

Kent
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Surveyor of Hamilton County
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Noblesville, Indiana 46060-2230

To: Hamilton County Drainage Board

June 9, 2014

Re: Mud Creek – Sand Creek Drainage Area, TJ Patterson Arm, Corporate Parkway
Vacation,

Attached is a petition and plans for the proposed vacation of a portion of the Mud Creek – Sand Creek Drainage Area, TJ Patterson Arm. The relocation is being proposed by Interstate Holdings LLC. The proposal is to vacate the drain across parcel 13-11-23-00-00-011.000 owned by Interstate Holdings LLC as part of the Corporate Parkway Extension project per plans by American Structurepoint, Project No. EN-205, revision date 6/3/2014.

Per the plans, Corporate Parkway is being extended from the existing roundabout south to 136th street to accommodate an entrance for the proposed Cabela's project. This road will destroy a portion of the existing tile. Therefore, the existing TJ Patterson tile on parcel 13-11-23-00-00-011.000 will be vacated. Drainage from the existing 16" tile and surface area upstream of the new road will be tied into new storm sewer installed with Corporate Parkway and will be routed north to an existing detention area, before going to Sand Creek. This storm sewer will be part of the future road right-of-way, both owned by the City of Noblesville.

The 1371 feet of original drain between Sta.45+64 and 59+35 shall be vacated. This proposal will subtract 1371 feet from the drain's total length.

The original drain was previously referenced in my report dated June 9, 2006 and was approved at hearing by the Board on July 24, 2006 as recorded in Drainage Board Minutes Book 9 page 350 - 353. See also my final report dated October 1, 2008 as referenced in Minutes Book 11 page 348 - 349.

The project falls under the requirements as set out in IC 36-9-27-37. Therefore, a hearing with notice is required for the petition. I recommend that the Board set a hearing date for July 28, 2014. I recommend approval.

Sincerely,



Kenton C. Ward
Hamilton County Surveyor

KCW/stc

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Mud Creek/Sand Creek Drainage Area,
T. J. Patterson Arm, Corporate Parkway

Station 45+64 to Station 59+35

On this 28th day of July, 2014, 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, T. J. Patterson Arm, Corporate Parkway; Station 45+64 to Station 59+35.*

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the *Mud Creek/Sand Creek Drainage Area, T. J. Patterson Arm, Corporate Parkway; Station 45+64 to Station 59+35.*

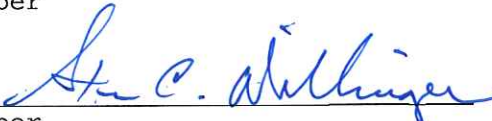
HAMILTON COUNTY DRAINAGE BOARD



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 Drainage Area, T. J. Patterson Arm, Corporate
Parkway*

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Mud Creek/Sand Creek Drainage Area, T. J. Patterson Arm, Corporate Parkway* came before the Hamilton County Drainage Board for hearing on *July 28, 2014*, 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 Drainage Area, T. J. Patterson Arm, Corporate Parkway* 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:

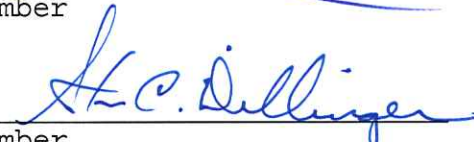
HAMILTON COUNTY DRAINAGE BOARD



PRESIDENT



Member



Member

ATTEST: 
Executive Secretary

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD IN THE MATTER OF THE

Mud Creek/Sand Creek Drainage Area,
T. J. Patterson Arm, Corporate Parkway Vacation

NOTICE is hereby given that a request by Interstate Holdings, LLC to PARTIALLY VACATE THE Mud Creek/Sand Creek Drainage Area, T. J. Patterson Arm a portion of 1,371 feet of drain in Corporate Parkway has been filed and that a hearing is scheduled for July 28, 2014 at 9:05 A.M. on that request.

Objections to the VACATION of the drain must be filed in writing not less than five (5) days before the date of the hearing.

The Board will consider whether the drain performs the function for which it was designed and constructed; whether the expense of maintenance outweighs the benefits to be derived therefrom, and whether the abandonment thereof will not be detrimental to the public welfare.

HAMILTON COUNTY DRAINAGE BOARD

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

**Mud Creek/Sand Creek Drainage Area,
T.J. Patterson Arm, Corporate Parkway Vacation**

NOTICE

Notice is hereby given pursuant to Indiana Code 36-9-27-63 (before codification in 1981) that this Board, prior to final adjournment on **July 28, 2014** issued an order adopting the partial vacation, filed the same and made public announcement thereof at the hearing and ordered publication. Copies of the schedule of assessments and order are on file in the office of the Hamilton County Surveyor. If judicial review of the findings and order of the Board is not requested pursuant to Indiana Code 36-9-27-65(f) 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