



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

June 11, 2008

To: Hamilton County Drainage Board

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

Attached is a drain map, drainage shed map and schedule of assessments for maintenance for Mud Creek Drain, Sand Creek Arm. This portion of the drain is located in Wayne and Fall Creek Townships from Prairie Baptist Road to State Road 238 or Greenfield Ave.

At this time Sand Creek is listed on the 2008 Classification List for reconstruction at Number 5. The drain was requested for classification by Ola C. Musselman on September 25, 1968. The office has had eleven (11) complaints on the drain since 2001. Those are as follows:

<u>DATE</u>	<u>APPLICANT</u>	<u>LOCATION</u>	<u>PROBLEM</u>
Feb 27, 2001	Rich Schroeder	S. 116 th St, E. Cumberland	Fallen Trees and other debris, blocking waterway
July 15, 2003	Cheryl Murray	Cumberland Road	Debris blocking ditch
Jan. 14, 2004	JoAnn Carman	Marilyn Rd N of 136 th St. Under bridge	Log Jam
July 29, 2004	Kathy Palmer	9708 Fortune Drive	Marshy wet area in backyard.
May 16, 2005	Tim Kruger	13775 E. 156 th Street	Erosion
June 27, 2005	Dan Lewis	E. of Cumberland Rd. N. of 116 th St.	Log Jam
July 11, 2005	Gifford Threet	13723 E. 156 th Street	Tree causing flooding

March 13, 2006	Gary Smith	15455 Olio Rd.	Ditch filled in causing flooding
March 22, 2007	Richard Bacon	10986 Cumberland Rd.	Tree down in creek causing flooding
April 9, 2007	Julie Kiewitt	11133 Ridgeway Circle	Erosion along bank
Dec. 3, 2007	Julie Kiewitt	11133 Ridgeway Circle	Erosion along bank and limbs in ditch

The drain was established in August 1894 by the Hamilton County Commissioners (See Hamilton County Commissioners Book 9, Pages 140-145). The length of this section which is proposed to be placed on maintenance is 15,500 feet. This is between Station 25+60 of the original 1894 description to Station 180+60.

The following regulated drains which are now on maintenance under the Mud Creek/Sand Creek Drain terminate into this portion of the drain #15 Sand Creek, #37 Newton Teter and #183 Alexander Hare.

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 \$4,336.58. The period of collection shall be eight years as per IC 36-9-27-43.

Sand 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.

Sand 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 #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.

Page 31 as a priority stream

Page 50 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 by the end of 2008.

I recommend that the Board set a hearing for this proposed maintenance for July 28, 2008.

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/pll

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE
Mud Creek/Sand Creek Drain, Sand Creek Arm

On this **28th day of July 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, Sand 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.

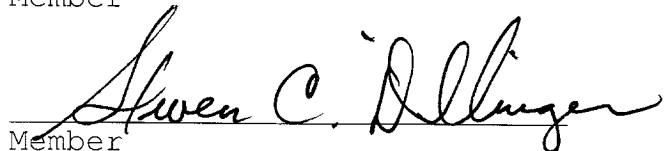
HAMILTON COUNTY DRAINAGE BOARD




President



Member



Member

Attest: 

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Mud Creek/Sand Creek Drain, Sand Creek Arm

NOTICE

To Whom It May Concern and: Deer Creek Amphitheater Concerts, LP
Sybesma, Steven P & P David Lucas T/C

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Mud Creek/Sand Creek Drain, Sand Creek Arm** on **July 28, 2008** 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 Drain, Sand 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 **July 28, 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

July 25, 2008

VIA EMAIL AND FACSIMILE

To: Kenton Ward; Surveyor of Hamilton County
Hamilton County Drainage Board

Re: Mud Creek/Sand Creek Drainage Area, Sand Creek Arm; Letter dated June 11,
2008 from Kenton C Ward Surveyor

Dear Mr. Ward and Hamilton County Drainage Board:

I received a letter from Kenton Ward Surveyor of Hamilton County and would like this letter to serve as my formal response to a public hearing scheduled on July 28, 2008, since I am unable to attend this meeting in person. The location of my property along Sand Creek is 13775 E. 156th Street; Noblesville, IN 46060.

The letter I received on June 11, 2008, indicated that I had issued a complaint on May 16, 2005, as it relates to erosion. Please be advised that there were no formal complaints made by me. I merely contacted Stephen A. Baitz, Drainage Specialist, in May 2005 to visit my property and give me his opinion on how to correct some high bank erosion I was having on the section that runs through my property. Some vetch near the bridge on Olio had died and was allowing some erosion during high water. Mr. Baitz was kind enough to offer some suggestions as to where to get vetch for replanting and the approval for me to place riff raft on the high banks as long as I did not restrict flow.

Since Mr. Baitz visit in May 2002, I have planted vetch, hosta, other vegetation, and hauled in numerous tons of riff raft that I placed by hand all along the creek and where there was evidences of erosion. I also built stacked concrete retaining walls and back filled with gravel, landscape fabric and fill in various locations to control water during heavy rains. I have always maintained the trees and flow as it relates to the section of my property. On occasion I have cut out trees in the creek that have fallen in other sections that are downstream to assure continuous water flow at my own expense and labor.

I have spent a considerable amount of time and money in landscaping and erosion control at my own expense. I have also enjoyed the beauty the creek offers in the seasons, as well as relaxation and entertainment we enjoy as a family. As a result, I am against any destructive dredging of the section in my direct area. The main reason we purchased this property was the creek and its mature trees on the property. I would not like to see any major dredging to occur that would affect the financial and marketability of my property. For you review, I have attached pictures of the considerable amount of improvements I have made over the years for erosion control. Also please take note of other improvements such as bridge, trees and building that are located along Sand Creek.

July 25, 2008

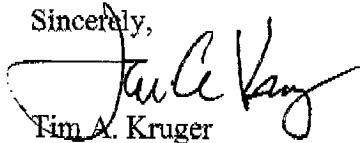
Page Two

Additionally, the section of Sand Creek flowing through my property has had very little silt fill since we have owned the property, in excess of 10 years. The creek is almost 100 percent gravel based in my section. It takes about 3 to 5 inches of rain in about 2 to 6 hour period to bring the creek to its highest levels. Also, when the rain subsides the creek will drop approximately 1 to 3 inches over 1 to 2 hours. This section of the creek has a lot a fall to it and as a result does not fill in with large amounts of silt. As a result, I do not feel my section of the creek needs any major dredging.

Finally, I do not feel that 11 complaints/reports concerning the drain since 2001 should prompt major dredging and/or maintenance of the creek. Almost all of the complaints/reports were caused by nature such as fallen trees etc.

Please consider my concerns and opposition concerning any major dredging along my property. I do welcome any general maintenance provide by the County. Should you have any questions, I can be contacted at 317.770.1034 or tim@indy.net

Sincerely,



Tim A. Kruger

Enclosures (pictures)

cc: Stephen A. Baitz; Drainage Specialist

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, Sand Creek Arm.

Deer Creek Amphitheater Concerts LP
9100 Keystone Xing #175
Indianapolis, IN 46240

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 drain is \$4,336.58 and that the schedule shows you are the owner of the following lands:

Parcel	Description	Acres Benefited	Maint. Assmt.	% of Asmnt.
12-11-14-00-00-015.000	S14 T18 R5 52.27 Ac Residential/Ag	49.47	\$98.94	2.28%

A hearing will be held by the Drainage Board in Commissioner's Court at 9:30 A.M. on July 28, 2008 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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

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Parcel	Description	Acres Benefited	Maint. Assmt.	% of Asmnt.
12-11-14-00-00-013.000	S14 T18 R5 77.17 Ac Commercial	77.17	\$771.70	17.80%

A hearing will be held by the Drainage Board in Commissioner's Court at 9:30 A.M. on July 28, 2008 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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.

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Parcel	Description	Acres Benefited	Maint. Assmt.	% of Asmnt.
12-11-14-00-00-012.000	S14 T18 R5 72.72 Ac Residential/Ag	33.16	\$66.32	1.53%

A hearing will be held by the Drainage Board in Commissioner's Court at 9:30 A.M. on July 28, 2008 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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.

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Parcel	Description	Acres Benefited	Maint. Assmt.	% of Asmnt.
13-11-23-00-00-001.000	S23 T18 R5 1.18 Ac Residential/Ag	1.18	\$15	0.35%

A hearing will be held by the Drainage Board in Commissioner's Court at 9:30 A.M. on July 28, 2008 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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.

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