

SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County

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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

October 8, 2008

TO: Hamilton County Drainage Board

RE: Sly Run Drain, Randall & Roberts Arm

Attached is a petition filed by Marto, LLC for the extension of the Sly Run Drain to be located in Noblesville Township. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public 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 2,169 feet of open drain.

The drain will run from the north right of way of State Road 32, thence downstream within the existing channel to the east property line of tract 10-10-02-00-00-002.103, owned by Marto LLC. At this point the drain will connect to the Sly Run Drain, Riverwalk Commons Arm as described in my report dated October 8, 2001 and approved by the Board at hearing on November 26, 2001. (See Hamilton County Drainage Board Minutes Book 6, Pages 212-214).

The proposed easement for this drain is 75' from top of bank on both sides of the open drain as set out in IC 36-9-27-33. Upon review of the FEMA National Flood Insurance Rate Map (FIRM), map number 18057C0145F, the flood plain appears to cover the proposed easement area. The easement will be added to the following tracts:

<u>Property Owner</u>	<u>Parcel</u>
Marto, LLC	10-10-02-00-00-002.103
Phyllis Davis Properties	10-10-02-00-00-001.000
David S. Davis	10-10-02-00-00-002.003

I have reviewed the plans and believe that the drain will benefit each lot equally by land use. The maintenance assessment for Sly Run was established in my above mentioned report dated October 8, 2001. The rates to be assessed are as follows:

1. Maintenance assessment for roads and streets be set at \$10.00 per acre.
2. Maintenance assessment for agricultural tract should 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 an increase to a \$15.00 minimum.
4. Maintenance assessment for multi-family residential and commercial 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 City of Noblesville) 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.
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 minimum. Common areas with regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.

With this assessment the total annual assessment for this drain will be \$135.38.

I also believe that no damages will result to landowners by the construction of the drain.

I believe this proposed drain 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.

I recommend the Board set a hearing for this proposed drain for November 24, 2008.



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

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

Drain-Improvement: Randall & Roberts Arm

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
Open		2169			\$19.55lf	\$42,403.95

Sum: 2169 \$42,403.95

Final Report: _____

Comments:

To: Hamilton County Drainage Board

Date: Sept. 24, 2008

Re: Sly Run Drain

Marto L.L.C. d.b.a. Rankall + Roberts
(Here-in-after "Petitioner"),

hereby petitions the Hamilton County Drainage Board under IC 36-9-27-66 for an arm to be installed to the Sly Run Drain in order to serve the property of the petitioner. The petitioner, in support of said petition, advises the Board that:

1. The Sly Run Drain is presently on a maintenance program and that land of the petitioner is assessed as benefited by the maintenance of the regulated drain
2. There is no known adequate open or tiled drain connecting the land of the petitioner with the regulated drain;
3. The waters from the petitioners land flow over or through land owned by others to reach the regulated drain;
4. The legal description of lands through which the new regulated drain will run along with the parcel numbers, name and address of each owner of that land is shown on Exhibit "A" which is attached;
5. The general route of the proposed new regulated drain and method of construction is shown on Exhibit "B" which is attached.
6. Petitioner agrees to pay all legal and construction costs involved with the construction of the proposed new regulated drain.

Signed

Printed

Jan Rell

Tom Rankall

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Sly Run Drain Extension, Randall & Roberts Arm

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 Extension, Randall & Roberts Arm** on **November 24, 2008**, at **9:05 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, 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, Randall & Roberts Arm**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **November 24, 2008** 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 A. Holt
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY


FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE
Sly Run Drain, Randall & Roberts Arm


On this **24th day of November 2008**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Sly Run Drain, Randall & Roberts 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.

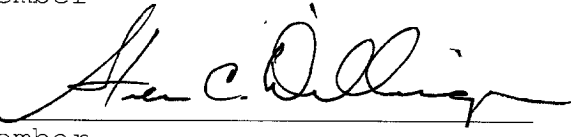
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

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, Randall & Roberts Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Sly Run Drain, Randall & Roberts Arm* came before the Hamilton County Drainage Board for hearing on *November 24, 2008*, 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.

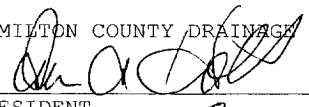
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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, Randall & Roberts Arm* 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