

KCW

SURVEYOR'S OFFICE
Hamilton County

February 26, 2021

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

To: Hamilton County Drainage Board

RE: Little Eagle Creek, Orris Brendel Drain Arm 1—Kimblewick Section 4 Partial Vacation

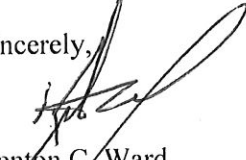
Attached is a request to vacate a portion of the Orris Brendel Drain, Arm 1 in Westfield Indiana by Del Webb and Associates within the limits of their proposed subdivision, Kimblewick Section 4. The existing parcel in which the vacation will occur is 08-09-17-00-00-006.000 and is currently owned by BCE Associates IV LLC. This parcel will be subdivided as Kimblewick Section 4.

The Orris Brendel Drain is a farm tile located within the Little Eagle Creek Watershed and is currently maintained by Hamilton County. The drain was constructed as per its original description dated April 28, 1953.

The portion of the Orris Brendel Drain Arm 1 to be vacated is that section beginning at station 0+0 to station 6+42 per the drains original 1953 description. Station 6+42 is located at the west line of the proposed Kimblewick Subdivision. The request will remove 642 linear feet of 8 inch tile.

With the approval of Kimblewick Section 4, the existing parcel will be converted from farmland to a residential subdivision with new drainage infrastructure thus the portion of the Orris Brendel drain within the subdivision limits will no longer be needed. Maintenance of the new stormwater infrastructure will be the responsibility the City of Westfield. Upon approval of the project, contractors will remove the existing 642 feet of the Orris Brendel drain within the subdivision and cap the regulated drain at the Western limits of the project which is also the property line of existing parcel 08-09-17-00-00-006.000. No outlet connection will be made to the Orris Brendel Drain with the construction of Kimblewick Section 4.

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 April 26, 2021.

Sincerely,

Kenton C. Ward
Hamilton County Surveyor

KCW/STC

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE


Little Eagle Creek Drain,
Orris Brendel Drain Arm 1, Kimblewick Section 4 Partial Vacation

Station 0+0 to Station 6+42

On this 26th day of April, 2021, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Little Eagle Creek Drain, Orris Brendel Drain Arm 1, Kimblewick Section 4 Partial Vacation (Station 0+0 to Station 6+42).

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 Little Eagle Creek Drain, Orris Brendel Drain Arm 1, Kimblewick Section 4 Partial Vacation (Station 0+0 to Station 6+42).

HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD IN THE MATTER OF THE

**Little Eagle Creek Drain, Orris Brendel Drain Arm 1
Kimblewick Section 4 Partial Vacation**

Station 0+0 to Station 6+42

NOTICE is hereby given that a petition to vacate has been received by the Hamilton County Surveyor for the **Little Eagle Creek Drain, Orris Brendel Drain Arm 1, Kimblewick Section 4 Partial Vacation** across Parcel 08-09-17-00-00-006.000 (Station 0+0 to Station 6+42) and that a hearing is scheduled for April 26, 2021 at 9:05 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

**Little Eagle Creek Drain, Orris Brendel Drain Arm 1
Kimblewick Section 4 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 **April 26, 2021** 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