



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

January 5, 2011

TO: Hamilton County Drainage Board

RE: Stony Creek Drain, Cumberland Knoll Arm

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

On March 10, 1986 the Board held a hearing to establish the Cumberland Knoll Drain per my report dated January 7, 1986. (See Drainage Board Minutes Book 2, Page 121). At present the Cumberland Knoll Drain maintenance assessment affects 10 lots. The rate of assessment for the drain is set at \$30.00 per lot. This rate collects \$300.00 annually and the balance within the fund is \$1,511.87. There are no outstanding work orders for this drain at this time.

Also at this time I recommend to the Board that the area south of Stony Creek between the west right of way of State Road 37 on the west to the drainage shed boundaries of the Oliver Armstrong Drain to the south and the Wheeler and Wheeler Drain to the east be assessed to Stony Creek Drain. This area is comprised mainly of the Cumberland Knoll Arm residential areas along with scattered non-platted tracts. These tracts drain north into the Stony Creek section which became part of the regulated drain per my report dated January 4, 2007 which was approved by the Board at hearing on February 26, 2007. (See Hamilton County Drainage Board Minutes Book 11, Pages 155-158).

The current assessment for the Stony Creek Drain was set by the Board per my report dated June 6, 2006 and approved at hearing on July 24, 2006. (See Hamilton County Drainage Board Minutes Book 9, Pages 334-336). The per acre rates were adjusted for residential and agricultural per my report for the reconstruction dated April 6, 2010 and approved at the Board at hearing on July 26, 2010. (See Hamilton County Drainage Board Minutes Book 13, Pages 103-107). The current assessment is as follows:

1. Maintenance assessment for roads and streets set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts set at \$4.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts set at \$4.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial institutional and multi-family residential tracts 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) set at \$35.00 per lot - \$35.00 minimum. Common areas within subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by the City of Noblesville) shall be set at \$5.00 per acre with a \$35.00 minimum.
6. Maintenance assessment for platted lots within a subdivision whose drainage system will be part of the regulated drain set at \$65.00 per lot with a \$65.00 minimum. Common areas with regulated drain subdivisions set at \$10.00 per acre with a \$65.00 minimum.

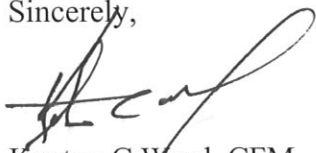
The annual maintenance collection for this area will be \$1,234.10.

The current balance of the Cumberland Knoll Drain shall be kept separate and these funds expended for needed maintenance on the Cumberland Knoll Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from Stony Creek Drain fund. Collections for the Stony Creek Drain will begin 2012.

Future assessments for the drainage area of the Cumberland Knoll Drain will be made in the Stony Creek Drain fund. No further maintenance collections for the Cumberland Knoll Drain shall be made other than any delinquent assessments, penalties and interest which remain unpaid.

I recommend the Board set a hearing for this matter for February 28, 2011.

Sincerely,



Kenton C Ward, CFM
Hamilton County Surveyor

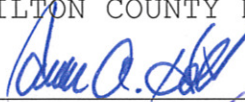
KCW/pll

FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
STONY CREEK DRAIN, CUMBERLAND KNOLL ARM

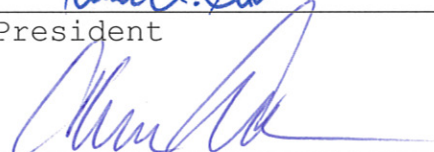
On this **28th day of FEBRUARY, 2011**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Stony Creek Drain, Cumberland Knoll Arm**.

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.

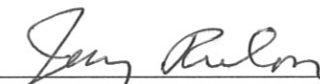
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

STONY CREEK DRAIN, CUMBERLAND KNOLL ARM

Property Owner	Parcel Number	Currnet Benefit	Current Assessment	Stony Creek Benefit	Stony Creek Assessment	% of Total
Brock, Daniel R. & Darlene	11-11-08-00-00-005.010	0	\$0.00	0.08	\$15.00	1.22%
	10-11-08-00-00-032.004	0	\$0.00	One Lot	\$15.00	1.22%
Harris, Frank E. & Evelyn J.	10-11-07-00-01-003.000	One Lot	\$30.00	One Lot	\$65.00	5.27%
	10-11-08-00-00-032.005	0	\$0.00	0.19	\$15.00	1.22%
	11-11-08-00-00-005.000	0	\$0.00	0.08	\$15.00	1.22%
				0.35		
TOTALS		1 Lot	\$30.00	0.35 ac. & 2 Lots	\$125.00	10.15%

Stony Creek, Cumberland Knoll Arm

February 10, 2011

Description: 11-11-08-00-00-005.010
10-11-08-00-00-032.004



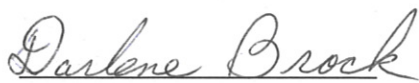
To Whom It May Concern:

I, Darlene Brock, have received a letter from the drainage about my property. I have lived here over 30 years and there has never been anything done to my property as far as drainage.

When we get a lot of rain the back of my property floods and we can't even mow for over a week until the water goes down and the land dries. IF we had drains it wouldn't do that would it? Out in front of my property there is a ditch that is never maintained. When it is full it just goes over the road to the property owners across the road.

So I would like to know where are my drains and why haven't they been maintained for over 30 years? Why do I want to keep paying when I get nothing in return? So I would like you to know that I highly object to this increase for the drain and to any money that is spent for this "drain".

Thank you,


Darlene Brock



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

To: Daniel R. & Darlene Brock
16360 Cumberland Road
Noblesville, IN 46060

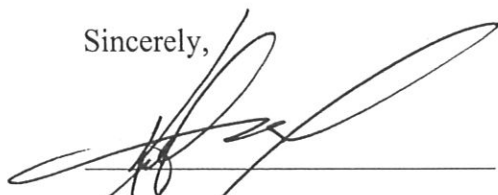
February 25, 2011

Re: Stony Creek Drain, Cumberland Knoll Arm

I am in receipt of your objection dated February 10, 2011. Your property currently has a watershed break which causes the drainage in the rear of the property to run east to the Wheeler & Wheeler Drain and the drainage in the front of the property to run to Stony Creek. You do not have a regulated drain on your property. However, you are within 47 feet of the Wheeler & Wheeler Drain from your east property line. It is up to property owners to run private drainage to the regulated drain. Since this open ditch is on the Stony Ridge Property Owners Association property, you would have to obtain permission to cross onto their property to get to the drain.

As to the drain in the front of your property, this is a roadside ditch and is the maintenance responsibility of the Hamilton County Highway Department. I have forwarded your complaint to that department.

Sincerely,



Kenton C. Ward, CFM

OFFICE OF

HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the
Stony Creek Drain, Cumberland Knoll Arm.

Brock, Daniel R & Darlene
16360 Cumberland Rd
Noblesville, IN 46060

Under the Indiana Drainage Code, all land which drains directly, or indirectly, is assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. From time to time the assessments may be increased or changed. The chart below contains your existing assessment, the proposed assessment, and your percentage of the total annual maintenance contribution to the costs attributable to providing drainage to your land.

The Drainage Board has received a maintenance report and schedule of assessments which affects your land. You are hereby notified that the maintenance report of the County 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 County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the entire drain is \$1,234.10. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts. This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Description: 11-11-08-00-00-005.010	Current Cumberland Knoll Drain Benefit	Current Cumberland Knoll Drain Assessment	Proposed Benefit to this section of Stony Creek	Proposed Assessment to this section of Stony Creek	Percentage of total assessment
S8 T18 R5 0.38 Ac Residential/Ag	n/a	n/a	0.08 Ac	\$15	1.22%
Parcels assessed to Cumberland Knoll Drain will be assessed to Stony Creek instead of Cumberland Knoll when it becomes an arm to Stony Creek.					

A public hearing will be held by the Drainage Board in Commissioner's Court at 9:15 A.M. on February 28, 2011 on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed.

The failure of any owner to file an objection constitutes a waiver of his right to thereafter object on such ground to any final action of the Board. On or before the hearing date the Surveyor or any owner of lands named in the schedule of assessments may cause written evidence to be filed in support of or in rebuttal to any objection filed.

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060

For a copy of the Surveyor's Report to the Drainage Board and a copy of the map, if applicable, please go to www.hamiltoncounty.in.gov/drainageboardnotices.



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Stony Creek, Cumberland Knoll Arm

February 10, 2011

Description: 10-11-07-00-01-003.000
10-11-08-00-00-032.005
11-11-08-00-00-005.000



To Whom It May Concern:

We, Frank & Evelyn Harris, have received a Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Stony Creek Drain, Cumberland Knoll Arm.


We would like to object to this cost. We do not have a drain on our property that effects Stony Creek. Water comes from across the road and floods our front yard then goes over to our neighbors. IF we had drains that would not happen.

We also own property across the road and has never been a drain on that property either. My mom lived there for 45 years and there has never been any work on that property either.

It is not right to keep paying every year and nothing is ever done. So we are objecting to the cost of the drain. If something was done it might be different but to keep paying and get nothing doesn't make sense.

Thank you,


Frank Harris


Eyelyn Harris



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Noblesville, Indiana 46060-2230

February 25, 2011

To: Frank E & Evelyn J Harris
16373 Cumberland Rd
Noblesville, IN 46060

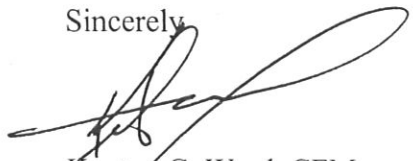
Re: Stony Creek Drain, Cumberland Knoll Arm

I am in receipt of your objection dated February 10, 2011. Please be aware that the Cumberland Knoll Drain runs across the rear of your property. The six inch tile was installed when the lots were developed. This tile empties into the S.R. 37 side ditch and runs north into Stony Creek.

The water described in your letter is surface water which does run from under Cumberland Road, across your south neighbor and your yard, west between your home and the house to your north, across the rear of that home and into the S.R. 37 side ditch which then runs north into Stony Creek. This is a natural surface waterway which existed when the Cumberland Knoll lots were developed.

Your tracts on the east side of Cumberland Road are split between the Wheeler & Wheeler Drain and the Stony Creek Drain. Your east property line is within 144 feet of the Wheeler & Wheeler open ditch. Please be aware that the regulated drain does not have to be on your property to be assessed. Your property is within these drainage sheds.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/jh

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the
Stony Creek Drain, Cumberland Knoll Arm.

Harris, Frank E & Evelyn J
16373 Cumberland Rd
Noblesville, IN 46060

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The Surveyor has estimated that the annual cost of periodically maintaining the entire drain is \$1,234.10. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts. This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

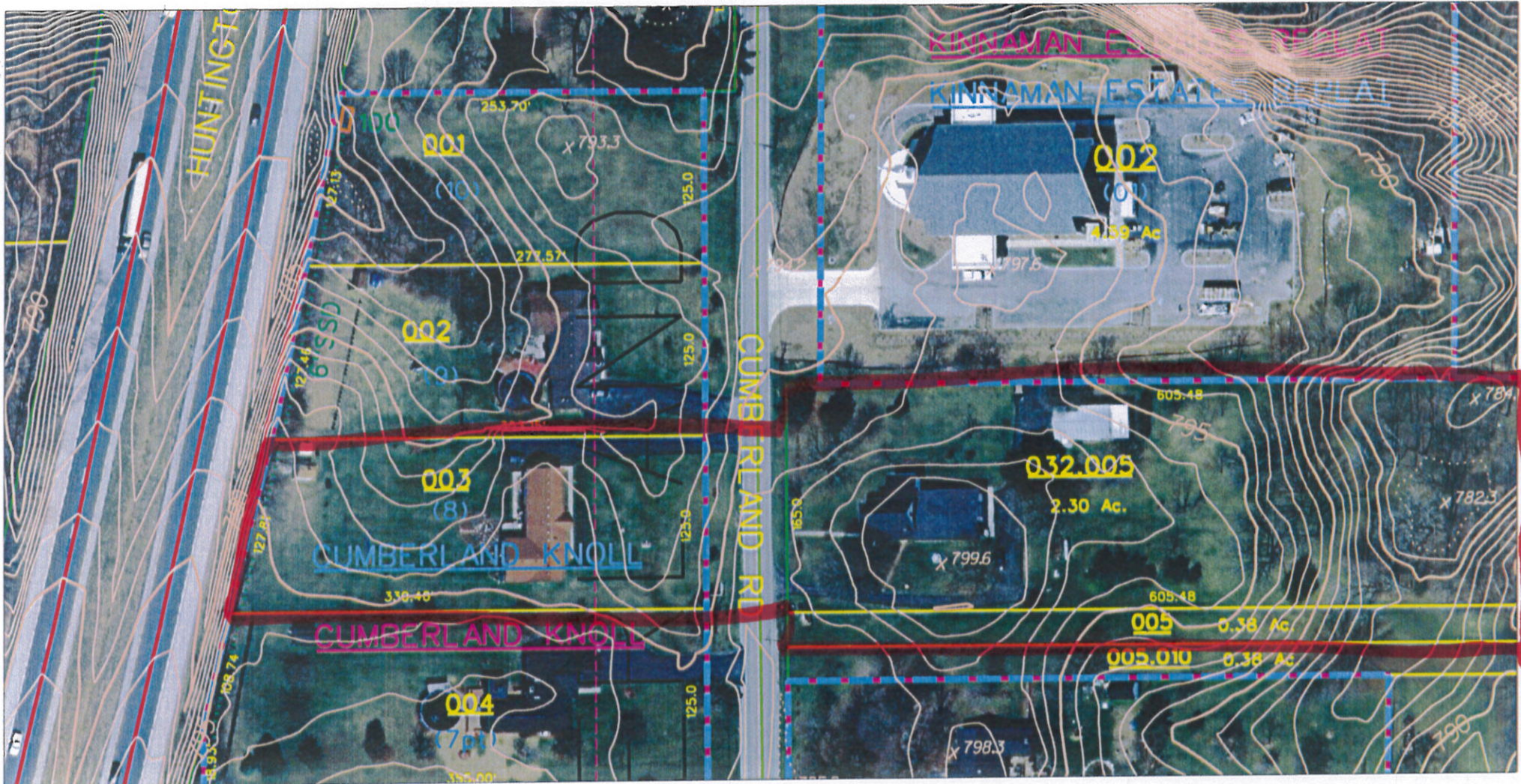
Description: 10-11-07-00-01-003.000	Current Cumberland Knoll Drain Benefit	Current Cumberland Knoll Drain Assessment	Proposed Benefit to this section of Stony Creek	Proposed Assessment to this section of Stony Creek	Percentage of total assessment
Cumberland Knoll Lot 8	One Lot	\$30	One Lot	\$65	5.27%
Regulated Subd.					
Parcels assessed to Cumberland Knoll Drain will be assessed to Stony Creek instead of Cumberland Knoll when it becomes an arm to Stony Creek.					

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HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
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BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Stony Creek Drain, Cumberland Knoll Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Stony Creek Drain, Cumberland Knoll Arm** on **February 28, 2011** at **9:15 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: Pamela Louks

ONE TIME ONLY

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

STONY CREEK DRAIN, CUMBERLAND KNOLL ARM

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **February 28, 2011** 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