

*Kenton C. Ward, CFM*  
*Surveyor of Hamilton County*  
*Phone (317) 776-8495*  
*Tax (317) 776-9628*

*Suite 188*  
*One Hamilton County Square*  
*Noblesville, Indiana 46060-2230*

May 1, 2018

TO: Hamilton County Drainage Board

**RE: Mud Creek/Sand Creek Drain, Cumberland Ridge Arm**

Attached is a drain map and petition, filed August 25, 2015 by Eleven (11) property owners in Cumberland Ridge to regulate the existing storm sewer infrastructure in the Cumberland Ridge subdivision as the Cumberland Ridge Arm of the Mud Creek/Sand Creek Drain. The proposed drain is located in Fall Creek Township between 96<sup>th</sup> Street and 106<sup>th</sup> Streets on the eastside of Cumberland Road in Section 8, Township 17 N, Range 5 E.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable; will improve the public health; benefit a public highway and be of public utility; and that the costs, damages, and expenses of the proposed drain will be less than the benefits accruing to the owners of the land likely to be benefitted. The drain will consist of the following:

On November 11, 2015 Andrew Conover and Jerry Liston investigated the existing drainage facilities in the Cumberland Ridge Subdivision. This inspection was requested by the Hamilton County Drainage Board in response to a petition to regulate the drains within the Cumberland Ridge subdivision (Hamilton County Drainage Board Book 16, Pages 563 – 566)

There are three (3) separate sections/basins of the drainage system which drains the Cumberland Ridge subdivision to the Nancy Kimberlain Drain (Mud Creek) open drain. Section 1, which consists of 12" and 18" CMP and drains the western third of the subdivision from Cumberland Ridge Lane north across lots 21, 22 and 23 to the open drain. Section 2, consisting of 12" CMP, drains the middle section of the subdivision from Cumberland Ridge Court north across Lots 19 and 20 to the open drain and Section 3, consisting of 21" and 24" CMP, drains the eastern third of the subdivision east of Cumberland Ridge Lane north across lots 7, 8, 9, 10, 11 and 12 to the open drain. These are described as follows:

Section 1 begins at or near a point 100 feet north of the northeast corner of Lot 7. Thence runs in a southwest direction 110 feet to the north lot line of Lot 7, thence along said north lot line in a northwesterly direction to the east right of way of Cumberland Ridge Lane. Thence running northerly along said east right of way and across the cul-de-sac to a point in the north right of way between Lots 11 and 12. Thence runs northerly between Lots 11 and 12 into Mud Creek. Also an arm under Cumberland Ridge Lane running west to east from approximately 45 feet north of the southeast corner of Lot 14 in the west right of way of said road to a point approximately 25 feet south of the northwest corner of Lot 8 in the east right of way of said road.

Section 2 begins at the southwest corner of Lot 19 within the north right of way of Cumberland Ridge Court and runs northwesterly 185 feet between Lots 19 and 20 into Mud Creek.

Section 3 begins approximately 40 feet west of the northeast corner of Lot 2 within the south right of way of Cumberland Ridge Lane. Thence running in a northwesterly direction to the southwest corner of Lot 22 thence in that direction between Lots 22 and 23 and Lots 21 and 23 to the northwest corner of Lot 23. The drain then runs north along the east right of way of Cumberland Road along the west line of Lot 21 to Mud Creek.

This drainage system consists of the following lengths:

- Open Ditch – 105 Feet
- 12" CMP - 517 Feet
- 15" CMP – 40 Feet
- 18" CMP – 80 Feet
- 21" CMP – 400 Feet
- 24" CMP – 612 Feet

The total length of this arm to Mud Creek/Sand Creek Drain is 1,859 feet.

The drainage cross Lots 1-5 will not be considered part of the regulated drain and will remain private. These lots will be assessed at the non-regulated rate.

Section 2 or the middle section of this drainage system in the Cumberland Ridge subdivision is the portion that is currently in need of repair. The property owners adjacent to this section of drain carried the petition to regulate the existing drainage facilities as part of the Mud Creek Sand Creek Drainage Area. During the March 14, 2016 meeting the Board requested cost estimates for the repair of this section of drain. (Hamilton County Drainage Board Book 16, Pages 475 – 478). A report was made to the Board on May 26, 2016 with estimated costs for three (3) possible solutions to repair the rusted collapsed pipe between Lots 19 and 20 (Hamilton County Drainage Board Book 16, Pages 563 – 566).

Below are the cost estimates for the two (2) viable options to repair the pipe between lots 19 and 20. Slip Lining the pipe was looked at as a third (3) option and it was determined that this method of repair is not viable due to the apparent condition of the pipe after televising.

**Open Cut**

The estimate to clear the easement of trees across Lots 19-20 and install new 12" RCP in the same location as the existing pipe is \$58,500.00.

**Directional Boring**

The estimate for directional boring 12" HDPE heavy wall solid smooth pipe would be in the \$130.00 per foot range. This would put the pipe cost for 185 feet at approximately \$24,000.00. The existing pipe would be abandoned in place. Hamilton County standards would require the abandoned drain to be grouted in full with flowable fill to prevent the possibility of the drain further collapsing. The cost of grouting the pipe with flowable fill is estimated at \$3,000.00. Additional costs for end sections, seeding, grading and rip rap at the outlet and inlet is estimated at \$8,000.00 for a total cost estimate of \$35,000.00.

I recommend the directional boring option at an estimate of \$35,000.00. I would further recommend that the cost of this work be taken from the Mud Creek Sand Creek maintenance fund which currently has a balance of \$2,739,810.21 and has an annual assessment of \$565,049.82.

The Cumberland Ridge subdivision is currently assessed to the Mud Creek/Sand Creek drain at the non-regulated rate of \$5 Acre \$35 Lot. If the Board accepts the Cumberland Ridge drainage facilities as part of the regulated drain the assessment would increase to \$10 Acre \$65 Lot.

I believe this proposal meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore the drain shall be designated as an Urban Drain.

The easements per the plat for Cumberland Ridge, as recorded in the Office of the County Recorder (See Book 6, Pages 49 –50), do not meet the minimum requirements for a tile drain as set out in IC 36-9-27-33. Currently, the easements are platted as 10' per half and will need to be 15' per half from each side of the center line of the drain tile. Since the drain is already in place and within existing easement, right-of-way or building setback area, I believe that no damages will result to landowners by the regulating of this drain.

The Cumberland Ridge Arm of the Mud Creek/Sand Creek Drain will add easement to the following tracts.


<u>Parcel</u>	<u>Owner</u>
13-15-08-01-01-001.000	Shine, Robert L. & Peggy L.
13-15-08-01-01-012.000	Jeffers, Rebecca A.
13-15-08-01-01-011.000	Chandler, Bruce & Diane M.

13-15-08-01-01-002.000  
13-15-08-01-01-003.000  
13-15-08-01-02-002.000  
13-15-08-01-02-001.000  
13-15-08-01-02-006.000  
13-15-08-01-02-005.000  
Cumberland Ridge Lane  
Cumberland Ridge Court

Nousek Goebel, Nancy  
Marshall, Suzanne M.  
Trinkle, William E. & Elizabeth E. jtrs  
Frazee, Mark D. & Lindsey A.  
Akin, Jon C. & Brandy L.  
Grasso, Curtis J. & Dorothy  
Hamilton County Highway  
Hamilton County Highway

I recommend the Board set a hearing for this proposal for June 25, 2018.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/jll

Andy Conover  
776-8485

FILED

AUG 26 2015

OFFICE OF HAMILTON COUNTY SURVEYOR

To: Hamilton County Drainage Board

Re: In the matter of the Mud Creek/Sand Creek Drain Petition  
Cumberland Ridge Estates

Comes now the undersigned individuals, who petition the Hamilton County Drainage Board, per IC 36-9-27-54, for a new regulated drain. The undersigned believe the following:

1. They are owners of ten percent (10%) in acreage; or twenty five percent (25%) or more of the assessed valuation of the land that is outside the corporate boundaries of a municipality and is alleged by the petition to be affected by the proposed drain.
2. That as property owners within the drainage shed, they are qualified petitioners.
3. That they now desire that a regulated drain be established in Fall Creek Township, which involves the following public roads; Cumberland Ridge Ct, Cumberland Ridge Lane and various areas surrounding these roads in the drainage shed.
4. The names and address of each owner affected by the proposed public drainage are attached hereto, made a part hereof, and marked Exhibit "A", which area of land involved in the proposed drainage area is located in section 8, township 17 north, range 5 east, Hamilton County, Indiana.
5. No other public lands or owners are located in the area which would affect improvement.
6. That the general route of the proposed drain is shown in the attached plan which is marked Exhibit "B" and made a part hereof.
7. That in the opinion of the Petitioner, the costs, damages, and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land to be benefited thereby.
8. That in the opinion of the Petitioner, the proposed improvement will improve the public health; benefit a public highway; and be of public utility.
- N/A X 9. That the name of the attorney or spokesman representing petitioner in the drainage petition is \_\_\_\_\_, who has an office at or whose address is \_\_\_\_\_, phone \_\_\_\_\_.
- N/A X 10. **That Petitioners shall pay all the cost of notice and all legal costs if the petition is dismissed.** These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.
- N/A X 11. Petitioners shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established. These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.

Signature

Printed Name

Printed Address

<u>Nancy Kant</u>	(Formerly Nousek/Goebel) <u>Nancy Kant</u>	<u>10416 Cumberland Ridge Ct</u>
<u>Glenn R. Kant</u>	<u>Glenn R. Kant</u>	<u>10416 Cumberland Ridge Ct.</u>
<u>William Trinkle</u>	<u>WILLIAM TRINKLE</u>	<u>9945 CUMBERLAND RIDGE LN</u>
<u>Lindsay Frazee</u>	<u>Lindsay Frazee</u>	<u>9928 Cumberland Ridge Ln.</u>
<u>Linda Williams</u>	<u>LINDA WILLIAMS</u>	<u>9922 CUMBER RIDGE LANE</u>
<u>Diane M. Chandler</u>	<u>DIANE M. CHANDLER</u>	<u>9802 CUMBERLAND RIDGE LN.</u>

Cumberland Ridge Estates Drain Petition

Signature	Printed Name	Printed Address
<i>April Addleman</i>	April Addleman	10409 Cumberland Rdg Ct Fishers IN 46037
<i>Elizabeth Keller</i>	Elizabeth Keller	9904 Cumberland Ridge Lane Fishers, IN 46037
<i>Becky Jeffers</i>	Becky Jeffers	9808 Cumberland Ridge Lane Fishers In 46037
<i>Dan Mattingly</i>	Dan Mattingly	9910 Cumberland Ridge Ln Fishers 46037
<i>EP Marshall</i>	EP MARSHALL	10422 CUMBERLAND RIDGE CT. 46037

FINDINGS AND ORDER


CONCERNING THE MAINTENANCE OF THE

Mud Creek/Sand Creek Drain, Cumberland Ridge Arm

On this 25<sup>th</sup> day of June, 2018, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Mud Creek/Sand Creek Drain, Cumberland Ridge 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:   
Executive Secretary

STATE OF INDIANA )  
 ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Mud Creek/Sand Creek Drain, Cumberland Ridge Arm**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Mud Creek/Sand Creek Drain, Cumberland Ridge Arm** came before the Hamilton County Drainage Board for hearing **on June 25, 2018**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.


Wherefore, it is ORDERED, that the proposed Reconstruction of the **Mud Creek/Sand Creek Drain, Cumberland Ridge Arm** be and is hereby declared established.


Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

  
PRESIDENT

  
Member

  
Member

ATTEST:   
Executive Secretary



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

*Mud Creek/Sand Creek Drain, Cumberland Ridge Arm*

NOTICE

To Whom It May Concern and: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **Mud Creek/Sand Creek Drain, Cumberland Ridge Arm** on **June 25, 2018 at 9:00 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed 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

STATE OF INDIANA     )  
                          ) SS                 BEFORE THE HAMILTON  
                          )  
COUNTY OF HAMILTON )                 DRAINAGE BOARD

IN THE MATTER OF Mud Creek/Sand Creek Drain, Cumberland  
Ridge Arm

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **June 25, 2018** adopted the reconstruction report of the Surveyor and the Amended Schedule of damages and assessments including annual assessment for periodic maintenance, finding that the costs, damages and expense of the proposed improvement would be less than the benefits which will result to the owner of lands benefited thereby.

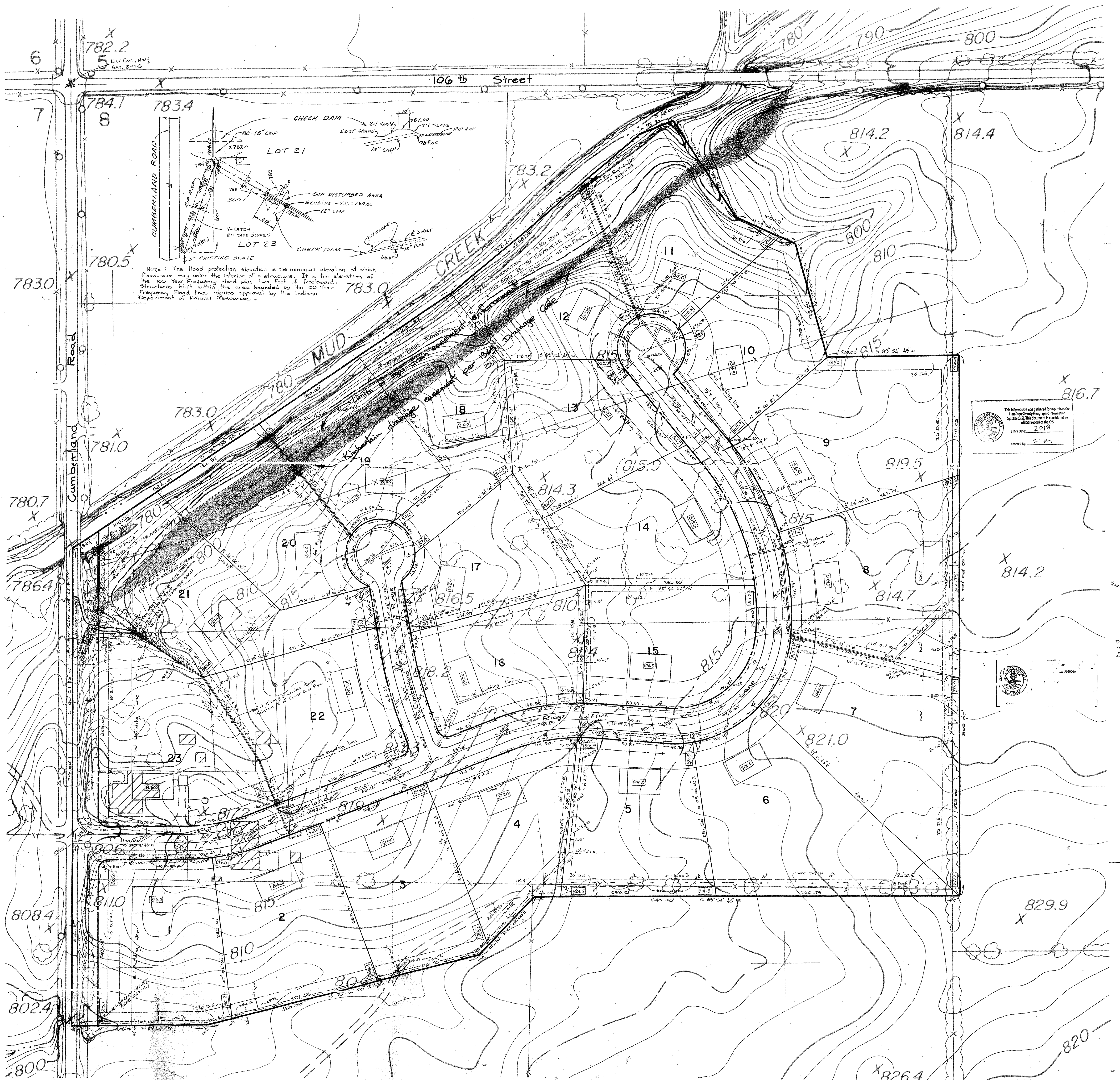
The Board issued an order declaring the proposed improvement established. Such findings and order were marked filed and are available for inspection in the Office of the Hamilton County Surveyor.

If judicial review of the findings and order of the Board is not requested pursuant to Article VIII of the 1965 Indiana Drainage Code as amended within twenty (20) days from the date of publication of this notice, the findings and order shall become conclusive.

HAMILTON COUNTY DRAINAGE BOARD

BY: Steven C. Dillinger  
      PRESIDENT

ATTEST: Lynette Mosbaugh  
          SECRETARY



NOTE: The flood protection elevation is the minimum elevation at which floodwater may enter the interior of a structure. It is the elevation of the 100 Year Frequency Flood plus two feet of freeboard. Structures built within the area bounded by the 100 Year Frequency Flood lines require approval by the Indiana Department of Natural Resources.

This information was gathered for input into the Hamilton County Geographic Information System (GIS). This document is considered an official record of the GIS.  
 Entry Date: 2.018  
 Entered By: SLM

\*See all disturb areas  
 NOTE: Driveway cut minimum 10' in length and standard pipe