

K.W.

SURVEYOR'S OFFICE
Hamilton County

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

August 4, 2021

TO: Hamilton County Drainage Board

RE: McMahon-Overdorf Drain, Washington Business Park Partial Vacation

Attached is a petition to vacate a portion of the McMahon-Overdorf Drain by Andrew Greenwood of Patch Development, LLC to facilitate the construction of Washington Business Park. The proposal is to vacate a portion of the existing drain that is located in the southwest part of the project site, east of SR37. This affects the following existing parcels: 10-11-18-00-00-010.000 and 10-11-18-00-00-010.001 owned by Patch McNally LLC. Instr. No: 2021-41899.

The portion of the McMahon-Overdorf Drain to be vacated will be 973' of 15" tile installed in 1912 between existing stations 24+50 and 34+23.

This request will remove 973 feet of existing drain from the drain's total length.

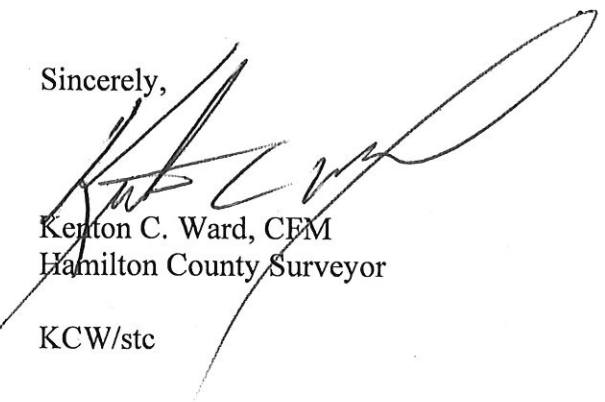
The vacation of this part of the drain will not change the assessment. The parcels affected by this vacation will continue to drain within the watershed of the McMahon-Overdorf Drain.

Previously, in 2004, a portion of the drain was relocated on parcel 10-11-18-00-00-010.000 and is known as the McMahon-Overdorf Drain, Noblesville Business Park Reconstruction, which was approved by the Board on June 28, 2004 as per my letter dated February 10, 2003 (See Hamilton County Drainage Board Minutes Book 7, pages 5 - 8 for more information).

The original McMahon-Overdorf Drain was established per Commissioner's Court records dated November 20, 1912 (O.B. No. 23, page 324). This included the reconstruction of the JR Christian Drain which was previously established per Commissioner's Court records dated October 3, 1882.

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 September 27, 2021.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/stc



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OFFICE OF HAMILTON COUNTY SURVEYOR

Hamilton County Drainage Board
Attention: Kent Ward, County Surveyor

Re: Vacation of Regulated Drain

Dear Mr. Ward:

Patch Development, LLC on behalf of the property owner Patch McNally LLC would like to request that a portion of the McMahon Overdorf regulated public drain that crosses its property be vacated. The old tile was installed in 1912 and will be vacated as regulated drain across the site (original Sta. 24+50 to Sta. 34+23). As a part of the vacation, Patch has agreed to crush the tile as part of the infrastructure for their overall project, Washington Business Park.

If you have any questions or need any additional information please contact me at 317-412-4298 or andrew@patch-development.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "AG", written over a horizontal line.

Andrew Greenwood, VP- General Counsel
Patch Development, LLC

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE


McMahon-Overdorf Drain, Washington Business Park Partial Vacation

Station 24+50 to Station 34+23

On this 27th day of September, 2021, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **McMahon-Overdorf Drain, Washington Business Park Partial Vacation (Station 24+50 to Station 34+23)**.

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 **McMahon-Overdorf Drain, Washington Business Park Partial Vacation (Station 24+50 to Station 34+23)**.

HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest:



BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD IN THE MATTER OF THE

**McMahon-Overdorf Drain,
Washington Business Park Partial Vacation**

Station 24+50 to Station 34+23

NOTICE is hereby given that a petition to vacate has been received by the Hamilton County Surveyor for the **McMahon-Overdorf Drain, Washington Business Park Partial Vacation** across Parcels 10-11-18-00-00-010.000 and 10-11-18-00-00-010.001 (Station 24+50 to Station 34+23) and that a hearing is scheduled for September 27, 2021 at 9:00 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

**McMahon-Overdorf Drain,
Washington Business Park 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 **September 27, 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