

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

January 4, 2008

To: Hamilton County Drainage Board

Re: Little Eagle Creek Drain, John Edwards Arm

Upon review of the drainage sheds, I believe that the John Edwards Drain should be made an arm to the Little Eagle Creek Drain as the Edwards 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 Edwards Drain when the remainder of the Little Eagle Creek Drain is assessed for maintenance.

The John Edwards Drain was created on September 23, 1882 per the Hamilton County Circuit Court. On August 21, 1985 the Board held a hearing to establish the drain maintenance assessment for the John Edwards Drain per my report dated July 18, 1985. (Drainage Board Minutes Book 4, Page 152 to 156). At present the John Edwards Drain maintenance assessment affects 1,841.64 acres and 987 lots. 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 \$54,890.70 annually and the balance within the fund is \$115,156.30. There is one (1) outstanding work order for this drain at this time.

The current maintenance assessment would remain the same as per the 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 not be change.

The current balance of the John Edwards Drain shall be kept separate and these funds expended for needed maintenance on the John Edwards 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 Edwards Drain will be made into the Little Eagle Creek Drain fund. No further maintenance collections for the John Edwards Drain shall be made.

I recommend that the Board set a hearing for this consolidation for February 25, 2008.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

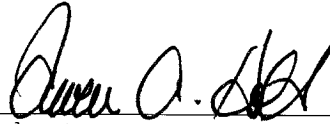
CONCERNING THE MAINTENANCE OF THE

Little Eagle Creek Drain, John Edwards Arm

On this **25th day of February 2008**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Eagle Creek Drain, John Edwards 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.

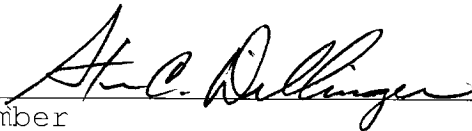
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Little Eagle Creek Drain, John Edwards Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **February 25, 2008** 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Little Eagle Creek Drain, John Edwards Arm

NOTICE

To Whom It May Concern and:Azimov, Aleksandr K

Morales, David & Elizabeth

Lozano, Angel G & Maria A

Bowie, James R

Schroeder, Douglas K & Erin L

Quent Partners, LLC

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Little Eagle Creek Drain, John Edwards Arm** on **February 25, 2008** 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

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Little Eagle Creek,
John Edwards Arm.

Azimov, Aleksandr K
58 Spring Lake Dr
Westfield, IN 46074

You are hereby notified that the maintenance report of the County 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 County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the drain is \$54,890.70 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Current Assmt.	Proposed Assmt.	% of Total
09-09-02-00-19-027.000	Countryside 5A Lot 522	One Lot	\$35	\$35	0.06%
	Un-regulated Subd.				

A hearing will be held by the Drainage Board in Commissioner's Court at 9:05 A.M. on February 25, 2008 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed.

The failure of any owner to file an objection constitutes a waiver of his right to thereafter object on such ground to any final action of the Board. On or before the hearing date the Surveyor or any owner of lands named in the schedule of assessments may cause written evidence to be filed in support of or in rebuttal to any objection filed.

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060

Returned

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Little Eagle Creek,
John Edwards Arm.

Morales, David & Elizabeth
130 Dupont Ln
Westfield, IN 46074

You are hereby notified that the maintenance report of the County 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 County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the drain is \$54,890.70 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Current Assmt.	Proposed Assmt.	% of Total
09-09-02-00-21-013.000	Countyside 7th Lot 656	One Lot	\$35	\$35	0.06%
	Un-regulated Subd.				

A hearing will be held by the Drainage Board in Commissioner's Court at 9:05 A.M. on February 25, 2008 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed.

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HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060

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Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Little Eagle Creek, John Edwards Arm.

Lozano, Angel G & Maria A
16782 Colfax Ln
Westfield, IN 46074

You are hereby notified that the maintenance report of the County 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 County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the drain is \$54,890.70 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Current Assmt.	Proposed Assmt.	% of Total
09-09-02-00-22-014.000	Countryside 15th Lot 467	One Lot	\$35	\$35	0.06%
	Un-regulated Subd.				

A hearing will be held by the Drainage Board in Commissioner's Court at 9:05 A.M. on February 25, 2008 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed.

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Noblesville, IN 46060

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HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Little Eagle Creek,
John Edwards Arm.

Bowie, James R
16620 Lakeville Xing
Westfield, IN 46074

You are hereby notified that the maintenance report of the County 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 County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the drain is \$54,890.70 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Current Assmt.	Proposed Assmt.	% of Total
09-09-11-00-05-004.000	Countryside 14th Lot 400	One Lot	\$35	\$35	0.06%
	Un-regulated Subd.				

A hearing will be held by the Drainage Board in Commissioner's Court at 9:05 A.M. on February 25, 2008 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed.

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Noblesville, IN 46060

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HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Little Eagle Creek,
John Edwards Arm.

Schroeder, Douglas K & Erin L
17026 Troy Ln
Westfield, IN 46074

You are hereby notified that the maintenance report of the County 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 County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the drain is \$54,890.70 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Current Assmt.	Proposed Assmt.	% of Total
09-09-02-00-10-047.000	COUNTRYSIDE 4TH LOT 107	One Lot	\$35	\$35	0.06%
	Un-regulated Subd.				

A hearing will be held by the Drainage Board in Commissioner's Court at 9:05 A.M. on February 25, 2008 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed.

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Noblesville, IN 46060

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OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Little Eagle Creek,
John Edwards Arm.

Quent Partners LLC
PO Box 542016
Omaha, NE 68154

You are hereby notified that the maintenance report of the County 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 County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the drain is \$54,890.70 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Current Assmt.	Proposed Assmt.	% of Total
08-09-10-00-00-016.000	SE S10 T18 R3 18.39 AC	5	\$15	\$15	0.03%
	Residential or Agricultural				

A hearing will be held by the Drainage Board in Commissioner's Court at 9:05 A.M. on February 25, 2008 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed.

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HAMILTON COUNTY DRAINAGE BOARD
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Noblesville, IN 46060

Returned

OFFICE OF

HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Little Eagle Creek, John Edwards Arm.

Fast Sinclair, Beverly A & Charles L Sinclair
223 Winslow Dr
Westfield, IN 46074

You are hereby notified that the maintenance report of the County 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 County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the drain is \$54,890.70 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Current Assmt.	Proposed Assmt.	% of Total
09-09-02-00-10-033.000	COUNTRYSIDE 4TH LOT 93	One Lot	\$35	\$35	0.06%
	Un-regulated Subd.				

A hearing will be held by the Drainage Board in Commissioner's Court at 9:05 A.M. on February 25, 2008 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed.

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HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060

09-09-11-00-12-014.000

James Novotny

16330 Oldenburg Cir
Westfield, IN 46074



January 28, 2008

One Hamilton County Square
Ste. 188
Noblesville, IN 46060

Dear Sir or Madam:

This letter is in response to the notice of hearings to establish annual assessments for the periodic maintenance of the Little Eagle Creek, John Edwards Arm.

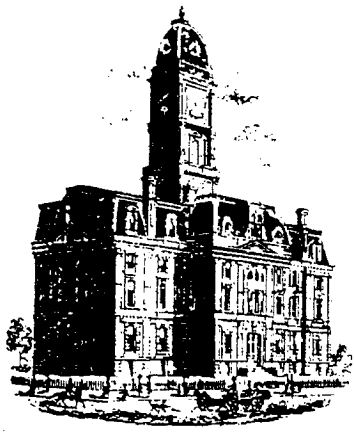
I in no way, shape, or form approve of any type of additional fees, taxes, costs, or whatever you would like to call this request for yet more money from the homeowners of Hamilton County! I will fight this tooth and nail. I pay enough money to Hamilton County in the form of my annual taxes of several thousand dollars! If that is not enough, then use money from the several hundred dollars I pay each year to my homeowners association. And, if that is still not enough, then take it out of the monthly fees I pay for water and sewer!

I pay through the nose for Hamilton County taxes and I have no kids that attend your schools, nor do I use any other services from Hamilton County. You do not clear my roads, you do not cut the grass in my subdivision, nor do you do any other service that benefits me!

This is absolutely ridiculous! Are you people out of your minds!! I could care less about any creek, river, or lake that you claim affects my property!

Sincerely,

James Novotny
Homeowner who pays enough money to Hamilton County!!!



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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 19, 2008

James Novotny
16330 Oldenburg Circle
Westfield, IN 46074

Re: Little Eagle Creek Drain, John Edwards Arm

I am in receipt of your objection dated January 28, 2008. Upon reading your objection I do not believe you read the Surveyor's Report which accompanied the notice. Or, if you did read it you did not understand what it meant. In short, your assessment will not change. The only change will be the fund into which the collections are posted to.

I hope this helps in your understanding of the proposal.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

09-09-02-00-20-047,000

John Edwards Arm

January 26, 2008

TO: Hamilton County Drainage Board

Re: Little Eagle Creek Drain Maintenance Assessment



I object on the ground the benefits assessed are excessive.

I believe the fee is excessive.

Your letter is vague and unclear as to what drain if any our lot effects.

You have provided no information to the locations of the drains in reference to property.

The fee doesn't take in account the large number of new homes in the area to share and thereby lower the fee.

The fee doesn't take in account or mention the many retaining ponds in the area.

The letter doesn't mention the date of the data used by the surveyor to conclude presented fee calculations. The only mention is the words "at present" ?

The letter doesn't mention what the total collection would be using the proposed fee and (updated) data, adding the newly built structures.

The letter doesn't address a refund when fee collected is above calculated needs.

The letter doesn't address if funds or its interest collected can be borrowed or spent for other than collected reasons.

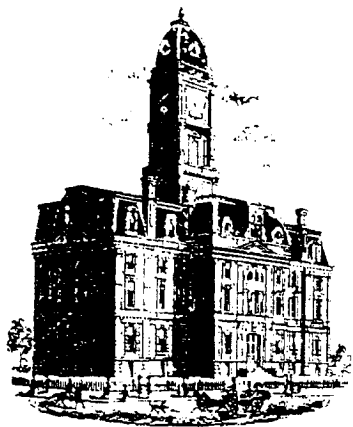
The letter doesn't give the date of nor the number of estimates received or from whom, in which the periodical maintenance cost where estimated.

The fee should be assessed in proportion to land or lot size. Not merely having the residential home owners bearing the cost. That is discriminatory and is currently a issue relating to property values.

The fee is unneeded and at best extremely excessive .

Jerry Parker
77 filmore way
Westfield in 46074

A large, handwritten signature in black ink, appearing to read "Jerry Parker". The signature is written in a cursive style with a long, sweeping underline.



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 19, 2008

Jerry Parker
77 Filmore Way
Westfield, IN 46074

Re: Little Eagle Creek Drain, John Edwards Arm

I received your objection dated January 26, 2008. Upon reading the objection I felt that perhaps you did not understand the Surveyor's Report which accompanied your notice. In short, your assessment will not change. The only change will be the fund into which the collections are posted.

If you would like to schedule an appointment with me I would be happy to sit down and discuss the other points which you noted.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm