



SURVEYOR'S OFFICE
Hamilton County

Kenton C. Ward, Surveyor

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Suite 188

One Hamilton County Square

Noblesville, Indiana 46060-2230

November 21, 2005

To: Hamilton County Drainage Board

Re: Mud Creek Drain, Avalon of Fishers Arm

Attached is a petition filed by Pulte Homes of Indiana, LLC along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Avalon of Fishers Arm, Mud Creek Drain to be located in Fall Creek Township. I have reviewed the submittals and petition and have found each to be in proper form.

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 probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

Open ditch	5,603 Feet
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The total length of the drain will be 5,603 feet.

The open ditch is that which is the existing Mud Creek which borders the north line of The Avalon of Fishers Subdivision from the east right of way line of State Road 238 to the west right of way line of Olio Road. The drainage facilities within the subdivision are maintained by the Town of Fishers.

The rates for maintenance were established per my report dated March 21, 2005 which was approved by the Board at hearing on May 23, 2005 (see Hamilton County Drainage Board Minute Book 8, Pages 310-312).

I have reviewed the plans and drain map and believe, as set out in IC 36-9-27-69 that all tracts within the drainage shed of the Mud Creek Drain within this subdivision will benefit. I recommend the following maintenance assessment to 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 \$3.00 per acre with a \$15.00 minimum.

This copy is from the Digital Archive of the Hamilton County Surveyor's Office, Noblesville, In 46060. The maintenance assessment for non-platted residential tracts be set at \$5.00 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 part of the regulated drain (those systems maintained by the Town of Fishers) 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 Fishers) 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 within 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 \$873.12.

At this time the following tracts should be assessed for the Mud Creek Drain.

Owner	Parcels	Acres
Pulte Homes of Indiana, LLC	13-11-25-00-00-006.002	21.24 ac.
Pulte Homes of Indiana, LLC	13-11-25-00-08-091.000	2.24 ac. (Common Area 31)
Pulte Homes of Indiana, LLC	13-11-25-00-00-002.002	37.11 ac.
Pulte Homes of Indiana, LLC	13-11-25-00-00-002.000	26.84 ac.
Pulte Homes of Indiana, LLC	13-11-25-00-07-085.000	14.35 ac. (Common Area 24)
Pulte Homes of Indiana, LLC	13-11-25-00-03-083.000	7.12 ac. (Common Area 20)
Pulte Homes of Indiana, LLC	13-11-25-00-02-055.000	4.06 ac. (Common Area 13)
Community Hospitals of Indiana	13-11-25-00-00-021.002	5.52 ac.
Community Hospitals of Indiana	13-11-25-00-00-021.000	19.48 ac.

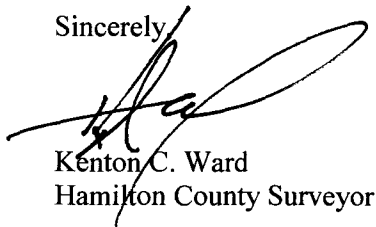
I believe this proposed drain meets the requirements for Urban Drain Classifications as set out in IC-36-9-27-67 to 69. Therefore, this drain shall be designed as an Urban Drain.

The easements for the drain should be set at 75' from top of bank as set out in IC36-9-27-33. Those tracts, which are Common Areas, are also denoted as drainage easements in Avalon of Fishers Sections 1B, 1C, 2B and 3.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Avalon of Fishers, Section 1C as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for January 23, 2006.

Sincerely,



Kenton C. Ward
Hamilton County Surveyor

KCW/pll

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STATE OF INDIANA)
)
COUNTY OF HAMILTON)

TO: HAMILTON COUNTY DRAINAGE BOARD
% Hamilton County Surveyor, Courthouse, Noblesville, IN 46060

In the matter of Avalon of Fishers Subdivision, Section Three Drain
Petition.

Petitioner is the owner of all lots in the land affected by the proposed new regulated drain. The drainage will affect various lots in Avalon of Fishers Section Three, a subdivision in Hamilton County, Indiana. The general route of such drainage shall be in existing easements and along public roads as shown in the plans on file in the Surveyor's Office.

Petitioner believes that the cost, damages and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land likely to be benefited thereby. Petitioner believes the proposed improvements will:

- (a) improve public health
- (b) benefit a public street
- (c) be of public utility

Petitioner agrees to pay the cost of construction of the drainage system and requests periodic maintenance assessments by the Board thereafter.

The Petitioner also agrees to the following:

1. To provide the Drainage Board a Performance Bond for the portion of the drainage system which will be made a regulated drain. The bond will be in the amount of 100% of the Engineers estimate. The bond will be in effect until construction of 100% of the system is completed and so certified by the Engineer.
2. The Petitioner shall retain an Engineer throughout the construction phase. At completion of the project the Petitioner's Engineer shall certify that the drainage system which is to be maintained as a regulated drain has been constructed as per construction plans.

3. The Petitioner agrees to request in writing to the County Surveyor any changes from the approved plan and must receive written authorization from the County Surveyor prior to implementation of the change. All changes shall be documented and given to the Surveyor to be placed in the Drain File.
4. The Petitioner shall instruct his Engineer to provide a reproducible print on a 24" x 36" mylar of the final design of the Drainage System. This shall be submitted to the County Surveyor prior to the release of the Performance Bond.
5. The Petitioner shall comply with the Erosion Control Plan as specified on the construction plans. Failure to comply with the Erosion Control Plan shall be determined by the Board as being an obstruction to the drainage system. The County Surveyor shall immediately install or repair the needed measures at Petitioner cost as per IC 36-9-27-46.

The Petitioner further requests that the Drain be classified as an Urban Drain.

Matthew Lohmeyer
Printed Name



Signed

Pulte Homes of Indiana, LLC
Printed Name

FOR RECORDED OWNER(S) OF LAND INVOLVED

DATE **August 24, 2004**

**Gasb 34 Asset Price &
Drain Length Log**

Drain-Improvement: Mud Creek Drain - Avalon of Fishers

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
Open	-	5603'	5603	∅	\$195/f	\$109,538 ⁶⁵

Sum: 5603

Final Report: N/A

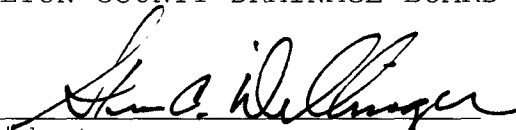
Comments:

FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Mud Creek Drain, Avalon of Fishers Arm


On this **23rd day of January 2006**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Mud Creek Drain, Avalon of Fishers 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



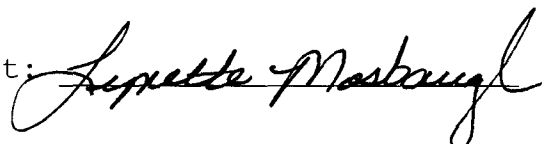
President



Member



Member

Attest: 

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF
Mud Creek Drain, Avalon of Fishers Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Mud Creek Drain, Avalon of Fishers Arm** on **January 23, 2006** at **9:40 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