

*Kenton C. Ward, CFM*  
*Surveyor of Hamilton County*  
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*Suite 188*  
*One Hamilton County Square*  
*Noblesville, Indiana 46060-2230*

April 5, 2019

To: Hamilton County Drainage Board

Re: William Lehr Drain, LN Joseph Arm, Hoods Garden Partial Abandonment

Attached is a petition to abandon a portion of the William Lehr Drain, LN Joseph Arm by Steve Hood. The proposal is to abandon the existing LN Joseph Arm on parcel 10-11-16-00-00-010.001 owned by Steven L & Tina S Hood and within the Greenfield Avenue right-of-way owned by the City of Noblesville.

The portion of the LN Joseph Arm to be abandoned will be between existing stations 60+45 and 70+59. This is generally located along the west property line of parcel 10-11-16-00-00-010.001. The portion to be abandoned will begin in the Greenfield Ave. right-of-way on the south and will continue north to near the north property line of the above parcel.

This request will remove 1,014 feet of 16 inch tile.

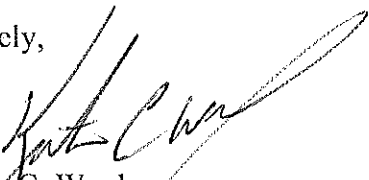
The upstream drainage going to the existing tile was previously reconstructed and now drains through the open ditch that parallels this tile. In addition, proposed drainage improvements by Hood's Garden will cut off the downstream end of the tile rendering it useless on this parcel.

The LN Joseph Arm was previously referenced in my September 21, 2016 report for the William Lehr Drain, Joseph & Brooks Arm, Hood's Meadow, Lot 1 -- Fiore Nursery Reconstruction. (See Drainage Board Minutes Book 17, Pages 204-206). The LN Joseph Arm was installed in 1952. The LN Joseph Arm was combined with the William Lehr Drain in 1967.

The drain is currently on a maintenance program which was approved at hearing on December 4, 1967 (See Minutes Book 1, Page 23).

Upon review of the request, I believe the above portion of the drain meets the requirements for vacation as set out in IC-36-9-27-34(d). In my opinion, the vacation will not adversely affect other property owners within the drainage shed. I recommend the Board set a hearing date for May 28, 2019.

Sincerely,



Kenton C. Ward  
Hamilton County Surveyor

KCW/stc

Mr. Kenton C. Ward  
Hamilton County Surveyor's Office  
Hood's Gardens  
April 5, 2018  
Page 2 of 2

It is the intent of Hood's Gardens to construct and install the infrastructure for the drainage masterplan as soon as possible. It would certainly be implemented before any further improvements would be proposed to the site. Barring any unforeseen circumstances, Hood's Gardens would propose to commence with the construction and implementation of the drainage masterplan in calendar year 2019, if not sooner.

Also, at the request of Mr. Cash, we would like to initiate the petition request to vacate the existing easternmost drainage tile traversing parcel numbers 10-11-16-00-00-014.000 and 10-11-16-00-00-010.001. The construction of the open ditch along the western property boundary has made the easternmost drainage tile redundant and unnecessary. The parcels in question are outlined in RED on the attached exhibit with the approximate location of the drainage tile in YELLOW.


Please let us know if you have any questions or require additional information. Thank you.

Sincerely,  
Civil Site Group, Inc.



Eric A. Gleissner, P.E.  
Principal

Hood's Gardens



Steven L. Hood / Tina S. Hood  
Owners

Attachments:  
Hood's Gardens Exhibit

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

William Lehr Drain, LN Joseph Arm,  
Hoods Garden Partial Vacation


Station 60+45 and Station 70+59


(Located along west property line of parcel 10-11-16-00-00-010.001. Portion to be abandoned will begin in the Greenfield Avenue Right of Way on the south and continue north to near the north property line of above parcel)

On this *28<sup>th</sup> day of May, 2019*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *William Lehr Drain, LN Joseph Arm, Hoods Garden Partial Vacation (Station 60+45 to Station 70+59 located along west property line of parcel 10-11-16-00-00-010.001. Portion to be abandoned will begin in the Greenfield Avenue right of way on the south and continue north to near the north property line of above parcel)*.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the *William Lehr Drain, LN Joseph Arm, Hoods Garden Partial Vacation (Station 60+45 to Station 70+59 located along west property line of parcel 10-11-16-00-00-010.001. Portion to be abandoned will begin in the Greenfield Avenue right of way on the south and continue north to near the north property line of above parcel)*.

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

Attest: 

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD IN THE MATTER OF THE

**William Lehr Drain, LN Joseph Arm  
Hoods Garden Partial Vacation**

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NOTICE is hereby given that a request by the Hamilton County Surveyor for the **William Lehr Drain, LN Joseph Arm, Hoods Garden Partial Vacation** across Steven L. & Tina S. Hood (Parcel 10-11-16-00-00-010.001) and City of Noblesville (Greenfield Avenue Right of Way) due to upstream drainage going to the existing tile that was previously reconstructed and now drains through the open ditch that parallels this tile. In addition, proposed drainage improvements by Hood's Garden will cut off the downstream end of the tile rendering it useless on this parcel has been filed and that a hearing is scheduled for May 28, 2019 at 9:00 A.M. on that request.

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

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

HAMILTON COUNTY DRAINAGE BOARD

ATTEST: Lynette Mosbaugh  
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF THE

**William Lehr Drain, LN Joseph Arm  
Hoods Garden Partial Vacation**

NOTICE

Notice is hereby given pursuant to Indiana Code 36-9-27-63 (before codification in 1981) that this Board, prior to final adjournment on **May 28, 2019** issued an order adopting the partial vacation, filed the same and made public announcement thereof at the hearing and ordered publication. Copies of the schedule of assessments and order are on file in the office of the Hamilton County Surveyor. If judicial review of the findings and order of the Board is not requested pursuant to Indiana Code 36-9-27-65(f) within twenty (20) days from the date of this publication, the order shall be conclusive.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY