



SURVEYOR'S OFFICE
Hamilton County

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April 9, 2009

To: Hamilton County Drainage Board

Re: Little Eagle Creek Drain, John Stewart #56 Arm

Upon review of the drainage sheds, I believe that the John Stewart Drain should be made an arm to the Little Eagle Creek Drain as the John Stewart Drain is a tributary to the Little Eagle Creek Drain. This would also avoid a double assessment on the tracts currently assessed for the John Stewart Drain when the remainder of the Little Eagle Creek Drain is assessed for maintenance.

The John Stewart Drain was created on October 15, 1945 per the Hamilton County Circuit Court. On December 6, 1971 the Board held a hearing to establish the drain maintenance assessment for the John Stewart Drain (Drainage Board Minutes Book 1, Page 76). At present the John Stewart Drain maintenance assessment affects 273.36 acres. The rate of assessment for the drain is set at \$10.00 per acre for roads, \$2.00 per acre with a \$15.00 minimum for residential and agricultural tracts, \$10.00 per acre with a \$75.00 minimum for commercial, institutional, and multi-family tracts, \$5.00 per acre with a \$35.00 minimum for platted un-regulated subdivisions, and \$10.00 per acre with a \$65.00 minimum for regulated drain subdivisions. This rate collects \$1,481.56 annually and the balance within the fund is \$3,646.70. There are no outstanding work orders for this drain at this time.

The current maintenance assessment as per the current rates set for the Little Eagle Creek Drain which are as follows:

1. Maintenance assessment for roads and streets are set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts are set at \$2.00 per acre with a \$15.00 minimum.

3. Maintenance assessment for non-platted residential tracts are set at \$2.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts are 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.

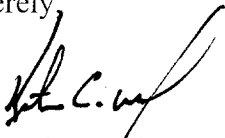
The total annual assessment for this arm will be \$760.80.

The current balance of the John Stewart Drain shall be kept separate and these funds expended for needed maintenance on the John Stewart Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Little Eagle Creek Drain fund.

Future assessments for the drainage area of the John Stewart Drain will be made into the Little Eagle Creek Drain fund. No further maintenance collections for the John Stewart Drain shall be made after 2009.

I recommend that the Board set a hearing for this consolidation for May 26, 2009.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Little Eagle Creek Drain, John Stewart Arm

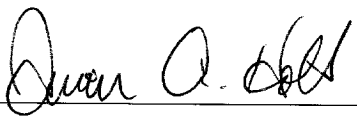
On this 26th day of May 2009, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Eagle Creek Drain, John Stewart Arm**.

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



Vice President



Member



Alternate Member

Attest: 

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Little Eagle Creek Drain, John Stewart Drain Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Little Eagle Creek Drain, John Stewart Drain Arm** on **May 26, 2009** at **9:05 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 Eagle Creek Drain, John Stewart Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **May 26, 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