

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

April 2, 2014

To: Hamilton County Drainage Board

Re: Stony Creek Drain – Petition to Regulate

Attached is a petition filed by Brian and Carrie Taylor to regulate Stony Creek on their property 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:

Open Ditch 2,063 Feet

The starting point for the extension is the point where Stony Creek intersects the south property line of parcel # 12-07-25-00-00-001.001 currently owned by Brian and Carrie Taylor which is located approximately 811 feet south and 953 feet east of the northwest corner of Section 25, Township 19 North, Range 5 East and thence runs in a generally westerly direction following the downstream course of Stony Creek to the point where Stony Creek intersects the west property line of parcel # 12-07-25-00-00-001.001 located approximately 595 feet south of the afore said corner. The total length of the drain extension will be approximately 2,063 feet.

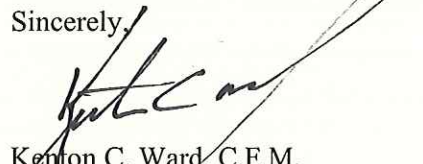
The parcel benefitted by this drain is currently assessed for the Stony Creek Regulated Drain. Therefore no changes in the current assessment shall be required.

The easement for the proposed arm across parcel # 12-07-25-00-00-001.001 shall be 75 feet from the top of bank on both sides of the ditch as set out in IC 36-9-27-33. On the north side the Taylor's have requested a non-enforcement, number INDNE-2014-00008, submitted on April 2, 2014 to reduce the easement to thirty (30) feet on that side. If the petition is approved at hearing I recommend the Board approve said non-enforcement.

Parcel # 12-07-25-00-00-001.001 is the only tract affected by the proposed extension.

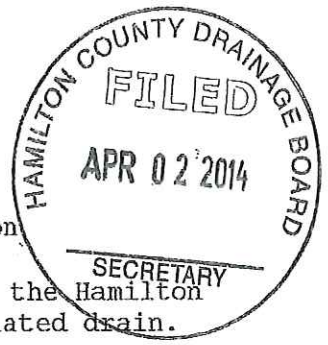
I recommend the Board set a hearing for this proposed drain for May 27, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenton C. Ward", written over a horizontal line.

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

KCW/llm



To: Hamilton County Drainage Board

Re: In the matter of the Stony Creek Drain Petition
only for parcel 12-07-25-00-00-001.001

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:

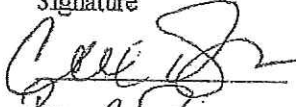

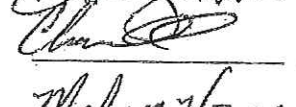

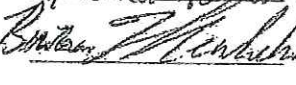
1. They are owners of ten percent (10%) in acreage; or twenty five percent (25%) or more of the assessed valuation of the land that is outside the corporate boundaries of a municipality and is alleged by the petition to be affected by the proposed drain.
2. That as property owners within the drainage 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; 196th Street + Pilgrim Rd. 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 25, township 19 north, range 5 east, Hamilton County, Indiana.
5. No other public lands or owners are located in the area which would affect improvement.
6. That the general route of the proposed drain is shown in the attached plan which is marked Exhibit "B" and made a part hereof.
7. That in the opinion of the Petitioner, the costs, damages, and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land to be benefited thereby.
8. That in the opinion of the Petitioner, the proposed improvement will improve the public health; benefit a public highway; and be of public utility.

~~9. N/A That the name of the attorney or spokesman representing petitioner in the drainage petition is _____, who has an office at or whose address is _____, phone _____.~~

~~10. N/A 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. N/A 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.~~

Stony Creek Drain Petition

Signature	Printed Name	Printed Address
	Carrie Taylor	19539 Pilgrim Rd, Noblesville, IN 46060
	Brian Taylor	19539 Pilgrim Rd, Noblesville, IN 46060
	Charles Mendenhall	19539 Pilgrim Rd Noblesville, IN 46060
	Melissa Norms	19539 Pilgrim Rd Noblesville, IN 46060
	BRIAN MENDENHALL	19539 Pilgrim RD, Noblesville IN 46060

REVIEWED BY HAMILTON COUNTY AUDITORS OFFICE

10 day of Aug. 2010
12-07-25-80-00-001.001
13.00
2.001010101

MEMORANDUM OF LAND CONTRACT

KNOW ALL MEN BY THESE PRESENTS: A LAND CONTRACT has been executed this date by Charles R. Mendenhall, Brian S. Mendenhall and Melissa S. Worms ("Vendor"), and Brian R. Taylor and Carrie Anne King Taylor, Husband and Wife, ("Purchaser") for the following described real estate in Hamilton County, Indiana, to-wit:

A part of the Northwest quarter of Section 25, Township 19 North, Range 5 East located in Wayne Township, Hamilton County, Indiana, described as follows:
Beginning at the 1/2 inch iron rod at the Northwest corner of the Northwest quarter of Section 25, Township 19 North, Range 5 East; thence on the North line of said Northwest quarter North 89 degrees 36 minutes 16 seconds East (assumed bearing) 1334.00 feet to a mag nail at the Northeast corner of the Northwest quarter of said Northwest quarter; thence on the East line of the Northwest quarter of said Northwest quarter South 00 degrees 21 minutes 39 seconds East 815.80 feet to a mag nail; thence parallel with the North line of said northwest quarter South 89 degrees 36 minutes 16 seconds West 1335.76 feet to a 5/8 inch rod with yellow cap stamped Miller surveying on the West line of said Northwest quarter; thence on said West line North 00 degrees 14 minutes 16 seconds West 815.81 feet to the place of beginning, containing 25.00 acres, more or less.
Commonly known as: 19539 Pilgrim Rd, Noblesville, IN 46060

all upon the covenants, terms and conditions set forth in said Land Contract.

IN WITNESS WHEREOF, Vendor and Purchaser have executed this instrument on this 2nd Day of August, 2010.

Signature Brian R. Taylor
Brian R. Taylor
PURCHASER

Signature Carrie Anne King Taylor
Carrie Anne King Taylor

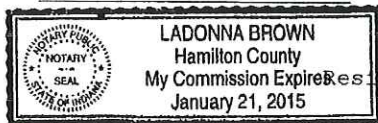
Purchaser's Acknowledgement

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Brian R. Taylor and Carrie Anne King Taylor, and acknowledged the execution of the foregoing Memorandum of Land Contract.

Witness my hand and Notary Seal this 2nd Day of August 2010.
My commission expires: _____

Signature Ladonna Brown
Printed _____
Notary Public



Residing in _____ County, Indiana

2010036459 MEMO CONT \$15.00
08/10/2010 10:03:02A 2 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented



REVIEWED BY HAMILTON COUNTY AUDITOR'S OFFICE

10 day of Aug., 2010

B 12-07-25-80-00-001.001

13.00
2.00 NONE

MEMORANDUM OF LAND CONTRACT

KNOW ALL MEN BY THESE PRESENTS: A LAND CONTRACT has been executed this date by Charles R. Mendenhall, Brian S. Mendenhall and Melissa S. Worms ("Vendor"), and Brian R. Taylor and Carrie Anne King Taylor, Husband and Wife, ("Purchaser") for the following described real estate in Hamilton County, Indiana, to-wit:

A part of the Northwest quarter of Section 25, Township 19 North, Range 5 East located in Wayne Township, Hamilton County, Indiana, described as follows: Beginning at the 1/2 inch iron rod at the Northwest corner of the Northwest quarter of Section 25, Township 19 North, Range 5 East; thence on the North line of said Northwest quarter North 89 degrees 36 minutes 16 seconds East (assumed bearing) 1334.00 feet to a mag nail at the Northeast corner of the Northwest quarter of said Northwest quarter; thence on the East line of the Northwest quarter of said Northwest quarter South 00 degrees 21 minutes 39 seconds East 815.80 feet to a mag nail; thence parallel with the North line of said northwest quarter South 89 degrees 36 minutes 16 seconds West 1335.76 feet to a 5/8 inch rod with yellow cap stamped Miller surveying on the West line of said Northwest quarter; thence on said West line North 00 degrees 14 minutes 16 seconds West 815.81 feet to the place of beginning, containing 25.00 acres, more or less. Commonly known as: 19539 Pilgrim Rd, Noblesville, IN 46060

all upon the covenants, terms and conditions set forth in said Land Contract.

IN WITNESS WHEREOF, Vendor and Purchaser have executed this instrument on this 2nd Day of August, 2010.

Signature *Brian R Taylor*
Brian R Taylor

Signature *Carrie Anne King Taylor*
Carrie Anne King Taylor

PURCHASER

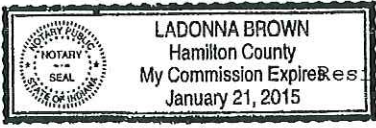
Purchaser's Acknowledgement

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Brian R. Taylor and Carrie Anne King Taylor, and acknowledged the execution of the foregoing Memorandum of Land Contract.

Witness my hand and Notary Seal this 2nd Day of August 2010.
My commission expires: Signature *Ladonna Brown*

Printed _____
Notary Public



LADONNA BROWN
Hamilton County
My Commission Expires Residing in _____ County, Indiana
January 21, 2015

2010036459 MEMO CONT \$15.00
08/10/2010 10:03:02A 2 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented



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, Petition to Regulate

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Stony Creek Drain, Petition to Regulate* came before the Hamilton County Drainage Board for hearing *on August 25, 2014*, 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, Petition to Regulate* 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, Petition to Regulate

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, Petition to Regulate** on **May 27, 2014** at **9:05 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed by the Drainage Board have been filed and are available for public inspection in the office of the Hamilton County Surveyor.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY

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

IN THE MATTER OF **Stony Creek Drain, Petition to Regulate**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **August 25, 2014** 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: Mark Heirbrandt
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY