

SURVEYOR'S OFFICE
Hamilton County

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April 6, 2010

To: Hamilton County Drainage Board

Re: Stony Creek Drainage Area, Locke Arm Reconstruction

Attached is a petition, plans, drain map, drainage shed map and schedule of assessments for the reconstruction of the Stony Creek Drain, Locke Arm. The William Locke Drain (Stony Creek) is listed as number 5 on the 2009 Drain Classification List under reconstruction.

The William Locke Drain was petitioned for reconstruction on September 17, 1985 by fifteen (15) property owners representing 18% of the total acreage. The William Locke Drain was petitioned again for further advancement on June 12, 2003 by fifty-five (55) property owners. This represents 40% of the total acreage.

The William Locke Drain was constructed in 1883. The drain was last dredged in 1959. The length of the drain currently being proposed for reconstruction begins at S. R. 32 and goes north 8,268 feet to the confluence of the William Locke Drain and Stony Creek. The reconstruction of the drain will continue on the William Locke Drain north 14,358 feet ending 500 feet north of 211th Street. A total of 22,626 feet is planned for reconstruction. The initial or upstream portion, 9,345 feet of the William Locke Drain was reconstructed in 1998 with the Charles Huffman Drain and became part of that drain.

The proposed Stony Creek Drainage Area will include the William Locke, William Locke Arm 1, Charles Huffman, Frank Huffman, James I Teter, Harvey Gwinn, N.H. Teter, E.O. Michaels, Renner, S.E. Carpenter and A. J. Huffman Drains and Stony Creek.

Of the drainage sheds listed above, a portion of one (1) shed, the Stony Creek shed, is unregulated and therefore will not be included on a maintenance program. It will however be included for assessment purposes since it terminates in the regulated drain. The downstream point of this shed is at the confluence of the William Locke open channel and runs east to the Hamilton/Madison County line.

The drainage area covers portions of White River Township, Hamilton County, Township 19North, Sections 5, 6, 7, 8, & 12, Range 5 & 6East and Wayne Township, Hamilton County, Township 19N, Sections 13, 17, 18, 19, 20, 23, 24, 25, 26, 27, 29,30 & 31 Range 5 and 6 East. The drainage area has a total of 12,387.69 acres, of which 1,395.66 acres are situated in Madison County.

Known Problems:

The open ditch is heavily overgrown and is in need of clearing. The drain is susceptible to jams caused by debris which causes backwater and localized flooding. There is over two (2) feet of sediment in portions of the open channel which results in buried farm outlet tiles. William Locke Arm 1 is a 24" tile and is buried in silt and sediment causing the tile to back up with water which floods the farm fields. It is possible for large woody debris to collect on road crossings. This creates a threat to the bridge structures and can redirect flow causing erosion along the banks. The channel bottom width also needs widened in most areas to reduce flow velocities that cause erosion of the channel banks.

The following complaints are on file at the Hamilton County Surveyor's Office:

William Locke Tile Complaints – due to debris and siltation in open channel

<u>Landowner</u>	<u>Date</u>	<u>Complaint</u>
Jim Flanders	April 5, 2000	Blow hole in field at tile
Chad Galloway	April 9, 2001	Hole in field
Jim Flanders	December 7, 2001	Broken tile
Jim Flanders	April 22, 2002	Tile ditch hole
Jim Galloway	December 10, 2002	Blow hole
Rob Versprille	January 16, 2003	Broken tile
Bob Flanders	May 27, 2003	Hole in tile
Bill Flanders	November 5, 2003	Hole in tile
John Leonard	March 25, 2004	Broken tile
Jim Flanders	April 14, 2004	Tile hole
Chad Galloway	May 3, 2004	Holes
Jim Galloway	November 12, 2003	Hole
Gary Fox	April 26, 2005	Water boiling to surface
Gary Fox	June 7, 2005	Blow hole
Gilbert Paul Hiday	December 21, 2005	Blow hole
Jim Galloway	April 17, 2006	Hole
Jeanne Flanders	May 3, 2006	Breather – full
Jim Flanders	March 6, 2007	Blow hole
Chad Galloway	March 23, 2007	3 – holes
Steve Goeglen	March 28, 2008	Sink hole
Jeanne Flanders	April 25, 2008	Hole next to breather
Jim Galloway	November 7, 2008	Hole
Jim Flanders	May 18, 2009	Broken tiles
Rob Versperile	October 16, 2009	Several holes
Chad Galloway	January 26, 2010	Hole

Open Channel Complaints

<u>Landowners</u>	<u>Date</u>	<u>Complaint</u>
Jacob McDonald	December 11, 2002	Wm. Locke – debris has raised water level.
James Harger	February 9, 2004	Wm. Locke – Trees fallen over and block waterway.
Wayne Musselman	September 24, 2004	Beaver dam
William Linkenhoker	July 16, 2009	Shrubs growing in ditch causing water back up
Charles Burke	August 18, 2009	Creek dammed up

Reconstruction Project

This reconstruction of Stony Creek, Locke Arm will not include any relocation of the drain. Clearing of trees will take place along the drain to facilitate an operation side for the equipment needed for the dredging to utilize. This will create a side for future maintenance access and will generally be the north and west banks of the ditch as shown on the attached plans. This access side will vary per plans to minimize impact to existing wetland habitat.

The fall of the proposed channel is 0.19% from the William Locke Channel north of 211th Street to the existing 24" tile (Locke Arm 1) at Station 137+02.75. The proposed bottom channel width is 10 feet. The existing 24" tile is partially corroded and submerged in sediment. It will be repaired and the channel bottom will be dredged approximately 2.5 feet in depth at this location.

South of the Locke tile, the fall changes to 0.05%. The width of the proposed channel bottom stays at 10 feet wide. South of 206th Street the channel bottom increases to 12 feet wide at Station 160+00. At the Harvey Gwinn Drain Station 189+59, the channel bottom width increases to 14 feet wide and the proposed channel fall remains the same at 0.05%. The channel bottom width increases to 18 feet wide at Station 199+00 with the same fall of 0.05%. South of 196th Street, the channel bottom increases to 22 feet and the proposal channel fall changes to 0.06%. The confluence of Stony Creek is Station 231+07.56. The channel bottom width increases to 24 feet at Station 234+85 while maintaining at 0.06% rate of fall.

North of 191st Street on the Harger property, a cattle crossing will be upgraded at its existing location, with riprap bottom topped with #2 stone. The channel bottom width increases to 28 feet at Sta. 252+00. An existing Ford crossing will be upgraded at Sta. 252+18 with riprap on the Melvin Hair property.

The confluence of the N.H. Teter Drain is at Station 263+65 and channel width increased to 30 feet wide and fall at 0.06%. The channel reconstruction matches the existing bottom width of 30 feet just south of 186th Street at Station 272+90.

Shown on the plans is the placement of a twenty foot (20') filter strip along the operational side of the drain in the agricultural land uses. This shall be considered as part of the reconstruction of the drain. The filter strip is part of the IDEM approval for this project. The filter strip shall affect the following properties:

<u>Current Owner</u>	<u>Parcel</u>
Jack & S. Marilyn H. McDonald	12-08-18-00-00-039.000
Jack R & Karen A. Roudebush	12-07-13-00-00-007.201
Lester & Dortha Anderson	12-07-13-00-00-008.000
Stanley Eugene, Dwight D., Dennis Wayne, Kevin House	12-07-24-00-00-002.000
Maple Creek Limited Partnership	12-07-24-00-00-015.000
Ralph J. & Ruth Ann Musselman	12-07-24-00-00-001.000
Morris E, Victor C. & Jesse A. Barker	12-07-24-00-00-017.000
Jacob J. & Rose M. McDonald	12-07-23-00-00-005.000
Sharon Malott Rickey & Patricia Malott Haynes	12-07-23-00-00-006.000
James T & Juanita T. Harger	12-07-26-00-00-003.000
James T & Juanita T. Harger	12-07-26-00-00-004.000
Melvin D. Hair	12-07-26-00-00-011.002
Melvin D. Hair	12-07-26-00-00-007.000

Hydrology, Design and Environmental Permits

A watershed management plan was prepared by Christopher Burke Engineering in 2004 to 2005. This report provided recommendations to the Drainage Board for maintenance, reconstruction and flood control.

William Locke @ 211 th Street Q10 = 540 cfs	Q100 = 890 cfs
Stony Creek @ 186 th Street Q10 = 2,275 cfs	Q100 = 2,800 cfs

The channel is designed to contain the 10 year storm frequency within the banks at all locations.

The project shall include excavation of 108,000 cubic yards of sediment from the channel, extensions of 20 existing farm outlets, 4 sediment basins, 4 rock lines chutes from channel side swales, 2 cattle crossings, 2 ford crossings, 2 flood gates and 2 fence gates. Rip rap bend protection and surface water pipes will be installed as needed.

The dredging of Stony Creek will end at 186th Street. From 186th Street to S.R. 32 the reconstruction will consist of tree removal and clearing of debris and flowline obstructions.

The reconstruction of this drain will not require acquisition of new easement for the entire length of the drain. The drain is being reconstructed in place and the existing 75 foot easement from the top of bank per IC 36-9-27-33 will be maintained. No additional easement acquisition will be required since the spoils of the project will be spread within the existing easement.

The following regulatory approval has been obtained:

- U.S. Army Corp of Engineers Regional General Permit
IDNO. LRL-2009-131-sam, December 29, 2009 (Valid for 1 year)
- IDEM – Section 401 Water Quality Certification
No. 2009-583-29-EMP-A, December 21, 2009 (Valid for 2 years)
- IDNR – Certificate of Approval, Construction in a floodway
FW-25553, January 20, 2010 (Valid for 2 years)
- Soil and Water Conservation District – SWPPP approval July 28, 2009

Landowner Participation

The Hamilton County Surveyor's Office held two informal meetings with the landowners that adjoined the William Locke Drain and Stony Creek. The meetings were held at the Wayne Falls Lions Clubhouse in Noblesville, Indiana.

The first meeting was held on January 29, 2009 and there were twenty three (23) landowners in attendance. A preliminary cost of \$100.00 to \$122.00 per acre was indicated to the landowners. The project received unanimous support to move forward from the landowners.

The second meeting was held on June 11, 2009 to inform the landowners of the issues involving the environmental permits and dredging would need to stop at 186th Street. Unanimous support was still given for the project. Fourteen (14) landowners were in attendance.

Quantities & Cost Estimate

The cost estimate for this work is as follows:

Item Description	Quantity	Unit	Total Cost
Clearing Excavation	20,150	Per ft	\$403,000.00
Clearing-light brush	0	Per ac	\$0.00
Clearing – heavily wooded	19	Per ac	\$152,000.00
Cleaning Stony Creek 186 th St. to S.R. 32	10,200	LF	\$51,000.00
Survey Staking of Wetlands	1	LS	\$15,000.00
Outlet Pipes Extended			
6" X 20' CMP w/animal guard	6	Each	\$2,400.00
8" X 20' CMP w/animal guard	8	Each	\$4,000.00
10" X 20' CMP w/animal guard	2	Each	\$1,500.00
15" X 20' CMP w/animal guard	2	Each	\$2,000.00
24" X 20' CMP w/animal guard	2	Each	\$4,000.00
Sediment Basins	4	Each	\$6,000.00
Surface Water Pipes installed	42	Each	\$42,000.00
7 to 9 inch Rip Rap installed	3,500	Ton	\$105,000.00
Coir Logs (196 th St. to 211 th St)	12,400	LF	\$186,000.00
Erosion Blanket Installed (seed included (196 th Street to 211 th St)	9,300	Sq yd	\$27,900.00
Seeding			\$0.00
Channel slopes without EC Blanket	1	Ac	\$3,000.00
Filter Strip Seeding	25	Ac	\$75,000.00
Rock Lined chute	4	LS	\$60,000.00
Cattle crossing	2	Each	\$40,000.00
Ford protection	2	Each	\$10,000.00
Flood gate	1	LS	\$2,000.00
Fence gate	1	LS	\$1,500.00
	SUB-TOTAL		\$1,193,300.00
	15% Contingency		\$178,995.00
	TOTAL		\$1,372,295.00

Reconstruction Assessment

The Stony Creek, Locke Arm Reconstruction project was discussed at the March 8, 2010 meeting of the Hamilton County Drainage Board (see Hamilton County Drainage Board Minutes Book 12, pages 435-441). Testimony was given by landowner Lester Anderson to the amount of flooding he experiences each year. Mr. Anderson stated that his property floods approximately three (3) times a year depending on the intensity and duration of the storm. He loses approximately 20 acres of farm land per year due to flooding.

Landowners have experienced increased flooding and have been deprived the value of their property. We have been told that in the early 90's farmers could plant and harvest crops up to the top of bank on the William Locke Drain. Now the silted drain allows water to spill over the banks into the fields creating the wetland areas that have reduced the number of acres farmed in this area. We estimate that approximately 600 acres of farm land experiences flooding in the Stony Creek Drainage Area. This is taken from the Hamilton County Flood Insurance Rate Map (FIRM) dated February 17, 2003. The 2010 Purdue Crop Cost & Return Guide, September 2009 estimates, give the cost for planting a rotated corn crop in average productivity soil at \$351.00 per acre. The cost for planting a rotating bean crop in average productivity soil is \$194.00 per acre. Therefore, the cost for lost crops could be between \$116,400.00 and \$210,600.00 per given year. The flooding in the region is possibly the worst in the county and overtops county roads during extended storm events.

Not only should the costs to the individual property owners be considered, public infrastructure is also impacted. The costs of cleaning debris from bridge structures and possible damage to those structures should be considered. This project should reduce the number of times this occurs, thus saving the landowners costs over the life of the project.

The reconstruction of the Stony Creek, Locke Arm channel is made more difficult and expensive by the very poor soils along the northern end of the drain. If dredging occurred only on the channel bottom, excluding erosion control and rip rap the water velocities remain high and the soil sediment is pulled from the banks of the channel into the drain. We believe the channel will silt back in five to six years. The county plans to widen the channel in places to reduce the velocity of the stream and maintain the slope stability of the banks. The elimination of rip rap or erosion control measures will increase erosion. As a result, this would jeopardize the environmental permits that have been obtained for the project as well as the approval from the Hamilton County Soil & Water District.

I have reviewed the drainage shed for the Stony Creek, Locke Arm and considered various factors for benefits and damages as set out in IC 36-9-27-112. Upon considering each parcel individually, I believe that each parcel within the drainage shed will have equal benefits as provided by the drain, therefore, I recommend each tract be assessed on the same basis equally. I also believe that no damages will result to landowners by the reconstruction of this drain. I recommend a reconstruction assessment of \$110.00 per acre with a minimum of \$132.28.

Total Reconstruction Assessment = \$1,372,296.01

As set out in IC 36-9-27-27-88, this assessment for reconstruction shall be payable over a five (5) year period in ten (10) installments due in May and November of each year.

Maintenance Assessment

I recommend the Stony Creek Drainage Area consisting of 2,680 acres be placed on a maintenance program as set out in I.C. 36-9-27-38. This is an expansion of the area currently being assessed. The drainage area between S. R. 32 and 211th Street is not currently under a maintenance program.

The nature of the maintenance work, which may be required, is as follows:

- A. Removal and/or prevention of brush within the drainage easement by hand, mechanical or spray methods.
- B. Re-excavating of open ditch to original grade line.
- C. Installation and/or repair of surface water structure as might be required.
- D. Bank erosion protection and/or seeding as might be required.
- E. Repair of private tile outlet ends as might be required.
- F. Repair of regulated tile outlet at drain end.
- G. Replacement of broken tile outlet ends as might be required.
- H. Cleaning and/or repair of existing catch basins as might be required.
- I. Installation of catch basins or inlets as may be required
- J. Removal of debris and/or blockage from the existing tile drains including jetting or video work.
- K. Installation and/or repair of breather pipes.
- L. Removal of debris and/or blockage from the existing open drain.
- M. Maintain grass filter strips.
- N. Any other repairs necessary to restore the drain to its original intended condition.

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

I have reviewed the plans and drainage shed and believe that the drain will benefit each tract equally as per land use for the propose maintenance. Therefore I recommend that the rates for maintenance be set at the existing rates which are per my report dated June 6, 2006 and approved by the Board at the hearing on July 24, 2006 (see Hamilton County Drainage Board Minutes Book 9, pages 334-336). For all but agricultural and non-platted residential tracts those rates are to be increased from \$2.00 per acre to \$4.00 per acre.

1. Maintenance assessment for roads and streets be set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts be set at \$4.00 per acre and increase the \$10.00 minimum to \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$4.00 per acre and increase the \$10.00 minimum to \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential 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 part of the regulated drain 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 assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.

The annual maintenance collection will be \$58,439.27.

The Madison County area that drains to Stony Creek will not be accessed per the Hamilton County Drainage Board meeting minutes dated February 9, 2009 (see Hamilton County Drainage Board Minutes Book 11, pages 469-472). However, the Madison County landowners who are currently assessed for the Frank Huffman, Charles Huffman (now the Stony Creek Drainage Area), Renner, A. J. Huffman and Harvey Gwinn Drains shall also be assessed for maintenance and reconstruction.

The maintenance fees shall be collected until the funds have reached eight times the estimated annual maintenance assessment per my report dated August 8, 2007 and approved by the Board on October 22, 2007 (see Hamilton County Drainage Board Minutes Book 10, pages 462-463).

The following watersheds collect maintenance dues and have a balance as shown;
William Locke Drain Arm 1

The following watersheds collect maintenance dues and have a balance as shown;

William Locke Drain Arm 1

On May 4, 1981 the Board held a hearing to establish the drain maintenance assessment for the William Locke Drain (Drainage Board Minutes Book 1, Page 404). At present the William Locke Drain maintenance assessment affects 819.28 acres. The current rate of assessment for the drain is set at \$5.00 per acre for unplatted residential and agricultural land with a \$25.00 minimum, \$5.00 per acre for unregulated subdivisions with a \$35.00 minimum, \$10.00 per acre for regulated subdivisions with a \$65.00 minimum and \$10.00 per acre for commercial, industrial and multi-family residential with a \$75.00 minimum. Roads are assessed at \$10.00 per acre. This rate collects \$4,731.88 annually and the balance within the fund is \$25,781.63.

The current balance of the William Locke Drain shall be kept separate and these funds expended for needed maintenance on the William Locke Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Stony Creek Drainage Area fund.

Future assessments for the drainage area of the William Locke Drain will be made into the Stony Creek Drainage Area fund. No further maintenance collections for the William Locke Drain shall be made.

Charles Huffman Drain- (Joint with Madison County)

On October 27, 1997 the Board held a hearing to establish the drain maintenance assessment for the Charles Huffman Drain (Drainage Board Minutes Book 4, Pages 456-458). At present the Charles Huffman Drain maintenance assessment affects 2777.50 acres and 39 lots in Hamilton County and 970.75 acres in Madison County. The rate of assessment for the drain was set at \$2.00 per acre with a \$15.00 minimum for unplatted residential and agricultural land, \$5.00 per acre for unregulated subdivisions with a \$35.00 minimum, \$10.00 per acre for regulated subdivisions with a \$65.00 minimum and \$10.00 per acre for commercial, industrial and multi-family residential with a \$75.00 minimum. Roads are assessed at \$10.00 per acre. This rate collects \$11,833.10 annually and the balance within the fund is \$98,303.52.

On July 24, 2006 the Board held a hearing to change the name of the Charles Huffman Drain to the Stony Creek Drainage Area (See Drainage Board Minutes Book 9, Page 257).

A. J. Huffman Drain (Joint with Madison County)

On July 5, 1983 the Board held a hearing to establish the drain maintenance assessment for the A. J. Huffman Drain (Drainage Board Minutes Book 1, Page 546). At present the A. J. Huffman Drain maintenance assessment affects 336.02 acres in Hamilton County and 154.50 in Madison County. The current rate of assessment for the drain is set at \$2.00 per acre with a \$15.00 minimum for unplatted residential and agricultural land, \$5.00 per acre for unregulated subdivisions with a \$35.00 minimum, \$10.00 per acre for regulated subdivisions with a \$65.00 minimum and \$10.00 per acre for commercial, industrial and multi-family residential with a \$75.00 minimum. Roads are assessed at \$10.00 per acre. This rate collects \$904.36 in Hamilton County and \$380.42 in Madison County annually and the balance within the fund is \$5,663.42.

The current balance of the A. J. Huffman Drain shall be kept separate and these funds expended for needed maintenance on the A. J. Huffman Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Stony Creek Drainage Area fund.

Future assessments for the drainage area of the A. J. Huffman Drain will be made into the Stony Creek Drainage Area fund. No further maintenance collections for the A. J. Huffman Drain shall be made.

James I. Teter Drain

On May 24, 1976 the Board held a hearing to establish the drain maintenance assessment for the James I. Teter Drain (Drainage Board Minutes Book 1, Page 200). At present the James I. Teter Drain maintenance assessment affects 885.04 acres. The current rate of assessment for the drain was set at \$5.00 per acre with a \$15.00 minimum for unplatted residential and agricultural land, \$5.00 per acre for unregulated subdivisions with a \$35.00 minimum, \$10.00 per acre for regulated subdivisions with a \$65.00 minimum and \$10.00 per acre for commercial, industrial and multi-family residential with a \$75.00 minimum. Roads are assessed at \$10.00 per acre. This rate collects \$4,829.24 annually and the balance within the fund is \$6,050.57.

The current balance of the James I. Teter Drain shall be kept separate and these funds expended for needed maintenance on the James I. Teter Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Stony Creek Drainage Area fund.

Future assessments for the drainage area of the James I. Teter Drain will be made into the Stony Creek Drainage Area fund. No further maintenance collections for the James I. Teter Drain shall be made.

Harvey Gwinn Drain – (Joint with Madison County)

On November 27, 2006 the Board held a hearing to establish the drain maintenance assessment for the Harvey Gwinn Drain (Drainage Board Minutes Book 9, Pages 586-591). At present the Harvey Gwinn Drain maintenance assessment affects 1,070.67 acres in Hamilton County and 240.58 acres in Madison County. The current rate of assessment for the drain was set at \$2.00 per acre with a \$15.00 minimum for unplatted residential and agricultural land, \$5.00 per acre for unregulated subdivisions with a \$35.00 minimum, \$10.00 per acre for regulated subdivisions with a \$65.00 minimum and \$10.00 per acre for commercial, industrial and multi-family residential with a \$75.00 minimum. Roads are assessed at \$10.00 per acre. This rate collects \$2,836.66 in Hamilton County and \$484.36 in Madison County annually and the balance within the fund is \$8,217.44.

The current balance of the Harvey Gwinn Drain shall be kept separate and these funds expended for needed maintenance on the Harvey Gwinn Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Stony Creek Drainage Area fund.

Future assessments for the drainage area of the Harvey Gwinn Drain will be made into the Stony Creek Drainage Area fund. No further maintenance collections for the Harvey Gwinn Drain shall be made.

N.H. Teter Drain

The N. H. Teter Drain was created in September 1896 per the Hamilton County Circuit Court. On December 7, 1971 the Board certified the drain maintenance assessment for the N. H. Teter Drain. At present the N. H. Teter Drain maintenance assessment affects 273.90 acres. The current rate of assessment for the drain is set at \$1.00 per acre with a \$15.00 minimum for unplatted residential and agricultural land, \$5.00 per acre for unregulated subdivisions with a \$35.00 minimum, \$10.00 per acre for regulated subdivisions with a \$65.00 minimum and \$10.00 per acre for commercial, industrial and multi-family residential with a \$75.00 minimum. Roads are assessed at \$10.00 per acre. This rate collects \$377.00 annually and the fund is currently in the red \$3,522.51.

Collections will continue for this drain until the balance owed to the General Drain Improvement Fund is paid. Any future balance of the N. H. Teter Drain shall be kept separate and these funds expended for needed maintenance on the N. H. Teter Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Stony Creek Drainage Area fund.

Beginning in 2011 assessments for the drainage area of the N. H. Teter Drain will also be made into the Stony Creek Drainage Area fund.

E.O. Michaels Drain

On August 2, 1971 the Board held a hearing to establish the drain maintenance assessment for the E. O. Michaels Drain (Drainage Board Minutes Book 1, Page 73). At present the E. O. Michaels Drain maintenance assessment affects 996.01 acres. The rate of assessment for the drain was set at \$2.00 per acre with a \$15.00 minimum for unplatted residential and agricultural land, \$5.00 per acre for unregulated subdivisions with a \$35.00 minimum, \$10.00 per acre for regulated subdivisions with a \$65.00 minimum and \$10.00 per acre for commercial, industrial and multi-family residential with a \$75.00 minimum. Roads are assessed at \$10.00 per acre. This rate collects \$2,988.94 annually and the balance within the fund is \$3,919.10.

The current balance of the E. O. Michaels Drain shall be kept separate and these funds expended for needed maintenance on the E. O. Michaels Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Stony Creek Drainage Area fund.

Future assessments for the drainage area of the E. O. Michaels Drain will be made into the Stony Creek Drainage Area fund. No further maintenance collections for the E. O. Michaels Drain shall be made.

Renner – (Joint with Madison County)

On April 6, 1981 the Board held a hearing to establish the drain maintenance assessment for the Renner Drain (Drainage Board Minutes Book 1, Page 406). At present the Renner Drain maintenance assessment affects 97.40 acres in Hamilton County and 29.84 acres in Madison County. The current rate of assessment for the drain was set at \$2.00 per acre with a \$15.00 minimum for unplatted residential and agricultural land, \$5.00 per acre for unregulated subdivisions with a \$35.00 minimum, \$10.00 per acre for regulated subdivisions with a \$65.00 minimum and \$10.00 per acre for commercial, industrial and multi-family residential with a \$75.00 minimum. Roads are assessed at \$10.00 per acre. This rate collects \$725.00 for Hamilton County and \$97.00 for Madison County annually and the balance within the fund is \$3,573.07.

The current balance of the Renner Drain shall be kept separate and these funds expended for needed maintenance on the Renner Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Stony Creek Drainage Area fund.

Future assessments for the drainage area of the Renner Drain will be made into the Stony Creek Drainage Area fund. No further maintenance collections for the Renner Drain shall be made.

S. E. Carpenter

On June 6, 1983 the Board held a hearing to establish the drain maintenance assessment for the S. E. Carpenter Drain (Drainage Board Minutes Book 1, Page 539). At present the S. E. Carpenter Drain maintenance assessment affects 216.72 acres. The rate of assessment for the drain was set at \$2.00 per acre with a \$15.00 minimum for unplatted residential and agricultural land, \$5.00 per acre for unregulated subdivisions with a \$35.00 minimum, \$10.00 per acre for regulated subdivisions with a \$65.00 minimum and \$10.00 per acre for commercial, industrial and multi-family residential with a \$75.00 minimum. Roads are assessed at \$10.00 per acre. This rate collects \$659.44 annually and the balance within the fund is \$728.55.

The current balance of the S. E. Carpenter Drain shall be kept separate and these funds expended for needed maintenance on the S. E. Carpenter Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Stony Creek Drainage Area fund.

Future assessments for the drainage area of the S. E. Carpenter Drain will be made into the Stony Creek Drainage Area fund. No further maintenance collections for the S. E. Carpenter Drain shall be made.

Frank Huffman

The Frank Huffman Drain is a small shed that is totally within the drainage shed of the Charles Huffman Drain. The parcels on the Frank Huffman Drain are already double assessed because they pay on the Frank Huffman and those funds are forwarded to Madison County. They also pay on the Charles Huffman Drain which is maintained by Hamilton County. They will remain double assessed for Stony Creek and Huffman.

The Hamilton County Drainage Board, at the May 29, 1984 Drainage Board Meeting (Book 1, Page 598) waived its rights to Madison County. The maintenance of the drain is by Madison County and the funds collected by Hamilton County are sent to them.

I recommend the Board set a hearing for this proposed reconstruction and maintenance for May 24, 2010.

Sincerely,

A handwritten signature in cursive script that reads "Christie Kallio".

Christie Kallio, P.E.
Hamilton County Surveyor's Office

CK/ilm

To: Hamilton County Drainage Board

Re: In the matter of the W/M LOCKE Drain Petition

FILED
JUN 12 2013
OFFICE OF HAMILTON COUNTY SURVEYOR

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. 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 the regulated drain be reconstructed in Wayne 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 18 & 13, 24, 23, 24, 35, 34 & 3, 4, 5, 6 township 19 & 18 north, range 6 & 5 east, Hamilton County, Indiana.
5. That the proposed reconstruction consist of DRESSING, DEBRIS REMOVAL, EROSION CONTROL, CLEARING
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 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 expenses if the petition is dismissed.
9. Petitioner 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>Jim Flanders</u>	<u>Jim Flanders</u>	<u>14827 Strawtown Ave 46060</u>
<u>Jeanne Flanders</u>	<u>Jeanne Flanders</u>	<u>14827 Strawtown Ave 46060</u>
<u>Robert Flanders</u>	<u>Robert Flanders</u>	<u>13740 Strawtown Rd 46060</u>
<u>Irene Flanders</u>	<u>Irene Flanders</u>	<u>13740 Strawtown Ave 46060</u>
<u>David Sheller</u>	<u>DAVID J. SHELTER</u>	<u>22093 PRAIRIE BAPTIST NOBLES.</u>
<u>M Leslie Hersberger</u>	<u>M. Leslie Hersberger</u>	<u>15554 E. 226th St. NOBLESVILLE, 46060</u>
<u>Mary Ellen Hersberger</u>	<u>MARY ELLEN HERSBERGER</u>	<u>15554 E. 226th St. NOBLESVILLE, IN. 46060</u>
<u>Suzanne Schieder</u>	<u>SUZANNE-SCHNEIDER</u>	<u>22148 Cynthiana Rd</u>
<u>Herbert Schieder</u>	<u>Herbert Schieder</u>	<u>22148 Cynthiana Rd</u>
<u>Gilbert B. Hiday</u>	<u>Gilbert P. Hiday</u>	<u>26220 Ray Parker Rd. Arcadia</u>
<u>Wanda L. Hiday</u>	<u>Wanda L. Hiday</u>	<u>" " " " 46030</u>
<u>Wanda Anderson</u>	<u>Wanda Anderson</u>	<u>16651 E 206 St Noblesville</u>
<u>Dwight Anderson</u>	<u>Dwight Anderson</u>	<u>16651 E 206 St Noblesville</u>
<u>Margaret Anderson</u>	<u>Margaret Anderson</u>	<u>16440 E 206th Noblesville</u>

FILED
JUN 12 1968
OFFICE OF THE CLERK
HAMILTON COUNTY INDIANA

Signature

Printed Name

Printed Address

Robert M. Anderson Robert M. Anderson 16140 E. 206th Noblesville IN

Harvey Rogers Harvey Rogers 13745 E. 206th St Nob I IN

David P. Zimmerman David P. Zimmerman 13893 E 216th St Noblesville IN

Maguerite Zimmerman MARGUERITE ZIMMERMAN 13893 E 216th Noblesville IN

Linda Butcher LINDA BUTCHER 13924 E 216th St Noblesville IN 46060

Barry P. Hamman BARRY P. HAMMAN 21662 OLIO RD, NOBLESVILLE, IN 46060

J. Andrew Marshall J. Andrew Marshall 137786 E. 216th St. Noblesville, IN 46060

Jack Busby JACK A. BUSBY 16285 216th ST NOB 46060

Linda J. Busby Linda J. Busby 16285 216th St Noblesville, IN 46060

Frances Burke FRANCES BURKE 16205 E 216 ST Noblesville

James Galloway James Galloway 17410 Middletown Av. Noblesville

Ralph M. Mosphman RALPH MOSPHMAN 13922 E 206 ST nob.

Edsel E. Morris Edsel E. MORRIS 19843 MYSTIC R. Noblesville

Dan W. Gouwens Dan W Gouwens 19864 Rutgers Road Noblesville

Betty Daubenspeck BETTY DAUBENSPECK 19825 Prairie Baptist noblesville

Robert Daubenspeck ROBERT DAUBENSPECK 19825 Prairie Baptist Noblesville

Steven L. Garner STEVEN L. GARNER 14918 E 206 ST NOBLESVILLE, IN

Clifford M. Hershberger Clifford M. Hershberger 28402 St. Rd 39 N

Paul H. Hershberger PAUL H. HERSBERGER 19530 Cynthianne Road

Phyllis Hershberger Phyllis Hershberger 19530 Cynthianne Rd

Donna Younts DONNA YOUNTS 15344 E. 196th St.

THOMAS L. SHERRILL Thomas L. Sherrill 20218 CYNTHIANNE R. NOBLES.

Carol Sherrill CAROL SHERRILL 20218 CYNTHIANNE - NOB.

Lester L. Anderson LESTER L ANDERSON 20213 DURBIN Rd Noblesville

Dorothy Anderson DORTHA ANDERSON 20713 DURBIN RD Noblesville

Phillip E. Rutar Phillip E. Rutar 15405 E. 211th St. Noblesville

Charlene Rutar Charlene Rutar 15405 E. 211th St. Noblesville

Mr. Robert M. Beaver Robert M. Beaver 21013 Cynthianne Rd Noblesville

Sandra Coverdale Sandra Coverdale 20484 Montana Ave Noblesville

Theodore Coverdale Theodore Coverdale 20484 Montana Ave Noblesville

William E. Hazelbaker William E. Hazelbaker 19624 PRAIRIE BAPTIST Rd.

Robert D. Hiday Robert D. Hiday 15152 E 196th ST.

John R. Zeller John R. ZELLER 18730 PRAIRIE BAPTIST RD NOBLESVILLE IN

James T. Harger James T. Harger 3744 E Connor St, Noblesville

Juanita T. Harger JUANITA T. HARGER 3744 E. Connor St, Noblesville

Marilee Watkins Marilee Watkins 9913 W. Smain
Lapel, Ind. 46051

Objected to assignment

Objected to assignment

Original
Statement

Signature

Printed Name

Printed Address

Michael Swackhammer

Michael Swackhammer

654 N. STRAUS
Anderson, In

Paul Noggle

PAUL NOGGLE

14418 E. 216TH ST

Marian Noggle

Marian Noggle

14418 E 216 St.

FILED

JUN 12 2003

OFFICE OF HAMILTON COUNTY SURVEYOR

J

Signature

Printed Name

IN THE MATTER OF THE Wm Locke DRAIN PETITION

Comes now the undersigned landowners of Hamilton County, who petition the Hamilton County Drainage Board as follows:

1. They are the owners of at least 10% or more in acreage within the drainage shed of the proposed drain.
2. That they are the owners of the lands described.
3. That they now desire that the drain be advanced on the drain classification list for maintenance as per IC 36-9-27-36 (d).

Signature	Printed Name	Printed Address
<i>+9.7ac 191st</i> <i>opposed</i> <u>Dan W. Gouws</u> <i>proposed</i>	Dan W Gouws	19864 R. Stgers Road Nobu
<u>Tod Schmollinger</u>	TOD SCHMOLLINGER	21094 DURBIN RD.

5

Project Cost / Benefit Analysis

Stony Creek / Locke Arm Reconstruction Project

Christie Kallio P.E.

July 21, 2010

Project Overview and Background

The William Locke Arm of Stony Creek was petitioned for reconstruction in 1985 and again in 2003. The petition represents 40% of the William Locke Arm watershed and 25% of the overall Stony Creek Drainage area. The Stony Creek / Locke Arm drain is #5 on the Hamilton County Drain Classification list.

The William Locke open channel was last dredged in 1959.

The 24 inch Locke tile drains hundreds of acres of farm land into the William Locke open channel. The 24 inch tile at it's outlet into the open channel is submerged in sediment that has collected in the open channel. See Exhibit A. The storm water draining to this tile has no where to go and backs up water, allowing water to pond in farm fields. This standing water causes crop damage to farm fields both in and outside the flood plain.

The purpose of this reconstruction project is to restore the channel to it's original flow line to improve storm water run off. The poor soils within a portion of the channel need to be stabilized to prevent soil erosion which blocks the channel flow. The submerged drain tiles into the open channel should be uncovered to allow proper drainage and reduce standing water from damaging crops.

Damages

A telephone survey was performed to estimate the cost of the crop damage per year. The estimated cost may be lower than actual because some landowners did not wish to participate. The costs below are broken out into areas within the 100 year flood plain and outside the 100 year flood plain.

Yearly estimated crop damage outside the flood plain = \$ 97,194 per year

Yearly estimated crop damage within the flood plain = \$ 44,501 per year

Total estimated damage = \$141,695 per year

The estimated cost of crop damage outside the flood plain in ten years is \$ 971,194 not including inflation. Assuming a 3% inflation rate the crop damage is \$ 1,114,220 outside the flood plain.

The proposed reconstruction as described in the May 24th public hearing will probably last another 50 years.

Reconstruction Options

Attached is a list of options for the Stony Creek Locke Arm Reconstruction.

For option 3 thru 6, the assessment per acre is divided into two drainage area. The land draining north of the confluence of the William Locke Channel and Stony Creek is shown in purple on the attached exhibit B. The land draining to Stony Creek south of the confluence of the William Locke Channel and Stony Creek is shown in green.

The attached sheet includes the Disadvantages, Tangible Benefits, Intangible Benefits and the Risks.

The first Option of any proposed project is the "Do Nothing" option.

Do Nothing

Disadvantage - The crop damage would continue to increase due to wetland plant growth. The area would be marshy and produce lower farm yields.

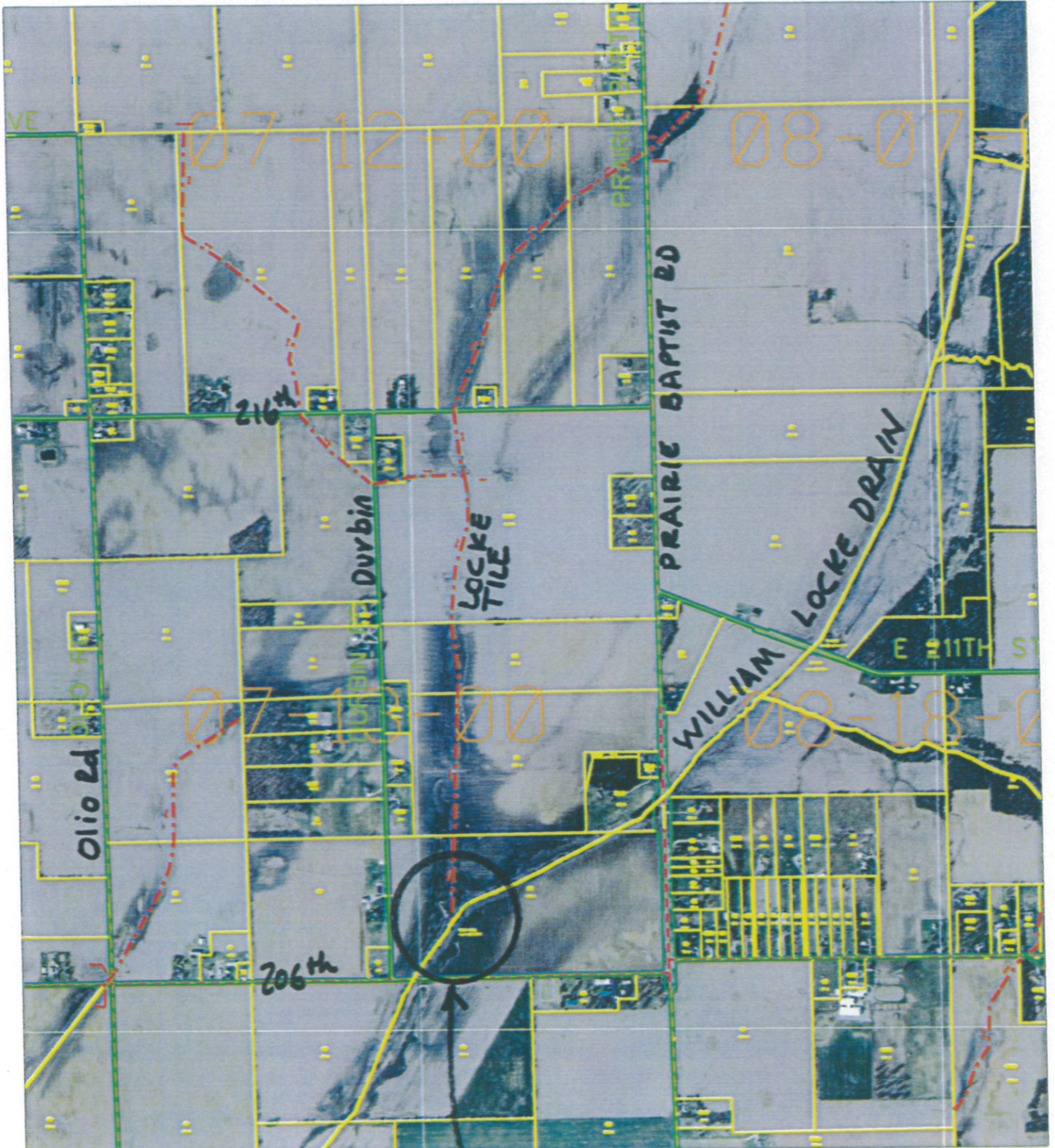
Tangible Benefit – No cost, therefore no assessment.

Risk - The lower farm yields would likely result in a decrease in future land values.

Stony Creek / Locke Arm Reconstruction Options

<p>Option 1 Proposed Reconstruction / May 24, 2010 public hearing \$1,372,296.01 Plus - place Stony Creek and William Locke Regulated Drains on Maintenance <u>Stony Creek Drainage shed pays</u> \$ 110.00 / ac Collects \$58,439.27 per year in maintenance</p>		<p>Disadvantages Tangible Benefits Intangible Benefits</p>	<p>Costly Reduced crop loss, increase to county tax revenue from farming Land Values for farming improve</p>	<p>Risk</p>
<p>Option 2 Place entire Stony Creek Drainage Area on Maintenance only Collects \$58,439.27 per year in maintenance</p>		<p>Disadvantages Tangible Benefits Intangible Benefits</p>	<p>Increased crop loss, tiles buried Maintenance performed over time Fewer obstructions, less beavers do to clearing</p>	<p>Risk Land values decline for farming County tax revenues from farming decline</p>
<p>Option 3 Clearing and filter strips from 211th St. to 186th St. \$380,765.00 Clean Stony Creek from 186th to SR 32 Plus - place Stony Creek and William Locke Regulated Drains on Maintenance <u>Landowners draining to the Locke Arm will pay</u> \$ 47.99 / ac <u>Landowners draining to Stony Creek pay</u> \$ 6.10 / ac Collects \$58,439.27 per year in maintenance</p>		<p>Disadvantages Tangible Benefits Intangible Benefits</p>	<p>Tiles buried, continued crop loss ability to do repairs and dredge, maintenance dollars go further Less flooding south of 186th St.</p>	<p>Risk land values decline till maintenance \$'s.</p>
<p>Option 4 Dredge-211th St. to 186th St. (no widening / E C) \$612,490.00 Includes clearing and filter strips, clean Stony Creek from 186th to SR 32 Plus - place Stony Creek and William Locke Regulated Drains on Maintenance <u>Landowners draining to the Locke Arm will pay</u> \$ 77.08 / ac <u>Landowners draining to Stony Creek pay</u> \$ 9.98 / ac Collects \$58,439.27 per year in maintenance **Note: Bank stabilization performed when maintence \$'s are available.</p>		<p>Disadvantages Tangible Benefits Intangible Benefits</p>	<p>Cost, erosion of slope banks Reduced crop loss, increased county tax revenues from farming Land values for farming improve</p>	<p>Risk Steady erosion of slope banks</p>
<p>Option 5 Clear all and clean Stony Creek from 186th St. to SR 32 \$230,690.00 Plus - place Stony Creek and William Locke Regulated Drains on Maintenance <u>Landowners draining to the Locke Arm will pay</u> \$ 27.90 / ac <u>Landowners draining to Stony Creek pay</u> \$ 5.40 / ac Collects \$58,439.27 per year in maintenance</p>		<p>Disadvantages Tangible Benefits Intangible Benefits</p>	<p>Tiles buried, continued crop loss Improved drainage from 186th to SR 32 Less flooding south of 186th St.</p>	<p>Risk Increased crop damage, lower land values</p>
<p>Option 6 Clear all, Dredge 211th St. to 196th Street \$556,151.50 Clean from 186th St. to SR 32 Includes rip rap, erosion control in poor soil area Plus - place Stony Creek and William Locke Regulated Drains on Maintenance <u>Landowners draining to the Locke Arm will pay</u> \$ 73.02 / ac <u>Landowners draining to Stony Creek pay</u> \$ 4.73 / ac Collects \$58,439.27 per year in maintenance</p>		<p>Disadvantages Tangible Benefits Intangible Benefits</p>	<p>No reconstruction of Stony Creek 196th St. to 186th St. Reduced crop loss, stabilized channel banks to minimize erosion Land values for farming improve</p>	<p>Risk Will need to improve 196th St. to 186th with maintenance funds as accumulated</p>

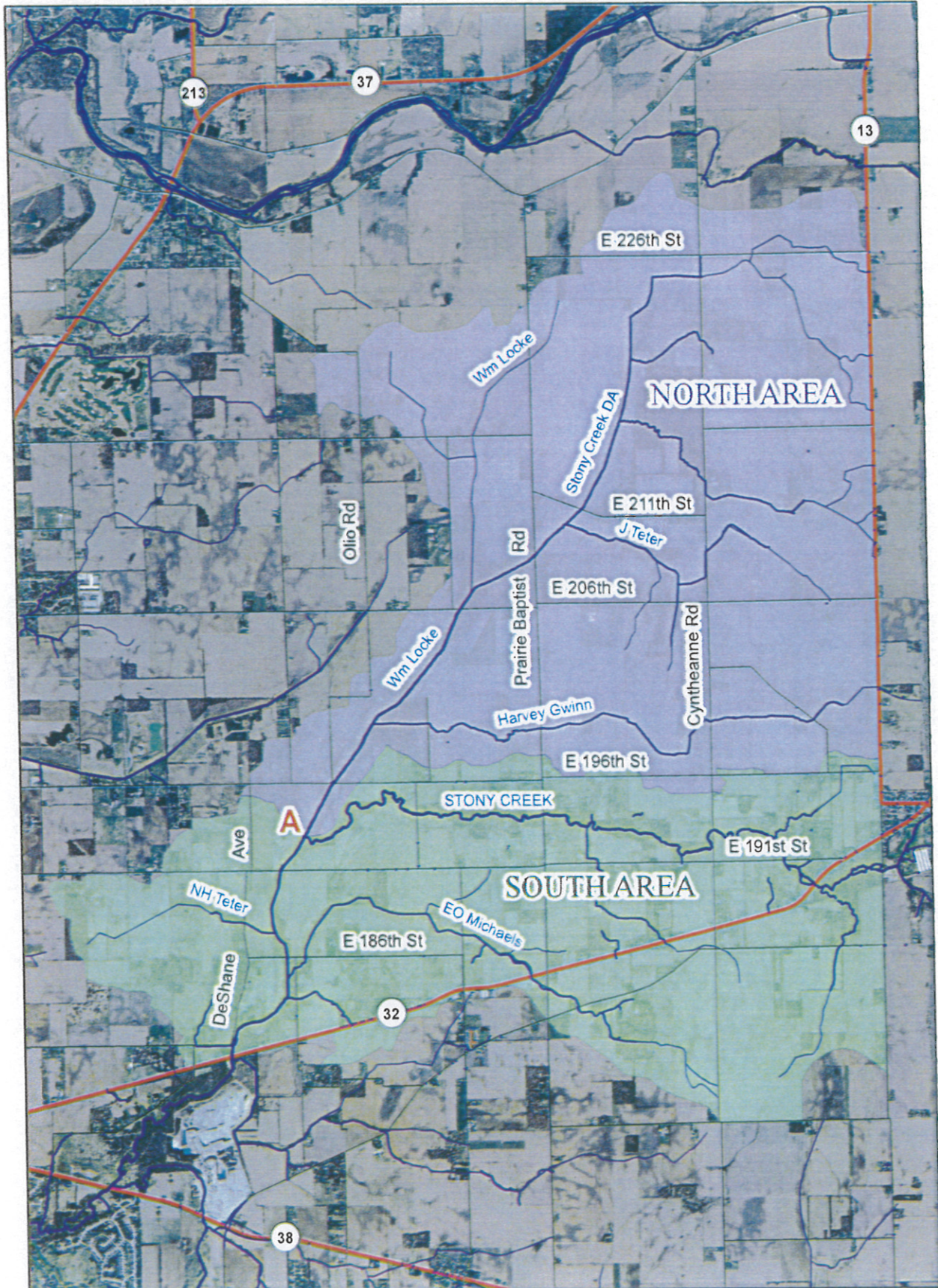
EXHIBIT A



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**24" TILE BURIED
IN SEDIMENT (MUCK)**

Proposed Stony Creek Reconstruction North & South Areas in Hamilton County



Printing Date 6/25/2010
 Prepared By Darren Wilson GISP
 Hamilton County Surveyor's Office
 One Hamilton County Square, Ste 188
 Noblesville, IN 46060
 317-776-6495

Legend

 Pays for entire reconstruction

**STONY CREEK DRAIN, LOCKE ARM RECONSTRUCTION
Hamilton County**

Property Owner	Parcel Number	Acres Benefited	Cost of Maintenance	% of Maintenance	Cost of Recons.	% of Recons.	% of Shed
Whetsel, C Trevor & E Jean Trustees	12-08-29-00-00-031.000	6.45	\$25.80	0.0441%	\$709.50	0.0517%	0.0517%
Gunn, Donald A & Peggy L	12-07-36-01-01-006.000	0.77	\$15.00	0.0257%	\$132.28	0.0096%	0.0096%
	12-07-36-01-01-026.000	0.2	\$15.00	0.0257%	\$132.28	0.0096%	0.0096%
Hair, Melvin D.	12-07-26-00-00-007.000	46.94	187.76	0.3213%	\$5,163.40	0.3763%	0.3763%
	12-07-26-00-00-011.002	44.03	\$176.12	0.3014%	\$4,843.30	0.3529%	0.3529%
	12-07-26-00-00-011.102	0.97	\$15.00	0.0257%	\$132.28	0.0096%	0.0096%
Urban, Terry D & Barbara E	12-08-30-00-00-025.000	47.11	\$188.44	0.3225%	\$5,182.10	0.3776%	0.3776%
	12-08-30-00-00-035.001	0.63	\$15.00	0.0257%	\$132.28	0.0096%	0.0096%
Snelling, Linda K Revocable Trust	12-08-18-00-00-008.000	4	\$16.00	0.0274%	\$440.00	0.0321%	0.0321%
Maple Creek Limited Partnership	12-07-24-00-00-012.000	42	\$168.00	0.2875%	\$4,620.00	0.3367%	0.3367%
	12-07-27-00-00-012.001	3	\$15.00	0.0257%	\$330.00	0.0240%	0.0240%
	12-07-24-00-00-013.000	8.3	\$33.20	0.0568%	\$913.00	0.0665%	0.0665%
	12-07-24-00-00-015.000	105.15	\$420.60	0.7197%	\$11,566.50	0.8429%	0.8429%
	12-07-24-00-00-015.002	1.5	\$15.00	0.0257%	\$165.00	0.0120%	0.0120%
	12-07-24-00-00-015.003	1.5	\$15.00	0.0257%	\$165.00	0.0120%	0.0120%
Perry, Steven E & Vicky L Reed	12-08-30-00-00-036.000	13.45	\$53.80	0.0921%	\$1,479.50	0.1078%	0.1078%
	12-08-30-00-00-036.001	21.76	\$87.04	0.1489%	\$2,393.60	0.1744%	0.1744%
	12-08-31-00-00-009.003	3.14	\$15.00	0.0257%	\$345.40	0.0252%	0.0252%
Swackhammer, Michael & Kathy L	12-08-19-00-00-005.000	35.1	\$140.40	0.2402%	\$3,861.00	0.2814%	0.2814%
	12-08-20-00-00-018.002	48.5	\$194.00	0.3320%	\$5,335.00	0.3888%	0.3888%
Petty, Aileen Trustee of Aileen M Petty Trust	12-07-26-00-00-006.001	8.04	\$32.16	0.0550%	\$884.40	0.0644%	0.0644%
	12-07-26-00-00-006.002	9.53	\$38.12	0.0652%	\$1,048.30	0.0764%	0.0764%
Petty, Ralph S Trustee of Ralph S Petty Trust	12-07-26-00-00-006.010	10.55	\$42.20	0.0722%	\$1,160.50	0.0846%	0.0846%
	12-07-26-00-00-006.011	10.44	\$41.76	0.0715%	\$1,148.40	0.0837%	0.0837%
	12-07-26-00-00-006.012	11.54	\$46.16	0.0790%	\$1,269.40	0.0925%	0.0925%
	12-07-26-00-00-006.013	0.31	\$15.00	0.0257%	\$132.28	0.0096%	0.0096%
Busby, Jack A & Linda J	12-08-17-00-00-003.000	80	\$320.00	0.5476%	\$8,800.00	0.6413%	0.6413%
	12-08-17-00-00-005.000	40	\$160.00	0.2738%	\$4,400.00	0.3206%	0.3206%
Cooper, William Earl & Barbara A	12-07-25-00-01-001.001	18.86	\$75.44	0.1291%	\$2,074.60	0.1512%	0.1512%

	12-07-25-00-01-001.002	5.05	\$20.20	0.0346%	\$555.50	0.0405%	0.0405%
	12-07-25-00-01-003.000	1.5	\$15.00	0.0257%	\$165.00	0.0120%	0.0120%
	12-07-25-00-01-005.000	3	\$15.00	0.0257%	\$330.00	0.0240%	0.0240%
Sisson, Irvin K & Julie A	12-08-30-00-00-035.000	1.37	\$15.00	0.0257%	\$150.70	0.0110%	0.0110%
	12-08-30-00-00-037.000	3.8	\$15.20	0.0260%	\$418.00	0.0305%	0.0305%
Gayde, Donald E & Carrie J	12-07-25-00-00-011.000	10.3	\$41.20	0.0705%	\$1,133.00	0.0826%	0.0826%
Bodenhorn, David L & Donna S	12-08-29-00-00-044.000	52.42	\$209.68	0.3588%	\$5,766.20	0.4202%	0.4202%
Reveal, Vicki Sue	12-07-25-00-00-002.002	34.99	\$139.96	0.2395%	\$3,848.90	0.2805%	0.2805%
McMillan, David & Bonnie	12-08-29-00-00-052.001	1.24	\$15.00	0.0257%	\$136.40	0.0099%	0.0099%
Morris, Edsul E & Bonnie L	12-07-23-00-00-009.000	22.5	\$90.00	0.1540%	\$2,475.00	0.1804%	0.1804%
	12-07-23-00-00-010.000	12.5	\$50.00	0.0856%	\$1,375.00	0.1002%	0.1002%
	07-08-07-00-00-004.000	22.67	\$90.68	0.1552%	\$2,493.70	0.1817%	0.1817%
Diversified Enterprises, Inc.	07-08-08-00-00-006.001	39.72	\$158.88	0.2719%	\$4,369.20	0.3184%	0.3184%
	07-08-05-00-00-006.000	25	\$100.00	0.1711%	\$2,750.00	0.2004%	0.2004%
	07-08-05-00-00-007.000	12.5	\$50.00	0.0856%	\$1,375.00	0.1002%	0.1002%
	07-08-05-00-00-008.000	9	\$36.00	0.0616%	\$990.00	0.0721%	0.0721%
	07-08-08-00-00-003.000	38.5	\$154.00	0.2635%	\$4,235.00	0.3086%	0.3086%
	07-08-08-00-00-004.000	21.5	\$86.00	0.1472%	\$2,365.00	0.1723%	0.1723%
	07-08-08-00-00-005.000	54	\$216.00	0.3696%	\$5,940.00	0.4329%	0.4329%
Boone Farms Inc.	12-08-29-00-00-049.000	35	\$140.00	0.2396%	\$3,850.00	0.2806%	0.2806%
	12-08-29-00-00-070.000	1.46	\$15.00	0.0257%	\$160.60	0.0117%	0.0117%
	12-08-32-00-00-010.000	1	\$15.00	0.0257%	\$132.28	0.0096%	0.0096%
	12-08-32-00-00-010.102	6.72	\$26.88	0.0460%	\$739.20	0.0539%	0.0539%
	12-08-32-00-00-011.001	19	\$76.00	0.1300%	\$2,090.00	0.1523%	0.1523%
Total		1058.51	\$4,372.68	7.4831%	\$116,802.98	8.5115%	8.5115%

Madison County							
Property Owner	Parcel Number	Acres Benefited	Cost of Maintenance	% of Maintenance	Cost of Recons.	% of Recons.	% of Shed
Swackhammer, Michael & Kathy L	14-0001-1-010	42.52	\$170.09	0.2911%	\$4,677.53	0.3409%	0.3409%
	14-0001-1-020	5.9	\$23.60	0.0404%	\$649.00	0.0473%	0.0473%
	14-0001-9-013	20.78	\$83.10	0.1422%	\$2,285.25	0.1665%	0.1665%
McDermitt, Sharon	14-0001-1-008	14.67	\$58.69	0.1004%	\$1,613.92	0.1176%	0.1176%
	14-9A16-1-06220	1.78	\$35.00	0.0599%	\$195.36	0.0142%	0.0142%
Bodenhorn, Kenneth & Alice	14-0013-9-028	3	\$15.00	0.0257%	\$330.00	0.0240%	0.0240%
	14-0013-9-030	34.5	\$138.00	0.2361%	\$3,795.00	0.2765%	0.2765%
	14-0013-9-036	25	\$100.00	0.1711%	\$3,750.00	0.2004%	0.2004%
	14-0013-1-042	6.79	\$27.16	0.0465%	\$746.90	0.0544%	0.0544%
	14-0013-9-001	68.21	\$272.84	0.4669%	\$7,503.21	0.5468%	0.5468%
	14-0013-9-029	10	\$40.00	0.0684%	\$1,100.00	0.0802%	0.0802%
Schuyler, Danile L	14-0001-9-015	80	\$320.00	0.5476%	\$8,800.00	0.6413%	0.6413%
Diversified Enterprises, Inc.	07-0021-1-002	77	\$308.00	0.5270%	\$8,470.00	0.6172%	0.6172%
	07-0021-1-004	4	\$16.00	0.0274%	\$440.00	0.0321%	0.0321%
Total		394.15	\$1,607.48	2.7507%	\$44,356.17	3.1594%	3.1594%

12-08-29-00-00-031.000

Stony Creek, Lake Arm

May 7, 2010

Hamilton County Drainage Board
One Hamilton /County Square, Ste. 188
Noblesville IN 46060-2230



Re: Maintenance Assessment for
12-08-29-00-00-031.000
S29 T19 R6 6.45 Ac

Dear Sir,

My name is Tom Whetsel, son and Power of Attorney for Emma Jean Whetsel. C. Trevor Whetsel has passed on.

Hamilton County notifies us every year that this 6.45 acres is in flood plain property. I see that this reconstruction and maintenance is for each parcel of land benefited. This maintenance will not benefit our land that I can see. It will still be flood plain and still all road and high ground will drain through it. Will drainage improvement for others cause more flooding on our property?

There is no income on this property, owned since 1963. The 1 ½ to 2 acres farmed does not pay the taxes. It keeps us from mowing it by farming it. It takes small farm equipment and is dangerous to enter SR 32 at this location. We personally do not farm this property.

The trees and growth on the northwest side of this triangle shaded property somewhat hides a salvage yard which does not help the value or sale-ability of this property.

This wetland property may soon be for sale; hopefully not to enlarge the salvage yard. A small Hamilton County park would be nice for this location - maybe a pond in the woods.

Extra costs will not help the sale of this property but if you have any ideas on this property that can benefit it, please let us know.

The maintenance assessment will not help us and should be paid for by people it will help.

Sincerely,

Tom T. Whetsel

Tom T. Whetsel
P. O. A. for Emma Jean Whetsel

765-621-8187

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing on Reconstruction & Schedule of Assessments and Damages on the **Stony Creek Drain, Locke Arm.**

Whetsel, C Trevor & E Jean Trustees
442 State E
PENDLETON, IN 46064
765-621-8187

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 benefited. The Drainage Board has received a reconstruction report and schedule of assessments which affects your land. The purpose of the reconstruction project is to perform work which will substantially improve the drainage for the entire watershed served by the drain.

You are hereby notified that the reconstruction 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 chart below contains your proposed assessment and your percentage of the total reconstruction assessment.

The reconstruction report of the Surveyor and schedule of damages and benefits as determined by the Drainage Board for the proposed improvement known as the **Stony Creek Drain, Locke Arm** have been filed and are available for inspection in the office of the County Surveyor. The schedule of assessments shows the following lands in your name are affected as follows. This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Acreage from these drains will be combined and assessed to the Stony Creek Drain. The Frank Huffman Drain will also continue to have assessments collected and sent to Madison County since they are the controlling county. The N.H. Teter Drain assessments will continue to be collected until the balance owed General Drain Improvement Fund is paid. All other drains listed will have no further maintenance collections for the individual drain.

N.H Teter #53	E.O. Michaels #54	J.I. Teter #89	Renner #130	Wm. Locke Arm #133	S.E. Carpenter #172	A.J. Huffman #174	Frank Huffman #190	Charles Huffman #299	Harvey Gwinn #351	Additional Benefit	Total for Stony Creek
										6.45	6.45 Ac

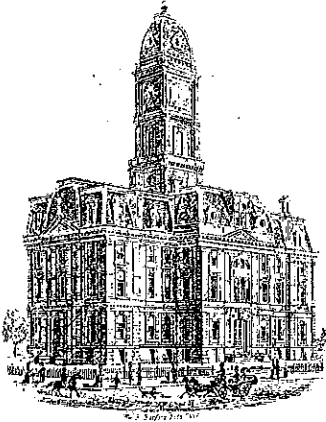
Description of Land	Stony Creek Acres Benefited	Damages	Reconstruction Assmt.	% of Total	Maint. Assmt.
12-08-29-00-00-031.000					
S29 T19 R6 6.45 Ac	6.45 Ac	Zero	\$709.50	0.0517%	\$25.80
Residential/Ag					

The non-platted residential & agricultural parcels (Residential/Ag) will be increased from \$2 to \$4 per acre for the annual maintenance assessment.

The hearing on the Surveyor's reconstruction report and on the schedules of damages and assessments are set for hearing at **9:45 A.M. on May 24, 2010**, in the Commissioner's Court. The law provides that objections must be written and filed not less than 5 days before the date of the hearing. Objections may be for causes as specified by law and which are available at the Surveyor's Office. Written evidence in support of objections may be filed. The failure to file objections constitutes a waiver of your right to thereafter object, either before the Board or in court on such causes, to any final action of the Board. On or before the day of the hearing before the Board, the Surveyor shall and any owner of affected lands may cause written evidence to be filed in support of or in rebuttal to any filed objections.

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060-2230

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.



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

May 12, 2010

Tom T. Whetsel
P.O.A. for Emma Jean Whetsel
442 State E.
Pendleton, IN 46064

Re: Stony Creek / Locke Arm Reconstruction

I have received your objection letter dated May 7, 2010 regarding the above referenced drainage project.

You stated in your letter that your property will remain as flood plain and all road and high ground will drain through it. That is correct. Your ground, although flood plain, drains through lower ground and ultimately goes to the portion of Stony Creek that the reconstruction project is slated to dredge. The dredging, if approved will occur from 211th Street on the William Locke Arm to Stony Creek at 186th Street.

Portions of Stony Creek and associated drainage arms to Stony Creek are regulated drains which fall under the jurisdiction of the Hamilton County Drainage Board per IC 36-9-27. Funding for the maintenance and reconstruction of regulated drains is obtained by assessments against all properties within the drainage shed of that drain. Per Section 69(b) (1) of the statute the entire land area drained by the drain, shall be considered to be benefited and shall be assessed. Your property falls within the Stony Creek Drainage Shed.

Sincerely,

Christie Kallio, PE
Project Engineer
Hamilton County Surveyors Office

12-07-36-01-01-006.000

Stony Creek, Locke Arm

4-26-10

Hamilton Co. Drainage Board,

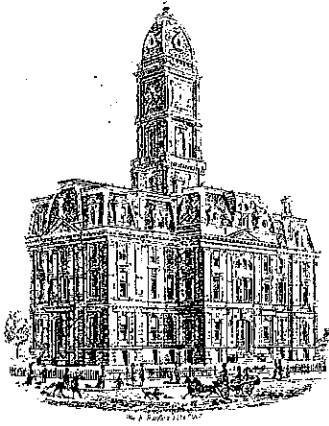
We received a copy of the
hearing of the Stony Creek Drain
and Locke Arm.

We are not connected to any
drain.

Thank you,

Peggy Gess





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

May 12, 2010

Donald A & Peggy L. Gunn
14101 S.R. 32 E
Noblesville, IN. 46060

Re: Stony Creek / Locke Arm Reconstruction

I have received your objection letter dated April 26, 2010 regarding the above referenced drainage project.

You stated in your letter that you are not connected to any drain. That may or may not be true because we only have records of regulated drains, not private drains. However, your property does drain to Stony Creek.

Portions of Stony Creek and associated drainage arms to Stony Creek are regulated drains which fall under the jurisdiction of the Hamilton County Drainage Board per IC 36-9-27. Funding for the maintenance and reconstruction of regulated drains is obtained by assessments against all properties within the drainage shed of that drain. Per Section 69(b) (1) of the statute the entire land area drained by the drain, shall be considered to be benefited and shall be assessed. Your property falls within the Stony Creek Drainage Shed.

Sincerely,

Christie Kallio, PE
Project Engineer
Hamilton County Surveyors Office

12-07-26-00-00-007.000
12-07-26-00-00-011.002
12-07-26-00-00-011.102

Surveyor of Hamilton County
Suite 188
One Hamilton County Square
Noblesville, IN 46060



May 10, 2010

RE: Stony Creek/Lock Drain Reconstruction

Dear Sir or Madam,

I am concerned with the condition of my property during and after the completion of the Stony Creek/Locke Drain Reconstruction. After the dredging of the properties along Stony Creek approximately 50 years ago piles of debris were left along the creek banks and on these piles, unsightly weeds grew, leaving an eyesore for many years. The area from 186th Street north to 191st Street along both sides of Stony Creek have been cleared, mowed and made into a park like setting. It has taken many years of hard work to make this property truly special. I walk nearly every day along both sides of the creek for exercise and the enjoyment of the picturesque setting.

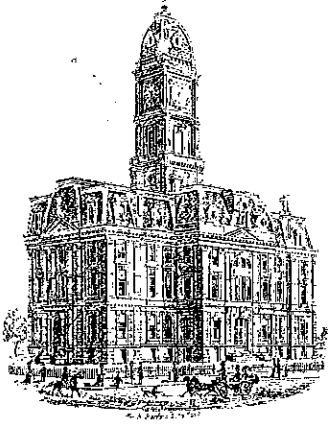
Following are my concerns for the property:

- Will the spoils be re-seeded/mulched to stabilize the spoils and prevent weed infestation?
- If the spoils are extremely fine silt/clays, will they be mixed with appropriate material to provide for successful re-vegetation and site stabilization?
- Are there assurances that there are no toxins in the spoils that could hinder re-vegetation or spread toxins to the farm fields nearby?
- If the spoils are of significant size will I be able to mow and maintain my property without causing damage to my equipment.
- Will the appropriate care be taken to return the site to pre-disturbance conditions?

Respectfully I request that if these assurances can't be made, the spoils should be hauled off-site to a repository. If the larger spoils cannot be taken off sight perhaps some could be moved to fill in where the cattle crossing is located. It is no longer needed and could be removed. My hope is the property is returned to its current condition after the completion of this project. I do not feel this is an unreasonable request.

Sincerely,

Melvin D. Hair



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

May 20, 2010

Melvin D. Hair
13144 186th Street
Noblesville, Indiana 46060

Re: Stony Creek / Locke Arm Reconstruction

I am in receipt of your letter dated May 10, 2010 regarding the above referenced drainage project.

In your letter you stated that you have concerns about the condition of your property during and after the completion of the reconstruction project. You said in your letter that the last time the channel was dredged, approximately fifty years ago, piles of debris were left along the creek banks and on the piles unsightly weeds grew, leaving an eyesore.

You also said the area between 186th Street and 191st Street along both sides of Stony Creek, have been cleared, mowed and made into a park like setting and you walk it almost everyday.

I have walked your channel many times during the preparation of the construction plans and it is truly beautiful. I have seen you walk the drain as I have driven by. I know that gives you a 2 mile walk. That is remarkable.

The construction practices are quite a bit different today than it was 50 years ago. If we are allowed to proceed with this reconstruction we will be operating from one side only, the west side. The excavator will sit on the western top of bank. The excavator will not operate within the channel. There will be a 10 foot section from the top of bank that will be left natural. This will serve as a vegetative filter to protect the channel from runoff during construction and after. The excavator will run along this area and will remove the soil from the channel. In a one step process we will excavate the channel and then swing the bucket to lower this spoil to the filter strip area. When the soil is dry enough we will have a dozer spread the spoil from the channel, starting 10 feet away

from the channel, within the 75 foot drainage easement. The spoil will be leveled to a maximum height of 18 inches. A width of 20 feet will be seeded (not mulched) and used as a filter strip for water quality. If the spoil extends into land that will go back into farm production we will not seed it, just level it. Normally we seed about a 20 foot filter strip past the top of bank. The Indiana Department of Environmental (IDEM) management will be watching our progress. Per our permits on this job we must have a very controlled excavation and a progressive seeding requirement on the soil in this area.

In your letter you asked if the spoils would be mixed with appropriate material if the deposit materials are of fine silt/ clays. We will fertilize the area but will not bring in additional material to be worked into the spoil. We will check the area in 6 months to see if the seed has germinated. If there are bare spots we will reseed and fertilize.

In your letter you ask for assurances that there are no toxins in the spoils that could hinder re-vegetation or spread toxins to the farm fields nearby. This office is not aware of any toxins within the drain.

You asked if the spoils are of significant size will I be able to mow and maintain my property with out causing damage to my equipment. The surveyor's office will mow the filter strip once a year. Because of the pristine condition of your property, you will probably want to mow it more often. Since our equipment will be mowing your property we will not allow anything that may damage our equipment. In addition, any loose item could fly up during the mowing process and injure our employee, Steve Baitz. Steve will not allow a filter strip that can not be mowed.

In your letter you asked that appropriate care be taken to return the site to pre-disturbance conditions. I can assure that we will be very careful. It will be stressed to the contractor that is awarded this contract. The construction will be inspected every day by our office staff. The post construction condition will look nice but the elevation may be a little higher than it is today. I know you have worked most of your life to obtain the condition that it is today.

You conclude your letter by saying that you respectfully request that if these assurances can not be made, the spoils should be hauled off site. Also you ask if the larger spoils can not be hauled offsite perhaps some could be moved to fill in the area where the cattle crossing is located. During the design I assumed that you still wanted the cattle crossing.

I designed a rip rap bottom and rock slope protection for this area. I can eliminate this and we can fill in the area with spoil from the excavation. That will help removal of some of the spoil. We will have to stabilize this bank with an erosion control mat or geogrid fabric. Otherwise the area will settle over time and the bank will probably erode in this area. If you are agreeable to this we can change the construction plans. I will have to amend our environmental permits because we are removing a section of rip rap but that should not be a problem. We can haul spoil offsite but that is an extra expense that we

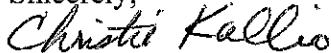
are not doing for other landowners. You would be responsible for this cost. The cost would be significant because of the hauling charges.

In addition your letter says that you hope that your property is returned to its current condition after the completion of this project. In your area of Stony Creek we will not be lowering the flow line. I do want to widen places of the channel in your area from approximately 5 to 15 feet off the top of the western bank. This will enable us to match the banks at the new bridge on 186th Street. The wider cross section will slow the water velocities that cause erosion and keep the lower storm frequencies of a 2, 5 and 10 year storm within the banks of Stony Creek. The spoil that is generated will be from the western channel bank and not the bottom. The soil coming off the existing channel bank should be of higher quality because you have maintained it all these years. We will try hard to return your land to the existing condition.

Thank you for your comments Melvin. I appreciate the assistance you have given me over the two years of working on this project. You are a dedicated steward of the land. Thank you for taking your time to promote the natural beauty and function of Stony Creek.

If you have further questions, feel free to drop in or call me.

Sincerely,



Christie Kallio PE

Project Engineer

Hamilton County Surveyors Office.

12-08-30-00-00-025.000

12-08-30-00-00-035.001



15247 East 191st Street
Noblesville, IN 46060

May 6, 2010

Hamilton County Drainage Board
One Hamilton County Square, Ste. 188
Noblesville, IN 46060-2230

To Whom It May Concern:

Objection to excessive drainage assessment for reconstruction of the Locke Arm drain into Stony Creek. (Stony Creek Drain, Locke Arm)

As owners of parcels 12-08-30-00-00-025.000 (S30 T19 R6 47.11 Ac) and 12-08-30-00-00-035.001 (S30 T19 R6 0.63 ac) located on the S.E. Carpenter #172 drainage shed into Stony Creek, we object to being assessed in excess of \$5,300 reconstruction assessment and an annual assessment in excess of \$203 maintenance assessment for reconstruction of the William Locke drain.

When we met with the project engineer to ask why we were being assessed for the drain we were told it was because we drain into Stony Creek and Stony Creek drains into the Wm. Locke drain. This information is false. We were informed by the Indiana State Department of Natural Resources that Stony Creek begins in Madison County and continues east and southeast to its confluence with White River in Hamilton County. This natural waterway is under the control of the State of Indiana. The Wm. Locke drain ends at its confluence with Stony Creek and the Wm. Locke drain is under the control of Hamilton County. This has been verified by the Indiana Department of Natural Resources (see attached copy of e-mail) In order to complete this project Hamilton County had to seek permission from the state to enter Stony Creek. This permit was granted for work to be done on Stony Creek just south of 186th Street north to the confluence of the Wm. Locke drain (see attached map). At no time does Stony Creek become or drain into the Wm. Locke drain as verified by Patricia Clune, Biologist for the Indiana Department of Natural Resources.

Therefore we legally object to being excessively assessed for reconstruction the Wm. Locke drain as any drainage from our properties does not affect that arm of Stony Creek. This excessive special assessment is more than one year's net profit from our properties.

We would not object to our share of the less than one mile section of Stony Creek as permitted by the state, if it were properly proposed by legal petition of more than 10% of representative land owners and then proposed and approved by a majority of land representatives.

In closing, we are also objecting to the way this process was handled by Hamilton County. We, as property owners, were never notified of this petition signed in 2003 by the owners of approximately 37 farms, residences or other parcels along the drainage shed of the Wm. Locke Arm. We were never notified of any public meetings held in 2009 concerning this petition. The county surveyors office said no other drainage property owners were notified due to the possible size of the crowd. These meetings were held at the Wayne-Fall Lions Club with unanimous approval of 14 people at one meeting and 23 people at the other meeting. Of course they would unanimously vote for the other over 550 property owners that drain into Stony Creek from the east to pay for their drain to be reconstructed. And of course, most of the over 550 other property owners would have voted no had we had the opportunity. We call this taxation without representation.

We ask that this letter in its entirety be read at the May 24, 2010 hearing concerning this assessment.

Respectfully,

Terry and Barbara Urban



Eloise Urban <terryandeloise@gmail.com>

Stony Creek

1 message

Clune, Patricia <PClune@dnr.in.gov>
To: terryandeloise@gmail.com

Wed, May 5, 2010 at 2:25 PM

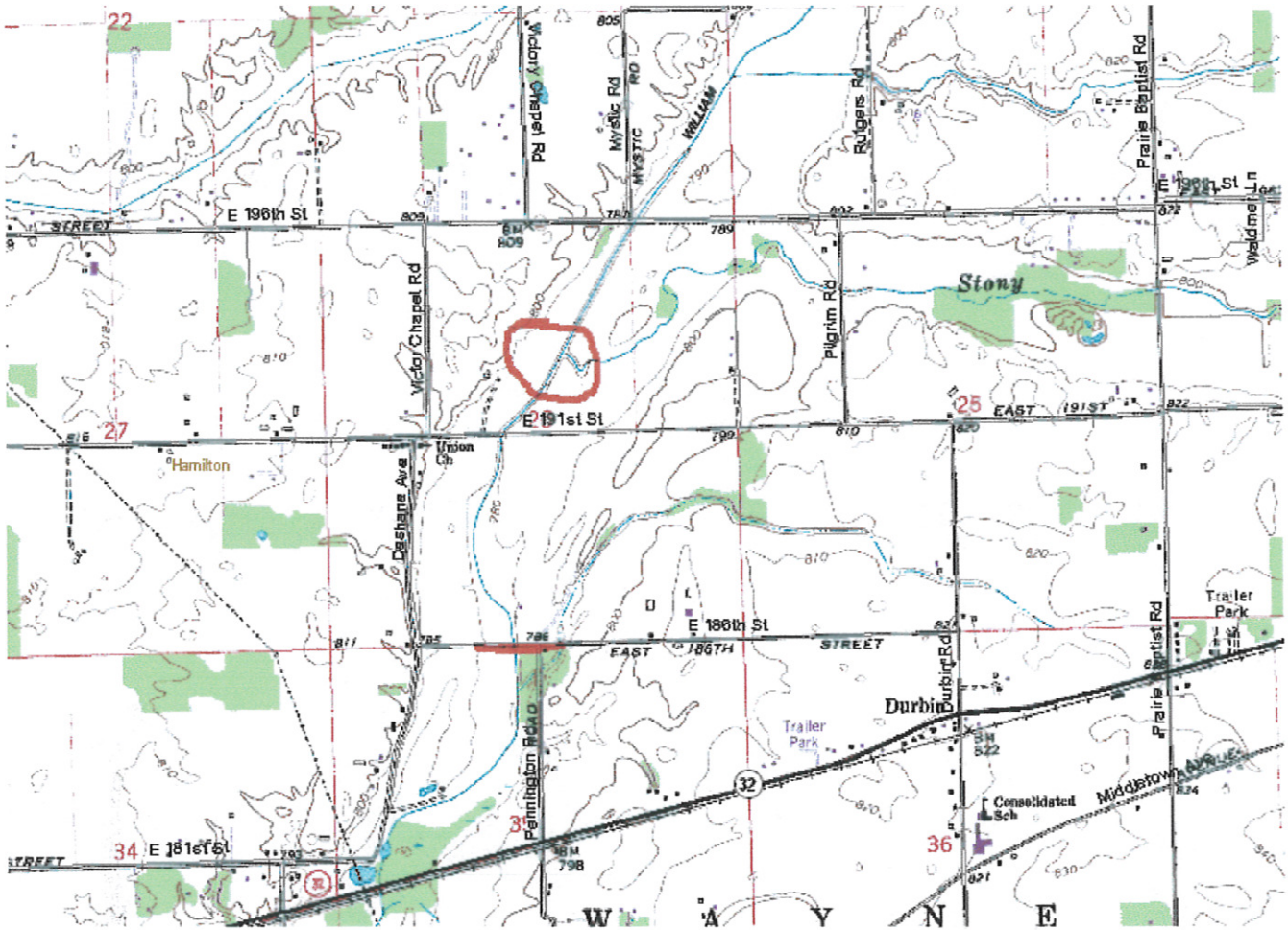
I have attached the map showing the location of the project on Stony Creek. The project that was permitted by DNR starts just south of 186th Street and goes upstream to the confluence of Stony Creek and William Lock. I circled the area where the two streams meet. Stony Creek flows in from the east and then flows in a southwest direction. William Lock comes down from the northeast into Stony Creek.

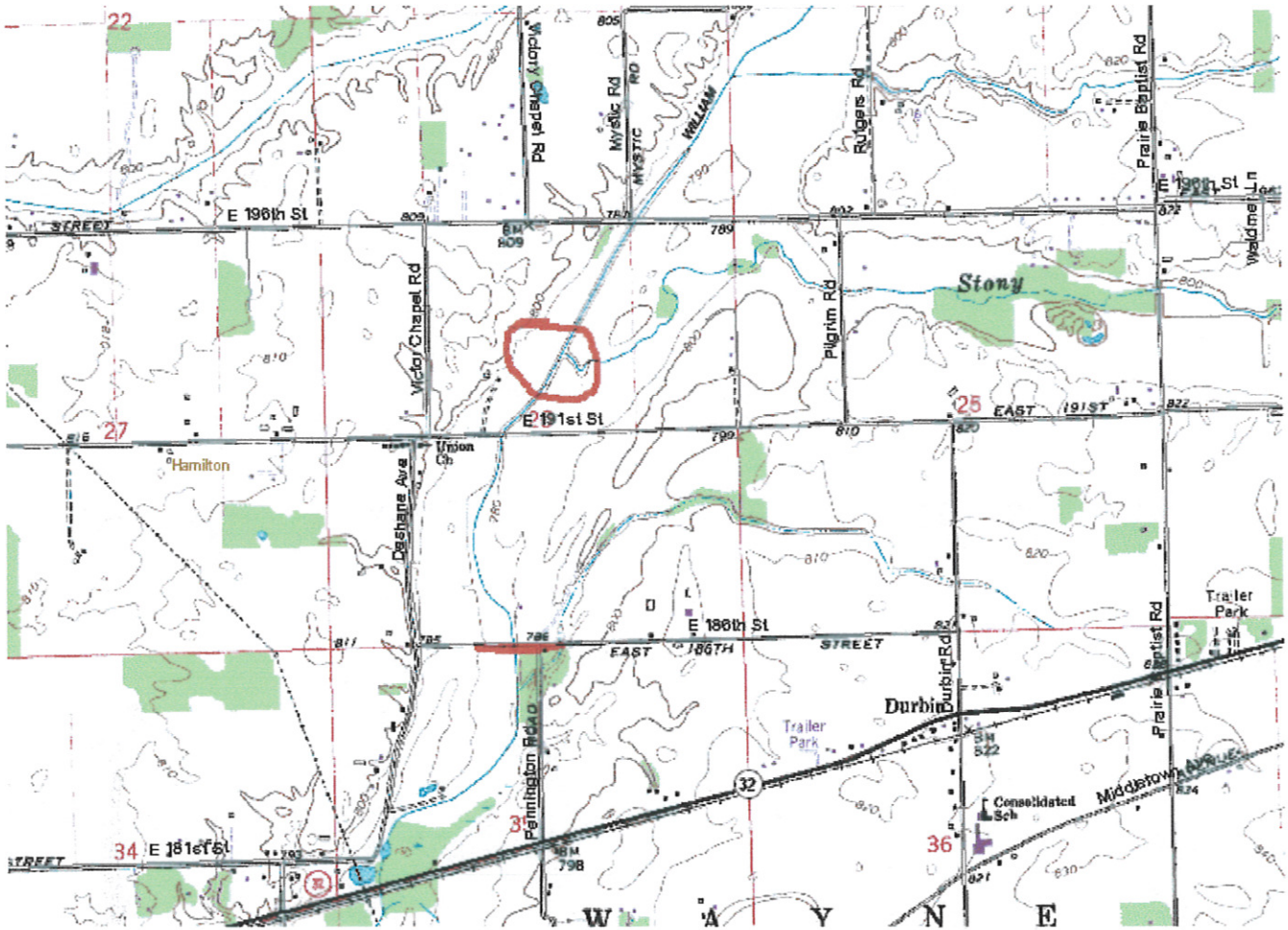
Let me know if you have trouble opening the map or have any other questions.

Patricia Clune
Statewide Environmental Biologist
Indiana Department of Natural Resources
Division of Fish and Wildlife
402 W. Washington Street, Rm W273
Indianapolis, IN 46204-2781
pclune@dnr.in.gov
317-234-0586



Stony Creek.bmp
1267K







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

May 12, 2010

Terry and Barbara Urban
15247 East 191st Street
Noblesville, IN 46060

Re: Stony Creek / Locke Arm Reconstruction

I have received your objection letter dated May 6, 2010 regarding the above referenced drainage project.

You stated in your letter that you are located on the S.E. Carpenter Drain. That is correct. The S.E. Carpenter Drain flows to Stony Creek. Stony Creek flows west to the confluence of the William Locke Drain and then flows South West and ultimately drains into the White River.

Portions of Stony Creek and associated drainage arms to Stony Creek are regulated drains which fall under the jurisdiction of the Hamilton County Drainage Board per IC 36-9-27. Funding for the maintenance and reconstruction of regulated drains is obtained by assessments against all properties within the drainage shed of that drain. Per Section 69(b) (1) of the statute the entire land area drained by the drain, shall be considered to be benefited and shall be assessed. Your property falls within the Stony Creek Drainage Shed.

When we met on April 26th I said that you were assessed because your property drains into Stony Creek and Stony Creek joins the William Locke Arm at its confluence point. The William Locke Drain does end at the confluence of Stony Creek as stated in your letter. However, from that point south to approximately 300 feet south of the old Central Indiana Railroad, Stony Creek has been a regulated drain since 1883.

The proposed reconstruction project will start north of 211th Street on the William Locke Arm and continue south on Stony Creek to SR 32.

We obtained permits for this reconstruction from the Army Corp of Engineers, the Indiana Department of Environmental Management and the Indiana Department of Natural Resources (IDNR). IDNR does not have jurisdiction over a County regulated drain that is less than 10 miles in length. The William Locke Arm is less than 10 miles in length and a permit from IDNR was not required. Stony Creek is longer than 10 miles and an IDNR permit was obtained for that portion of the reconstruction.

You said in your letter that you object to the way the surveyors office handled this reconstruction project. The petition for reconstruction received in 2003 as signed by land owners represents over 3000 acres of property. It comes to 40% of the land in the William Locke Arm or 25 % of the overall Stony Creek Drainage Area. This exceeds the 10% of acreage required by State Statute.

Sincerely,

A handwritten signature in cursive script that reads "Christie Kallio".

Christie Kallio PE
Project Engineer
Hamilton County Surveyors Office

12-08-18-00-00-008-000

Stony Creek; Locke Arm

May 6, 2010

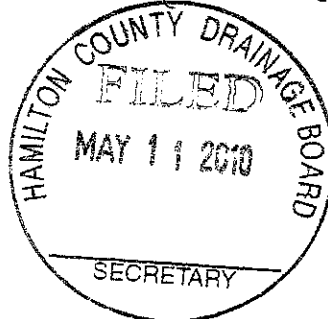
Dear Sir w Madam:

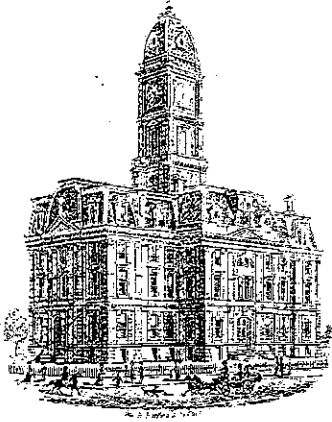
I'm now writing to tell you I still object to the drainage ditch assessment. They put that in & the field it comes from drains right onto my property.

I came into the office when they first did that & objected & got no where so now I'm trying this written way to resolve this.

my grandson is taking care of my property while I'm away & he says it still stands in water, corn stalks, etc. when it rains. It's a breeding place for mosquitoes and you can't keep it mowed when it stands in water. It does not benefit us at all! - it's worse now -

Signed,
Linda K. Snelling





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

May 12, 2010

Linda K. Snelling
4908 7th B St. E
Bradenton, FL 34203

Re: Stony Creek / Locke Arm Reconstruction

I have received your objection letter dated May 6, 2010 regarding the above referenced drainage project.

Your property is on the south side of 211th street and drains to the James I. Teter drain. The James I Teter drains to the William Locke Drain which drains to Stony Creek.

You stated in your letter that you have come into the Surveyors Office and objected when something was put in. It doesn't say what was put in. I have reviewed our files and can find no evidence of a drainage complaint from you.

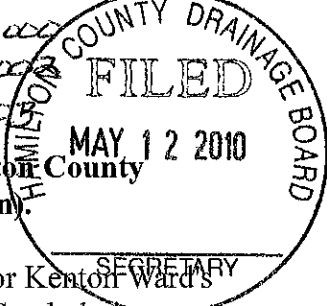
Portions of Stony Creek and associated drainage arms to Stony Creek (such as the James I. Teter drain) are regulated drains which fall under the jurisdiction of the Hamilton County Drainage Board per IC 36-9-27. Funding for the maintenance and reconstruction of regulated drains is obtained by assessments against all properties within the drainage shed of that drain. Per Section 69(b) (1) of the statute the entire land area drained by the drain, shall be considered to be benefited and shall be assessed. Your property falls within the Stony Creek Drainage Shed.

Sincerely,

Christie Kallio, PE
Project Engineer
Hamilton County Surveyors Office

File 12-07-24-00-00-013.000
12-07-24-00-00-013.001
12-07-24-00-00-013.000

12-07-24-00-00-015.000
12-07-24-00-00-015.000
12-07-24-00-00-015.000



Petition to the Hamilton County Drainage Board consisting of the Hamilton County Commissioners (Steve Dillinger, Steve Holt, and Christine Altman).

We ask that you, as elected representatives of the taxpayers, deny the elected Surveyor Kenton Ward's proposals for the Stony Creek and Locke drains. We object to combining the Stony Creek drainage areas. We object to the assessment for the proposed reconstruction of a portion of Stony Creek and a portion of the Locke ditch. We also object to the excessive proposed maintenance assessment. We object for the following reasons:

- 1) The surveyor and drainage board have not fully complied with the procedural requirements specified in Federal laws and regulations, and the Indiana Drainage Code, and supporting case law. There may be a legal question as to whether all assessed landowners in the current pooled Stony Creek proposal were notified of that initial meeting. Other procedural issues such as those related to stepwise progress on issues of this type will be investigated by attorney's who will be retained if needed to support this action.
- 2) The existing problems with the Stony Creek and Locke drains are due to the failure of the Surveyor and the Drainage Board to maintain these ditches from General Drainage Funds as required by Indiana Law.
- 3) The only landowners attending the initial hearing and providing the "unanimous support" noted by the Surveyor, were those who owned land in the flood plain. Information about the dollar amount of the resulting probable assessments to all parcel owners, although possibly not required by law, should have been distributed by postal mail to ALL landowners with an opportunity to provide objection, prior to proceeding with the expenses and staff effort for the planning of this project. (Procedures should be changed to provide postal mail notice of the results of public meetings to the affected taxpayers. So few of us have time or desire to attend all legal notice meetings until we learn that the resulting consequences significantly affect us personally. I don't recall any news media at those meetings.)
- 4) ALL drainage reconstruction and maintenance activities should be paid from the Hamilton County General Fund just like highway, health, judicial, school, and other necessary county services, rather than partitioning those costs as special purpose taxes and user fees that bypass the percentage property tax limitations. Other Indiana counties have changed to this approach for drainage. We ask that the Hamilton County Drainage Board initiate steps to make this change and eliminate the pools by drainage shed of individual maintenance funds.
- 5) The proposed one time assessment for reconstruction of \$110 per acre with a tax parcel minimum of \$132.28 is an unnecessary one time tax with little or no benefit to parcel owners out side of the flood plain as detailed in the following points. This **reconstruction assessment represents a one time tax that is more than six times the 2010 tax assessment on the bare land.** When the reconstruction costs of \$1,372,296 are applied to the estimated 600 acres of flood plain land, **the reconstruction cost per economically benefited acre is \$2,287.** This is a nice subsidy to the land owners of the 600 flood plain acres from land owners of the 11,700 acres outside of the flood plain. The notification letter should note the interest rate for the option of paying over five years. If this five year option is selected, property tax payments more than double for the five year period, for just the reconstruction assessment.
- 6) The proposed multiple year annual maintenance assessment of **\$4 per acre for eight or more years with a parcel minimum ranging from \$15 to \$75** is a new tax that is being imposed on many area landowners by the drainage board to create income to fund future Surveyor selected

and specified expenses with little or no drainage board review and supervisory action. This tax, for land owners not previously assessed, could represent a **23 percent or greater increase in the annual taxes** on their land based on 2010 rates. The provision for minimum amounts would probably significantly increase this percentage for small lot owners. (The drainage board is increasing both the rate and the number of years of assessment to increase this reserve for future expenses in many maintenance pools.) Because of the expanded area to which this applies, taxpayers should probably view this as a permanent tax increase of 25 percent or more, because these funds will undoubtedly be used because of the work needed on the many drains that are included.

- 7) Landowners currently have the option of placing cropped flood plain land in a tree conservation program that pays an initial one time incentive of at least \$500, followed by 14-15 years of as much as \$200 or more per acre based on soil type. The program also pays 90 percent of the cost of putting in the trees. The resulting trees go to the landowner at the end of the program for additional profit potential.
- 8) The recent United States Supreme Court ruling on the subject of corporations having the same rights as an individual person may raise questions on the equity of varying tax assessments based on the type of owner. Existing case law may or may not have addressed the question of assessment variability based on type and size of property. The results of the current Indiana lawsuit about the percentage limitations on property tax may provide a basis for future litigation on this subject.
- 9) The lack of historical assessments on portions of drains in the proposed new Stony Creek drainage area, the use of existing historical assessments for those assessed drains until expended, and the use of new assessments on all drains for existing drainage issues on drains not previously assessed, such as the current proposal, provides an argument against the pooling of all drains into the new expanded Stony Creek drain. Parcel owners who have been paying assessments will now be paying assessments that benefit parcels that have not paid any assessment in the past. This is not an equitable and fair proposal with potential issues at the edge of double taxation.
- 10) The primary benefit of the proposed reconstruction is to owner/lessors of agricultural flood plain property who are the taxpayers that should be asked to pay any one time assessed reconstruction costs on a voluntary and allocated benefit basis. (Allocated assessment based on benefit is an option for the drainage board that is provided by the Indiana Drainage Code. Voluntary assessments would exclude flood plain owners who support the conservation and water quality improvement program alternatives rather than applying chemicals and fertilizer that can pollute flood waters..)
- 11) The proposed reconstruction cost far exceeds the preferable and less expensive approach of just removing sediment from the existing drain to allow underground farm tiles to flow properly as they did for many years following the last reconstruction approximately fifty years ago. Although the surveyor suggests that the ditch would fail in five or six years, it operated for over thirty years as it was originally constructed. Perhaps historical experience is better than opinion. (The Surveyor, Kenton Ward, refused to provide the cost of this alternative when so requested by the drainage board at one of its meetings.)
- 12) The proposed reconstruction only slightly expands the existing drains to "ten year" capacity. This will not eliminate flooding when rainfall exceeds relatively small "ten year" amounts as it has frequently in the last few years. This slight capacity expansion considerably increases the cost of the project with minimal economic benefit. Mr. Anderson's land will probably still

flood more frequently than every ten years due to the larger rain events.

- 13) The Surveyor has not demonstrated sufficient economic benefit to non-flood plain property in terms of functionality or potential value, to justify the costs of reconstruction, as has been requested and is required by law. The Surveyor has refused to make this calculation when requested in Emails although he finally did so for flood plain owners in his final proposal. However his possible loss calculation assumes a complete loss to all flood plain acres when the flood plain is based on 100 year floods. In most floods only a portion, depending on slope of the land perhaps fifty percent or less of the flood plain crop land is affected. In years without floods, this land produces bonus yields. Flood plain property has almost zero value to developers when purchasing property, so the only potential economic benefit is to the farmers planting in the flood plain or to property buyers who desire the aesthetic benefits associated with creeks and flood plain areas. Properly structured crop flood insurance can compensate for these losses.
- 14) The combination of multiple drainage areas into a single entity means that ALL land owners may be subject to reconstruction costs for FUTURE work on ANY drain within the entity, in addition to the current proposed maintenance assessment for drains in the new Stony Creek entity. (Probably initiated by the Surveyor to spread the cost and reduce objections for future reconstruction assessments.) We object to this increased tax liability to cover these costs.
- 15) This proposed reconstruction will have no effect on the current flooding of 196th Street and other roads by Stony Creek that has occurred multiple times in the last few years. Reconstruction of this portion of Stony Creek is not included and is a possible future assessment by the Surveyor and Drainage Board to all parcels in the expanded drainage area.
- 16) The Surveyor recently attempted a similar assessment with similar high one time assessment costs for tree clearing only, without any reconstruction, on the Harvey Gwinn drain. Following strong objections, the drainage board limited that attempt to assessment at a lesser per acre amount of only \$2 for annual maintenance for future work. This proposal doubles that assessment for those landowners. (That additional Gwinn drain work is also a potential future assessment to all land in the expanded "pooled" area of the current proposal.)
- 17) If the drainage board chooses to proceed with the maintenance assessment despite the objections, we ask that the drainage board commit to limit all future reconstruction activities to those that can be funded from maintenance assessment fund balances or from bonds or other financing that is to be repaid from future maintenance assessments. The only exception should be reconstructions authorized by taxpayer referendum at a general election for county or state officials. Special elections for this purpose should be excluded.
- 18) In summary, for the above reasons, we object to:
 - a) combining the drainage areas,
 - b) the proposed reconstruction assessment, and
 - c) the proposed maintenance assessments.
- 19) If the undersigned is identified as a participant in the "unanimous support" stated by the Surveyor, previous support of this proposal is hereby withdrawn.
- 20) These objections and others are supported by existing Indiana Drainage Code and by Case Law. If the drainage board proceeds with these assessments, the undersigned will seriously consider, but are not required to, contribute to the cost of federal and state regulatory complaint filings and other litigation to delay and block the proposed assessments.

Petition to the Hamilton County Drainage Board consisting of the Hamilton County Commissioners (Steve Dillinger, Steve Holt, and Christine Altman).

We ask that you, as elected representatives of the taxpayers, deny the elected Surveyor Kenton Ward's proposals for the Stony Creek and Locke drains. We object to combining the Stony Creek drainage areas. We object to the assessment for the proposed reconstruction of a portion of Stony Creek and a portion of the Locke ditch. We also object to the excessive proposed maintenance assessment.

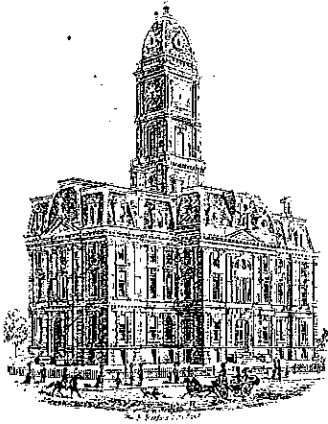
Signature

Printed Name

Address

Dan W. Gougeon *Dan W Gougeon* *12788 E 191st Street*
Noblesville IN 46060

General Partner, Maple Creek Limited Partnership
President, Hickory Creek Inc
Managing Member S.C.W. LLC



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

May 19, 2010

Dan W. Gowens
General Partner, Maple Creek Limited Partnership
President, Hickory Creek Inc.
Managing Member, S.C.W. LLC
12788 E. 191st Street
Noblesville, IN 46060

Re: Stony Creek / Locke Arm Reconstruction

I have received your objection letter dated May 12, 2010 regarding the above referenced drainage project.

You stated in your letter that you are opposed to the proposed drain reconstruction assessment, the excessive proposed maintenance assessment and combining the Stony Creek drainage portion of the Locke Ditch for the following reasons:

- 1) You state the Surveyor and Drainage Board have not fully complied with the procedural requirements specified in Federal laws and regulations, the Indiana Drainage Code and supporting case law. You have a question concerning notice to all of the parcels within the Stony Creek shed for the initial informational meeting held. You are having your attorney investigate other procedural issues related to stepwise progress on issues of this type.

Response: The entire Stony Creek shed parcels were not noticed for the initial meetings. The meetings were not public hearings, but informational meetings held for the landowners that have property adjoining the part of Stony Creek and Locke Arm proposed for reconstruction. Since the meetings were not public hearings, and no vote could be taken to assess property, the notice is not required.

2) You state that the existing problems with the Stony Creek and Locke Drains are due to the failure of the Surveyor and Drainage Board to maintain these ditches from the General Drainage Funds as required by Indiana Law.

Response: The Indiana Drainage Code prohibits us from using funds from the General Drainage Improvement Fund (GDIF) for maintenance and reconstruction of drains. Portions of Stony Creek and associated drainage arms to Stony Creek are regulated drains which fall under the jurisdiction of the Hamilton County Drainage Board per IC 36-9-27. Funding for the maintenance and reconstruction of regulated drains is obtained by assessments against all properties within the drainage shed of that drain.

3) You state the only landowners attending the initial hearing and providing unanimous support are ones that own land in the floodplain. Information about the dollar amount of the resulting probable assessments should have been distributed by mail to ALL landowners.

Response: The initial meetings (not hearings) were for landowners that own land adjoining the drain proposed for reconstruction. It is correct that some of their land is within the 100 year floodplain. Many of the landowners at the meetings signed the 2003 petition for reconstruction. You signed both the petition and favored the reconstruction knowing the reconstruction assessment would be between \$100.00 and \$122.00 dollars per acre.

4) You stated that ALL drainage reconstruction and maintenance activities should be paid from the Hamilton County General Fund just like highway, health, judicial, school, and other necessary county services, rather than partitioning those costs as special purposed taxes and user fees that bypass the percentage property tax limitations. Other Indiana counties have changed to this approach for drainage. You ask that the Hamilton County Drainage Board initiate steps to make this change and eliminate the pools by drainage shed of individual maintenance funds.

Response: I know of two (2) other counties in Indiana are making improvements to drainage from the cumulative drain fund which is funded from general tax dollars. Counties all over Indiana are suffering due to the property tax cuts implemented by the State of Indiana. It is unlikely that the Drainage Board and County Council would entertain such a shift in funding when faced with a \$4.7 million deficit for 2011.

5) You state that the proposed one time assessment for reconstruction of \$110.00 per acre with a tax parcel minimum of \$ 132.28 is an unnecessary one time tax with little or no benefit to parcel owners outside the floodplain. You state that the total reconstruction cost spread over the 600 acres in the floodplain, the reconstruction cost per economically benefited acre is \$2,287. You feel this is a nice subsidy to the landowner in the flood plain from the landowners of the 11,700 acres outside the floodplain. You ask that the notification letter should note the interest rate for paying over five years.

Response: The reconstruction of this drain will not change the limits of the 100 year floodplain. This reconstruction is to limit flooding of the property during the small storm events such as the 2, 5, and 10 year storm frequencies by keeping this drainage water within the banks of the channel. That is what the lower depth and wider channel bottom is intended to do. Because all of the Stony Creek Drainage Shed goes to parts of this drainage channel, the remaining 11,700 acres are draining through this section of open channel. Infiltration rates and land uses are considered when preparing the Master Plan of Drainage for Stony Creek. I venture to say that if all of the Stony Creek Drainage Shed didn't drain to the open channel we would not have a 100 year floodplain in this area.

The notice which was sent was written by the Drainage Board Attorney and approved by the Drainage Board.

- 6) You state the proposed multiple year annual maintenance assessment of \$4.00 per acre for eight or more years with a parcel minimum ranging from \$15.00 to \$75.00 is a new tax that is being imposed on many area landowners by the Drainage Board to create income to fund future Surveyor selected and specified expenses with little or no Drainage Board review and supervisory action. This tax, for landowners not previously assessed, could represent a 23 percent or greater increase in the annual taxes on their land based on 2010 rates. The provision for minimum amounts would probably significantly increase this percentage for small lot owners. (The Drainage Board is increasing both the rate and the number of years of assessment to increase this reserve for future expenses in many maintenance pools). Because of the expanded area to which this applies, taxpayers should probably view this as a permanent tax increase of 25 percent or more, because these funds will undoubtedly be used because of work needed on the many drains that are included.

Response: The maintenance assessment is not a tax. It is a user's fee to those draining to the Stony Creek open channel. This money can only be used to maintain this drain and the regulated drains as set out in the report. If it were a tax we could use it on any drain that needed it, not only for the drain that landowners live on. The Indiana Drainage Code is very clear on this. The Surveyors Office must keep the funds separate for each drain and funds can only be used on that drain.

The Surveyor is asking for an increase in maintenance assessment to this drainage shed, including maintenance assessments to those that have never paid before, in order to prevent the landowners from receiving a large reconstruction assessment in the future. This is what the landowners have been telling us. They prefer more small maintenance assessments and not one large reconstruction assessment. If the board approves the increase it would take 31 years to accumulate the funds required for this reconstruction. (We can only use 75% of the maintenance fund for a reconstruction). The Surveyor is asking that the maintenance fund have 8 years worth of collections before stopping the maintenance collection.

- 7) You state that the landowners currently have the option of placing cropped floodplain land in a tree conservation program that pays an initial one time incentive of a least \$500.00 followed by 14-15 years of as much as \$200.00 or more per acre based on soil type. The program also pays 90 percent of the cost of putting in the trees. The resulting trees go to the landowner at the end of the program for additional profit potential.

Response: The Drainage Code, Drainage Board and Surveyor do not allow planting of trees within the 75 foot drainage easement on each side of the drain.

- 8) You state the recent United States Supreme Court ruling on the subject of corporations having the same rights as an individual person may raise questions on the equity of varying tax assessments based on the type of owner. Existing case law may or may not have addressed the question of assessment variability based on type and size of property. The results of the current Indiana lawsuit about the percentage limitations on property tax may provide a basis for future litigation on this subject.

Response: I do not understand your question. The Drainage Board Attorney will have to respond to this question.

- 9) You state the lack of historical assessments on portions of drains in the proposed new Stony Creek Drainage Area, the use of existing historical assessments for those assessed drains until expended, and the use of new assessments on all drains for existing drainage issues on drains not previously assessed, such as the current proposal, provides an arguments against the pooling of all drains into the new expanded Stony Creek Drain. Parcel owners who have been paying assessments will now be paying assessments that benefit parcels that have not paid any assessment in the past. This is not an equitable and fair proposal with potential issues at the edge of double taxation.

Response: This is being done throughout the county and is a measure to keep from double assessing or stacking assessments on property owners.

- 10) You state the primary benefit of the proposed reconstruction is the owner/leasers of agricultural floodplain property are the taxpayers that should be asked to pay any one time assessed reconstruction costs on a voluntary and allocated benefit basis. (Allocated assessment based on benefit is an option for the Drainage Board that is provided by the Indiana Drainage Code. Voluntary assessments would exclude floodplain owners who support the conservation and water quality improvement program alternatives rather than applying chemicals and fertilizer that can pollute flood waters).

Response: I disagree with your first sentence. See my response to item 5. All parcels in this shed benefit because their drainage flows to the portion of Stony Creek and Locke arm in the proposed reconstruction. All over, landowners have the right to farm their land. If you want to place portions of your land in a conservation plan that is your option.

- 11) You state the proposed reconstruction cost far exceeds the preferable and less expensive approach of just removing sediment from the existing drain to allow underground farm tiles to flow properly as they did for many years following the last reconstruction approximately fifty years ago. Although the Surveyor suggests that the ditch would fail in five or six years, it operated for over thirty years as it was originally constructed. Perhaps historical experience is better than opinion. (The Surveyor, Kenton Ward, refused to provide the cost of this alternative when so requested by the Drainage Board at one of its meetings).

Response: As a licensed engineer I used sound engineering practice to design this channel reconstruction. I cannot design plans that may fail within a short time frame that could be considered negligence. I have to protect my stamp. I will not jeopardize it. The Surveyor did not provide an alternate cost because he will not be party to a lesser project. The project is either approved this way or it is not approved. I believe the drain will function many times better than it has over the last 50 years. You and I were not familiar with this drain 15 to 50 years ago.

- 12) You state the proposed reconstruction only slightly expands the existing drains to "ten year" capacity. This will not eliminate flooding when rainfall exceeds relatively small "ten year" amounts as it has frequently in the last few years. This slight capacity expansion considerably increases the cost of the project with minimal economic benefit. Mr. Anderson's land will probably still flood more frequently than every ten years due to the larger rain events.

Response: The 10 year storm frequency has a 0.1 (10%) percent chance of happening each year. That is why they occur more often than every 10 years. A 100 year storm frequency has a 0.01 (1%) percent chance of happening each year. You can have 2 – 100 year storms back to back in the same year. The terminology is confusing.

Good engineering practice calls for this type of channel to be designed to contain the 10 year storm frequency within its banks. Other open channels are designed to contain the 50 or 100 year storm frequency. The older channels in the county were probably designed for a 1 or 2 year storm event. The amount of precipitation used in hydrologic design has increased over the years because of keeping records of each storm. Good engineering practice in the last 20 years is as I have done.

- 13) You state the Surveyor has not demonstrated sufficient economic benefit to non-floodplain property in the terms of functionality or potential value, to justify the costs of reconstruction, as has been requested and is required by law. The

Surveyor has refused to make this calculation when requested in emails, although he finally did so for floodplain owners in his final proposal. However his possible loss calculation assumes a complete loss to floodplain acres when the floodplain is based on 100 year floods. In most floods only a portion, depending on slope of the land perhaps fifty percent or less of the floodplain crop land is affected. In years without floods, this land produces bonus yields. Floodplain property has almost zero value to developers when purchasing property, so the only potential economic benefit is to the farmers planting in the floodplain or to property buyers who desire the aesthetic benefits associated with creeks and floodplain areas. Properly structured crop flood insurance can compensate for these losses.

Response: The economic analysis you requested would take a CPA. The Board would have to approve this. Do you really want this expense added to the cost of reconstruction? I calculated the potential lose on the 100 year storm frequency. I cannot obtain mapping of any other storm frequency other than the 500 year frequency. To obtain another level of mapping would entail \$50,000 to \$100,000 in hydrologic modeling. The farm fields are flooding way more often than at 100 year storm frequencies. This is because the outlet tiles from the farm fields to the drain are submerged in muck.

As a previous land developer I disagree that floodplain ground has zero value to developers. The current cost per acre is nearly the same. In the early days developers could talk landowners out of paying for the floodplain or paying a much lower cost. Landowners now know that without the high ground in the mix, the floodplain ground has little value. So they do not want to sell the high ground without selling the flood plain ground included. Also the developers use this floodplain ground, mostly un-buildable, to reduce their overall density calculations. This helps their ability to obtain re-zoning and entitlements. This is the value of the floodplain to developers.

- 14) You state the combination of multiple drainage areas into a single entity means that all landowners may be subject to reconstruction costs for future work on any drain within the entity, in addition to the current proposed maintenance assessment for drains in the new Stony Creek entity. (Probably initiated by the Surveyor to spread the cost and reduce objections for future reconstruction assessments). We object to this increased tax liability to cover these costs.

Response: It is very unlikely that wholesale reconstructions throughout the drainage area will occur. For example, if the landowners petitioned for the N.H Teter drain to be reconstructed and if 75% of the maintenance fund could not cover this cost, the Surveyors Office would prepare plans, estimate cost and ask the board for a public hearing much like the one for this project.

- 15) You state this proposed reconstruction will have no effect on the current flooding of 196th Street and other roads by Stony Creek that has occurred multiple times in the last few years. Reconstruction of this portion of Stony Creek is not included and is a possible future assessment by the Surveyor and Drainage Board to all parcels in the expanded drainage area.

Response: The double box culvert at 196th street was not designed for the 100 year storm frequency. When it becomes blocked, it probably cannot pass the 50 year storm frequency. It is the Hamilton County Highway Departments responsibility to construct or replace bridges and culverts, not the Surveyors Office. The Surveyors Office or Drainage Board cannot assess any landowners for bridge, culvert or highway construction within public right of way.

- 16) You stated that the Surveyor recently attempted a similar assessment with similar high one time assessment costs for tree clearing only, without any reconstruction. On the Harvey Gwinn Drain. Following strong objections, the Drainage Board limited that attempt to assessment at a lesser per acre amount of only \$2.00 for annual maintenance for future work. This proposal doubles that assessment for those landowners. (That additional Harvey Gwinn Drain work is also a potential future assessment to all land in the expanded "pooled" area of the current proposal).

Response: The Harvey Gwinn drain was petitioned by the landowners on the drain for reconstruction. This drain was not collecting any maintenance dues at the time. The Surveyors Office asked for a public hearing on the reconstruction and maintenance assessment. The Drainage Board approved the maintenance but not the reconstruction. at \$2.00 per acre this drain will not be reconstructed in my lifetime using maintenance funds. If the landowners petition again for reconstruction we will be required to bring the petition to the Drainage Board.

- 17) You state the Drainage Board chooses to proceed with the maintenance assessment despite the objections, we ask that the Drainage Board commit to limit all future reconstruction activities to those that can be funded from maintenance assessment fund balances or from bonds or other financing that are to be repaid from future maintenance assessments. The only exception should be reconstructions authorized by taxpayer referendum at a general election for county or state officials. Special elections for this purpose should be excluded.

Response: I do not think the Drainage Board can do this.

- 18) You state for the above reasons, we object to:
- a) Combing the drainage areas.
 - b) The proposed reconstruction assessment, and
 - c) The proposed maintenance assessments.

Response: So noted.

- 19) You state that if the undersigned is identified as a participant in the "unanimous support" stated by the Surveyor, previous support of this proposal is hereby withdrawn.

Response: So noted.

20) You state these objections and others are supported by existing Indiana Drainage Code and by Case Law. If the Drainage Board proceeds with these assessments, the undersigned will seriously consider, but are not required to, contribute to the cost of Federal and State regulatory complaint filings and other litigation to delay and block the proposed assessments.

No response.

Sincerely,

Christie Kallio, PE
Project Engineer
Hamilton County Surveyors Office

Date: May 12, 2010

To: ✓ Ms. Christine Altman
Mr. Steven Dillinger
Mr. Steven Holt

From: Dan Gouwens, General Partner, Maple Creek Limited Partnership

As county commissioners, the three of you are very "powerful" folks in shaping what goes on in Hamilton County. My attendance at Drainage Board meetings and my efforts with the Surveyor's office to bring a low cost common sense solution to the Stony Creek Locke Ditch problem have given me an interesting view of how things seem to work.

I am a farm boy who became a 28 year employee in Research, Development and Control at Eli Lilly and Company, who was involved in computer systems development for drug discovery and approval, along with computerization of laboratory information, and development of software to move the fermentation process from dials and manual valve twisting, to full computer monitoring and control. I also had hands on involvement in the real estate area through my participation and partial ownership in Sand Creek Woods Apartments and single family homes in Fishers. I have other business experience as well. Hopefully this history of working with various government and private entities gives some credibility to my knowledge and opinions.

I've prepared more than twenty copies of a petition that is a combination of information and basis for objection that is now circulating in the community. I also placed an appeal for information help with the Noblesville Times.

The reaction that I am getting from other residents is a combination of being upset by the lack of consideration and common sense, coupled with "Its useless to object because they are going to do what they want no matter what we say". There is concern about how to find the dollars to pay the cost from folks on limited incomes. I find no support other than from a few farmers who own flood plain land and will be the sole beneficiaries.

I've made a number of suggestions to Kent and to you, such as a survey of taxpayers, meetings that didn't require lost time from work, cost allocation based on benefit as provided by law, and requests for lower costs alternatives, that have all been discounted or ignored. Apparently a single knowledgeable citizen cannot be effective. My own health issues involving prostate cancer place limits on what I feel that it is wise for me to continue to do.

IF, and that is a big IF, the Drainage Board were operating as a profit making business entity, rather than taking the position that taxpayers have to do things on its terms, you would find out what the folks out here really think. Government appears to have evolved into a relatively small group of folks, primarily lawyers and their friends, who don't seem to listen very well outside of their circle, that includes businesses who benefit from the contracts they are granted.

The "tea party" group is just a symptom of the growing dissatisfaction that has a much broader base than the focused views they represent. When politicians choose to not listen and to not satisfactorily explain their positions beyond sound bites, the voters use the only method that is listened to, at the ballot box.

What do you think the response would be if you did a telephone survey of the four hundred or more "to be assessed" taxpayers with questions like:

- 1) "Do you want a small part of Stony Creek and Locke Ditch reconstructed at a one time cost to you of more than six times your current annual taxes on your land?"
- 2) "Do you want a more than twenty percent increase in taxes on your land to provide for drain maintenance?"
- 3) "Do you want to combine the drainage sheds in 12,000 acres so you can also be charged for reconstruction on any of those drains?"
- 4) "Do you know what a drainage shed is? (It's not a building.)"
- 5) "Should all county drainage be handled as a county wide or city General Fund item, like roads, sewers, health, and law enforcement?"

If you did a focus group consisting for more than just flood plain land owners, what do you think you might hear?

The one time charge to my family for this reconstruction with no significant benefit to us exceeds \$19,000. I'm told there is substantial legal basis and case law to support objection through the courts, since there will be little or no benefit to us as required by law. My Emails and the responses to it should lay the ground work for any legal action that we choose to take. Attached is a signed copy of my petition that should preserve my right to take legal action if we choose to do so.

I'm very disappointed in what I have observed. You give lip service but you don't appear to care what people out here really think. You don't seem to want to listen or invest any real effort in going beyond "Hire a lawyer and do it our way!"

Dan V. Torrance

**Petition to the Hamilton County Drainage Board consisting of the Hamilton County
Commissioners (Steve Dillinger, Steve Holt, and Christine Altman).**

We ask that you, as elected representatives of the taxpayers, deny the elected Surveyor Kenton Ward's proposals for the Stony Creek and Locke drains. We object to combining the Stony Creek drainage areas. We object to the assessment for the proposed reconstruction of a portion of Stony Creek and a portion of the Locke ditch. We also object to the excessive proposed maintenance assessment. We object for the following reasons:

- 1) The surveyor and drainage board have not fully complied with the procedural requirements specified in Federal laws and regulations, and the Indiana Drainage Code, and supporting case law. There may be a legal question as to whether all assessed landowners in the current pooled Stony Creek proposal were notified of that initial meeting. Other procedural issues such as those related to stepwise progress on issues of this type will be investigated by attorney's who will be retained if needed to support this action.
- 2) The existing problems with the Stony Creek and Locke drains are due to the failure of the Surveyor and the Drainage Board to maintain these ditches from General Drainage Funds as required by Indiana Law.
- 3) The only landowners attending the initial hearing and providing the "unanimous support" noted by the Surveyor, were those who owned land in the flood plain. Information about the dollar amount of the resulting probable assessments to all parcel owners, although possibly not required by law, should have been distributed by postal mail to ALL landowners with an opportunity to provide objection, prior to proceeding with the expenses and staff effort for the planning of this project. (Procedures should be changed to provide postal mail notice of the results of public meetings to the affected taxpayers. So few of us have time or desire to attend all legal notice meetings until we learn that the resulting consequences significantly affect us personally. I don't recall any news media at those meetings.)
- 4) ALL drainage reconstruction and maintenance activities should be paid from the Hamilton County General Fund just like highway, health, judicial, school, and other necessary county services, rather than partitioning those costs as special purpose taxes and user fees that bypass the percentage property tax limitations. Other Indiana counties have changed to this approach for drainage. We ask that the Hamilton County Drainage Board initiate steps to make this change and eliminate the pools by drainage shed of individual maintenance funds.
- 5) The proposed one time assessment for reconstruction of \$110 per acre with a tax parcel minimum of \$132.28 is an unnecessary one time tax with little or no benefit to parcel owners out side of the flood plain as detailed in the following points. This **reconstruction assessment represents a one time tax that is more than six times the 2010 tax assessment on the bare land.** When the reconstruction costs of \$1,372,296 are applied to the estimated 600 acres of flood plain land, **the reconstruction cost per economically benefited acre is \$2,287.** This is a nice subsidy to the land owners of the 600 flood plain acres from land owners of the 11,700 acres outside of the flood plain. The notification letter should note the interest rate for the option of paying over five years. If this five year option is selected, property tax payments more than double for the five year period, for just the reconstruction assessment.
- 6) The proposed multiple year annual maintenance assessment of **\$4 per acre for eight or more years with a parcel minimum ranging from \$15 to \$75** is a new tax that is being imposed on many area landowners by the drainage board to create income to fund future Surveyor selected

and specified expenses with little or no drainage board review and supervisory action. This tax, for land owners not previously assessed, could represent a **23 percent or greater increase in the annual taxes** on their land based on 2010 rates. The provision for minimum amounts would probably significantly increase this percentage for small lot owners. (The drainage board is increasing both the rate and the number of years of assessment to increase this reserve for future expenses in many maintenance pools.) Because of the expanded area to which this applies, taxpayers should probably view this as a permanent tax increase of 25 percent or more, because these funds will undoubtedly be used because of the work needed on the many drains that are included.


- 7) Landowners currently have the option of placing cropped flood plain land in a tree conservation program that pays an initial one time incentive of at least \$500, followed by 14-15 years of as much as \$200 or more per acre based on soil type. The program also pays 90 percent of the cost of putting in the trees. The resulting trees go to the landowner at the end of the program for additional profit potential.
- 8) The recent United States Supreme Court ruling on the subject of corporations having the same rights as an individual person may raise questions on the equity of varying tax assessments based on the type of owner. Existing case law may or may not have addressed the question of assessment variability based on type and size of property. The results of the current Indiana lawsuit about the percentage limitations on property tax may provide a basis for future litigation on this subject.
- 9) The lack of historical assessments on portions of drains in the proposed new Stony Creek drainage area, the use of existing historical assessments for those assessed drains until expended, and the use of new assessments on all drains for existing drainage issues on drains not previously assessed, such as the current proposal, provides an argument against the pooling of all drains into the new expanded Stony Creek drain. Parcel owners who have been paying assessments will now be paying assessments that benefit parcels that have not paid any assessment in the past. This is not an equitable and fair proposal with potential issues at the edge of double taxation.
- 10) The primary benefit of the proposed reconstruction is to owner/lessors of agricultural flood plain property who are the taxpayers that should be asked to pay any one time assessed reconstruction costs on a voluntary and allocated benefit basis. (Allocated assessment based on benefit is an option for the drainage board that is provided by the Indiana Drainage Code. Voluntary assessments would exclude flood plain owners who support the conservation and water quality improvement program alternatives rather than applying chemicals and fertilizer that can pollute flood waters..)
- 11) The proposed reconstruction cost far exceeds the preferable and less expensive approach of just removing sediment from the existing drain to allow underground farm tiles to flow properly as they did for many years following the last reconstruction approximately fifty years ago. Although the surveyor suggests that the ditch would fail in five or six years, it operated for over thirty years as it was originally constructed. Perhaps historical experience is better than opinion. (The Surveyor, Kenton Ward, refused to provide the cost of this alternative when so requested by the drainage board at one of its meetings.)
- 12) The proposed reconstruction only slightly expands the existing drains to "ten year" capacity. This will not eliminate flooding when rainfall exceeds relatively small "ten year" amounts as it has frequently in the last few years. This slight capacity expansion considerably increases the cost of the project with minimal economic benefit. Mr. Anderson's land will probably still

flood more frequently than every ten years due to the larger rain events.

- 13) The Surveyor has not demonstrated sufficient economic benefit to non-flood plain property in terms of functionality or potential value, to justify the costs of reconstruction, as has been requested and is required by law. The Surveyor has refused to make this calculation when requested in Emails although he finally did so for flood plain owners in his final proposal. However his possible loss calculation assumes a complete loss to all flood plain acres when the flood plain is based on 100 year floods. In most floods only a portion, depending on slope of the land perhaps fifty percent or less of the flood plain crop land is affected. In years without floods, this land produces bonus yields. Flood plain property has almost zero value to developers when purchasing property, so the only potential economic benefit is to the farmers planting in the flood plain or to property buyers who desire the aesthetic benefits associated with creeks and flood plain areas. Properly structured crop flood insurance can compensate for these losses.
- 14) The combination of multiple drainage areas into a single entity means that ALL land owners may be subject to reconstruction costs for FUTURE work on ANY drain within the entity, in addition to the current proposed maintenance assessment for drains in the new Stony Creek entity. (Probably initiated by the Surveyor to spread the cost and reduce objections for future reconstruction assessments.) We object to this increased tax liability to cover these costs.
- 15) This proposed reconstruction will have no effect on the current flooding of 196th Street and other roads by Stony Creek that has occurred multiple times in the last few years. Reconstruction of this portion of Stony Creek is not included and is a possible future assessment by the Surveyor and Drainage Board to all parcels in the expanded drainage area.
- 16) The Surveyor recently attempted a similar assessment with similar high one time assessment costs for tree clearing only, without any reconstruction, on the Harvey Gwinn drain. Following strong objections, the drainage board limited that attempt to assessment at a lesser per acre amount of only \$2 for annual maintenance for future work. This proposal doubles that assessment for those landowners. (That additional Gwinn drain work is also a potential future assessment to all land in the expanded "pooled" area of the current proposal.)
- 17) If the drainage board chooses to proceed with the maintenance assessment despite the objections, we ask that the drainage board commit to limit all future reconstruction activities to those that can be funded from maintenance assessment fund balances or from bonds or other financing that is to be repaid from future maintenance assessments. The only exception should be reconstructions authorized by taxpayer referendum at a general election for county or state officials. Special elections for this purpose should be excluded.
- 18) In summary, for the above reasons, we object to:
 - a) combining the drainage areas,
 - b) the proposed reconstruction assessment, and
 - c) the proposed maintenance assessments.
- 19) If the undersigned is identified as a participant in the "unanimous support" stated by the Surveyor, previous support of this proposal is hereby withdrawn.
- 20) These objections and others are supported by existing Indiana Drainage Code and by Case Law. If the drainage board proceeds with these assessments, the undersigned will seriously consider, but are not required to, contribute to the cost of federal and state regulatory complaint filings and other litigation to delay and block the proposed assessments.

Petition to the Hamilton County Drainage Board consisting of the Hamilton County Commissioners (Steve Dillinger, Steve Holt, and Christine Altman).

We ask that you, as elected representatives of the taxpayers, deny the elected Surveyor Kenton Ward's proposals for the Stony Creek and Locke drains. We object to combining the Stony Creek drainage areas. We object to the assessment for the proposed reconstruction of a portion of Stony Creek and a portion of the Locke ditch. We also object to the excessive proposed maintenance assessment.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Dan W Gouweens	12788 E 191st Noblesville IN
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12-08-31-00-00-009.003
12-08-30-00-00-036.001
12-08-30-00-00-036.000



May 12, 2010

Hamilton County Drainage Board
One Hamilton County Square
Suite 188
Noblesville, IN. 46060

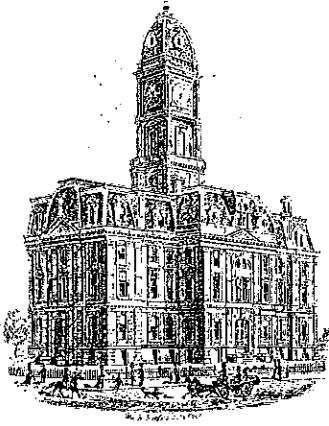
RE: Stoney Creek Drainage Area, Locke Arm Reconstruction

I strongly oppose the above referenced reconstruction project. The cost for our parcel of land is extremely excessive and we will receive no benefit from the reconstruction.

Our drainage is to the E.O. Michaels Drain and then to Stoney Creek; not the Wm.Locke Ditch. My understanding is that Stoney Creek is under jurisdiction of the Indiana Dept. Of Natural Resources, not Hamilton County.

It is also my understanding that all property owners are to receive notification, by 1st class mail, of the hearings for this project. Myself as well as my neighbors did not receive any notification until we received our Property Tax Statements.

Steve Perry & Vicky Reed
15157 E. 191st Street
Noblesville, IN. 46060



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

May 18, 2010

Steve Perry and Vicky Reed
15157 East 191st Street
Noblesville, IN 46060

Re: Stony Creek / Locke Arm Reconstruction

I have received your objection letter dated May 14, 2010 regarding the above referenced drainage project.

You stated in your letter that you're drainage goes to the E.O. Michaels Drain and then to Stony Creek. You own 3 parcels of land totaling approximately 37.5 acres. Per our drainage maps roughly 10 acres drain to the E.O. Michaels drain, which flows into Stony Creek just south of 186th Street. The remaining 27.5 acres drains to the S.E. Carpenter Drain which flows to the unregulated Stony Creek which flows west to the confluence of the William Locke Drain and Stony Creek.

The proposed reconstruction project will start north of 211th Street on the William Locke Arm and continue south on Stony Creek to SR 32.

Portions of Stony Creek and associated drainage arms to Stony Creek are regulated drains which fall under the jurisdiction of the Hamilton County Drainage Board per IC 36-9-27. Funding for the maintenance and reconstruction of regulated drains is obtained by assessments against all properties within the drainage shed of that drain. Per Section 69(b) (1) of the statute the entire land area drained by the drain, shall be considered to be benefited and shall be assessed. Your property falls within the Stony Creek Drainage Shed.

You stated in your letter that your understanding is that Stony Creek is under the jurisdiction of the Indiana Department of Natural resources. Hamilton County is responsible for reconstruction and maintenance of the drain. We obtained permits for this reconstruction from the Army Corp of Engineers, the Indiana Department of Environmental Management and the Indiana Department of Natural Resources (IDNR). IDNR does not have jurisdiction over a County regulated drain that is less than 10 miles in length. The William Locke Arm is less than 10 miles in length and a permit from IDNR was not required. Stony Creek is longer than 10 miles and an IDNR permit was obtained for that portion of the reconstruction.

You said in your letter that all property owners were to be noticed by first class mail. You receive a notice of the public hearing, by first class mail, for each parcel that you own. The other meetings this office held in 2009 were informational meetings only and not public hearings. These meetings were held to determine the level of support the project had from landowners that owned land adjoining the open drains and to obtain information from them on the condition of the open channel and their outlets into the channel. The landowners at this meeting could not vote to approve a reconstruction or maintenance assessment. A drainage assessment can only be approved or denied by the Hamilton County Drainage Board during a Public Hearing.

Sincerely,



Christie Kallio PE
Project Engineer
Hamilton County Surveyors Office

14-0001-9-013
14-0001-1-020

14-0001-1-010
Madison County

Hamilton Co Drainage Board

I am against the reconstruction of the Stony Creek Drain, Locke Arm. I can't pay this large sum of money or I will be farming this ground for no profit for the next few years. We have already paid for reconstruction on the upper portion of this drain a few years ago. The underground portion from Chynthianne Rd has already had reconstruction.

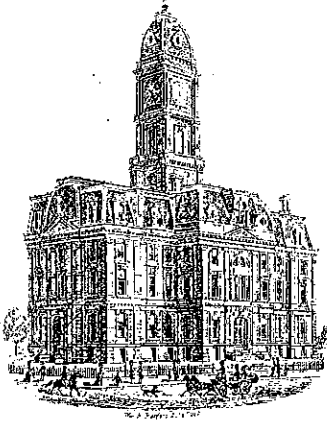
Michael Swachhammer

Private Land Owner &
Share holder in Diversified Enterprises Inc.



Mike Swachhammer
654 N. 90 Rd 13
Anderson, IN
46011

Hamilton County
12-08-19-00-00-005.000
12-08-20-00-00-018.002



SURVEYOR'S OFFICE
Hamilton County

May 12, 2010

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

Mike Swackhamer
654 N. State Road 13
Anderson, IN 46011

Re: Stony Creek / Locke Arm Reconstruction

I have received your objection letter filed May 7, 2010 regarding the above referenced drainage project.

You stated in your letter that you object to the assessment because it is a large sum of money and you will be farming the ground for several years without profit. The assessment for the reconstruction can be paid over five years at 2 payments per year.

You also stated that you are already paying for the upstream portion of the drain reconstruction. The Charles Huffman Drain, which drains into the William Locke Arm, was reconstructed several years ago. The work has been completed on phase one and two of that project. In the surveyor's drainage report dated August 11, 1997, stated that the remainder of the drain will be reconstructed at a later date (Hamilton County Drainage Minutes Book 4, page 456). The Stony Creek / Locke Arm reconstruction will complete the project.

Portions of Stony Creek and associated drainage arms to Stony Creek are regulated drains which fall under the jurisdiction of the Hamilton County Drainage Board per IC 36-9-27. Funding for the maintenance and reconstruction of regulated drains is obtained by assessments against all properties within the drainage shed of that drain. Per Section 69(b) (1) of the statute the entire land area drained by the drain, shall be considered to be benefited and shall be assessed. Your property falls within the Stony Creek Drainage Shed.

Sincerely,

Christie Kallio, PE
Project Engineer
Hamilton County Surveyors Office

Stony Creek, Locke Arm 13350 E. 186th St.
Noblesville, IN 46060

Parcel #'s

May 17, 2010

12-07-26-00-00-006.001
.002
.010
.011
.012
.013

Hamilton County Drainage Board,

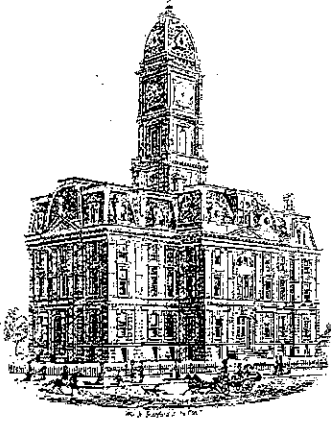
We object to the proposed reconstruction assessment on our land. We feel that the amount is excessive and that the dredging is unnecessary at this time.

We own 50 acres and the reconstruction assessment is \$5,643.28 which is more than we receive for rent for farming.

We own 6 parcels and I understand that therefore we are allowed 6 objections.



Aileen M. Petty
(Ralph S. Petty)



May 19, 2010

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

Aileen M. and Ralph S. Petty
13350 E. 186th Street
Noblesville, IN 46060

Re: Stony Creek / Locke Arm Reconstruction

I have received your objection letter filed May 17, 2010 regarding the above referenced drainage project.

You stated in your letter that you object to the reconstruction assessment because it is a large sum of money and it is unnecessary at this time. You also said that the assessment on your 50 acres is \$5,643.28 which is more than you receive for rent for farming the ground.

The reconstruction assessment is a large sum of money. If the drainage board approves the reconstruction this assessment may be paid over 5 years, 2 payments per year. The payments after the 1st year will include a 10 % interest fee.

The Hamilton County Surveyors Office (HCSO) received a petition for reconstruction on this drain in 2003. It was signed by 55 land owners representing over 3,300 acres of land. This petition represented over 15 % of the property owners and the HCSO is required to act on this petition. Parts of the Stony Creek / Locke arm are silted in over 2 feet deep and farm tiles are submerged and can not drain the property.

The drainage objections received by the HCSO are counted in acres, not in number of parcels. Your objection will be counted for 50 acres and shown on an exhibit at the May 24th public hearing of the Drainage Board.

Sincerely,

Christie Kallio, PE
Project Engineer
Hamilton County Surveyors Office

12-08-17-00-00-005.000

12-08-17-00-00-003.000

Hamilton County Drainage Board
Suite 188
One Hamilton Square
Noblesville, IN 46060-2230

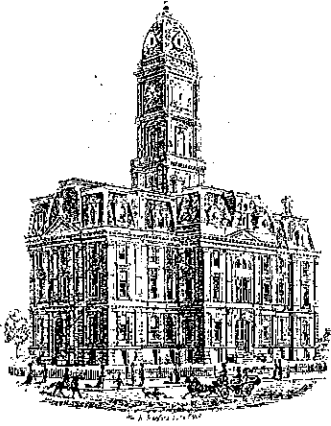


Dear Members,

You, the members of the Drainage Board, are asking an exorbitant amount of money for the maintenance of Stoney Creek Drain, Locke Arm. We would like to see the expenditures over the last forty-three years showing the monies spent to maintain the drain. Assessments have been paid for the drain which should mean there was money to pay for the upkeep. Where is all the money paid in specifically for this drain? Either you have the money or you have spent it on maintenance. Either way, the expenditure you are asking is extremely high. We don't need a new drain, just maintain the one we have. Of course, having maintained it properly over the years (?), means this request for large amounts of monies is unnecessary. If you haven't maintained it over the years, then reach into the assessment monies already paid in for this purpose, and withdraw this ridiculous request.

We have already been assessed for this drain, it is unreasonable to ask for more. In case you haven't noticed, the economy is bad and this places an unreasonable burden on we the assessment/tax payers. Again, if the drain had been maintained over the years, there would not be a need for reconstruction. Some people stand to gain quite a bit for this "reconstruction" and once again it is not the assessment payers. This is quite a burden!

Jack and Linda Busby
21291 State Road 13N
Noblesville, IN 46060



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

May 17, 2010

Jack and Linda Busby
21291 State Road 13 N
Noblesville, IN 46060

Re: Stony Creek / Locke Arm Reconstruction

I have received your objection letter filed May 17, 2010 regarding the above referenced drainage project.

In your letter you requested to see the expenditures over the last forty three years to maintain the drain.

Your property drains to the Frank Huffman Drain. Hamilton County started collections on this drain in 1985. Hamilton County collects the maintenance assessment and we send the collections to the Madison County Surveyor and they maintain the drain. You can contact Angie at the Madison County Surveyors office for the balance. The balances of the other drainage maintenance funds are given in the Stony Creek Drainage Area, Locke Arm reconstruction report on the Hamilton County Web page. The fees collected for separate arms of the drain can only be used on that specific arm. Although we have a balance in most of the drainage arm maintenance funds they can not be used to reconstruct the open channel for which the arms drain to.

The Frank Huffman Drain flows to the Charles Huffman drain which flows to the William Locke Drain. The proposed reconstruction is the continuance of the Charles Huffman Drain reconstruction.

The Charles Huffman Drain was reconstructed several years ago. The work has been completed on phase one and two of that project. In the surveyor's drainage report dated August 11, 1997, it states that the remainder of the drain will be reconstructed at a later date (Hamilton County Drainage Board Minutes Book 4, page 456). The Stony Creek / Locke Arm reconstruction will complete the project. You were assessed for phases one and two of the project. This assessment is for reconstruction of the remainder.

Portions of Stony Creek and associated drainage arms to Stony Creek are regulated drains which fall under the jurisdiction of the Hamilton County Drainage Board per IC 36-9-27. Funding for the maintenance and reconstruction of regulated drains is obtained by assessments against all properties within the drainage shed of that drain. Per Section 69(b) (1) of the statute the entire land area drained by the drain, shall be considered to be benefited and shall be assessed. Your property falls within the Stony Creek Drainage Shed.

Sincerely,

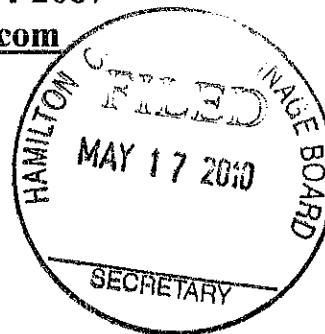
A handwritten signature in cursive script that reads "Christie Kallio".

Christie Kallio, PE
Project Engineer
Hamilton County Surveyors Office

WILLIAM E. COOPER
14620 E. 191st STREET
NOBLESVILLE, IN 46060
Of (317) 770-1784; Fax (765) 534-2067
E-mail: bill@cooperindiana.com

May 13, 2010

Hamilton County Drainage Board
One Hamilton County Square, Ste 188
Noblesville, IN 46060-2230



Re: Stony Creek Drain-Locke Arm

My name is William Cooper. I have 4 parcels of ground at my residence affected by the Stony Creek Drain-Locke Arm. Additionally, I have 2 businesses involving 5 additional parcels of land within the same area. All are subject to a reconstruction assessment and annual maintenance assessment.

I am strongly opposed to this reconstruction project as proposed. Some of the reasons for my opposition are:

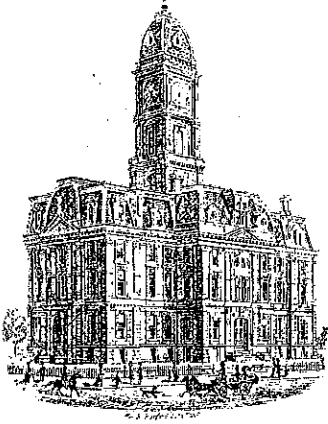
- 1) The drain seems to benefit certain types of land uses more than others. I know the attempt is to charge fairly and treat people fairly, but some, who use the land to make a living, seem to be treated more fairly than others. Accordingly, their share of expense should be more than others not using the land for income purposes. I suggest to divide the expense on a pro rate basis using income from the as a criteria.
- 2) Part of my ground is in a flood plain, as is other ground affected by the drain. I feel certain this ground will remain in a flood plain and still have the restrictions a flood plain poses.
- 3) The cost is too high in my opinion for the net benefit.
- 4) 3 of my parcels are what constitute Green Acres Park, 13900 State Road 32 East, Noblesville, IN. Another county agency, the Hamilton County Highway department, has already negligently affected my business in negative way. The county committed at a public meeting on March 3, 2009 to announce the findings of their Ohio Road study by the fall of 2009. (The results are still not announced). These parcels fall into the subject area that could be condemned by the county (if they ever announce). It is not fair to bill me on ground that may not be mine, not by my choice, at some point in the foreseeable future.

I fail to see how these expenses will benefit many of the residents served by the ditch, nor see how your proposal is fair.

Sincerely,

William E. Cooper
William E. Cooper

12-07-25-00-01-001.001
12-07-25-00-01-001.002
12-07-25-00-01-003.000
12-07-25-00-01-005.000



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

May 19, 2010

William E. Cooper
14620 E. 191st St.
Noblesville, IN 46060

Re: Stony Creek / Locke Arm Reconstruction

I have received your objection letter dated May 13, 2010 regarding the above referenced drainage project.

You stated in your letter that you are opposed to the drain reconstruction.

The four (4) parcels at your residence drain to the unregulated portion of Stony Creek that runs from Madison County, west to the confluence point of the William Locke Arm and Stony Creek. Your properties drain through Stony Creek and eventually to White River.

You stated in your letter that some land like farm land (that produces an income) benefit more than others. You stated that the expenses be divided on a pro rate basis using income from as a criteria. This would be impossible to do since the County is not privy to incomes from individuals or businesses.

Portions of Stony Creek and associated drainage arms to Stony Creek are regulated drains which fall under the jurisdiction of the Hamilton County Drainage Board per IC 36-9-27. Funding for the maintenance and reconstruction of regulated drains is obtained by assessments against all properties within the drainage shed of that drain. Per Section 69(b) (1) of the statute the entire land area drained by the drain, shall be considered to be benefited and shall be assessed. Your property falls within the Stony Creek Drainage Shed.

Sincerely,

Christie Kallio, PE
Project Engineer
Hamilton County Surveyors Office