

SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County
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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

February 26, 2013

To: Hamilton County Drainage Board

Re: Stony Creek Drain – Fort, Whetsel & Taylor Arm

Attached is a petition filed by Patsy A. Fort, Tommy T. Whetsel and Linda Taylor to regulate Stony Creek on their properties located in Wayne Township in Hamilton County, Indiana. I have reviewed the petition and have found it to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will be less than the benefits accruing to the owners of land likely to be benefited. I also believe that no damages will result to landowners by regulating this drain. The drain will consist of the following:

Fort Property	-	1,044 Feet
Taylor Property	-	339 Feet
Whetsel Property	-	401 Feet

The total length of the drain extension will be 1,784 feet.

The extension will connect to the Stony Creek Drain, State Road 32 Extension accepted on April 26, 2010 (Drainage Board Minutes Book 12, Pages 484-485). The starting point for the extension is the point where Stony Creek intersects the east property line of parcel No. 12-08-29-00-00-039.000 currently owned by Paul Jr. & Patsy Arlene Fort in Section 29, Township 19 North, Range 6 East and thence runs in a generally westerly direction following the course of Stony Creek to the Stony Creek Drain, State Road 32 Extension at the southeast right of way for State Road 32 located approximately 2,600 feet west of Atlantic Road.

The extension will then continue from the Stony Creek Drain, State Road 32 Extension on the northwest side of S. R. 32 following the course of Stony Creek through parcel No. 12-08-29-00-00-032.000 currently owned by Linda L. Taylor in Section 29, Township 19 North, Range 6 East and continue across parcel No. 12-08-29-00-00-031.000 currently owned by Tommy Trevor Whetsel & Pamela K. Crozier in Section 29, Township 19 North, Range 6 East to the intersection with the

westernmost property line of said parcel.

Parcels benefitted by this drain are currently assessed for the Stony Creek Regulated Drain. Therefore no changes in the current assessment shall be required.

The easement for the proposed arm shall be 75 feet from the top of bank on both sides of the ditch as set out in IC 36-9-27-33.

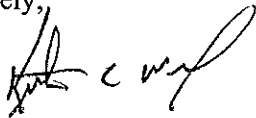
According to the FEMA Flood Insurance Rate Map, Map Number 18057C0200F, dated February 19, 2003, this area is covered by the floodplain for Stony Creek. Therefore, I believe that no damages will result to the landowners by the regulating of this drain.

The following tracts are affected by the proposed arm:

<u>Parcel</u>	<u>Owner</u>
12-08-29-00-00-039.000	Paul Jr & Patsy Arlene Fort
12-08-29-00-00-032.000	Linda L. Taylor
12-08-29-00-00-031.000	Tommy Trevor Whetsel & Pamela K. Crozier
12-08-29-00-00-030.000	Diana S. Jenkins

I recommend the Board set a hearing for this proposed drain for April 22, 2013.

Sincerely,



Kenton C. Ward, C.F.M.
Hamilton County Surveyor

KCS/llm

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

Drain-Improvement: Stony Creek: Fort, Whetsel & Taylor Arm

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
Open	-	1784	1784	Ø	19.55 LF	34,877.20

Sum: 1784' 1784' Ø \$34,877.20

Final Report: N/A

Comments:



FILED

NOV 30 2011

OFFICE OF HAMILTON COUNTY SURVEYOR

To: Hamilton County Drainage Board

Re: In the matter of the Stony Creek Drain Petition

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

1. They are owners of ten percent (10%) in acreage; or twenty five percent (25%) or more of the assessed valuation of the land that is outside the corporate boundaries of a municipality and is alleged by the petition to be affected by the proposed drain.
2. That as property owners within the drainage shed, they are qualified petitioners.
3. That they now desire that a regulated drain be established in Wayne Township, which involves the following public roads; State Road 32 and various areas surrounding these roads in the drainage shed.
4. The names and address of each owner affected by the proposed public drainage are attached hereto, made a part hereof, and marked Exhibit "A", which area of land involved in the proposed drainage area is located in section 29, township 19 north, range 6 east, Hamilton County, Indiana.
5. No other public lands or owners are located in the area which would affect improvement.
6. That the general route of the proposed drain is shown in the attached plan which is marked Exhibit "B" and made a part hereof.
7. That in the opinion of the Petitioner, the costs, damages, and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land to be benefited thereby.
8. That in the opinion of the Petitioner, the proposed improvement will improve the public health; benefit a public highway; and be of public utility.
9. That the name of the attorney or spokesman representing petitioner in the drainage petition is N/A, who has an office at or whose address is N/A, phone N/A.
10. **That Petitioners shall pay all the cost of notice and all legal costs if the petition is dismissed.** These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.
11. Petitioners shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established. These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.

Signature	Printed Name	Printed Address
<u>Patsy A. Fort</u>	<u>Patsy A Fort</u>	<u>16437 St. Rd 32 E</u> <u>Noblesville IN 46060</u>
<u>Tommy T. Whetsel</u>	<u>TOMMY T. WHETSEL</u>	<u>442 EAST STATE ST.</u> <u>PENOLETON, IN. 46064</u>
<u>Linda Taylor</u>	<u>LINDA TAYLOR</u>	<u>16508 STATE RD 32 E Noblesville, IN</u> <u>46060</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Stony Creek Drain, Fort, Whetsel & Taylor Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the ***Stony Creek Drain, Fort, Whetsel & Taylor Arm*** came before the Hamilton County Drainage Board for hearing ***on April 22, 2013***, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

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

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the ***Stony Creek Drain, Fort, Whetsel & Taylor Arm*** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:


HAMILTON COUNTY DRAINAGE BOARD



PRESIDENT



Member



Member

ATTEST: 
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Stony Creek Drain, Fort, Whetsel & Taylor Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **Stony Creek Drain, Fort, Whetsel & Taylor Arm** on **April 22, 2013** at **9:40 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed by the Drainage Board have been filed and are available for public inspection in the office of the Hamilton County Surveyor.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY

STATE OF INDIANA)
) SS BEFORE THE HAMILTON
)
COUNTY OF HAMILTON) DRAINAGE BOARD

IN THE MATTER OF **Stony Creek Drain, Fort, Whetsel & Taylor
Arm**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **April 22, 2013** adopted the reconstruction report of the Surveyor and the Amended Schedule of damages and assessments including annual assessment for periodic maintenance, finding that the costs, damages and expense of the proposed improvement would be less than the benefits which will result to the owner of lands benefited thereby.

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

If judicial review of the findings and order of the Board is not requested pursuant to Article VIII of the 1965 Indiana Drainage Code as amended within twenty (20) days from the date of publication of this notice, the findings and order shall become conclusive.

HAMILTON COUNTY DRAINAGE BOARD

BY: Christine Altman
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY