



SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County
 Phone (317) 776-8495
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Suite 188
 One Hamilton County Square
 Noblesville, Indiana 46060-2230

December 6, 2011

TO: Hamilton County Drainage Board

RE: Taylor Creek Drain, Jesse DeVaney Arm

Attached is a drain map, drainage shed map and schedule of assessments for maintenance for the Taylor Creek Drain, Jesse DeVaney Arm. This drain is located in Jackson Township. The drainage area for this drain is 1,126.10 acres.

The drain is listed as Number 3 for Reconstruction on the 2011 Classification List which was approved by the Board at its February 28, 2011 meeting. (See Hamilton County Drainage Board Minutes Book 13, Pages 284-291). Although listed for reconstruction, I recommended the drain be placed on maintenance earlier this year. The drain shall remain on the reconstruction list until plans can be finalized and a reconstruction hearing can be held in late 2012 or 2013. This was discussed by the Board with landowners within the drainage shed at its meeting on April 25, 2011. (See Hamilton County Drainage Board Minutes Book 13, Pages 352-354).

The portion of the drain to be placed on maintenance is that portion of the Jesse DeVaney Drain from Station 39+20 to Station 152+15 of the 1903 description. Station 39+20 is the point of terminus of maintenance of my November 29, 1982 report for the Mallott-Carson Drain which was approved by the Board at hearing on February 7, 1983. (See Hamilton County Drainage Board Minutes Book 1, Page 518). The terminus of the maintenance is Station 152+15 which is the centerline of DeVaney Road. The entire length of this section of drain consists of open ditch. The length of this segment is 11, 295 feet.

As stated above Taylor Creek (Jesse DeVaney) is Number 3 on this year's Classification List for Reconstruction. The office has had four (4) complaints on the drain since 2005. Those complaints are as follows:

DATE	APPLICANT	LOCATION	PROBLEM
April 14, 2005	Fred Miller	DeVaney & Cal Carson Roads	Water not flowing & backed up
October 5, 2005	William D. Wilson	256 th St & Cal Carson Road	Beaver dam
May 4, 2006	Noah Davis	25940 DeVaney Road	Holes in tile caused by backed up water.

I am recommending that the Taylor Creek Drain be placed on maintenance at this time. The nature of maintenance work required is as follows:

- A. Clearing of trees and brush on the existing open drain as needed to improve flow;
- B. Creation and re-excavation of silt basins;
- C. Re-excavation of open ditch to original grade line;
- D. Surface water structures as might be required;
- E. Bank erosion protection and/or seeding as might be required;
- F. Repair of private tile outlet ends as might be required;
- G. Repair of regulated drain tiles & outlets;
- H. Removal of beaver dams;
- I. Removal of debris and/or blockage from regulated open ditch;
- J. Spraying for vegetation control;
- K. Mowing filter strips;
- L. Any other repairs deemed to be applicable and necessary by the Surveyor to restore the drain to its original intended use and condition.

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

The maintenance assessment for Taylor Creek Drain was established by the Board at hearing on November 26, 2007. This was done per my report dated October 18, 2007 for the Taylor Creek Drain, Arbuckle Arm. (See Hamilton County Drainage Board Minutes Book 10, Pages 527-530). The original assessment was revised per my report dated May 10, 2010. This was done by the Board at hearing June 28, 2010. The increase was to increase the per acre rate for agricultural and non-platted residential from \$3.00 to \$4.00 per acre. (See Hamilton County Drainage Board Minutes Book 13, Pages 30-31). This was later increased from \$4.00 to \$5.00 per acre per my report dated December 23, 2010 and approved by the Board at hearing on February 28, 2011. (See Hamilton County Drainage Board Minutes Book 13, Pages 282-283).

I have reviewed the plans and drain map and upon considering each tract individually I believe that all tracts within the drainage shed of the Taylor Creek Drain, Jesse DeVaney Arm will benefit. Upon considering the various methods of determining benefits as set out in IC 36-9-27-112, I recommend that the following maintenance assessment, which is the current drainage assessment for the Taylor Creek Drain, should be adopted by the Board for this section:

1. Maintenance assessment for agricultural tracts be set at \$5.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$5.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for commercial, institutional and multi-family residential tracts be set at \$10.00 per acre with a \$75.00 minimum.
4. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be considered part of the regulated drain shall be set at \$35.00 per lot - \$35.00 minimum. Common areas within subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$5.00 per acre with a \$35.00 minimum.
5. Maintenance assessments for platted lots within a subdivision whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot with a \$65.00 minimum. Common areas within regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.
6. Maintenance assessment for roads and streets be set at \$10.00 per acre.

The annual maintenance collection for this drain will be \$5,902.92.

The period of collection shall be eight years as per IC 36-9-27-43. This was established by the Board per my report dated January 14, 2009. The hearing was held on April 27, 2009. (See Hamilton County Drainage Board Minutes Book 12, Pages 12-13).

At this time several drains have been collapsed into the Taylor Creek Drain for maintenance. These are the Fred Seeright, Jacob Blasser, Sylvester Gwinn, Jesse DeVaney Arm 6, and the Mallot-Carson Drains. The dates for these drains being added to the Taylor Creek Drain are as follows:

DRAIN	REPORT	HEARING	MINTUES
Fred Seeright	Feb. 8, 2011	April 25, 2011	Book 13, Pages 360-361
Jacob Blasser	Jan. 4, 2011	March 28, 2011	Book 13, Pages 321-325 Pages 354-358
Sylvester Gwinn	March 1, 2011	June 27, 2011	Book 13, Pages 440-441
Jesse DeVaney Arm 6	Feb. 8, 2011	April 25, 2011	Book 13, Pages 361-362
Mallott-Carson	Jan. 10, 2011	March 28, 2011	Book 13, Pages 325-327 Pages 358-359

The total annual maintenance assessment for the Taylor Creek Drain currently is \$18,551.80. With the Jesse DeVaney Arm added the total annual maintenance assessment will be \$24, 454.72.

This drain may be assessed for maintenance for the Little Cicero Creek Drain at some time in the future.

This drain was part of the Little Cicero Creek Watershed Management Plan completed by J.F. New & Associates and Schneider Corporation. The date of the study is February 1, 2007. The plan was funded by a 319 Grant through IDEM. Taylor Creek is the largest sub-watershed for Little Cicero Creek. Per the report on pages 68-69 Taylor Creek contained better water quality than most of the other tributaries with temperature, DO, TSS and PH all meeting recommended standards. However, pollutants of concern were E.Coli, Fecal coliform, Nitrate-Nitrogen and Phosphorus. Taylor Creek was not specifically identified in the report under final goals and objectives. The report refers to these items in general terms for the entire watershed from page 87 to 115 in the report.

Taylor Creek is listed in the NPDES Phase II General Permit Application Storm Water Quality Management Plan Part C: Program Implementation Report on page 4 as an MS4 Area Receiving Stream.

The Taylor Creek Drain, which is listed in the NPDES Phase II General Permit Application, Storm Water Quality Management Plan Part B: Baseline Characterization Report on the following pages:

Page 4 as an MS4 Area receiving stream

Page 6 as #05120201080090 Watershed within an MS4 Area

Page 14 as being in the IDEM 305 (b) Report as being fully supportive of aquatic life and full body contact

Page 16 as not being substantially impacted by storm water discharge from MS4 areas.

Page 31 as a priority stream

Page 50 as a priority stream

This drain is listed on the 2008 303(d) list of impaired waters for Indiana for E.Coli. This drain is also in the drainage shed for the Little Cicero Creek which is also listed due to E.Coli.

Per my 2011 Drain Classification dated February 15, 2011, this drain is listed on page 3 as a drain which needs to be extended at some time in the future from its current terminus at DeVaney Road north and east to Little Cicero Creek.

Upon review of the FEMA FIRM's for Hamilton County which became effective February 19, 2003 it was found that Taylor Creek has no Flood Plain indicated. This is shown on map number 18057C0045F and 18057C0050F

I recommend that the Board set a hearing for this proposed maintenance for January 23, 2012.

Sincerely,



Kenton C Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Taylor Creek Drain, Jesse DeVaney Arm

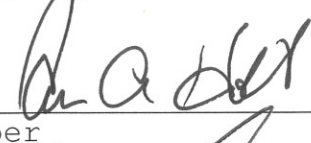
On this 23rd day of January, 2012, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Taylor Creek Drain, Jesse DeVaney Arm**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

TAYLOR CREEK DRAIN, JESSE DeVANEY ARM

Property Owner	Parcel Number	Acres Benefited	Current Maintenance	Proposed Maintenance	% of Acres
Chamness, John C & Barbara E.	03-02-20-00-00-017.000	76.52	\$0.00	\$382.60	0.48%
TOTALS		76.52	\$0.00	\$382.60	0.48%

January 12, 2012



Hamilton County Drainage Board
One Hamilton County Square, St. 188
Noblesville, In. 46060

Dear Hamilton County Drainage Board:

With reference to your letter regarding the DeVaney Drain affecting our property, your copy attached. In 1986 Kent Ward, County Surveyor, requested that the DeVaney Drain banks on our property be cleared of all trees, brush and debris. We fulfilled that requirement, and since 1986 have maintained the DeVaney Drain banks on our property by walking it every two years cutting any new trees and new brush growth. That is why it is picture perfect compared to other landowners sections of the drain. Photos attached: One from Cal Carson Road looking West; One from 256th Street looking North.

Also, we are the property owners who have nearly a one acre pond adjacent to the DeVaney Drain at 256th Street near Cal Carson Road. During and after heavy rains when the DeVaney Drain is full of water it backs up into our pond filling it until the water level starts rescinding in the DeVaney Drain. Our pond serves as a backup catch basin. The DeVaney Drain is also filling it with silt. We do not receive any compensation from the County for the pond being used as a backup catch basin for the DeVaney Drain or for the silt damage the DeVaney Drain has done to it.

In 50 plus years we have never seen the County do any maintenance on the DeVaney Drain on our property so why is there an assessment for the DeVaney Drain on our property since:

Number 1	We maintain it every two years cutting new trees, brush and clearing debris
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03-02-20-00-00-017.000

Taylor Creek, Jesse DeVaney Arm

Number 2 We furnish nearly a one
acre pond as a backup relief
valve for the drain that
holds down flooding for the
other property owners upstream
and downstream of the DeVaney
Drain

Number 3 We clear debris from the
DeVaney Drain after heavy rains
several times a year from
wanting to plug the two large
culvert pipes under Cal Carson
Road

In all fairness, why should we have to pay \$382.60 annual
maintenance when we have been maintaining the DeVaney Drain
since 1986 and ongoing?

We ask you to eliminate the \$382.60 DeVaney Drain annual
maintenance assessment against our property.

Sincerely,

John Chamness
Barbara Chamness

John and Barbara Chamness

enc. 2

cc: Kent Ward
County Surveyor
One Hamilton County Square, St. 188
Noblesville, In. 46060



Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495
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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

January 19, 2012

John & Barbara Chamness
6122 Northwood Drive
Carmel, IN 46033

Re: Taylor Creek Drain, Jesse DeVaney Arm

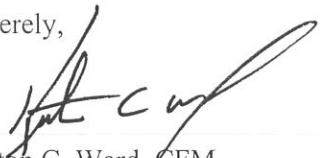
I received your objection dated January 12, 2012 regarding the above referenced drain.

The work you and your family has done by clearing and keeping clear the ditch bank through your property and keeping the pipes under Cal Carson Road is much appreciated both by this office and the Board. We wish all property owners would do this. However, the Board has not exempted or reduced landowner's maintenance assessments in the past for keeping ditch banks cleared. Please be aware that this drain is Number 3 on the Reconstruction Classification List. The drain is being placed on maintenance in preparation for the future reconstruction project. The clearing of the ditch bank can be considered at the time the reconstruction project is taken to hearing.

Throughout the County are probably over a thousand detention facilities. Please be aware that the Board does not give credit towards these facilities for maintenance or reconstruction.

With the drain on maintenance your section of drain will be kept clear along with the pipes under Cal Carson Road.

Sincerely,


Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm



This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060
Photo looking North from bridge on 256th Street



This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In .46060

Photo looking West from Cal Carson Road

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Taylor Creek Drain, Jesse DeVaney Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Taylor Creek Drain, Jesse DeVaney Arm** on **January 23, 2012** at **9:05 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana, and which construction and maintenance reports of the Surveyor and the Schedule of Assessments made by the Drainage Board have been filed and are available for public inspection in the office of the Hamilton County Surveyor.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Taylor Creek Drain, Jesse DeVaney Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **January 23, 2012** has issued an order adopting the Schedule of Assessments, filed the same and made public announcement thereof at the hearing and ordered publication. If judicial review of the findings and order of the Board is not requested pursuant to Article Eight of this code within twenty (20) days from the date of this publication, the order shall be conclusive.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY