



*Kenton C. Ward, CFM*  
*Surveyor of Hamilton County*  
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*Suite 188*  
*One Hamilton County Square*  
*Noblesville, Indiana 46060-2230*

August 16, 2012

To: Hamilton County Drainage Board

Re: Sly Run Drain, Pebble Brook Arm, Palmer Extension Petition

Attached is a petition, drain map and assessment roll for the extension of the Pebble Brook Drain across Tracts 11-06-33-00-00-002.000 and 11-06-33-00-00-008.001. This proposed drain extension is located in Noblesville Township and has been petitioned by Eldon Palmer on October 31, 2011.

The proposed extension shall begin at the east end of the new 36" RCP installed under the entrance to the Pebble Brook Clubhouse as part of the 2011/2012 Pebble Brook Drain South Reconstruction per my report dated May 31, 2011 and approved at hearing on August 22, 2011 (see Hamilton County Drainage Board Minutes Book 13, pages 516-520); thence run northeasterly downstream within the existing channel/open ditch 1,725 feet to the confluence with the Pebble Brook Drain Section 8 Arm as described in my report dated August 14, 2000 and approved at hearing on September 25, 2000 (see Hamilton County Drainage Board Minutes Book 5, pages 456-457).

The two outlets for Pebble Brook Drain, Section 1-A and the outlet for Pebble Brook Drain, Villages at Pebble Brook Section 1 Arm now terminate into this section of open ditch. To be included in the length of drain is the following lengths as measured from the outlets of these drains to the proposed extension:

Pebble Brook Drain, Section 1-A Arm  
North Outlet - 6 feet  
South Outlet - 46 feet  
Pebble Brook Drain, Villages at Pebble Brook, Section 1 Arm - 15 feet

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a highway and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

Open Ditch – 1,792 feet

The two existing pipe crossings will become part of the drain extension.

The easement for the drain should be set at seventy-five (75) feet from the top of bank as set out in IC 36-9-27-33. According to the FEMA Flood Insurance Rate Map, Map Number 18057C0140F, a portion of the proposed drain extension is located in the floodplain for Sly Run. The proposed drain and easement lie totally on the lands of the petitioner. I believe no damages will result to landowners by the regulating of this drain.

The lands affected by this extension are currently assessed for maintenance for the Sly Run Drain. There will be no changes in the current maintenance assessment.

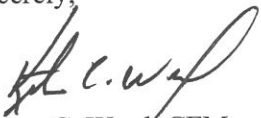
I believe this proposed extension meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

Additional easement will be added to the following tracts:

<u>Parcel</u>	<u>Owner</u>
11-06-33-00-00-002.000	Palmer Properties, LLC
11-06-33-00-00-008.001	Palmer Properties, LLC

I recommend that the Board set a hearing on this extension for October 22, 2012.

Sincerely,

  
Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/llm

**Gasb 34 Asset Price &  
Drain Length Log**

**Drain-Improvement:** Sly Run: Pebble Brook Arm: Palmer Extension

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
Open		1746	1746	0	\$19.55 lf	\$34,134.30

**Sum:**                      1746                      \$34,134.30

Final Report: n/a

Comments:  
Map correction dated October 26, 2012 reported that the 46' feet of open ditch listed under the Pebble Brook  
South Outlet had already been regulated with Pebble Brook Sec. 1A.

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To: Hamilton County Drainage Board

Re: In the matter of the Pebble Brook Arm of Sly Run Drain Petition

Comes now the undersigned individuals, who petition the Hamilton County Drainage Board, per IC 36-9-27, for the reconstruction of the above referenced regulated drain. The undersigned believe the following:

1. They are owners of ten percent (10%) in acreage or more of land area alleged by the petition to be affected by the drain.
  2. That as property owners within the drainage shed, they are qualified petitioners.
  3. That they now desire that a regulated drain be reconstructed in Noblesville Township.
  4. The names and address of each owner affected by the proposed public drainage are attached hereto, made a part hereof, and marked Exhibit "A", which area of land involved in the proposed drainage area is located in section 33, township 19 north, range 4 east, Hamilton County, Indiana.
  5. That the proposed reconstruction consists of improvements to open ditch downstream of Pebble Brook Club House entrance. This includes removed of flow line obstructions, erosion repair, and culvert pipe replacement.
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6. That in the opinion of the Petitioner, the costs, damages, and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land to be benefited thereby.
  7. That in the opinion of the Petitioner, the proposed improvement will improve the public health; benefit a public highway; and be of public utility.
  8. That Petitioners shall pay the cost of notice and all legal costs including engineering expense if the petition is dismissed.
  9. Petitioners shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established.

Signature	Printed Name	Printed Address
<u>Eldon Palmer</u>	<u>ELDON PALMER</u>	<u>2843 S. Holt Rd; Noblesville, IN 46241</u>
_____	_____	_____
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**FILED**  
**OCT 31 2011**

OFFICE OF HAMILTON COUNTY SURVEYOR

STATE OF INDIANA )  
 ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
***Sly Run Drain, Pebble Brook Arm, Palmer Extension Petition***

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the ***Sly Run Drain, Pebble Brook Arm, Palmer Extension Petition*** came before the Hamilton County Drainage Board for hearing ***on October 22, 2012***, 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.

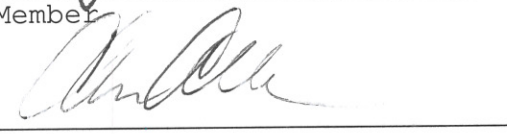
Wherefore, it is ORDERED, that the proposed Reconstruction of the ***Sly Run Drain, Pebble Brook Arm, Palmer Extension Petition*** be and is hereby declared established.

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

***Sly Run Drain, Pebble Brook Arm  
Palmer Extension Petition***

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 **Sly Run Drain, Pebble Brook Arm, Palmer Extension Petition** on **October 22, 2012** at **9:05 A.M.** in Commissioners Court, Hamilton County Historic Courthouse, 33 N. 9<sup>th</sup> Street in the Historic Courtroom, 2<sup>nd</sup> Floor, 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 **Sly Run Drain, Pebble Brook Arm, Palmer  
Extension Petition**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **October 22, 2012** 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  
SECRETARY