

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

April 30, 2013

To: Hamilton County Drainage Board

Re: Little Cicero Creek – Revised report

Attached is a petition filed on January 12, 2012 by Michelle R. Winn, P.O.A for Malcolm Hall to regulate a portion of Little Cicero Creek. This proposed drain is located in Jackson Township. I have reviewed the submittals and have found each to be in proper form.

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

Open Ditch - 130 feet

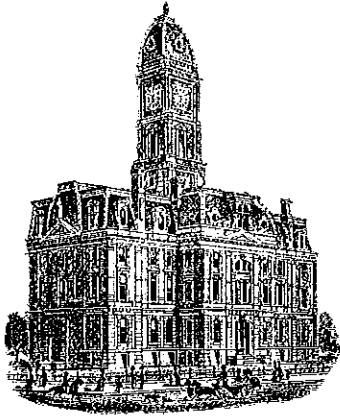
The open ditch listed above is that portion of the existing Little Cicero Creek which flows from the centerline of Cal Carson Road southwesterly through the Hall Family Minor Subdivision as recorded in Plat Cabinet 4, slide 757, Instrument # 2012006857 in the Hamilton County Indiana Recorder's Office.

Maintenance assessments are not proposed at this time. Assessments will be determined at a later date.

The easement for the drain shall be that as set out on the recorded plat on the west side of the open drain and the statutory 75 feet from the top of bank on the east side of the open drain per IC 36-2-9-27-33.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor



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

February 8, 2013

To: Hamilton County Drainage Board

Re: Little Cicero Creek

Attached is a petition filed on January 12, 2012 by Michelle R. Winn, P.O.A. for Malcolm Hall to regulate a portion of Little Cicero Creek. This proposed drain is located in Jackson Township. I have reviewed the submittals and have found each to be in proper form.

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

Open Ditch 238 feet

The open ditch listed above is that portion of the existing Little Cicero Creek which flows through the Hall Family Minor Subdivision as recorded in Plat Cabinet 4, Slide 757, Instrument No. 2012006857 in the Hamilton County Recorder's Office.

This regulated portion of Little Cicero Creek shall begin 121.45 feet south of the northeast corner of the northeast quarter of Section 8, Township 20 N. and Range 4 E. on the east line of said quarter section, running thence south 20 degrees, 16 minutes, 47 seconds west a distance of 238.44 feet to the south line of the above referenced Hall Family Minor Subdivision. The drain is to be accepted in place without reconstruction costs or assessment.

Maintenance assessments are not proposed at this time. Assessments will be determined at a later date.

The easement for the drain shall be that as set out on the recorded plat on the west side of the open drain and the statutory 75 feet from the top of bank on the east side of the open drain per IC 36-9-27-33.

I recommend the Board set a hearing date for this proposed drain for April 22, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenton C. Ward". The signature is fluid and cursive, with a large loop at the end.

Kenton C. Ward, CFM

Hamilton County Surveyor

KCW/llm

JAN 12 2012

To: Hamilton County Drainage Board

Re: In the matter of the Little Cicero Drain Petition OFFICE OF HAMILTON COUNTY SURVEYOR

Comes now the undersigned individuals, who petition the Hamilton County Drainage Board, per IC 36-9-27-54, for a new regulated drain. The undersigned believe the following:

1. They are owners of ten percent (10%) in acreage; or twenty five percent (25%) or more of the assessed valuation of the land that is outside the corporate boundaries of a municipality and is alleged by the petition to be affected by the proposed drain.
2. That as property owners within the drainage shed, they are qualified petitioners.
3. That they now desire that a regulated drain be established in Jackson Township, which involves the following public roads; Cal Larson and various areas surrounding these roads in the drainage shed.
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 8, 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 the Petitioner, the proposed improvement will improve the public health; benefit a public highway; and be of public utility.
9. That the name of the attorney or spokesman representing petitioner in the drainage petition is Randall Miller, who has an office at or whose address is 145 E 3rd Street, Marion IN 46952, phone 765-662-1284.
10. That Petitioners shall pay all the cost of notice and all legal costs if the petition is dismissed. These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.
11. Petitioners shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established. These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.

Signature	Printed Name	Printed Address
<u>Michelle R. Winn</u> (POA for Malcolm Hall)	<u>Michelle Winn</u>	<u>4208 West 100 North, Kokomo IN 46901</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Little Cicero Creek

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Little Cicero Creek** came before the Hamilton County Drainage Board for hearing on **April 22, 2013**, 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.

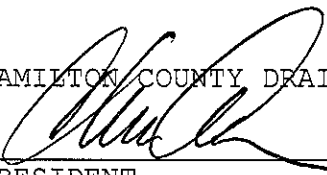
The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

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.

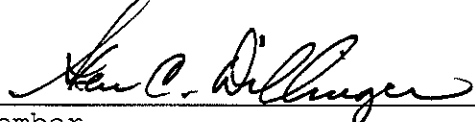
The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Little Cicero Creek** be and is hereby declared established.

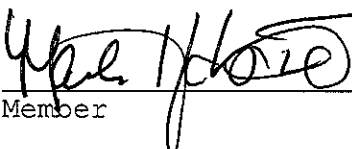
Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD


PRESIDENT



Member



Member

ATTEST: 
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Little Cicero Creek
(Hall Petition)

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 **Little Cicero Creek (Hall Petition)** on **April 22, 2013** at **9:40 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 **Little Cicero Creek**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **April 22, 2013** 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: Christine Altman
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY

