



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

July 2, 2009

To: Hamilton County Drainage Board

Re: Mud Creek / Sand Creek Drainage Area, Mud Creek Arm, Southern Section

Attached is a drain map, drainage shed map and schedule of assessments for maintenance for Mud Creek/Sand Creek Drain, Mud Creek Arm. This portion of the drain is located in Fall Creek Township from the west right of way line for Hoosier Road to the south right of way line for 96th Street.

At this time Mud Creek is listed on the 2009 Classification List for maintenance at Number 6. The office has had four (4) complaints on the drain since 2001. Those are as follows:

<u>DATE</u>	<u>APPLICANT</u>	<u>LOCATION</u>	<u>PROBLEM</u>
July 23, 2001	Robb McGinnis	10892 Parrot Ct.	Water standing in yard swale
March 12, 2002	Gail Koehler	S. side of 126 th E. of Olio	Beaver Dams
November 9, 2007	Name not left	SR 238 to Olio	Flowline obstructions
September 30, 2008	Steve Carley	14380 Prairie Baptist	Logjam

This portion of the drain to be placed on maintenance begins at the west right of way line of Hoosier Road and ends at the south right of way line of 96th Street.

This section is the Nancy Kimberlain Drain. This portion of the Kimberlain is the 1938 Reconstruction which extended the original 1894 drain. This portion is from Station 109+00 to Station 269+05 of the 1938 drain as approved by the Hamilton County Circuit Court on April 15, 1938. The length of this section of drain to be placed on maintenance is 16,005 feet.

The northern section was place on maintenance per my report dated July 1, 2008 at hearing on August 25, 2008 (see Hamilton County Drainage Board Minutes Book 11, Pages 284-287). The Center Section has been scheduled for hearing on August 24, 2009.

The following regulated drains which are now on maintenance under the Mud Creek/Sand Creek Drain terminate into this portion of the drain #227 Tremont, #156 Hawthorne Hills, #251 Legends at Geist, #263 Russell Johnson and #270 William McKinstry.

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.

A Watershed Management Plan was prepared by Christopher Burke Engineering in 2004 to 2005. This report provided recommendations to the Drainage Board for maintenance, reconstruction and flood control.

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 \$87,687.52. The period of collection shall be eight years as per IC 36-9-27-43.

Mud Creek has been identified in the NPDES Phase II General Permit Application, Storm Water Quality Management Plan Part C: Program Implementation Report dated November 5, 2008, Page 5, as a MS4 area receiving stream. It is also identified on page 8 as a priority watershed.

Mud Creek is listed in the NPDES Phase II General Permit Application Storm Water Quality Management Plan Part B: Baseline Characterization Report dated November 5, 2008 on the following pages:

Page 4 as an MS4 Area Receiving Stream

Page 7 as a 14 digit HUC Watershed #05120201110040 within the MS4 Area

Page 16 as being in the IDEM 305(b) Report as being fully supportive of aquatic life and full body contact

Pages 25 through 27 discusses the Mud Creek Watershed Study.

Page 44 as a priority stream

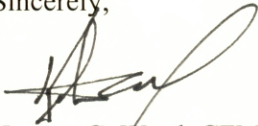
This drain is not listed on the 2008 303(d) list of impaired waters for Indiana.

The open ditch is heavily overgrown and is in need of clearing. The drain is susceptible to jams caused by debris which causes backwater and localized flooding. It is possible for large woody debris to collect on road crossings. This creates a threat to the bridge structure and can redirect flow causing erosion. This drain has had a large beaver population. Many portions have silted in and are in need of dredging.

This proposal partially addresses the Board's commitment to landowners within the drainage shed at its January 28, 2008 hearing to regulate and assess the entire drainage shed.

I recommend that the Board set a hearing for this proposed maintenance for August 24, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', written over a horizontal line.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

MUD CREEK/SAND CREEK DRAINAGE AREA, MUD CREEK ARM SOUTHERN SECTION

Property Owner	Parcel Number	Acres Benefited	Current Maint.	Maint. Proposed	% Maintenance
Roesch, Ronald J & Martha G	19-15-09-00-06-020.000	One Lot	\$0.00	\$35.00	0.04%
Kordis, Mark D & Diane K	19-15-04-00-15-007.000	One Lot	\$0.00	\$35.00	0.04%
Gatlin-Chambers, Sharon Lynne	19-15-08-00-21-001.000	One Lot	\$0.00	\$35.00	0.04%
Reinhold, William D & Monica J	19-15-08-00-23-019.000	One Lot	\$0.00	\$35.00	0.04%
Miller, George R & Patricia A	19-15-08-00-23-035.000	One Lot	\$0.00	\$35.00	0.04%
Brackman, David L & Marleen M	19-15-08-00-34-001.000	One Lot	\$0.00	\$35.00	0.04%
Gianfagna, John L & Tina A Family Trust	19-15-09-00-08-001.000	One Lot	\$0.00	\$35.00	0.04%
Total		7 Lots	\$0.00	\$245.00	0.28%
Gianfagna-Meils, Diane & John L Gianfagna & Tina	15-15-07-00-23-003.000	One Lot	\$0.00	\$35.00	0.04%



10986 Treyburn Drive
Fishers, IN 46037
August 4, 2009

Hamilton County Drainage Board
One Hamilton Square, Suite 188
Noblesville, IN 46060

Re: Proposed Assessment for Maintenance of Mud Crk/Sand Crk Drainage Area

I am writing this letter in opposition to the proposed establishment of an annual assessment to maintain the Mud Creek/Sand Creek drainage area, southern section in Fall Creek Township. The only evidence offered to support this assessment in the letter you sent out is four complaints received over an eight year period, and one of the applicants did not even leave their name. To propose to spend \$87,687 (calculated expense is \$29,000 per mile) and add this to our taxes in these unfavorable economic times is not acceptable and not responsible government.

I have lived at my current address in Windermere Villas since 1997 and have not experienced any problems with water drainage that have not been corrected by the Town of Fishers. I've talked with several residents in my area and they all object to this proposal. I'm convinced that the economic benefit to virtually all of the affected residents will be zero. As you know, we already pay a monthly fee to the Town of Fishers for storm water management. This was just established in January of 2008.

I suggest that Hamilton County exercise some fiscal restraint and refrain from attempting to spend money on frivolous problems. The money could be better spent on improving roads like the proposed improvement on 96th street from Mollenkopf Road to Fall Creek Road, which was supposed to start in June of this year.

Sincerely,

A handwritten signature in black ink that reads "Ronald J. Roesch". The signature is written in a cursive style with a large, prominent "R" at the beginning.

Ronald J. Roesch



SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, CFM
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Phone (317) 776-8495
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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

August 20, 2009

Ronald J. Roesch
10986 Treyburn Dr.
Fishers, IN 46037

Re: Mud Creek/Sand Creek Drainage Area, Mud Creek Arm Southern Section

I have received your objection dated August 4, 2009 regarding the above referenced hearing.

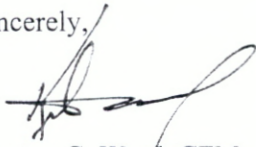
Although we have only four complaints since 2001 does not mean that there are not additional items that warrant the establishment of an annual maintenance assessment. The Burke Study mentioned in my report and in your objection has numerous items that require attention. The most serious of these are the fact that a number of residences were constructed inadvertently within the 100-year floodplain. Others include the flooding of roads such as Cumberland Road at Sand Creek and 106th Street.

The proposed assessment is for the maintenance of the Mud Creek and Sand Creek Regulated Drains. Regulated drains are under the jurisdiction of the Hamilton County Drainage Board per IC 36-9-27. These drains serve as the outlets for subdivision drainage systems which are maintained by the Town of Fishers. Funding for the maintenance of regulated drains is obtained by assessments against all properties within the drainage shed of that drain. Per Section 69(b)(1) of the statute the entire land area drained by the drain, shall be considered to be benefited and shall be assessed.

The stormwater fee you are currently paying to Fishers does not go to the maintenance of the regulated drains. This funding is used by Fishers to fund the Stormwater Quality Regulations imposed by the EPA (Environmental Protection Agency) and IDEM (Indiana Department of Environmental Management) and to maintain the storm sewer systems in Fishers. The Mud Creek/Sand Creek Drainage Shed includes not only portions of the Town of Fishers but also the City of Noblesville and unincorporated areas in Delaware, Fall Creek, Noblesville and Wayne Townships.

I am pleased to hear that you have not experienced serious problems at your location. However, there are others within the drainage shed that are having problems that would not consider them "frivolous".

Sincerely,

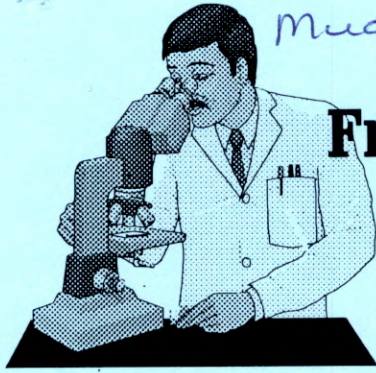
A handwritten signature in black ink, appearing to read 'K. Ward', with a large, sweeping flourish extending to the right.

Kenton C. Ward, CFM
Hamilton County Surveyor

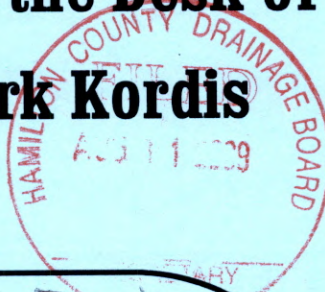
KCW/llm

19-15-04-00-15-007.0008-10-09

Mud Creek / Sand Creek



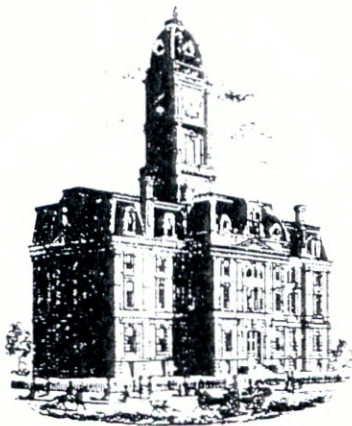
**From the Desk of
Mark Kordis**



Hamilton County Drainage
Board

I am writing you to state my objection to the benefits assessed are excessive. I can understand that after a number of years of no maintenance a year of maintenance maybe in order. However, to assess for 8' consecutive years is unwarranted especially in light of only 4' complaints over the past 8' years. In light of the above and the fact that I am already paying the Town of Fishers Storm-water \$60 per year, this assessment is excessive for more than 1 year every 5' or more years.

Mark Kordis



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One Hamilton County Square
Noblesville, Indiana 46060-2230

August 20, 2009

Tina & John Gianfagna
134 Windermere Blvd.
Fishers, IN 46037

Re: Mud Creek/Sand Creek Drainage Area, Mud Creek Arm Southern Section

I have received your objection dated August 18, 2009 regarding the above referenced drain.

Mud Creek is a regulated drain which falls under the jurisdiction of the Hamilton County Drainage Board and this office. Regulated drains are not funded by general tax dollars. Under Indiana Statute drains are funded by assessing the property owners which are within the drainage area for that drain. This proposed assessment of \$35.00 annually will be utilized for the maintenance of Mud Creek and its tributary Sand Creek.

Please be aware that the Town of Fishers also pays for tracts which they own including roads and streets. As to your comment about "engineers who designed the original faulty system", the drainage system is not faulty but is in need of maintenance and updating since it was constructed in 1938.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

August 18, 2009

Hamilton County Drainage Board
One Hamilton County Square, Ste 188
Noblesville, IN 46060



Re: Notification of Hearing to Establish Annual Assessments for Periodic Maintenance of the **Mud Creek/Sand Creek Drainage Are**, Mud Creek Arm, Southern Section.

Description:

19-15-09-00-08-001.000

Notice is hereby given to the Board that we are objecting to this assessment, which we regard as excessive. It is an additional tax burden, which is being passed off as a maintenance charge.

What is next – additional assessments to keep our streets clean, or to keep public property mowed? This maintenance should be paid by the City of Fishers, or by the engineers who designed the original faulty system.

Sincerely,

Tina and John Gianfagna
134 Windermere Blvd
Fishers, IN 46037



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One Hamilton County Square
Noblesville, Indiana 46060-2230

August 20, 2009

David Brackman
10108 Chesnick Ln.
Fishers, IN 46037

Re: Mud Creek/Sand Creek Drainage Area, Mud Creek Arm Southern Section

I am in receipt of your objection regarding the above referenced drain. I am not sure if you called or visited the office regarding this proposal. However, if you would visit the office you could review the file, maps, watershed master plan and any other information you would care to review and have any and all of your questions answered.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenton C. Ward", written over a faint, illegible stamp.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

19-15-08-00-34-001-000

Mud Creek/Sand Creek

David Brackman
10108 Cheswick Ln.
Fishers, IN 46037
Lot # 24 Glenn Abbey Place



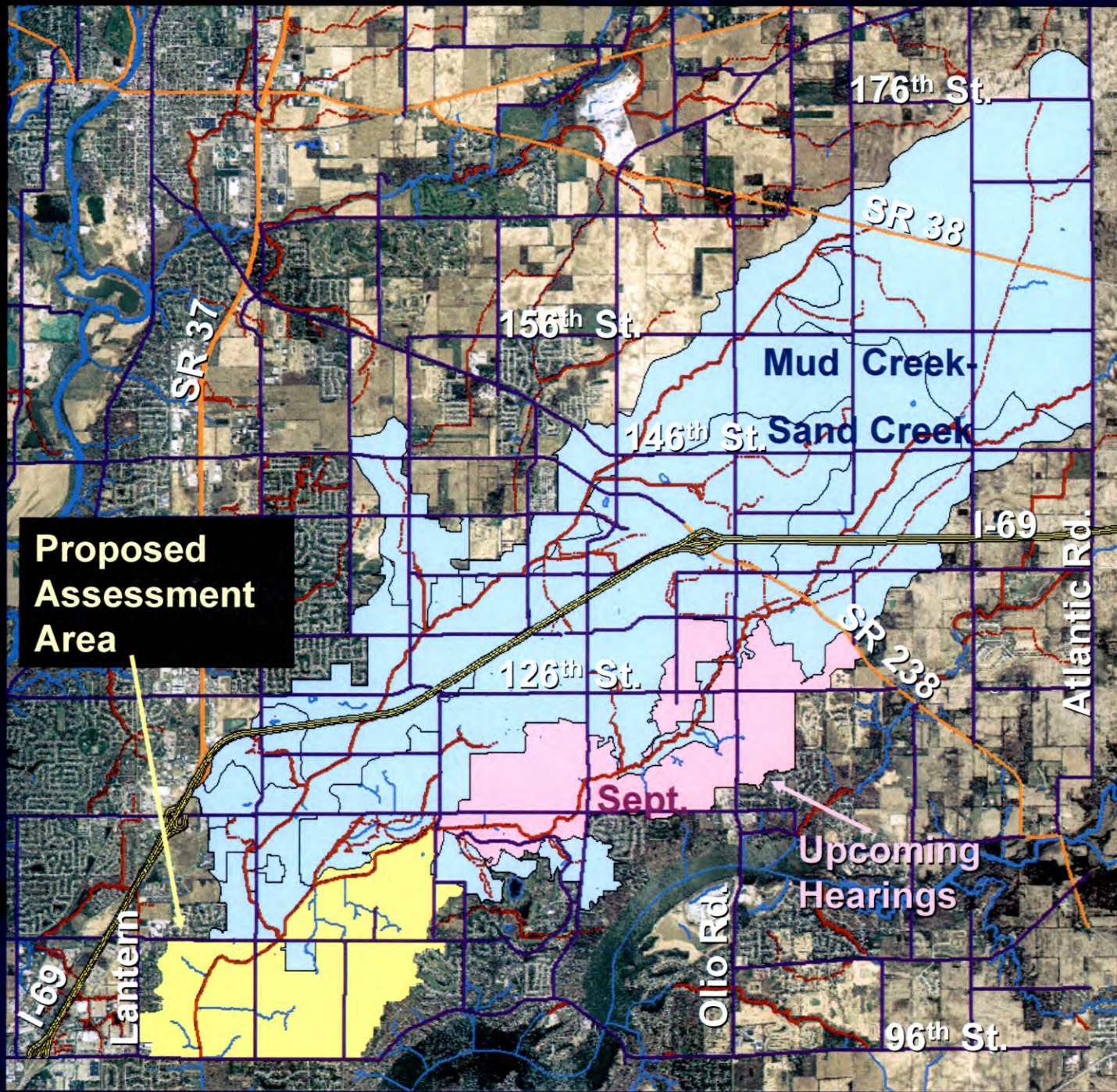
Dear: Drainage board

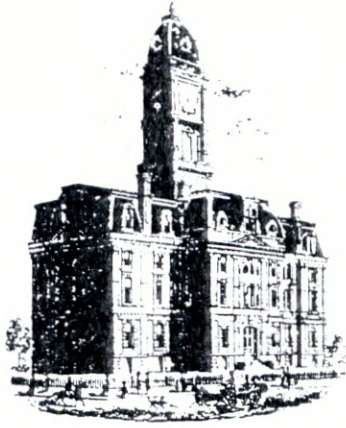
I am informing this board that I have concerns about this sewer tax. The Information is vague, and needs further explanation.

This is my formal objection to this project.

David Brackman

A handwritten signature in black ink, appearing to read "David Brackman". The signature is written in a cursive style with a long horizontal flourish at the end.





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Noblesville, Indiana 46060-2230

August 20, 2009

Jerome Chambers & Sharon Gatlin-Chambers
9990 Crosswinds Dr.
Fishers, IN 46037

Re: Mud Creek/Sand Creek Drainage Area, Mud Creek Arm Southern Section

I have received your objection dated August 8, 2009 regarding the above referenced drain.

The report which is included in with your hearing notice is the report to the Drainage Board. The maps mentioned in the report are for the Board and are large format. However, enclosed with this letter is a map showing the drainage shed for the drain. The area in blue is assessed at this time. The area in yellow is the area proposed for assessment at this time. The area in pink is the area which will go to hearing for proposed assessment in September.

I'm not sure what you are looking for as evidence for support of the assessment other than what I have outlined in my report to the Board. Although, as you mention in your letter, you have not had flooding issues at your location, there are issues along Mud Creek/Sand Creek. Under Indiana Statute, because you are within the drainage shed for Mud Creek/Sand Creek you are benefitted by the drain and since storm water from your area contributes to these issues you are assessed.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

Mud Creek/Sand Creek

19-15-0800-21-001.000

Mr. Jerome Chambers and Ms Sharon L. Gatlin-Chambers
9990 Crosswinds Dr
Fishers, In 46037

August 8, 2009



Surveyor Office of Hamilton County
One Hamilton County Square
Suite 188
Noblesville, In 46060-2230

RE: Mud Creek Drain Drainage Area, Mud Creek Arm, Southern Section
Lot#1

Dear Kenton C. Ward;

We are in receipt of your letter dated July 2, 2009 suggesting additional taxes for this project. At this time we are opposed to this tax, and can't find any evidence to support this increase. Your letter indicates that there were maps enclosed, but there weren't any. The area in question appears to be Hoosier Road to the south right of way line for 96th street. There hasn't been any flooding or drain issues at our location over the years.

We plan to come to the hearing on August 24, 2009, to reject to any new taxes and this propose project. I look forwards to this debate.

Very Truly Yours

A handwritten signature in blue ink, appearing to be "Jerome Chambers and Sharon Gatlin-Chambers". The signature is stylized and somewhat cursive.

Jerome Chambers and Sharon Gatlin-Chambers



SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County
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Fax (317) 776-9628

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

August 20, 2009

Mark Kordis
10914 Cody Ln.
Fishers, IN 46037

Re: Mud Creek/Sand Creek Drainage Area, Mud Creek Arm Southern Section

I am in receipt of your letter of objection regarding the above referenced drain.

You are correct that the drain has not been maintained for a number of years. It may also seem excessive to collect up to eight (8) years for only four (4) complaints over the past eight (8) years. However, more is needed than to only address the listed complaints. The watershed management plan mentioned in my report covers many items which need to be addressed. Doing so will require much more than a year's funding. Also, you must consider that bank erosion, downed trees, beaver dams and other items listed plus items not listed is always occurring. When these things happen it is better to address them immediately rather than only when funds are available.

The proposed assessment is for the maintenance of the Mud Creek and Sand Creek Regulated Drains. Regulated drains are under the jurisdiction of the Hamilton County Drainage Board per IC 36-9-27. These drains serve as the outlets for subdivision drainage systems which are maintained by the Town of Fishers. Funding for the maintenance of regulated drains is obtained by assessments against all properties within the drainage shed of that drain. Per Section 69(b)(1) of the Statute the entire land area drained by the drain, shall be considered to be benefited and shall be assessed.

The stormwater fee you are currently paying to Fishers does not go to the maintenance of regulated drains. This funding is used by Fishers to fund the Stormwater Quality Regulations imposed by the EPA (Environmental Protection Agency) and IDEM (Indiana Department of Environmental Management) and to maintain the storm sewer system in Fishers. The Mud Creek/Sand Creek Drainage Shed includes not only portions of the Town of Fishers but also the City of Noblesville and unincorporated areas in Delaware, Fall Creek, Noblesville and Wayne Townships.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', written over a horizontal line.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

19-15-08-00-23-019.000

8/17/09

Mud Creek / Sand Creek
TO WHOM IT MAY CONCERN,

I STRONGLY OBJECT TO THE
PURPOSED TAX INCREASE AS DESCRIBED
IN YOUR LETTER OF 7/2/09. I SEE
NO REASON FOR THIS COST. THE
HOME OWNERS SHOULD MAKE THEIR
OWN REPAIRS AND ALTERATIONS.

Yours Truly,
William D. Reinhold
10690 GLENN CHASE CT
FISHERS, IN 46034

Morica J. Reinhold





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Hamilton County

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

August 20, 2009

William D & Monica J Reinhold
10690 Glenn Cairn Ct.
Fishers, IN 46037

Re: Mud Creek/Sand Creek Drainage Area, Mud Creek Arm Southern Section

I am in receipt of you letter of objection dated August 17, 2009 regarding the above referenced drain.

Mud Creek/Sand Creek are regulated drains under the jurisdiction of the Hamilton County Drainage Board and this office. Under Indiana Statute regulated drains are not funded through general tax dollars. These drains are funded through assessing the property owners within the drainage area for the drain. Under Indiana Statute all property owners within the drainage shed benefit by the drain and therefore must pay for its upkeep.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

19-15-08-00-23.035.000

Mud Creek / Sand Creek

August 16, 2009

George R. Miller
10079 Glenn Abbey Lane
Glenn Abbey Place 1st Lot 88
Fishers, IN 46037-8973

Hamilton County Drainage Board
One Hamilton County Square, Ste 188
Noblesville, IN 46060-2230



Subject: Public Hearing August 24, 2009 by Hamilton County Drainage Board (HCDB)
Attention: Kenton C. Ward, CFM Hamilton County Surveyor

Dear Mr. Ward

I do not believe that four complaints on the drain in eight years since July 12, 2001 justify an annual assessment of \$87,687.52 for maintenance of the drain. Before I retired from Raytheon in July 2000, I would always give my management a cost benefits analysis to justify buying new chambers or other major equipments for my Reliability Lab.

The HCDB has not provided any evidence showing the damages experienced or costs to the county to correct the drainage problems cited by you for only four complaints since July 23, 2001. Why were there no complaints made when the most rain for the last eight years fell on Labor Day, Sept.1, 2003? What has it cost the county by not following the Burke Engineering 2004 maintenance plan sooner? Are the problems overblown and not as bad as stated? The people living near the creeks are the ones who can help clear obstructions to the flow since they also have the opportunity to watch and enjoy the beavers and other wild life.

The Fishers Stormwater Utility Fee we started paying last year was supposed to address the some of the same concerns as this new "tax".

Thank you for your thoughtful consideration before a new tax is started.

Sincerely,

A handwritten signature in cursive script that reads "George Miller".

George Miller.
842-0935

Copy to: Joe Heinzmann, President WHOA

103



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097





SURVEYOR'S OFFICE
Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County

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Noblesville, Indiana 46060-2230

August 20, 2009

George R. Miller
10079 Glenn Abbey Lane
Fishers, IN 46037

Re: Mud Creek/Sand Creek Drainage Area, Mud Creek Arm Southern Section

I have received your objection dated August 16, 2009 regarding the above referenced hearing.

Although we have only four complaints since 2001 does not mean that there are not additional items that warrant the establishment of an annual maintenance assessment. The Burke Study mentioned in my report and in your objection has numerous items that require attention. The most serious of these are the fact that a number of residences were constructed inadvertently within the 100-year floodplain.

I'm not sure what evidence you are needing to see other than what has been outlined in my report to the Board. As far as complaints regarding the September 1, 2003 flood event I will check the record. I do remember flooding over streets in this area, specifically at 106th Street and Cumberland Road and Cumberland Road at Sand Creek and believe there are photos of that flooding. As far as additional costs related to the Burke Study I do not believe there are any. As far as the problems are being overblown I will have to ask those property owners who have had problems.

The proposed assessment is for the maintenance of the Mud Creek and Sand Creek Regulated Drains. Regulated drains are under the jurisdiction of the Hamilton County Drainage Board per IC 36-9-27. These drains serve as the outlets for subdivision drainage systems which are maintained by the Town of Fishers. Funding for the maintenance of regulated drains is obtained by assessments against all properties within the drainage shed of that drain. Per Section 69(b)(1) of the statute the entire land area drained by the drain, shall be considered to be benefited and shall be assessed.

The stormwater fee you are currently paying to Fishers does not go to the maintenance of the regulated drains. This funding is used by Fishers to fund the Stormwater Quality Regulations imposed by the EPA (Environmental Protection Agency) and IDEM (Indiana Department of Environmental Management) and to maintain the storm sewer systems in Fishers. The Mud Creek/Sand Creek Drainage Shed includes not only portions of the Town of Fishers but also the City of Noblesville and unincorporated areas in Delaware, Fall Creek, Noblesville and Wayne Townships.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', written over a horizontal line.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

August 22, 2009



George R. Miller
10079 Glenn Abbey Lane
Glenn Abbey Place 1st Lot 88
Fishers, IN 46037-8973

Hamilton County Drainage Board
One Hamilton County Square, Ste 188
Noblesville, IN 46060-2230

Subject: Public Hearing August 24, 2009 by Hamilton County Drainage Board (HCDB)
Attention: Kenton C. Ward, CFM Hamilton County Surveyor

Dear Mr. Ward

Thank you for your prompt August 20th reply to my letter of objection dated August 16, 2009.

I do not believe the Burke Report finding that a number of residences were constructed inadvertently within the 100-year floodplain, your most serious reason for the proposed assessment justify the assessment. . The homeowners affected by mistakes made during surveys prior to their home being built can have flood protection added to their homeowner's policy. What companies or individuals will be paid from the assessment? Will the contracts be based on open bidding, nepotism or what? You want to spend a lot of money every year to fix things that are not broken.

Any complaints you find now regarding the September 1, 2003 flood event can not have been that significant if not remembered by anyone except me in my letter to you. I remember the flooding at 106th Street and Cumberland Road but where is the evidence of any significant damage? I have photos of a retention pond flooding the intersection at the corner of Glenn Abbey Lane and 10690 Glenn Cairn Court. My neighbor Bill Reinhold told me he wrote a letter to you since the flooding by the pond next to his home caused no problems. Bill agrees with me that it will be a waste of \$87,687.52.

Thank you for your further consideration before a new tax is started.

Sincerely,

A handwritten signature in cursive script that reads "George Miller".

George Miller.
842-0935

Mud Creek / Sand Creek



I am objecting to the proposed assessment for maintenance of a drainage project by the City of Fishers.

This, in my opinion, is an additional tax to me.

Diane Meils

15-15-07-00-23-003.000

9117 Muir Woods

Fishers IN 46037

8/18/2009



SURVEYOR'S OFFICE
Hamilton County

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

Suite 188
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Noblesville, Indiana 46060-2230

August 20, 2009

Diane Meils
9117 Thoreau Ct.
Fishers, IN 46037

Re: Mud Creek/Sand Creek Drainage Area, Mud Creek Arm Southern Section

I have received your objection dated August 18, 2009 regarding the above referenced drain. Please be aware that the proposed maintenance is not being done by the Town of Fishers. Mud Creek is a regulated drain which falls under the jurisdiction of the Hamilton County Drainage Board and this office.

Regulated drains are not funded by general tax dollars. Under Indiana Statute drains are funded by assessing the property owners which are within the drainage shed for that drain. This proposed assessment of \$35.00 annually will be utilized for the maintenance of Mud Creek in which you are within the drainage shed.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

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, Mud Creek Arm, Southern Section.

Hanners, Richard A Jr
 10144 Glenn Abbey Ln
 FISHERS, IN 46037

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 entire drain is \$87,687.52. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts:

Description: 19-15-08-00-23-025.000	Current Benefit to Mud Crk / Sand Crk #347	Current Assessment to Mud Crk / Sand Crk #347	Proposed Benefit to Mud Crk / Sand Crk #A347	Proposed Assessment to Mud Crk / Sand Crk #A347	Percentage of total assessment Mud Crk / Sand Crk #A347
Glenn Abbey Place 1st Lot 93	n/a	n/a	One Lot	\$35.00	0.04%
Un-Reg Subd					

A public hearing will be held by the Drainage Board in Commissioner's Court at 9:30 A.M. on August 24, 2009 on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection 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

RETURNED

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, Mud Creek Arm, Southern Section.

Fritz, William R
9983 Woods Edge Dr
FISHERS, IN 46037

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 entire drain is \$87,687.52. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts:

Description: 19-15-08-00-22-028.000	Current Benefit to Mud Crk / Sand Crk #347	Current Assessment to Mud Crk / Sand Crk #347	Proposed Benefit to Mud Crk / Sand Crk #A347	Proposed Assessment to Mud Crk / Sand Crk #A347	Percentage of total assessment Mud Crk / Sand Crk #A347
Woods Edge at Windermere 5th Lot 111	n/a	n/a	One Lot	\$35.00	0.04%
Un-Reg Subd					

A public hearing will be held by the Drainage Board in Commissioner's Court at 9:30 A.M. on August 24, 2009 on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection 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, Mud Creek Arm, Southern Section.

McDermott, Jerry K & Malinda M
 10345 Hillsborough Dr
 FISHERS, IN 46037

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 entire drain is \$87,687.52. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts:

Description: 19-15-08-00-16-049.000	Current Benefit to Mud Crk / Sand Crk #347	Current Assessment to Mud Crk / Sand Crk #347	Proposed Benefit to Mud Crk / Sand Crk #A347	Proposed Assessment to Mud Crk / Sand Crk #A347	Percentage of total assessment Mud Crk / Sand Crk #A347
Hillsborough Lot 39	n/a	n/a	One Lot	\$35.00	0.04%
Un-Reg Subd					

A public hearing will be held by the Drainage Board in Commissioner's Court at 9:30 A.M. on August 24, 2009 on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection 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, Mud Creek Arm, Southern Section.

Jones, Marisa L
 10306 Lakeland Dr
 Fishers, IN 46037

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 entire drain is \$87,687.52. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts:

Description: 19-15-08-00-12-030.000	Current Benefit to Mud Crk / Sand Crk #347	Current Assessment to Mud Crk / Sand Crk #347	Proposed Benefit to Mud Crk / Sand Crk #A347	Proposed Assessment to Mud Crk / Sand Crk #A347	Percentage of total assessment Mud Crk / Sand Crk #A347
Lakeside Green at Windermere 3rd Lot 78	n/a	n/a	One Lot	\$35.00	0.04%
Un-Reg Subd					

A public hearing will be held by the Drainage Board in Commissioner's Court at 9:30 A.M. on August 24, 2009 on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection 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

RETURNED

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, Mud Creek Arm, Southern Section.

Schuler, Erin N
20190 Golden Panther Dr Apt 4
ESTERO, FL 33928-2060

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 entire drain is \$87,687.52. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts:

Description: 19-15-08-00-32-025.000	Current Benefit to Mud Crk / Sand Crk #347	Current Assessment to Mud Crk / Sand Crk #347	Proposed Benefit to Mud Crk / Sand Crk #A347	Proposed Assessment to Mud Crk / Sand Crk #A347	Percentage of total assessment Mud Crk / Sand Crk #A347
Glenn Abbey Village 2nd Lot 141	n/a	n/a	One Lot	\$35.00	0.04%
Un-Reg Subd					

A public hearing will be held by the Drainage Board in Commissioner's Court at 9:30 A.M. on August 24, 2009 on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection 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

***Mud Creek/Sand Creek Drainage Area,
Mud Creek Arm, Southern Section***

NOTICE

To Whom It May Concern and: Fritz, William R

Hanners, Richard A Jr.

McDermott, Jerry K & Malinda M

Jones, Marisa L

Schuler, Erin N

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Mud Creek/Sand Creek Drainage Area, Mud Creek Arm, Southern Section** on **August 24, 2009** at **9:30 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

***Mud Creek/Sand Creek Drainage Area
Mud Creek Arm, Southern Section***

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **August 24, 2009** 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: Lynette Mosbaugh

ONE TIME ONLY

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Mud Creek/Sand Creek Drainage Area
Mud Creek Arm, Southern Section

On this 24th day of August 2009, 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, Mud Creek Arm, Southern Section.**

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



Alternate Member

Attest: 