

SURVEYOR'S OFFICE
Hamilton County

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Noblesville, Indiana 46060-2230

November 3, 2021

TO: Hamilton County Drainage Board

RE: Mud Creek – Sand Creek Drainage Area – T.J. Patterson Drain Arm, Hyde Park Phase 1
Partial Vacation

Attached is a petition to vacate a portion of the T.J. Patterson Drain Arm by MAB Capital Investments, LLC to facilitate the construction of Hyde Park Phase 1. The proposal is to vacate a portion of the existing drain that is located in the southeast part of the project site, south of 141st and southeast of Brooks School Road, in the City of Noblesville. This affects the following existing parcel: 13-11-22-00-00-008.000 owned by MAB Capital Investments, LLC. Instr. No: 2019-59131.

The portions of the T.J. Patterson Drain Arm to be vacated will include the following:

- 881' of 16" tile installed in 1901 between existing stations 59+35 and 68+16.
- 173' of 16" tile (Arm 1) installed in 1901 between existing stations 12+72 and 14+45.
- 490' of 20" tile installed in 1901 between existing stations 68+16 and 73+06.
- 402' of 16" tile (Gwinn & Martin Drain Arm) installed in 1930 between existing stations 0 and 4+02.

This request will remove 1,946 feet of existing drain from the drain's total length.

The vacation of this part of the drain will not change the assessment. The parcels affected by this vacation will continue to drain within the watershed of the Mud Creek – Sand Creek Drainage Area – T.J. Patterson Drain Arm.

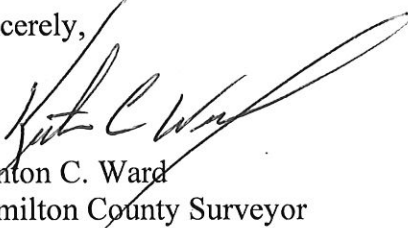
Previously, in 2014, the drain upstream of this location (Sta. 45+64 to Sta. 59+35) was vacated on parcel 13-11-23-00-00-011.000 and is known as the Mud Creek – Sand Creek Drainage Area, T.J. Patterson Arm, Corporate Parkway Vacation. (Note: The "Corporate Parkway" road name was later changed to Cabela's Parkway at this location). The vacation was

approved by the Board on July 28, 2014 as per my letter dated June 9, 2014. (See Hamilton County Drainage Board Minutes Book 15, pages 480-481) for more information.

The original T.J. Patterson Drain was established per Commissioner's Court records dated May 7th, 1901 (See C.R. 13, pages 144-145, 188, 197, 245. and C.R. 14 pages 46, 328). The Gwinn and Martin petitioned to repair the T.J. Patterson Drain, July 22, 1930 &/or March 15, 1930. (See D.R. 4 page 288).

Upon review of the request, I believe the above portion of the drain meets the requirements for vacation as set out in IC-36-9-27-34(d). In my opinion, the vacation will not adversely affect other property owners within the drainage shed. I recommend the Board set a hearing date for January 24, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenton C. Ward", written over a printed name and title.

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, Hyde Park Phase 1 Partial Vacation

Station 59+35 to Station 68+16/Station 12+72 to Station 14+45
Station 68+16 to Station 73+06/Station 0 to Station 4+02

On this 24th day of January, 2022, 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, Hyde Park Phase 1 Partial Vacation (Station 59+35 to Station 68+16/Station 12+72 to Station 14+45/Station 68+16 to Station 73+06/Station 0 to Station 4+02).

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, Hyde Park Phase 1 Partial Vacation (Station 59+35 to Station 68+16/Station 12+72 to Station 14+45/Station 68+16 to Station 73+06/Station 0 to Station 4+02).

HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest:



BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD IN THE MATTER OF THE

**Mud Creek/Sand Creek Drainage Area, T. J. Patterson Arm
Hyde Park Phase 1 Partial Vacation**

**Station 59+35 to Station 68+16
Station 12+72 to Station 14+45
Station 68+16 to Station 73+06
Station 0 to Station 4+02**

NOTICE is hereby given that a petition to vacate has been received by the Hamilton County Surveyor for the **Mud Creek/Sand Creek Drainage Area, T. J. Patterson Arm, Hyde Park Phase 1 Partial Vacation** across **Parcel 13-11-22-00-00-008.000** owned by **MAB Capital Investments, LLC** (Station 59+35 to Station 68+16; Station 12+72 to Station 14+45; Station 68+16 to Station 73+06; Station 0 to Station 4+02) and that a hearing is scheduled for **January 24, 2022** at **9:15 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

ATTEST: Lynette Mosbaugh
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

**Mud Creek/Sand Creek Drainage Area, T. J. Patterson Arm
Hyde Park Phase 1 Partial 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 **January 24, 2022** 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