

Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495
Fax (317) 776-9628

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

April 16, 2018

To: Hamilton County Drainage Board

Re: Stony Creek Drain, Irving Materials Extension

This proposed extension was first brought to the Board per my report dated October 13, 2008. At the hearing for the report held on November 24, 2008 (see Hamilton County Drainage Board Minutes Book 11, pages 409-411) the item was tabled to allow the owner, IDEM and myself to discuss the impact of this proposal to permits which the owner had pending at the State. On January 12, 2009 I reported to the Board that those discussions had not yet been held (see Hamilton County Drainage Board Minutes Book 11, page 429). This item has been on the table since that time. Due to the final report for the work on the Weaver & Hook Drain the final permit issue has now been resolved and the report can move forward through the process.

Since the initial 2008 report was written there have been two hearings approved by the Board. The first was the approval of the Roudebush-Sweitzer Extension approved in 2009. This has been added to the description of the proposed Irving Extension. The second was the inclusion of the tracts involved with the Irving Extension in 2012. Because of this the paragraph regarding assessments was revised.

Attached is a drain map for the extension of the Stony Creek Drain. This proposed drain is located in Wayne Township.

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 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 the following:

Open Ditch 4,743 ft.

The total length of the added drain will be 4,743 feet.

This extension will consist of three (3) sections as Stony Creek crosses property owned by Irving Materials, Inc. The first section shall begin at the terminus of the William Locke Drain which is Sta. 314+00 per the description of the 1920 repair of the Locke Drain, as found in Drain Repair Book 4, Pages 185-188. Thence run downstream approximately 2,401 feet to the west line of tract 12-07-34-00-00-010.000. At this point Stony Creek becomes a regulated drain per my report dated February 2, 2009 for the Roudebush-Sweitzer Extension which was approved by the Board at its meeting of April 27, 2009 (see Hamilton County Drainage Board Minutes Book 12, pages 15 & 16). The second section shall begin at the north line of tract 12-11-03-00-00-002.000, which is the downstream end point of the first section Roudebush-Sweitzer Extension mentioned above. Thence run downstream approximately 171 feet to the west line of said tract, which is the upstream start point of the second section of the Roudebush-Sweitzer Extension as mentioned above. The third section shall begin at the north line of tract 12-11-03-00-00-001.000, which is the downstream end point of the second section of the Roundebush-Sweitzer Extension as mentioned above. Thence run downstream approximately 2,171 feet to the north right of way line of State Road 38. At this point it connects with the Highlands at Stony Creek Extension as described in my report dated February 15, 2008 and approved by the Board on June 19, 2008 (See Hamilton County Drainage Board Minutes Book 11, Pages 198-200).

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.

The nature of maintenance work required is as follows:

1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.

The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33. Additional drainage easement will be added to the following tracts:

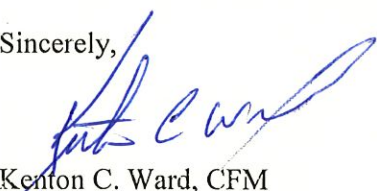
<u>Parcel</u>	<u>Owner</u>
12-07-34-00-00-010.000	Irving Materials, Inc.
12-07-35-00-00-029.000	Irving Materials, Inc.
12-07-34-00-00-009.000	Irving Materials, Inc.
12-07-34-00-00-008.000	Irving Materials, Inc.
12-11-03-00-00-001.000	Irving Materials, Inc.
12-11-03-00-00-002.000	Irving Materials, Inc.

The tracts associated with this extension are already currently assessed to the Stony Creek Drainage Area. The tracts were included in the Stony Creek Drain, State Road 38 Maintenance Assessment Area as outlined in my report dated September 4, 2012 and approved by the Board on October 22, 2012 (see Hamilton County Drainage Board Minutes Book 14, pages 345-346).

By the creation of this drain, I do not believe that any damages will result to property owners.

I recommend that the Board set a hearing for this proposal for May 29, 2018.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Stony Creek Drain, Irving Materials Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Stony Creek Drain, Irving Materials Extension** came before the Hamilton County Drainage Board for hearing **on May 29, 2018**, 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 **Stony Creek Drain, Irving Materials Extension** 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

Stony Creek Drain, Irving Materials Extension

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 **Stony Creek Drain, Irving Materials Extension** on **May 29, 2018 at 9:00 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 Stony Creek Drain, Irving Materials
Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **May 29, 2018** 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.

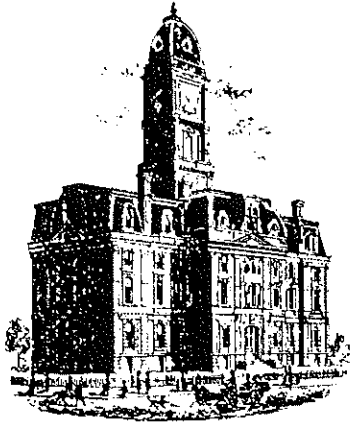
The Board issued an order declaring the proposed improvement established. Such findings and order were marked filed and are available for inspection in the Office of the Hamilton County Surveyor.

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



SURVEYOR'S OFFICE
Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495
Fax (317) 776-9628

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

October 13, 2008

To: Hamilton County Drainage Board

Re: Stony Creek Drain, Irving Materials Extension

Attached is a petition, drain map, drainage shed map and schedule of assessments for the extension of the Stony Creek Drain. This proposed drain is located in Wayne Township.

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 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 the following:

Open Ditch 4,743 ft.

The total length of the added drain will be 4,743 feet.

This extension will consist of three (3) sections as Stony Creek crosses property owned by Irving Materials, Inc. The first section shall begin at the terminus of the William Locke Drain which is Sta. 314+00 per the description of the 1920 repair of the Locke Drain, as found in Drain Repair Book 4, Pages 185-188. Thence run downstream approximately 2,401 feet to the west line of tract 12-07-34-00-00-010.000. The second section shall begin at the north line of tract 12-11-03-00-00-002.000. Thence run downstream approximately 171 feet to the west line of said tract. The third section shall begin at the north line of tract 12-11-03-00-00-001.000. Thence run downstream approximately 2,171 feet to the north right of way line of State Road 38. At this point it connects with the Highlands at Stony Creek Extension as described in my report dated February 15, 2008 and approved by the Board on June 19, 2008 (See Hamilton County Drainage Board Minutes Book 11, Pages 198-200).

The current rates for Stony Creek are:

1. Maintenance assessment for roads and streets are set at \$10.00 per acre.
2. Maintenance assessments for agricultural tracts are set at \$2.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts are set at \$2.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts are set at \$10.00 per acre with a \$75.00 minimum.
5. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be considered part of the regulated drain are set at \$35.00 per lot /minimum. Common areas within non-regulated drain subdivisions are assessed at \$5.00 per acre with a \$35.00 minimum.
6. Maintenance assessments for platted lots within subdivisions whose drainage system will be part of the regulated drain are set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions are set at \$10.00 per acre with a \$65.00 minimum.

The annual maintenance collection for this extension will be \$3,675.52.

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.

The nature of maintenance work required is as follows:

1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.

The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

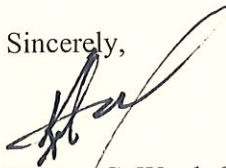
The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33. Additional drainage easement will be added to the following tracts:

<u>Parcel</u>	<u>Owner</u>
12-07-34-00-00-010.000	Irving Materials, Inc.
12-07-35-00-00-029.000	Irving Materials, Inc.
12-07-34-00-00-009.000	Irving Materials, Inc.
12-07-34-00-00-008.000	Irving Materials, Inc.
12-11-03-00-00-001.000	Irving Materials, Inc.
12-11-03-00-00-002.000	Irving Materials, Inc.

By the creation of this drain, I do not believe that any damages will result to property owners.

I recommend that the Board set a hearing for this proposal for November 24, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', written over a horizontal line.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Stony Creek Drain, Irving Materials Extension,

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 **Stony Creek Drain, Irving Materials 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