

Kenton C. Ward, Surveyor

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To: Hamilton County Drainage Board

October 12, 2006

Re: Russell Johnson Drain, Somerset Sec. 6 Arm

REVISED REPORT

Attached is a petition and plans for an arm to be extended to the Russell Johnson Drain. The arm is being proposed under IC 36-9-27-66 by Somerset Residential Development, LLC. The proposal is to extend the arm across the following parcels:

parcel 13-11-33-00-00-003.012, owned by Robert A. Arrendale
parcel 13-11-33-00-00-003.000, owned by John A. and Angela M. Stagge
parcel 13-11-33-00-00-003.005, owned by Bradley P. and Belinda L. Cash
parcel 13-11-33-00-00-003.003, owned by Jon Michael Binsbacher and Cate Carrington
parcel 13-11-33-00-00-003.001, owned by Cellular One of Indianapolis.

This proposal is being done as part of the Somerset, Sec. 6 project per plans by Stoepelwerth and Associates., Job No. 51735S6, dated 9/1/2006.

Per the plans, the arm will begin at Str 100, which is the outlet pipe for the detention pond for Somerset, Sec. 6. The arm will follow the existing water course and extend south to the Russell Johnson Drain.

This line will consist of the following:

55' of 12" RCP
20' of 12" CMP

650' of Open Drain

The total length of the new drain shall be 725 feet. This proposal will add 725 feet to the drain's total length.

In order to provide access to the downstream land owners across the open drain, the developer shall install a culvert on any of the parcels along the route of the proposed arm upon written request by the downstream property owners listed above. The property owners shall have up to 180 days from the date of the Board's approval of this report to request to the Surveyor's Office that the culvert be installed on their property. The design of each culvert shall be approved by this office. Each culvert shall be 20' in length and sized to convey the 10 year flow for upstream areas. The location of these culverts shall be coordinated with the land owners and the requirements of this office. The developer shall submit a drawing showing the locations, size and invert elevations of the culvert pipes as installed at the end of the 180 day time period.

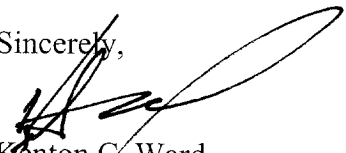
The easement for the proposed arm will be 25' from the top of bank on each side of the open drain and 15' per half from the centerline of the pipe per IC 36-9-27-33(e).

The existing pond on the Bradley Cash property is not to be considered part of the regulated drain. The Board will only ensure that flow continues through the pond area. The length of the open ditch includes the area through the pond as a straight line measurement from inlet to outlet. The maintenance of the pond will be the responsibility of the landowner. The detention pond in Somerset, Sec. 6 which is partially located on the Arrendale property also will not be considered part of the regulated drain.

I recommend that this drain be classified as an urban drain.

The project falls under the requirements as set out in IC 36-9-27-66. Therefore, a hearing is required for the petition. I recommend that the Board set a hearing date for November 27, 2006.

Sincerely,



Kenton C. Ward
Hamilton County Surveyor

KCW/stc

To: Hamilton County Drainage Board

Date: October 10, 2006

Re: Russel Johnson Drain

Somerset Residential Development, LLC (Here-in-after "Petitioner"),

hereby petitions the Hamilton County Drainage Board under IC 36-9-27-66 for an arm to be installed to the Russel Johnson Drain in order to serve the property of the petitioner. The petitioner, in support of said petition, advises the Board that:

1. The Russel Johnson Drain is presently on a maintenance program and that land of the petitioner is assessed as benefited by the maintenance of the regulated drain
2. There is no known adequate open or tiled drain connecting the land of the petitioner with the regulated drain;
3. The waters from the petitioners land flow over or through land owned by others to reach the regulated drain;
4. The legal description of lands through which the new regulated drain will run along with the parcel numbers, name and address of each owner of that land is shown on Exhibit "A" which is attached;
5. The general route of the proposed new regulated drain and method of construction is shown on Exhibit "B" which is attached.
6. Petitioner agrees to pay all legal and construction costs involved with the construction of the proposed new regulated drain.

Signed

Printed

Timothy Barr

Timothy Barr

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Russell Johnson Drain, Somerset Section 6 Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Russell Johnson Drain, Somerset Section 6 Arm* came before the Hamilton County Drainage Board for hearing on December 11, 2006, 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.

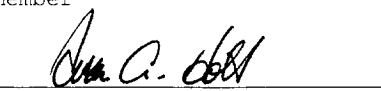
Wherefore, it is ORDERED, that the proposed Reconstruction of the *Russell Johnson Drain, Somerset Section 6 Arm* be and is hereby declared established.

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

Russell Johnson Drain, Somerset Section 6 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 **Russell Johnson Drain, Somerset Section 6 Arm** on **November 27, 2006**, at **10:00 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 **Russell Johnson Drain, Somerset Section 6**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **December 11, 2006** 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
EXECUTIVE SECRETARY