

SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County

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One Hamilton County Square
Noblesville, Indiana 46060-2230

To: Hamilton County Drainage Board

January 23, 2009

Re: Little Cicero Creek Drain, Chapman Estates Arm

Attached is a petition, drain map and schedule of assessments for the Little Cicero Creek Drain, Chapman Estates Arm. This drain is located in Jackson Township. I have reviewed the submittals and petition and found each to be in proper form. The petition was a requirement of the platting process for Chapman Estates.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway, be of public utility and that the costs, damages and expenses of the proposed drain will be less than the benefits accruing to the owners of land likely to be benefited.

The drain shall begin at the west property line of tract 03-02-07-00-00-013.003, owned by Barry L. & Elizabeth Chapman. The drain shall run in an easterly direction downstream following the existing Little Cicero Creek to the east property line of the afore mentioned tract. The drain will consist of 2,405 feet of open ditch.

The nature of maintenance work is as follows:

1. Clearing of trees and brush on the existing open ditch;
2. Creation and re-excavation of silt basins;
3. Excavation of open ditch for proper flow;
4. Surface water structure as might be required;
5. Bank erosion protection and/or seeding as might be required;
6. Repair of private tile outlet ends as might be required;
7. Repair of regulated drain tile outlets;
8. Removal of debris and/or blockage from regulated open ditch;
9. Spraying for vegetation control;
10. Mowing filter strips;
11. Removal of beaver dams;
12. 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.

I have reviewed the plans and drain map and believe that all tracts within the drainage shed of Little Cicero Creek Drain will benefit equally as per land use. I recommend the following maintenance assessment to be adopted by the Board:

1. Maintenance assessment for roads and streets be set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts be set at \$4.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$4.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts to 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 shall be set at \$10.00 per acre with a \$65.00 minimum.

The drainage shed for this drain consists of 34.67 acres. The total annual maintenance assessment for this drain will be \$163.04. The period of collection shall be eight years as per IC 36-9-27-43. Damages should be set at \$0.00.

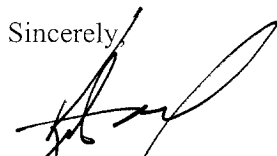
The easements for the drain should be set at 75 feet from the top of bank as set out in IC 36-9-27-33. Additional drainage easement will be added to the following tracts:

Parcel	Owner
03-02-07-00-00-013.003	Barry L. & Elizabeth Chapman
03-02-07-00-00-013.103	Parke P & Heather N Speth
03-02-07-00-00-013.203	Charles Carter
03-02-07-00-00-013.002	Dennis J. & Margaret S. Bailey
03-02-07-00-00-013.000	Keith C. & Shirley A. Ayer

The proposed easement is wholly located in floodplain on the Ayer and Bailey Properties as shown on the FEMA FIRM Map, Number 18057C0050F, dated February 19, 2003. The Chapman easement is located in either floodplain or a perimeter drainage and utility easement except for a section whose length is approximately 170 feet. The Speth and Carter Properties are partially covered by floodplain.

I recommend that the Board set a hearing for this proposal for April 27, 2009.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

LITTLE CREEK CREEK

IN THE MATTER OF THE J.R. DUNN DRAIN

Comes now the undersigned landowners of Hamilton County, who petition the Hamilton County Drainage Board as follows:

1. They are the owners of a least 10% or more in acreage within the drainage shed of the proposed drain.
2. That they are the owners of the lands described.
3. That they now desire that a regulated drain be established in JACKSON Township.
4. The names and address of each owner affected by the proposed public drainage are attached hereto, made a part hereof, and marked Exhibit "A", which area of land involved in the proposed drainage area is located in section(s) 7, township 20 north, range 4 east, Hamilton County, Indiana.
5. No other public lands or owners are located in the area which would affect improvement.
6. That the general route of the proposed drain is shown in the attached plan which is marked Exhibit "B" and made a part hereof.
7. That in the opinion of the Petitioner, the costs, damages, and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land to be benefited thereby.
8. That in the opinion of Petitioner, the proposed improvement will benefit a public highway in Hamilton County, Indiana, improve the public health and be of public utility.
9. That Petitioners shall pay the cost of notice and all legal costs if the Petition is dismissed.
10. Petitioner shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established.

Signature	Printed Name	Printed Address
<u>Barry L. Chapman</u>	<u>BARRY L. CHAPMAN</u>	<u>2727 LAKEWOOD N. DR. INDIANAPOLIS 46288</u>
<u>Elizabeth C. Chapman</u>	<u>ELIZABETH C. CHAPMAN</u>	<u>"</u>
_____	_____	_____
_____	_____	_____
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BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Little Cicero Creek Drain, Chapman Estates Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Little Cicero Creek Drain, Chapman Estates Arm** on **April 27, 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

Little Cicero Creek Drain, Chapman Estates Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **April 27, 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

FINDINGS AND ORDER

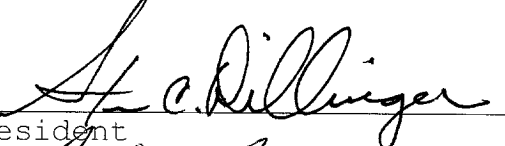
CONCERNING THE MAINTENANCE OF THE

Little Cicero Creek Drain, Chapman Estates Arm

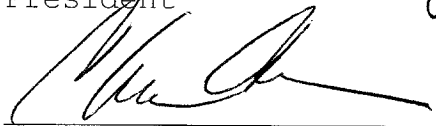
On this 27th day of April 2009, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Little Cicero Creek Drain, Chapman Estates Arm*.

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



Alternate Member

Attest: 