

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, S.M. Smith Arm

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

The S.M. Smith Drain was created on September 23, 1882 per the Report of Commissioners. On August 2, 1982 the Board held a hearing to establish the drain maintenance assessment for the S.M. Smith Drain per my report dated May 7, 1982. (Drainage Board Minutes Book 1, Page 486). At present the S.M. Smith Drain maintenance assessment affects 654.70 acres and 121 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 \$15,755.84 annually and the balance within the fund is \$24,299.41. There are no outstanding work orders 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 change.

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

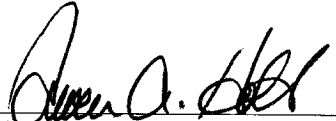
CONCERNING THE MAINTENANCE OF THE

Little Eagle Creek Drain, S. M. Smith 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, S. M. Smith 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.

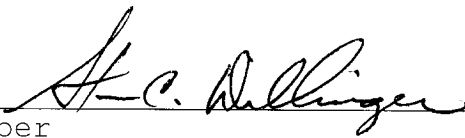
HAMILTON COUNTY DRAINAGE BOARD




President



Member



Member

Attest: 

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Little Eagle Creek Drain, S. M. Smith Arm

NOTICE

To Whom It May Concern and: Jones, Raven

Woodall, Brian

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Little Eagle Creek Drain, S. M. Smith 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Little Eagle Creek Drain, S. M. Smith 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

Returned

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Little Eagle Creek,
S.M. Smith Arm.

Jones, Raven
16923 Southall 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 \$15,755.84 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Current Assmt.	Proposed Assmt.	% of Total
08-09-03-00-02-003.000	Maple Village 1st Lot 3	One Lot	\$65	\$65	0.41%
	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,
S.M. Smith Arm.

Woodall, Brian
16919 Kingsbridge Blvd
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 \$15,755.84 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Current Assmt.	Proposed Assmt.	% of Total
08-09-03-00-02-056.000	Maple Village 1st Lot 56	One Lot	\$65	\$65	0.41%
	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.

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Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Little Eagle Creek,
S.M. Smith Arm.

Woodall, Brian
952 Helston Ave
Westfield, IN 46074

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Parcel	Description	Acres Benefited	Current Assmt.	Proposed Assmt.	% of Total
08-09-03-00-02-059.000	Maple Village 1st Lot 59 Regulated Subd.	One Lot	\$65	\$65	0.41%

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S.M. Smith Arm.

Woodall, Brian
942 Helston Ave
Westfield, IN 46074

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The Surveyor has estimated that the annual cost of periodically maintaining the drain is \$15,755.84 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Current Assmt.	Proposed Assmt.	% of Total
08-09-03-00-02-060.000	Maple Village 1st Lot 60	One Lot	\$65	\$65	0.41%
	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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