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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*

April 4, 2023

To: Hamilton County Drainage Board

Re: Little Cicero Creek Drain, Hamilton County Parks Extension

Attached is a petition, drain map, drainage shed map and schedule of assessments for the extension of the Little Cicero Creek Drain. This proposed drain is located in Jackson Township and has been petitioned by the Hamilton County Parks Board.

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 public 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 land likely to be benefited. The drain will consist of the following:

Open Ditch      2,027 ft.

The total length of the drain will be 2,027 feet.

The extension has two segments as the Parks Parcel 03-02-00-00-005.003, is located on both the north and south sides of 256<sup>th</sup> Street. The north segment begins at the west property line of the Parks Parcel and runs downstream 742 feet in the existing channel for Little Cicero Creek to the north property line of said parcel. The south segment begins at the south line of the 256<sup>th</sup> Street right of way which is the end point of the Little Cicero Creek Drain, 256<sup>th</sup> Street Extension as described in my report dated October 4, 2021. This extension was approved by the Board at hearing on November 22, 2021 (see Hamilton County Drainage Board Minutes Book 20, pages 216 to 218). This segment then runs in a southerly direction downstream 1,285 feet in the existing channel for Little Cicero Creek to the south line of said parcel.

The current rates for the Little Cicero Creek Drain are as follows:

1. Maintenance assessment for agricultural tracts set at 4.00 per acre with a \$15.00 minimum.

2. Maintenance assessment for non-platted residential tracts set at \$4.00 per acre with a \$15.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain set at \$35.00 per lot/minimum. Common areas within the non-regulated drain subdivision assessed at \$5.00 per acre with a \$35.00 minimum.
4. Maintenance assessments for platted lots within subdivisions whose drainage system will be part of the regulated drain set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivision set at \$10.00 per acre with a \$65.00 minimum.
5. Maintenance assessments for commercial, institutional and multi-family residential tracts set at \$10.00 per acre with a \$75.00 minimum.
6. Maintenance assessment for roads and streets are set at \$10.00 per acre.

The annual maintenance collection for this extension will be \$160.68.

The nature of maintenance work required is as follows:

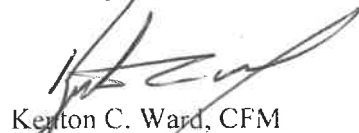
1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.

The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33 on the Parks property. The easement on the Hever property parcels 03-02-26-00-00-006.000, 03-02-26-00-00-006.001, 03-02-26-00-00-006.002 shall be 30 feet as platted on the Secondary Minor Plat for Hever Estates and recorded in the office of the Hamilton County Recorder as Instrument Number 2020024152 Plat, Plat Cabinet 5, Slide 1126.

I recommend that the Board set a hearing for this proposal for May 22, 2023.

Sincerely,



Keaton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

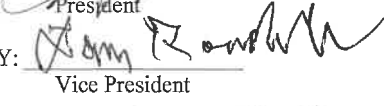
IN THE MATTER OF THE LITTLE CICERO CREEK DRAIN  
HAMILTON COUNTY DRAINAGE BOARD

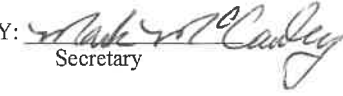
Come now the Board for the Hamilton County Department of Parks and Recreation, who petition the Hamilton County Drainage Board as follows:

1. They are the duly appointed Board for the Hamilton County Department of Parks and Recreation, Indiana.
2. That in that capacity they are responsible for the drainage of park properties.
3. That they now desire that a regulated drain be established in Jackson Township which involves Scherer Avenue and 256th Street and various areas surrounding the streets 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 the northeast quarter of Section 26 in 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 the existing tile and open ditch system as shown in red on the attached Exhibit "B".
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 benefit a public highway in Hamilton County, Indiana.
9. That the name of the attorney representing Petitioner in the drainage petition is Christopher J. Neeson, Blecker, Brodey & Andrews, 9247 N. Meridian St., Ste. 101, Indianapolis, Indiana 46260.
10. That Petitioners shall pay the cost of notice and all legal costs if the Petition is dismissed.
11. 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.

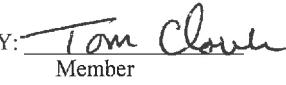
Hamilton County Parks Board, Hamilton County, Indiana

BY:   
President

BY:   
Vice President

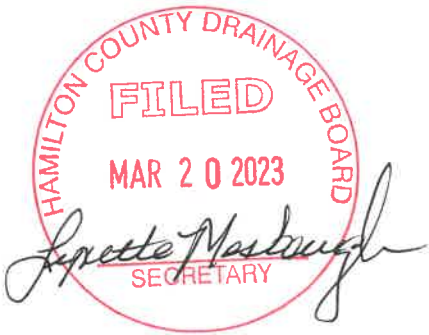
BY:   
Secretary

BY: \_\_\_\_\_  
Treasurer

BY:   
Member

BY: \_\_\_\_\_  
Member

BY: \_\_\_\_\_  
Member



Attest:

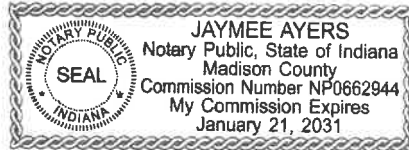
  
Secretary, Hamilton County Park Board

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF HAMILTON)

Subscribed and sworn to before me, A Notary Public this 17<sup>th</sup> day of January 2023

Jaymee Ayers  
Notary Public of Hamilton County

My Commission Expires:  
January 21, 2031

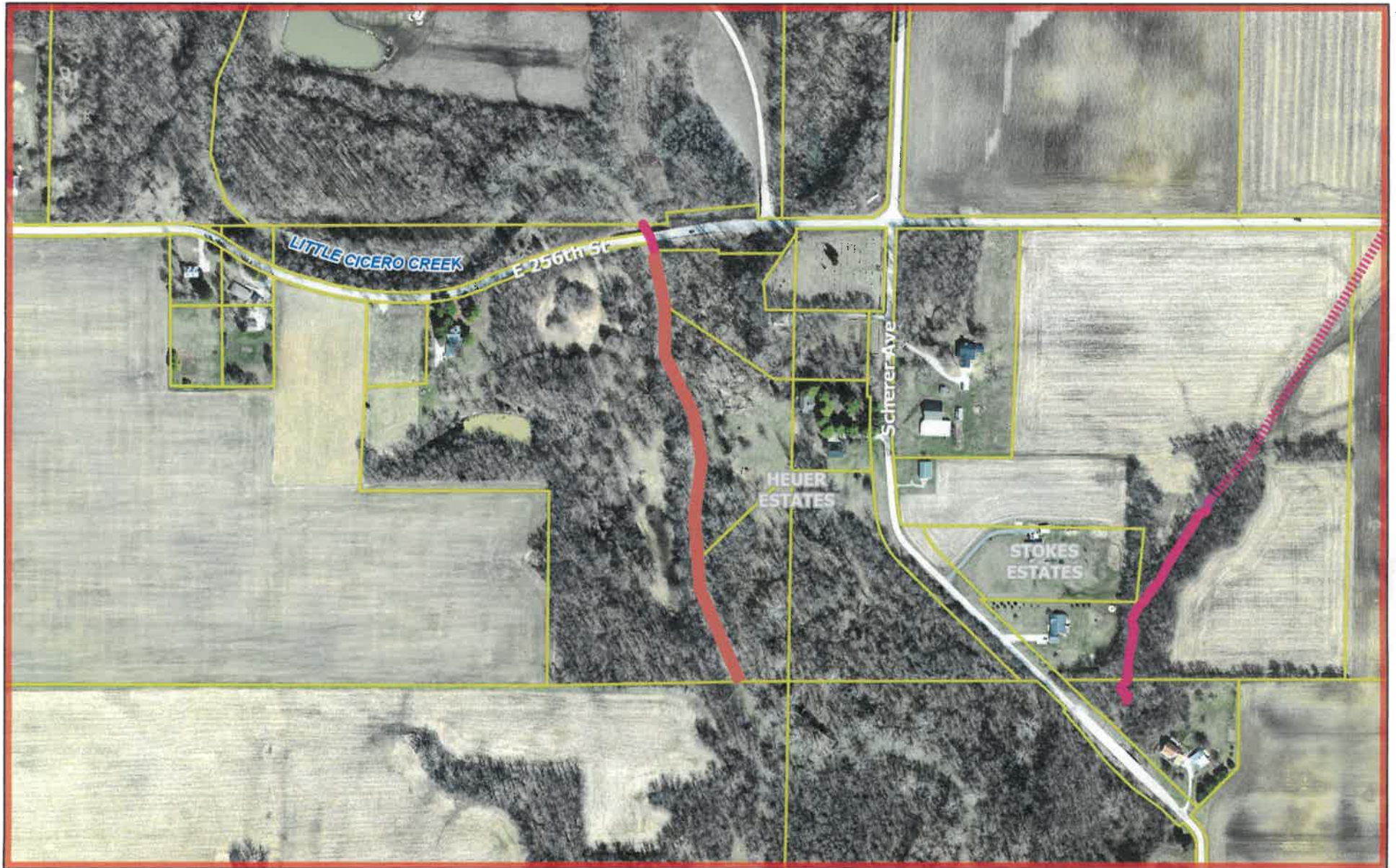


## Little Cicero Creek Drain - Exhibit A

Hamilton County Dept. of Parks & Rec. 15513 S. Union Street Carmel, IN 46033	03-02-26-00-00-005.003	Pt NE ¼	21.42 Acres
James Eric Heuer 25510 Scherer Ave. Arcadia, IN 46030	03-02-26-00-00-006.000	Pt Lot 1 Heuer Estates	2.5 Acres
Ian C. Heuer 25510 Scherer Ave. Arcadia, IN 46030	03-02-26-00-00-006.001	Pt Lot 2, Heuer Estates	3.26 Acres
James Eric Heuer 25510 Scherer Ave. Arcadia, IN 46030	03-02-26-00-00-006.002	Pt Lot 3, Heuer Estates	2.53 Acres

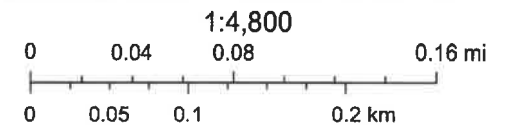


# Little Cicero Creek Drain - Exhibit B



November 4, 2022

- |                  |   |   |
|------------------|---|---|
| Rivers & Streams | Regulated Drains  | Drainage Structures   |
| Major Roads      | <ul style="list-style-type: none"> <li>----- CLOSED DRAIN</li> <li>—— OPEN DRAIN</li> </ul> | <ul style="list-style-type: none"> <li>● All Other Structures</li> <li>□ Parcels</li> </ul> |
| Subdivisions     |   |   |



Author: Hamilton County

Hamilton County compiled this map. Although strict accuracy standards have been employed, Hamilton County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission. This copy printed from Digital Archive of the Hamilton County Surveyor's Office; One Hamilton Co. Square, Ste., Noblesville, In 46060

FINDINGS AND ORDER


CONCERNING THE MAINTENANCE OF THE

Little Cicero Creek Drain, Hamilton County Parks Extension

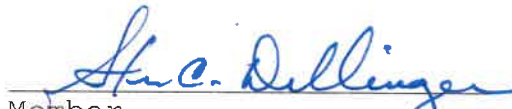
On this 22<sup>nd</sup> day of May, 2023, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Little Cicero Creek Drain, Hamilton County Parks Extension.

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:   
Executive Secretary



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 Drain, Hamilton County Parks Extension***

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the ***Little Cicero Creek Drain, Hamilton County Parks Extension*** came before the Hamilton County Drainage Board for hearing ***on May 22, 2023***, 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.

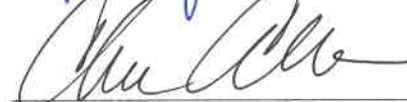
The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the ***Little Cicero Creek Drain, Hamilton County Parks Extension*** 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 Drain,  
Hamilton County Parks Extension*

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 Drain, Hamilton County Parks Extension** on **May 22, 2023** at **9:00 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 Drain, Hamilton County  
Parks Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **May 22, 2023** 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: Mark Heirbrandt  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY