



*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*

May 1, 2007

To: Hamilton County Drainage Board

Re: Mud Creek / Sand Creek Drainage Area, Henry Ebbert #75 Drain Arm

Upon review of the drainage sheds I believe that the Henry Ebbert Drain should be made an arm to the Mud Creek/Sand Creek Drainage Area. I recommend this action as the Henry Ebbert Drain is a tributary to the Mud Creek/Sand Creek Drainage Area. This would also avoid a double assessment on the tracts currently assessed for the Henry Ebbert Drain when the remainder of the Mud Creek/Sand Creek Drainage Area is assessed for maintenance.

On August 21, 1972 the Board held a hearing to establish the drain maintenance assessment for the Henry Ebbert Drain. (Drainage Board Minutes Book 1, Page 88). At present the Henry Ebbert Drain maintenance assessment affects 448.34 acres and 285 lots. The rate of assessment for the drain was set at \$2.00 per acre with a \$15.00 minimum, \$5.00 per acre with a \$35.00 minimum for un-regulated subdivisions, \$10.00 per acre with a \$65.00 minimum for regulated subdivisions, \$10.00 per acre with a \$75.00 minimum for commercial lots and \$10.00 per acre for roads. This rate collects \$12,602.42 annually and the balance within the fund is \$20,661.15.

The current maintenance assessment would increase as per the rates set for the Mud Creek / Sand Creek Drainage Area which are as follows:

1. Maintenance assessment for roads and streets be set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts be set at \$2.00 per acre and \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acre and \$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 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 be \$12,662.42. Collections for this arm will begin in 2008.

The current balance of the Henry Ebbert Drain shall be kept separate and these funds expended for needed maintenance on the Henry Ebbert Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Mud Creek/Sand Creek Drainage Area fund.

Future assessments for the drainage area of the Henry Ebbert Drain will be made into the Mud Creek/Sand Creek Drainage Area fund. No further maintenance collections for the Henry Ebbert Drain shall be made.

I recommend that the Board set a hearing for this consolidation for June 25, 2007.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/llm

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Mud Creek/Sand Creek Drainage Area, Henry Ebbert Arm***

NOTICE

To Whom It May Concern and: Reddick, Marshall

---

---

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Mud Creek/Sand Creek Drainage Area, Henry Ebbert Arm** on **June 25, 2007** at **9:10 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 Mud Creek / Sand Creek Drainage Area, Henry Ebbert Arm.

Sedona Development LLC  
11911 Lakeside Dr  
Fishers, IN 46038

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 \$12,662.42 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Current Henry Ebbert Assmt.	Proposed Mud Crk / Sand Crk Assmt.	% of Total
13-11-21-00-05-070.000	Sedona 3rd Lot 271 Un-reg Subd	One Lot	\$35	\$35	0.28%

A hearing will be held by the Drainage Board in Commissioner's Court at 9:10 A.M. on June 25, 2007 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

OFFICE OF  
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Mud Creek / Sand Creek Drainage Area, Henry Ebbert Arm.

Reddick, Marshall  
11157 Litchfield Pl  
Fishers, IN 46038

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 \$12,662.42 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Current Henry Ebbert Assmt.	Proposed Mud Crk / Sand Crk Assmt.	% of Total
13-11-21-00-01-070.000	Sedona 1st Lot 70	One Lot	\$35	\$35	0.28%
	Un-reg Subd				

A hearing will be held by the Drainage Board in Commissioner's Court at 9:10 A.M. on June 25, 2007 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF THE

**MUD CREEK/SAND CREEK DRAINAGE AREA, HENRY EBBERT DRAIN ARM**

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **June 25, 2007** 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: Pamela Louks

ONE TIME ONLY

FINDINGS AND ORDER

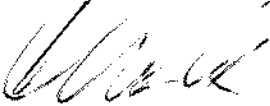
CONCERNING THE MAINTENANCE OF THE

Mud Creek/Sand Creek Drainage Area, Henry Ebbert Drain Arm


On this **25th day of June 2007**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Mud Creek/Sand Creek Drainage Area, Henry Ebbert Drain 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: 