

Drain: Mud Creek/Sand Creek Drainage Area

Improvement-Arm: I-69 to S R 238 Extension

Date Approved: May 27, 2008

Drain Input Checklist

- Create Regulated Drain Record in Posse _____
 - Drain Type
 - Outlet (Tab)
 - Outlet Attached
 - Location
 - Twp
 - Certification
 - Drain Number

- Enter Improvement Arm in Posse May 27, 2008
(Construction Amount = Storm Drains, Erosion Control, Sub-surface drain & Earthwork)

- Scan Documents _____
 - Surveyor's Report
 - Engineer's Estimate
 - Notices
 - Findings and Order
 - Petition

- Create Posse Inspection Job _____

- Enter into Watershed Summary Spreadsheet _____

- Check for Vacation of Drain & Map Changes _____

- Check Drainage Easement Classification _____

- Sum drain length & Validate in GIS _____

- Enter New Watershed Length into Posse _____

- Create Boundary of Improvement in GIS _____



SURVEYOR'S OFFICE
Hamilton County

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

February 21, 2008

To: Hamilton County Drainage Board

Re: Mud Creek / Sand Creek Drainage Area, I-69 to S. R. 238 Arm

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Mud Creek Drain from approximately 223 feet south of I-69 to State Road 238. This proposed drain is located in Fall Creek Township.

I have made a personal inspection of the land described below. 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 3,012 ft.

The total length of the drain will be 3,012 feet.

The extension will begin at the east right of way of State Road 238. This is the terminus point for the Avalon of Fishers Arm, which was described in my report dated November 21, 2005 and was approved by the Board on January 23, 2006 (See Hamilton County Drainage Board Minutes Book 9, Pages 28-30). The extension will follow the existing open ditch upstream to Station 248+50 of the Daniel Heiny Drain. This is the terminus of the Heiny Drain as per the original 1884 description which is approximately 223 feet south of the south right of way of I-69.

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. Cleaning and/or repair of existing catch basin as might be required;
- K. Spraying for vegetation control;
- L. Mowing filter strips;
- M. 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.

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) and revised by the Board on March 26, 2008 (see Hamilton County Drainage Board Minutes Book 10, Page 160).

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 Mud Creek Drain will benefit. The following maintenance assessment has been 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 \$2.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$2.00 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 Fishers or City of Noblesville) 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 or City of Noblesville) 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 \$210.88. The period of collection shall be eight years as per IC 36-9-27-43.

The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33. Additional drainage easement will be added to the following tracts:

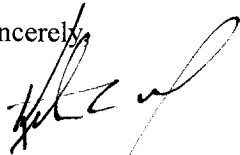
<u>Owner</u>	<u>Parcel</u>
Roger L. Kessler	13-11-25-00-00-004.000
Richard A & Nancy Lowery	13-11-25-00-00-005.000
Crooks Investments LLC	13-11-24-00-00-017.000
Crooks Investments LLC	13-11-24-00-00-016.000
Hamilton County Highway	136 th Street – 5.70 acres

Upon reviewing the flood mapping for this area it appears that the area to be easement lies within the floodplain. This is shown on the FEMA FIRM for the area, Map Number 18057C0260F, dated February 19, 2003. Therefore, damages shall be set at \$0.00.

This extension partially addresses the Board's commitment to landowners within the drainage shed at it's January 28, 2008 hearing to regulate and assess the entire drainage shed by the end of 2008.

I recommend that the Board set a hearing for this extension for May 27, 2008.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

***Mud Creek/Sand Creek Drain,
I-69 to S. R. 238 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, I-69 to S. R. 238 Arm** on **May 27, 2008**, at **9:10 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, I-69 to S.R.
238 Arm**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **May 27, 2008** 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 A. Holt
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Mud Creek/Sand Creek Drain, I-69 to S.R. 238 Arm

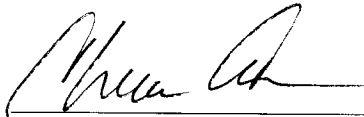
On this **27th day of May 2008**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Mud Creek/Sand Creek Drain, I-69 to S.R. 238 Arm**.

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:



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, I-69 to S.R. 238 Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Mud Creek/Sand Creek Drain, I-69 to S.R. 238 Arm* came before the Hamilton County Drainage Board for hearing on *May 27, 2008*, 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.

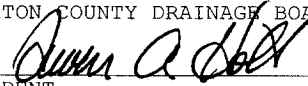
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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, I-69 to S.R. 238 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