



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

December 5, 2008

To: Hamilton County Drainage Board

Re: Emery Clark & S.J. Compton Drainage Area

Attached is a drain map, drainage shed map and schedule of assessments for maintenance for the Emery Clark & S. J. Compton Drainage Area. This drain is located in Adams and Washington Townships.

The Emery Clark & S. J. Compton Drainage Area shall consist of ten (10) separate regulated drains. Those drains are the Silas Davis, Emery Clark, Theo Johnson, Sarah Compton, Clark Millikan, Taylor & Jessup, Quincy Millikan, Walter Stephenson, John Bell and Bower Farms.

The Silas Davis Drain was constructed by order of the Circuit Court in February 1884. The drain consists of 3,885 feet of tile drain.

The Emery Clark Drain was constructed by order of the Circuit Court in October 1890. The drain consists of 23,650 feet of open ditch, 13,249 feet of which is in Hamilton County and 10,401 feet in Boone County.

The Theo Johnson Drain was constructed by order of the County Commissioners in August 1893. The drain consists of 3,330 feet of tile drain.

The Sarah J. Compton Drain was constructed by order of the Circuit Court in May 1896. The drain consisted of 18,500 feet of open ditch. In May 1919 the Circuit Court ordered 5,270 feet of the Sarah J. Compton Drain to be tiled as the Walter Stephenson Drain.

The Clark Millikan Drain was constructed by order of the County Commissioners in August 1898. The drain consists of 2,625 feet of tile drain.

The Taylor & Jessup Drain consists of two (2) drains, the Elias Jessup Drain and the William Taylor Drain. The Elias Jessup Drain was established by the Circuit Court in September 1901. It consists of 6,220 feet of tile drain. The William Taylor Drain was established by the County Commissioners in November 1910. It consists of 2,087 feet of tile drain.

The Quincy Millikan Drain was constructed by order of the County Commissioners on July 1909. The drain consists of 3,465 feet of tile drain.

The John Bell was constructed by order of the County Commissioners in February 1930. The drain consists of 987 feet of open ditch.

The Bower Farms Drain was established by the Drainage Board in August 2001. The drain consists of 1,779 feet of tile drain.

The drainage area shall consist of the following lengths.

DRAIN	TILE	<u>OPEN</u>
Silas Davis Drain	3,885	
Emery Clark Drain		13,249
Theo Johnson Drain	3,330	,
Sarah J. Compton Drain		13,230
Clark Millikan Drain	2,625	,
Taylor & Jessup Drain	8,307	
Quincy Millikan Drain	3,465	
Walter Stephenson Drain	5,270	
John Bell Drain		987
Bower Farms Drain	1,779	
	28,661 feet	$\overline{27,466}$ feet

The total length of regulated drain within the drainage area is 56,127 feet. Only that portion of the Emery Clark within Hamilton County shall be maintained.

At this time the Emery Clark and S. J. Compton Drainage Area is listed on the 2008 Classification List for reconstruction at Number 8. The drain was requested for classification by Gene Stuckey on April 25, 1969. The office has had four (4) complaints on the drain since 2003. Those are as follows:

<u>DATE</u>	<u>APPLICANT</u>	<b>LOCATION</b>	<b>PROBLEM</b>
May 28, 2003	Nancy Jenkins	226 <sup>th</sup> & Lamong	Blow holes due to poor outlet.
March 15, 2006	Dan Cain	2607 W. 206 <sup>th</sup> St.	Broken tile due to poor outlet
April 23, 2007	Brenda Clark	22620 Lamong Rd.	Debris obstructing flow
January 17, 2008	Dan Cain	2607 W. 206 <sup>th</sup> St.	Beavers

Although this drainage area is on the reconstruction list, there has not been a formal reconstruction petition filed by the landowners within the drainage shed. Therefore, I am recommending that it be placed on maintenance at this time. The drain shall remain on the reconstruction list until plans can be prepared and a reconstruction hearing held at sometime in the future.

The nature of maintenance work required is as follows:

- A. Clearing of trees and brush on the existing open drain as needed to improve flow;
- B. Creation and re-excavation of silt basins;
- C. Re-excavation of open ditch to original grade line;
- D. Surface water structure as might be required;
- E. Bank erosion protection and/or seeding as might be required;
- F. Repair of private tile outlet ends as might be required;
- G. Repair of regulated drain tile outlets:
- H. Removal of beaver dams;
- I. Removal of debris and/or blockage from regulated open ditch;
- J. Spraying for vegetation control;
- K. Mowing filter strips;
- L. Any other repairs deemed to be applicable and necessary by the Surveyor to restore the drain to its original intended use and condition.

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

At this time six (6) drains are currently on a maintenance program. Those drains are #27 Taylor Jessup, #50 Theo Johnson, #63 Stephenson-Compton, #171 Silas Davis, #199 Quincy Millikan and #332 Bowers Farms. Unless otherwise stated below, the maintenance collections for these drains will cease beginning in 2009. The balances in these drain funds will remain and be expended on those drains until the balance for that drain is exhausted. Afterwards, the cost of repair for that drain will be taken from the overall maintenance fund. This will eliminate the need for double assessing those landowners already paying maintenance on the individual drains listed above.

The Taylor & Jessup Drain was placed on maintenance by the Board at hearing on November 2, 1970. (Hamilton County Drainage Board Minute Book 1, Page 60). The original rate for the drain was \$1.00 per acre with a \$3.00 minimum. The Board increased the assessments in 2001 per my report dated January 19, 2001 at hearing on February 26, 2001 and March 26, 2001. (See Hamilton County Drainage Board Minutes Book 5, pages 583-584 and Book 6, Pages 15-16 respectively). The new rate for the drain was set as follows:

Residential	Residential	Agricultural	Agricultrual	Unregulated	Unregulated	Regulated	Regulated	Commerical	Commerical	Roads
Acre Rate	<u>Minimum</u>	Acre Rate	<u>Minimum</u>	Sub. Ac.	Sub Min.	Sub. Ac.	Sub. Min.	Acre Rate	Minimum	Acres
S5.00	\$15.00	\$5.00	\$15.00	\$5.00	\$35.00			\$10.00		\$10.00

The new rate brings in an annual assessment of \$3,158.04. At this time the drain is \$20,281.04 in the red. I recommend that the collections on this drain continue until such time the balance which is owed is paid off.

The Theo Johnson Drain was placed on maintenance by the Board at hearing on August 2, 1971 (Hamilton County Drainage Board Minutes Book 1, Page 73). The original rate for this drain was \$1.00 per acre with a \$3.00 minimum. The Board increased the assessment in 2001 per my report dated April 3, 2001 at hearing on April 23, 2001 (See Hamilton County Drainage Board Minutes Book 6, Pages 27-28). The new rate for the drain was set as follows:

Residential	Residential	Agricultural	Agricultural	Unregulated	Unregulated	Regulated	Regulated	Commercial	Commercial	Road
Acre Rate	<u>Minimum</u>	Acre Rate	<u>Minimum</u>	Sub. Ac.	Sub. Min.	Sub Ac.		Acre Rate		
\$1.50	\$15.00	\$1.50	\$15.00	\$5.00	\$35.00	\$10.00	\$65.00	\$10.00		\$10.00

The new rate brings in an annual assessment of \$568.70. At this time the drain is \$2,034.59 in the red. I recommend that the collections on this drain continue until such time the balance which is owed is paid off.

The Stephenson-Compton Drain was placed on maintenance as the Walter Stephenson Drain by the Board at hearing on January 17, 1972 (Hamilton County Drainage Board Minute Book 1, Page 79). The original rate for this drain was \$1.00 per acre with a \$3.00 minimum. On July 25, 1983 the Board combined the Walter Stephenson Drain, Clark Millikan Drain, John Bell Drain and a portion of the Sarah Compton Drain as the Stephenson-Compton Drain (Hamilton County Drainage Board Minutes Book 1, Page 547). This was done per my report dated April 15, 1983. The Clark Millikan Drain was originally placed on maintenance on June 19, 1972 (See Hamilton County Drainage Minutes Book 1, Page 85). The rate for this drain was \$1.00 per acre with a \$3.00 minimum. The John Bell and Sarah Compton Drains were not previously on maintenance. The rate set in 1983 was \$2.00 per acre with a \$6.00 minimum. The rates were increased by the Board per my report dated March 3, 2006 on June 26, 2006 (See Hamilton County Drainage Board Minutes Book 9, Pages 269-270). The new rates are as follows:

Residential	Residential	Agriculutral	Agricultural	Unregulated	Unregulated	Regulated	Regulated	Commercial	Commercial	Road
Acre Rate	Minimum	Acre Rate	Minimum	Sub. Ac.		Sub Ac		Acre Rate	Mainimum	
\$2.00	\$15.00	\$2.00	\$15.00	\$5.00	\$35.00	\$10.00	\$65.00	\$10.00	\$75.00	\$10.00

The new rate brings in an annual assessment of \$2,996.98. At this time the drain has a current balance of \$7,465.06.

The Silas Davis Drain was placed on maintenance by the Board per my report dated March 29, 1983 at hearing on June 6, 1983 (See Hamilton County Drainage Board Minute Book 1, Page 539). The original rate of assessment was \$2.00 per acre with a \$6.00 minimum. The assessment rates were increased, per my report dated April 20, 2001 by the Board at hearing on May 29, 2001 (See Hamilton County Drainage Board Minute Book 6, Pages 58-59). The commercial minimum rate was increased per my report dated March 3, 2006 by the Board at hearing on May 22, 2006. (See Hamilton County Drainage Board Minutes Book 9, Pages 206-207). The current rates for this drain are as follows:

Residential	Residential	Agriculutral	Agricultural	Unregulated	Unregulated	Regulated	Regulated	Commercial	Commercial	Road
Acre Rate	Minimum	Acre Rate	Minimum_		Sub. Min.	Sub Ac		Acre Rate	Mainimum	
\$5.00	\$15.00	\$5.00	\$15.00	\$5.00	\$35.00	\$10.00	\$65.00	\$10.00	\$75.00	\$10.00

The current rate collects an annual assessment of \$946.36. At this time the drain has a current balance of \$249.50.

The Quincy Millikan Drain was placed on maintenance per my report dated June 6, 1984 by the Board at hearing on October 9, 1984 (See Hamilton County Drainage Board Minutes Book 2, Page 17).

The original rate of assessment was \$2.00 per acre with a \$6.00 minimum. The Board increased the assessment per my report dated September 19, 2005 at hearing on November 28, 2005 (See Hamilton County Drainage Board Minutes Book 8, pages 513-514). The new and current rate of assessment for this drain is as follows:

Residential	Residential	Agriculutral	Agricultural	Unregulated	Unregulated	Regulated	Regulated	Commercial	Commercial	Road
Acre Rate	<u>Minimum</u>	Acre Rate	Minimum	Sub. Ac.	Sub. Min.	Sub Ac		Acre Rate		
\$5.00	\$15.00	\$5.00	\$15.00	\$5.00	\$35.00	\$10.00	\$65.00	\$10.00	\$75.00	\$10.00

The current rate collects an annual assessment of \$635.26. At this time the drain has a current balance of \$932.52.

The Bower Farms Drain was established and placed on maintenance per my report dated July 19, 2001 by the Board at hearing on August 27, 2001 (See Hamilton County Drainage Board Minutes Book 6, Pages 121-122). The current rate of assessment for this drains is as follows:

Residential	Residential	Regulated	Regulated	Road
Acre Rate	<u>Minimum</u>	Sub. Ac.	Sub Min.	Acres
\$5.00	\$15.00	\$5.00	\$100.00	\$10.00

The current rate collects an annual assessment of \$939.16. At this time the drain has a current balance of \$4,735.01.

At this time the Emery Clark & S. J. Compton drainage area is \$530.00 in the red. The general drain improvement fund was used in 2008 for removal of beavers.

I have reviewed the plans and drain map and believe, as set out in IC 36-9-27-69 (b) (1) that all tracts within the drainage shed of the Emery Clark & S. J. Compton Drainage area will benefit. The following maintenance assessment should be adopted by the Board:

- 1. Maintenance assessment for roads and streets be set at \$10.00 per acre.
- 2. Maintenance assessment for agricultural tracts be set at \$4.00 per acre with a \$15.00 minimum.
- 3. Maintenance assessment for non-platted residential tracts be set at \$4.00 per acre with a \$15.00 minimum.
- 4. Maintenance assessment for commercial institutional and multi-family residential tracts be 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 considered part of the regulated drain (those systems maintained by the Town of Sheridan or City of Westfield) shall be set at \$35.00 per lot \$35.00 minimum. Common areas within subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by the Town of Sheridan or City of Westfield) shall be set at \$5.00 per acre with a \$35.00 minimum.
- 6. Maintenance assessments for platted lots within a subdivision whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot with a \$65.00 minimum. Common areas with regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.

The annual maintenance collection for this extension will be \$19,467.66. The period of collection shall be eight years as per IC 36-9-27-43.

The Emery Clark Drain has been identified in the NPDES Phase II General Permit Application, Storm Water Quality Management Plan Part C: Program Implementation Report, Page 5, as a MS4 area receiving stream.

The Emery Clark Drain is listed in the NPDES Phase II General Permit Application Storm Water Quality Management Plan Part B: Baseline Characterization Report on the following pages:

Page 4 as an MS4 Area Receiving Stream

Page 6 as a #05120201120030 Watershed within the MS4 Area

Page 14 as being in the IDEM 305(b) Report as being fully supportive of aquatic life and full body contact

Page 16 as not substantially impacted by MS4 stormwater discharges.

This drain is not listed on the 2008 303(d) list of impaired waters for Indiana.

I recommend that a Watershed Master Plan be prepared for this drainage area sometime in the future.

The open ditch is heavily overgrown and is in need of clearing. The drain is susceptible to jams caused by debris which causes backwater and localized flooding. It is possible for large woody debris to collect on road crossings. This creates a threat to the bridge structure and can redirect flow causing erosion. This drain has had a large beaver population. Many portions have silted in and are in need of dredging.

I recommend that the Board set a hearing for this proposed maintenance for January 26, 2009.

Sincerely.

Kenton C. Ward, CFM Hamilton County Surveyor

KCW/pll

### FINDINGS AND ORDER

#### CONCERNING THE MAINTENANCE OF THE

### Emery Clark & S. J. Compton Drainage Area

On this **26th** day of January 2009, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Emery Clark & S. J. Compton** Drainage Area.

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: Sepette Mostoura

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DEC 23 2008

OFFICE OF HAMILTON COUNTY SURVEYOR

TO HENT WARD:

IN reference to you're drainage Assetment.

I'm guessing that my property drains into

the Emery Clark Drain. Since there was NO

map included in the paperwork you scent me,

when I purchased this property in 2003, I

purchased A 3 ACRE tract, Not 2-Tracts.

Purchased A 3 ACRE tract, Not Been updated

IF youre paper work has not Been updated

that's not my Fault.

I will Not pay For 2 Tracts of JAND

I will Not pay For 2 Tracts of JAND

When I purchased 1. Now IF westfield's

LAWS have changed, AND I CAN Sell

LAWS have changed, AND I CAN Sell

ALRES, AND expect to Build A Home

ON .72 ALRES please let me KNOW.

UNTIL that time I will glady pay

UNTIL that time I will glady pay

FOR my ONE-3 ACRE Tract in the Amount

of \$15.

08-05-19-00-00-012.002 08-05-30-00-00-004.005 Charles C. Pikey 19609 Ioliet Rd.





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

December 23, 2008

Charles C Riley 19609 Joliet Road Sheridan, IN 46069

RE: Emery Clark Drain

I received your letter via fax today. Upon reading the objection I believe I need to explain why you have two tracts being assessed.

Enclosed is a print of the area with your parcel outlined in red. If you notice a red dotted line running east to west through your parcel(s) that is a section line. This line denotes Section 19, Township 19 North, Range 3 East and Section 30, Township 19 North, Range 3 East (Section 19 to the north and section 30 to the south). When the County Auditor's Tax Mapping Department maps parcels that are split by a section line, two (2) separate parcels are created for taxing purposes. This is because your parcels were split from two (2) separate parent parcels.

Because the Auditors record for your property is in two (2) parcels, IC 36-9-27-38 requires me to assess it as two (2) separate parcels.

Also, please note that the yellow diagonal line in the print running northeast to southwest is the Emery Clark Drain.

Sincerely.

Kenton C. Ward, CFM

Hamilton County Surveyor

KCW/pll

01-05-09-00-00-023.000



January 13, 2009

### Dear Commissioners:

This is to serve notice that I do not agree with the Board on the assessment on my property, Section S16 T19 R3, Parcel 08-05-16-00-00-005.000 (20 acres) and Section S9 T19 R3, Parcel 01-05-09-00-00-023.000 (80 acres) concerning the Emery Clark & S.J. Compton Drainage Area.

I understand that my property benefits from these drains. However, I believe that these assessments are excessive due to these facts: the 20 acre tract has been assessed at 25% (5 of 20 acres) since I purchased the property in 1973; the 80 acre parcel has not been assessed for drainage maintenance and the Board is now proposing a 100% increase in assessment on the 80 acres. This is my strongest objection!

If at all possible I will be present at your Monday, January 26, 2009 meeting at 9:05 AM. If for some reason I am unable to attend, I will call and ask for a continuance for a later meeting.

Thank you for your consideration.

Yours truly,

F.L. Grannan Box 454 Westfield, IN 46074





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 22, 2009

Fredrick Grannan P. O. Box 454 Westfield, IN 46074

Re: Emery Clark & S. J. Compton Drainage Area

I am in receipt of your objection regarding the above referenced drain dated January 13, 2009. Upon review of the objection and rereading my report I noted something that I would like to point out at this time. During our onsite meeting on January 8, 2009 I recall that we were discussing the assessment rates and how they are derived. As I mentioned the rates have been fairly standardized throughout the county with a few adjustments in various drainage sheds as need requires. As you look at the rates outlined in my report on pages 3-5 you will notice that the variable in the rates is the residential and agricultural acre rate which runs from \$1.50 to \$5.00 per acre. This variance is due to the need of the drainage shed. Please note that the rate proposed is \$4.00 for these categories. I believe that at this rate the drain can be maintained at an acceptable level of service as noted on page 3 of my report.

Sincerely.

Kenton C. Ward, CFM Hamilton County Surveyor

KCW/llm

1/26/2009 8115 AM ATTNO DRAINAGE BOARD (FAX 776-9628) DEAR BOARD 3 DUE TO IUNESS, I WOULD APPRECIATE YOUR TABLING MY APPEAL FOR A HEARING ON THE ASSESSMENT EMFORY-CLARK DRAIN. COULD YOU PLEASE ADVISE A FUTURE THANK YOU, E.L. GRANNAN

### **EMERY CLARK & S J COMPTON DRAINAGE AREA**

Property Owner	Parcel Number	Acres Benefited	Maint. Proposed	% of Assessment
Grannon, Fredrick L & Marie T	08-05-16-00-00-005.000	80	\$320.00	1.64%
	01-05-09-00-00-023.000	20	\$80.00	0.41%
Riley, Charles C & Tina J	08-05-19-00-00-012.002	2.28	\$15.00	0.08%
	08-05-30-00-00-004.005	0.72	\$15.00	0.08%
Totals		103	\$430.00	2.21%

# BEFORE THE HAMILTON COUNTY DRAINAGE BOARD IN THE MATTER OF

### Emery Clark & S. J. Compton Drainage Area

NOTICE

То	Whom	It	Мау	Concern	and:	Millikan,	Brad	&	Pamela	К.	 	
					-							

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the Emery Clark & S. J. Compton Drainage Area on January 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

## Emery Clark & S. J. Compton Drainage Area

NOTICE

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

Returned Undeliverable

#### OFFICE OF

## HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Emery Clark & S.J. Compton Drainage Area.

Millikan, Brad & Pamela K 2335 211th St W Sheridan, IN 46069

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 \$19,467.66 and that the schedule shows you are the owner of the following lands:

		Current Acres Benefited		
	Stephenson-Compton #63			
	Taylor & Jessup #27	13.93 Ac		
	Theo Johnson #50			
	Silas Davis #171	10 10		
	Quincy Millikan #199			
	Bower Farms #332			
	Additional Benefit for Drainage Area			
	Total for Emery Clark & S.J. Compton:	13.93 Ac		
Parcel	Description	Proposed Acres Benefited	Proposed Maintenance Assessment	% of Total
08-05-16-00-00-003.103	S16 T19 R3 13.93AC	13.93 Ac	\$55.72	0.29%
	Residential/Ag	10.00 AC	Ψ55.12	0.2970

A hearing will be held by the Drainage Board in Commissioner's Court at 9:05 A.M. on January 26, 2009 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