the Surveyor's Office. Written evidence in support of objections may be filed. The failure to file objections constitutes a waiver of your right to thereafter object, either before the Board or in court on such causes, to any final action of the Board. On or before the day of the hearing before the Board, the Surveyor shall and any owner of affected lands may cause written evidence to be filed in support of or in rebuttal to any filed objections.

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060-2230

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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 23, 2011

White Heron Associates, LLC
P. O. Box 337
Greentown, IN 46936

Re: J. H. Leap Drain Reconstruction

I have received your objection dated March 22, 2011 regarding the above referenced hearing. Upon review of the objection I wish to point out that under the Indiana Drainage Code, any parcel that is within the drainage shed of a drain is benefitted by that drain.

The open ditch being reconstructed runs through all three (3) of your tracts being assessed. At this time the open ditch is heavily overgrown and silted. The 27 years of complaints you mention has thirteen (13) tile complaints. The major reason there are so many tile problems is the siltation within the open ditch not allowing free flow to the regulated tile. I would venture that you have several private tiles serving your properties having the same problem.

Upon review of the plans the drain is being deepened two (2) feet across your tracts. Per the report the capacity of the drain after reconstruction will be increased so as to contain up to the 10-year storm event. This will eliminate or reduce the time crops are flooded, thus helping production.

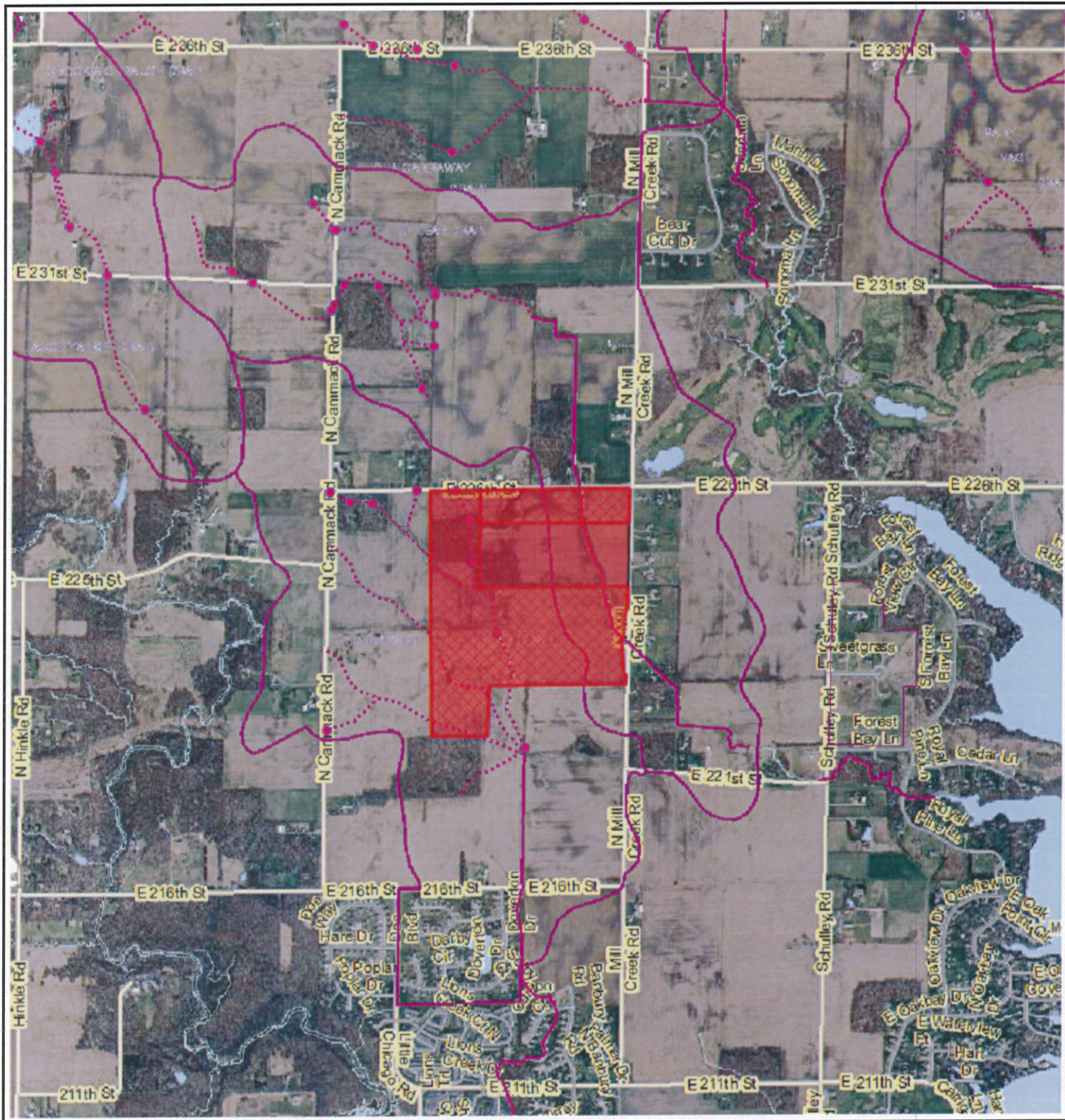
The other matter to be considered is the amount of runoff your tracts send downstream. I believe that along with benefit comes responsibility. Presently, because the drain is silted, this water becomes part of the flooding problem on downstream owners when the water leaves the banks of the drain. Although this project will not eliminate all flooding it will be the most frequent.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

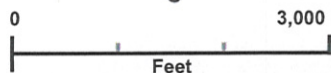
KCW/llm



Hamilton County

This is My Map

Printed: Mar 22, 2011



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County of
Hamilton
Indiana
www.hamiltoncounty.in.gov

WHITE HERON ASSOCIATES, LLC

Ralph J. Secoy
Managing Partner
Email: rsecoy@comcast.net

Tel. & Fax: 843.768.5559
2919 Seabrook Island Road
Johns Island, SC 29455-6222

March 27, 2011

VIA FACSIMILE: 317-776-9628
AND U.S. POSTAL SERVICE FIRST CLASS
HAMILTON COUNTY DRAINAGE BOARD
c/o Kenton C. Ward, CFM
Hamilton County Surveyor
One Hamilton County Square
Suite 188
Noblesville, IN 46060-2230



RE: J.H. LEAP DRAIN - RECONSTRUCTION & SCHEDULE OF ASSESSMENTS

Dear Mr. Kenton and Drainage Board Members:

This is in response to Mr. Kenton C. Ward's letter of March 23, 2011 referencing reconstruction and assessments on the J.H. Leap Drain for the following three parcels owned by White Heron Associates, LLC:

Land Description	Current Acres Benefited	Proposed Acres Benefited	Reconstruction Assessment
03-06-10-00-00-001.001	21.01	21.01	\$ 6,712.91
03-06-10-00-00-002.000	11.19	11.19	\$ 3,575.32
03-06-10-00-00-003.000	21.20	21.20	\$ 6,773.61
TOTAL	53.40	53.40	\$ 17,061.84

This will affirm that our previous objection remains in full force and effect, as conveyed in writing on March 21, 2011 to the Hamilton County Drainage Board: "In accordance with your Notices, this will provide legal objection 'written and filed not less than 5 days before the date of the hearing' which shall preserve our rights to pursue such objections either before the Board or in court."

In addition, this will maintain that your March 23, 2011 letter does not allow sufficient time for response before the Drainage Board hearing set for "9:05 A.M. on March 28, 2011". Given that we were in receipt of same on March 25, 2011, this leaves less than one business day for reply. Therefore, this letter should not be considered a full response since more time is necessary, and, on this basis, we petition the Hamilton County Drainage Board to stay any decision(s) on the J.H. Leap Drain Reconstruction.

White Heron Associates, LLC * A Limited Liability Partnership

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060

Your March 23, 2011 letter states that "under Indiana Drainage Code, any parcel that is within the drainage shed of a drain is benefitted by that drain." That the law considers parcels to benefit *per se* does not address the extent of such benefit or the amount of economic gain by each parcel. This should enter into your determining the allocation of cost according to the amount of benefit, as stated in your February 25, 2011 Surveyor's Report, "Upon considering each parcel individually, I believe that each parcel within the drainage shed will have equal benefits as provided by the drain, therefore, I recommend each tract be assessed on the same basis equally."

As previously stated in my March 21, 2011 letter, White Heron Associates, LLC contends that J.H. Leap Drain Reconstruction does not benefit landowners equally, and, therefore, cost assessments should not be assigned equally: "Since only 5 of the total 53.40 acres being assessed will benefit from additional drainage . . . I would suggest that, since only 5 of my 53.40 acres or 9.4% will benefit, I should be assessed only $\$17,061.84 \times 9.4\%$ or $\$1,603.81$."

If you were to insist on some type of strict construction of the law, which we do not concede, we might allow that the above 5.00 acre assessment of $\$1,603.81$ be augmented by the remaining 48.40 acres considered at a nominal benefit of $\$1.00$ per acre or $\$48.40$, for a total assessment of $\$1,652.21$. White Heron Associates, LLC is very willing to offer settlement of the matter at this amount.

The extension of the J.H. Leap drain "approximately 1287 feet east, to the beginning of the J.H. Leap Forest Bay Estates Extension" is another instance in which each parcel does not appear to have "equal benefits as provided by the drain". We would contend that the 131.40 acres to be added due to the extension are the only ones which can possibly benefit; therefore, the landowners of the 131.40 acres should bear the entire cost of this extension.

Your March 23, 2011 letter documents another instance regarding "thirteen (13) tile complaints": "The major reason there are so many tile problems is the siltation within the open ditch not allowing free flow to the regulated tile. I would venture that you have several private tiles serving your properties having the same problem."

First, we oppose the project because the benefit is *de minimis*, including private tiles on our property.

Secondly, this is specific reference to other landowners benefitting from work done on our property. If assessments are allocated according to the amount of benefit, the owners with regulated tile or benefiting from said tile should bear the cost of the same - including work done on our property which specifically benefits them and not us. Again, since benefits to White Heron Associates, LLC are *de minimis*, the other landowners to whom you refer should properly pay all applicable costs.

Thirdly, the complaints to which you refer are up to 34 years old, and two-thirds of these are past more than fifteen (15) years. Absent current reconfirmation, it seems to me that complaints of more than fifteen (15) years are *ipso facto* invalid, such as the example mentioned wherein a previous owner of our property is listed, which is no longer accurate. Please note that of the twenty-one (21) total complaints, only seven (7) are less than fifteen years (15) old.

Further, of the remaining seven (7) complaints, fully five (5) were made by the same landowner, Ron McGill. Therefore, there are only three (3) complainants in the past fifteen (15) years, which cannot be considered a meaningful or representative sampling. This is further exacerbated by the fact that two (2) of these three (3) have insufficient reconstruction acreage to gain a meaningful benefit compared with the entire project cost: James Douglas is assessed on only 3.18 acres or 0.39%, and Mick Sharkey has only 1.00 acres or 0.12% of the total 815.95 watershed acres.

Therefore, only one landowner over this entire \$260,702.70 project had lodged a statistically meaningful complaint in the last fifteen (15) years. This is indicative of unequal benefits to landowners throughout this reconstruction, and I'm sure that other landowners would be happy to see this single complainant bear the full cost of this project.

There is another oddity to the twenty-one complaints listed to support this project. The Surveyor's Report states, "The J.H. Leap drain was cleaned and cleared from the existing headwall to 226th Street in March of 1983. It has been 28 years since the partial cleaning and clearing of 2726 LF of the J.H. Leap Drain." However, four (4) of the twenty-one (21) complaints listed are actually prior to and would appear obviated by the 1983 work:

M & S Ranch	April 7, 1982
Ron McGill	January 8, 1982
Betty Hunter	June 2, 1980
Earl McGill & Dick Edgar	May 24, 1976

Overall I would suggest that the rationale for and the benefits provided by the proposed J.H. Leap drain reconstruction are contrary to the Surveyor's Report indicating that "each parcel within the drainage shed will have equal benefits as provided by the drain". Further, the Surveyor's statement, "therefore, I recommend each tract be assessed on the same basis equally" should not apply. This certainly does not apply to White Heron Associates land wherein only 5.00 acres will benefit out of the 53.40 acres proposed for assessment.

Please note that the above determination was made by an expert farm consultant, Mr. John M. Miner of Halderman Farm Management Services, who intends to be present at the Drainage Board Hearing and is authorized to represent and speak on behalf of White Heron Associates, LLC.

The other argument I have set forth is also based on Mr. Miner's opinion that there will likely be insufficient benefit to any and all landowners to justify and compensate for the unusually high reconstruction cost of \$319.51 per acre. The amount of economic gain per acre in additional yields resulting from improved drainage is likely to take too many years for any landowner to reasonably benefit at all from J.H. Leap project (even given today's high grain prices).

Using our acreage for example, assume that the 5.00 acres with possible benefit have current Lessor crop share yields of \$75.00 per acre which are increased by 67% due to improved drainage. This would provide a total annual benefit from the reconstruction of \$250.00 (\$50.00 x 5 acres). The proposed total reconstruction assessment of \$17,061.84 would take over sixty-eight

(68) years just to break even ($\$17,061.84 / \$250.00 = 68.2$ years). Please note that this is actually a low estimate because the time value of money and maintenance assessments are not being included in the equation.

While some other farms are likely to have a better cost-benefit ratio, Mr. Miner thinks it unlikely that many, if any, landowners can achieve break-even payback in a reasonable number of years at the high reconstruction cost of \$319.51 per acre plus the additional costs of maintenance and time value of money. This is my understanding of Mr. Miner's opinion, but I encourage you to ask him directly to clarify and further explain his position. I believe he will try to attend your Hearing, and he can be contacted as follows:

Mr. John M. Miner
Halderman Farm Management Services, Inc.
P.O. Box 337
Greentown, Indiana 46936
Tel. & Fax: 765-628-7278

Please note that this is very different from supporting a project simply because it needs to be done, regardless of the cost. This analysis requires that each landowner evaluate the benefit based on the high assessment of \$319.51 per acre. We feel strongly that a majority of landowners will not be able to justify their drainage costs.

White Heron Associates, LLC by its legally authorized Managing Partner, Ralph J. Secoy, wishes to reserve all rights of objection and legal redress on the basis of matters contained herein and with regard to any further facts, conditions, errors or any other matters which may be henceforth presented or discovered.

White Heron Associates, LLC requests that the Hamilton County Drainage Board stay their determination and vote on the J.H. Leap Drain reconstruction to gather further comment and evidence of whether there is sufficient benefit to landowners to justify the estimated assessment rates.

White Heron Associates, LLC wishes to thank the Hamilton County Drainage Board for your consideration of these concerns.

Yours truly,
White Heron Associates, LLC



Ralph J. Secoy

cc: Mr. John M. Miner, Halderman Farm Management Services, Inc.

Enclosure

WHITE HERON ASSOCIATES, LLC

Ralph J. Secoy
Managing Partner
Email: rsecoy@comcast.net

Tel. & Fax: 843.768.5559
2919 Seabrook Island Road
Johns Island, SC 29455-6222

March 21, 2011

VIA FEDERAL EXPRESS
AND FACSIMILE: 317-776-9628
HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square
Suite 188
Noblesville, IN 46060-2230

RE: J.H. LEAP DRAIN - RECONSTRUCTION & SCHEDULE OF ASSESSMENTS

Dear Board Members:

Enclosed please find notices from your Board referencing reconstruction and assessments on the J.H. Leap Drain for the following three parcels owned by White Heron Associates, LLC:

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TOTAL	53.40	53.40	\$ 17,061.84

In accordance with your Notices, this will provide legal objection "written and filed not less than 5 days before the date of the hearing" which shall preserve our rights to pursue such objections either before the Board or in court.

According to an expert farm consultant, John M. Miner of Halderman Farm Management Services, there is insufficient benefit to each parcel and to the total acreage of our land to ever break even with the costs of this drain reconstruction.

Further, the vast majority of White Heron Associates, LLC acreage identified as benefiting from additional drainage, in fact, has no drainage problem at all. Of the 53.40 total acres, only 5 have problems that would benefit from the proposed reconstruction. This means that any benefit to my farmland would be a total cost of \$17,061.84 over 5 acres for a per acre cost of \$3,412.37. Obviously, such a high cost can never be compensated, since it would take so many decades for any benefit projected into the future.

HAMILTON COUNTY DRAINAGE BOARD

March 21, 2011

Page 2 of 3

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In addition, the per acre cost of this entire project to all owners within the J.H. Leap Drain is excessively high at $\$319.51$ per acre. Since typical drainage projects often cost in the $\$75.00$ to $\$100.00$ range, this reconstruction appears to be more than three times the average.

Of course, I recognize that the work required varies significantly depending on the condition of the drain. However, one cannot simply claim that the drain should be fixed no matter what the cost, because reconstruction can cause more economic harm than the benefits provided. If, for example, this drainage project cost $\$1,000,000$ for the total area of 814.78 acres, it would be *prima facie* insufficient benefit to justify the cost. At the proposed reconstruction assessment of $\$319.51$ per acre, I submit that the same applies. At this per acre cost, I would like to know how many landowners will have benefits which exceed the expense within a reasonable time frame.

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In addition, a single landowner is responsible for more than half of the total complaints: 11 of the 21 total complaints were filed by Ron McGill. Are these complaints in fact separate incidents, or are they repetitions of the same problem(s) over a complaint period of January 8, 1982 to November 30, 2009 - nearly 27 years?

Further, the disproportionate complaints by a single landowner create an appearance that the statement "each parcel within the drainage shed will have equal benefits" is likely not to be the case, especially since it certainly does not apply with our land.

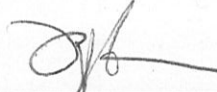
Finally, has the Surveyor checked with complaining landowners to determine whether their complaints are severe enough to justify paying a repair cost of $\$319.51$ per acre?

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HAMILTON COUNTY DRAINAGE BOARD
March 21, 2011
Page 3 of 3

White Heron Associates, LLC wishes to thank the Hamilton County Drainage Board for your consideration of these concerns.

Yours truly,
White Heron Associates, LLC



Ralph J. Secoy

Enclosures

Ralph J. Secoy
 Managing Partner
 Email: rsecoy@comcast.net

Tel. & Fax: 843.768.5559
 2919 Seabrook Island Road
 Johns Island, SC 29455-6222

FACSIMILE TRANSMITTAL SHEET

TO:	TOTAL NO. OF PAGES INCLUDING THIS COVER:
Hamilton County Drainage Board	8
COMPANY:	DATE:
c/o Kenton C. Ward, CFM Hamilton County Surveyor	Mar 27, 2011
FAX NUMBER:	FROM:
317-776-9628	Ralph J. Secoy
YOUR REFERENCE NUMBER:	REPLY TO FAX NUMBER:
	1-843-768-5559
RE:	REPLY TO EMAIL:
J.H. Leap Drain Reconstruction Drainage Board Hearing 9:05 A.M. on March 28, 2011	rsecoy@comcast.net

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 NO ADDITIONAL COPY WILL BE PROVIDED - ORIGINAL "HARD COPY" WILL BE RETAINED ON FILE
 ORIGINAL WILL BE FORWARDED BY MAIL: FIRST CLASS CERTIFIED - EXPRESS

NOTES/COMMENTS:

This information is for the March 28, 2011, 9:05 AM Drainage Board Hearing.

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LAURIE D. JOHNSON
ALICIA M. ADCOCK

March 4, 2011

Hamilton County Drainage Board
One Hamilton County Sq., Suite 188
Noblesville, IN 46060

RE: *Notice of Hearing on Reconstruction and Schedule of Assessments and Damages on the J.H. Leap Drain*
Bear Slide Golf Club LP, Parcel No. 03-06-03-00-00-007.003
Bear Slide Development Company LLC, Parcel No. 03-06-03-00-00-007.004

To the Hamilton County Drainage Board:

I represent Bear Slide Golf Club LP and Bear Slide Development Company LLC in reference to the Notice of Hearing on Reconstruction and Schedule of Assessments and Damages on the J.H. Leap Drain and the land parcels identified above. The purpose of this letter is to request the Drainage Board to remove these land parcels from the J.H. Leap Watershed and in turn vacate the schedule of assessments against both these entities.

The basis for this request has been described in detail to the Hamilton County Surveyor's Office. I have had meetings with both Kent Ward and Christie Kallio and they have been given copies of the topographical maps, overhead photos and construction documents that show these parcels do not drain west to the J.H. Leap Drain, but rather drain to the east.

Please confirm that the decision has been made to remove these parcels from this watershed and advise as to any additional paperwork that must be completed by my clients to complete the process. I would also like to receive information about the process that takes place once the parcels are removed from the watershed so that the tax records are corrected, the current assessment does not occur and any future assessments are eliminated.

Hamilton County Drainage Board

March 4, 2011

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I look forward to hearing from you in the near future, but I am operating with the understanding that neither I nor my clients need to appear at the hearing now set for March 28, 2011. If this understanding is incorrect, please advise. Thank you for your help and attention to this matter.

Very truly yours,
RICHARDS, BOJE, PICKERING
BENNER & BECKER

By:



Bruce A. Boje

BAB:arj

cc: Bear Slide Golf Club LP
Bear Slide Development Company LLC

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing on Reconstruction & Schedule of Assessments and Damages on the **J.H. Leap Drain**.

Bear Slide Development Company LLC
6770 231st St E
Cicero, IN 46034

Under the Indiana Drainage Code, all land which drains directly, or indirectly, is 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. The Drainage Board has received a reconstruction report and schedule of assessments which affects your land. The purpose of the reconstruction project is to perform work which will substantially improve the drainage for the entire watershed served by the drain.

You are hereby notified that the reconstruction 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 chart below contains your proposed assessment and your percentage of the total reconstruction assessment.

The reconstruction report of the Surveyor and schedule of damages and benefits as determined by the Drainage Board for the proposed improvement known as the **J.H. Leap Drain** have been filed and are available for inspection in the office of the County Surveyor. The schedule of assessments shows the following lands in your name are affected as follows. This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Description of Land	Current acres benefitted	Current maintenance assessment	Proposed acres benefitted	Proposed maintenance assessment	.Damages	Reconstruction Assessment	Percent of Total Assessment
03-06-03-00-00-007.004							
S3 T19 R4 43.98 AC Residential/Ag	17.00	\$34.00	17.00	\$51.00	Zero	\$5,431.67	2.08%

The hearing on the Surveyor's reconstruction report and on the schedules of damages and assessments are set for hearing at **9:05 A.M. on March 28, 2011**, in the Commissioner's Court. The law provides that objections must be written and filed not less than 5 days before the date of the hearing. Objections may be for causes as specified by law and which are available at the Surveyor's Office. Written evidence in support of objections may be filed. The failure to file objections constitutes a waiver of your right to thereafter object, either before the Board or in court on such causes, to any final action of the Board. On or before the day of the hearing before the Board, the Surveyor shall and any owner of affected lands may cause written evidence to be filed in support of or in rebuttal to any filed objections.

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060-2230

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

Notice of Hearing on Reconstruction & Schedule of Assessments and Damages on the **J.H. Leap Drain**.

Bear Slide Golf Club LP
6770 231st St E
Cicero, IN 46034

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Description of Land	Current acres benefitted	Current maintenance assessment	Proposed acres benefitted	Proposed maintenance assessment	.Damages	Reconstruction Assessment	Percent of Total Assessment
03-06-03-00-00-007.003							
S3 T19 R4 113.38AC	25.00	\$50.00	25.00	\$75.00	Zero	\$7,987.75	3.06%
Residential/Ag							

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One Hamilton County Square, Ste. 188
Noblesville, IN 46060-2230

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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 23, 2011

Bear Slide Development Company, LLC
6770 E. 231st Street
Cicero, IN 46034

Re: J. H. Leap Drain Reconstruction

I am in receipt of your objection dated March 4, 2011 regarding the proposed J. H. Leap Drain Reconstruction. A review of the objection, plans for the golf course and an onsite inspection by my Project Engineer, Christie Kallio has been conducted. Upon such review I agree with your assessment that the tracts owned by Bear Slide Development Company, LLC and Bear Slide Golf Club, LP, tracts 03-06-03-00-00-007.004 and 03-06-03-00-00-007.003 respectfully, should be removed from the schedule of assessments for the J. H. Leap Drain.

I will inform the Hamilton County Drainage Board of this recommendation at the hearing on March 28, 2011.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

Cc: Bruce A. Boje



