



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 1, 2008

To: Hamilton County Drainage Board

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

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 Wayne and Fall Creek Townships from 2466 feet east of Atlantic Road to State Road 238 or Greenfield Ave.

At this time Mud Creek is listed on the 2008 Classification List for maintenance at Number 7. The office has had seven (7) 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	South side 126 th St East of Olio Rd.	Beaver dams
November 29, 2004	Surveyor's Office	141 st & Prairie Baptist Rd	Beaver dams
May 25, 2005	Gregor King	146 th St.	Right of way obstruction
August 15, 2005	Pam Ford	146 th St.	Pipe under 146 th obstruction
January 5, 2006	Kim Porter	15562 E. 146 th St.	Beaver dams
April 21, 2008	Teresa Keller	15420 E. 146 th St.	Beaver dams

This portion of the drain to be placed on maintenance begins at the terminus of the Stanford Baughm Drain. Three (3) sections are proposed to be placed on maintenance at this time. The first is the Cyntheanne Road East Arm as set out in my report dated February 25, 2008 and approved by the Board on May 27, 2008. (See Hamilton County Drainage Board Minutes Book 11, Page 164-167). The length of this arm is 4,424 feet.

The second (2nd) section consists of the Daniel Heiny Drain between St. 138+50 and 248+50. This drain was established by the Hamilton County Circuit Court on February 13, 1885. (See Hamilton County Order Book 11, Pages 181-191). The length of this section of open ditch is 11,000 feet.

The third (3rd) section is the I-69 to State Road 238 Arm as set out in my report dated February 21, 2008 and approved by the Board at hearing on May 27, 2008. (See Hamilton County Drainage Board Minutes Book 11, Pages 158-161). The length of this arm is 3,012 feet.

The total length of the drain to be placed on maintenance is 18,436 feet of open drain.

The following regulated drains which are now on maintenance under the Mud Creek/Sand Creek Drain terminate into this portion of the drain #44 Stanford Baughm and #101 Frank Keiser.

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 \$4,874.70. 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, Page 4, as a MS4 area receiving stream.

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

Page 4 as an MS4 Area Receiving Stream

Page 6 as an 14 digit #05120201110040 Watershed within the MS4 Area

Page 14 as being in the IDEM 305(b) Report as being fully supportive of aquatic life and full body contact

Page 16 as not substantially impacted by MS4 stormwater discharges.

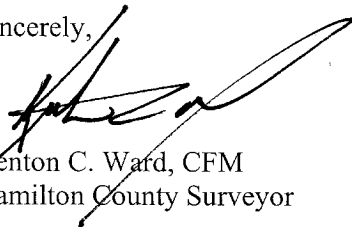
This drain is not listed on the 2008 303(d) list of impaired waters for Indiana.

The open ditch is heavily overgrown and is in need of selective 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. Flowline obstructions need to be removed along with bank stabilization.

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 by the end of 2008.

I recommend that the Board set a hearing for this proposed maintenance for August 25, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenton C. Ward', is written over the typed name and title.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

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



**This letter is to address parcel 13-11-24-00-00-008.000 for
Kris Cummings located at 14626 E. 141st St. Noblesville, IN 46060**

**I object to being charged additional monies for County
maintenance. The employees that do the drain cleaning are already
being paid by tax dollars. The trucks, equipment and tools needed
for the completion of the drain cleaning are paid for by tax dollars.
This fee is a Tax on a Tax.**

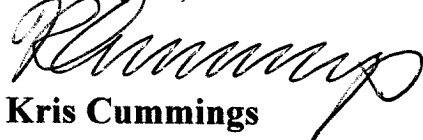
**Additionally, over the past 23 years I have watched Beaver Dams
that were built in Mud Creek located less then 20 yards before
passing under I-69, destroyed by 1 person using a few sticks of
dynamite.**

**These were very controlled explosions with no damage caused to
any nearby houses or to passing motorists.**

**Dynamite costs \$180.00 per case, with 100 sticks in each case.
The cases weigh 55 pounds and the hazardous shipping charge is
\$250.**

**The total cost for the dynamite is \$4.30 per stick and the use was 3
sets of 3 sticks. A bundle was placed at each end and in the middle
of the beaver dam and once the dams were blown, the reservoir of
water did the rest of the destruction.**

Thank you,


Kris Cummings



August 8, 2008

Hamilton County Drainage Board

RE: Mud Creek Sand Creek

I would like to object to the maintenance of this ditch. My ditch on my property is cleaned and I have been cleaning it out since 1948. I oppose of the maintenance charge.

Sincerely,

Martin H. Thieme

Martin Thieme
15123 E. 146th St.
Noblesville, IN 46060

317-773-4430

FINDINGS AND ORDER

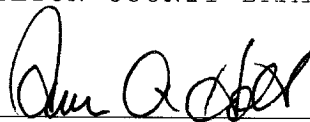
CONCERNING THE MAINTENANCE OF THE

Mud Creek/Sand Creek Drain, Mud Creek Arm

On this **25th day of August 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, Mud Creek 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.

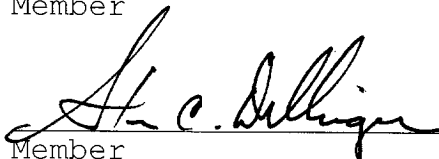
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest:



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Mud Creek/Sand Creek Drain, Mud Creek 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/Sand Creek Drain, Mud Creek Arm** on **August 25, 2008** at **9:05 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 Drain, Mud Creek Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **August 25, 2008** 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