



SURVEYOR'S OFFICE
Hamilton County

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One Hamilton County Square
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October 16, 2012

To: Hamilton County Drainage Board

Re: Sly Run Drain, Mill Creek Arm

Upon review of the drainage sheds, I believe that the Mill Creek Drain should be made an arm to the Sly Run Drain as the Mill Creek Drain is a tributary to the Sly Run Drain. This would also avoid a double assessment on the tracts currently assessed for the Mill Creek Drain when the remainder of the Sly Run Drain is assessed for maintenance.

The Mill Creek Drain was created per my report to the Board dated April 8, 1985 and approved by the Board at hearing on June 10, 1985. (See Hamilton County Drainage Board Minutes Book 2, page 60). The maintenance assessment for the Mill Creek Drain was increased per my report dated March 2, 2011 at hearing by the Board on May 23, 2011. (See Hamilton County Drainage Board Minutes Book 13, pages 393-394). Along with the increase in annual maintenance rates the drain had a special assessment attached to each tract at a rate of \$188.16 per lot/acre to be split between the years 2012 and 2013. This was to bring the drain fund out of the red. The current assessment for the Mill Creek Drain is as follows:

1. Maintenance assessment for platted lots within subdivisions whose drainage systems will be part of the regulated drain set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivision set at \$10.00 per acre with a \$65.00 minimum.
2. Maintenance assessment for roads and streets set at \$10.00 per acre.

With 41 lots and 16.0 acres benefitted the current annual maintenance assessment for the Mill Creek Drain is \$2,825.00. The drain fund is currently in the red \$4,727.90.

I have reviewed the drain map and believe as set out in IC 36-9-27-69(b), that all tracts within the drainage shed of the Sly Run Drain will benefit. After review of each parcel individually and after considering the criteria as set out in IC 36-9-27-112 I believe that all tracts within the drainage shed of Sly Run Drain will benefit equally as per land use. The current maintenance assessment rates for the Sly Run Drain were set by the Board per my report dated October 8, 2001 and approved at hearing on November 26, 2001 (see Hamilton County Drainage Board Minutes Book 6, pages 212-214). Those rates are as follows:

1. Maintenance assessment for agricultural tracts are set at \$2.00 per acre with \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts are set at \$2.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for commercial, institutional and multi-family residential tracts are set at \$10.00 per acre with a \$75.00 minimum.
4. Maintenance assessment for platted lots in subdivisions whose drainage system will be part of the regulated rain shall be set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$5.00 per acre with a \$35.00 minimum.
5. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.
6. Maintenance assessment for roads and streets are set at \$10.00 per acre.

The total annual assessment for this arm will be \$2,827.90.

The Mill Creek Drain special assessment as mentioned above will continue to be collected in 2013 and will be placed in the current Mill Creek Drain maintenance fund. The balance of the Mill Creek Drain shall be kept separate and these funds expended for needed maintenance on the Mill Creek Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Sly Run Drain fund. At this time there are no outstanding work orders and one (1) outstanding drainage complaint on the Mill Creek Drain. Collections for the Sly Run Drain will begin May 2013.

Future assessment for the drainage area of the Mill Creek Drain will be made into the Sly Run Drain fund. No further maintenance collections for the Mill Creek Drain shall be made other than for delinquencies and penalties.

The nature of maintenance work required for the Sly Run Drain is as follows:

1. Clearing of trees and brush on the existing open drain as needed to improve flow;
2. Creation and re-excavation of silt basins;
3. Install and maintain surface water structures as might be required;
4. Bank erosion protection and/or seeding as might be required;
5. Repair of private tile outlet ends as might be required;
6. Repair of regulated drain tile outlets;
7. Removal of beaver dams;
8. Removal of debris and/or blockage from regulated open ditch;
9. Spraying for vegetation control;
10. Mowing filter strips;
11. 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 original condition of the drain.

The Sly Run Drain has been classified as an urban drain under IC 36-9-27-67 per my report dated October 8, 2008 which was approved by the Board at hearing on November 24, 2008 (see Hamilton County Drainage Board Minutes Book 11, pages 396-399).

Sly Run has been identified in the NPDES Phase II General Permit Application, Storm Water Quality Management Plan Part C: Program Implementation Report, page 4, as an MS4 area receiving stream.

Sly Run 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 3 as an MS4 area receiving stream

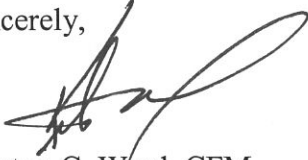
Page 7 with Cicero Creek as No. 0512021080120 Watershed within the MS4 area with drainage size of 7,225.30 acres.

Page 16 as being in the IDEM 305(b) Report as being an impaired water body due to E.Coli.

This drain is not listed on the 2010 303(d) list of impaired waters for Indiana.

I recommend that the Board set a hearing for this consolidation for November 26, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', with a large, sweeping flourish extending to the right.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

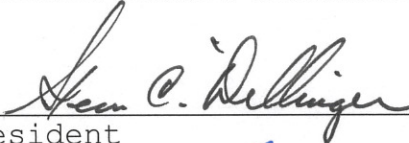
CONCERNING THE MAINTENANCE OF THE

Sly Run Drain, Mill Creek Arm


On this 26th day of November, 2012, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Sly Run Drain, Mill 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

Sly Run Drain, Mill Creek Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Sly Run Drain, Mill Creek Arm** on **November 26, 2012** at **9:45 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

Sly Run Drain, Mill 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 **November 26, 2012** 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