

SURVEYOR'S OFFICE  
**Hamilton County**

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

October 21, 2021

To: Hamilton County Drainage Board

Re: Stony Creek Drain, Stony Bluffs Subdivision Extension

Attached is a petition filed by Triad Group, LLC., along with plans, for the Stony Bluffs Subdivision Extension to be located in the City of Noblesville, Noblesville Township. More specifically, the site is located northeast of 166<sup>th</sup> & Union Chapel Road. 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. As per the plans by Weihe, Project No. 990460-30100, stamped approved January 21, 2021, the new drain as measured following the northwest property line of Stony Bluffs Subdivision (parcel 10-11-04-00-00-027.005) will consist of the following:

645' of open drain

The total length of the new portion of Stony Creek drain will be 645 feet.

This drain extension will consist of the section of Stony Creek which runs along the northern portion of Stony Bluffs subdivision (parcel 10-11-04-00-00-027.005) and east property line of parcel 10-11-04-00-00-027.000 owned by Jaymie L Gatewood. Stony Creek flows generally in a southwest direction at this location.

On April 12, 2021, the Board approved a variance (DV-2020-00001) for Stony Bluffs Subdivision for fill in the flood plain which required the construction of a flood plain compensatory storage area along Stony Creek in common area. The remaining storm infrastructure in Stony Bluffs falls under the jurisdiction of the City of Noblesville.

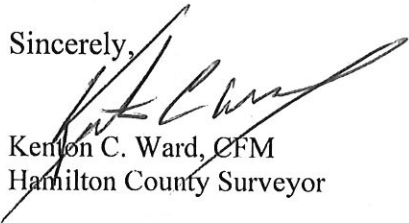
The acreage is currently assessed to the Stony Creek Drain.

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.

The easement for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33. The easement along the south bank will affect Parcel 10-11-04-00-00-027.005 (Stony Bluffs subdivision) owned by Triad Group LLC. The easement in Stony Bluff subdivision will be located within common area per plans by Weihe Engineers. The easement for the north bank will affect Parcel 10-11-04-00-00-027.000 owned by Jaymie L Gatewood.

I recommend the Board set a hearing for this proposed drain for December 13, 2021.

Sincerely,



Kerlon C. Ward, CFM  
Hamilton County Surveyor

KCW/stc

FILED

MAY 03 2021

To: Hamilton County Drainage Board

OFFICE OF HAMILTON COUNTY SURVEYOR

Re: In the matter of the Stony Creek Drain Petition

Comes now the undersigned individuals, who petition the Hamilton County Drainage Board, per IC 36-9-27-54, for a new regulated drain. The undersigned believe the following:

1. They are owners of ten percent (10%) in acreage; or twenty five percent (25%) or more of the assessed valuation of the land that is outside the corporate boundaries of a municipality and is alleged by the petition to be affected by the proposed drain.

2. That as property owners within the drainage shed, they are qualified petitioners.

3. That they now desire that a regulated drain be established in Noblesville Township, which involves the following public roads; east of the intersection of Union Chapel Road and E. 166th Street and various areas surrounding these roads in the drainage shed.

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 4, township 18 north, range 5 east, Hamilton County, Indiana.

5. No other public lands or owners are located in the area which would affect improvement.

6. That the general route of the proposed drain is shown in the attached plan which is marked Exhibit "B" and made a part hereof.

7. 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.

8. That in the opinion of the Petitioner, the proposed improvement will improve the public health; benefit a public highway; and be of public utility.

9. That the name of the attorney or spokesman representing petitioner in the drainage petition is Jim Pence, who has an office at or whose address is 10505 N. College Ave, Indianapolis, IN 46280, phone 317-846-6611.

10. **That Petitioners shall pay all the cost of notice and all legal costs if the petition is dismissed.** These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.

11. 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. These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.

Signature

Printed Name

Printed Address



Mina L. Khoury

Triad Group LLC  
954 Fawn View Drive, Carmel, IN 46032

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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, Stony Bluffs Subdivision Extension**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Stony Creek Drain, Stony Bluffs Subdivision Extension** came before the Hamilton County Drainage Board for hearing **on December 13, 2021**, 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.

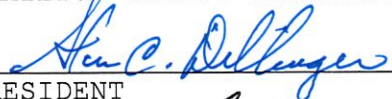
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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, Stony Bluffs Subdivision 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, Stony Bluffs Subdivision 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, Stony Bluffs Subdivision Extension** on **December 13, 2021** at **12:00 P.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, Stony Bluffs  
Subdivision Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **December 13, 2021** 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