

SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495
Fax (317) 776-9628

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

January 10, 2011

To: Hamilton County Drainage Board

Re: Taylor Creek Drain, Mallott-Carson #65 Arm

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

The Mallott-Carson Drain was created on October 29, 1889 per the Hamilton County Board of Commissioners. At present the Mallott-Carson Drain maintenance assessment affects 631.55 acres. The rate of assessment for the drain is set at \$2.00 per acre with a \$5.00. This rate collects \$1,284.64 annually and the balance within the fund is \$4,933.02. There are no outstanding work orders for this drain at this time.

The current maintenance assessment will revise as per the rates set for the Taylor Creek Drain which are as follows:

1. Maintenance assessment for roads and streets are set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts are set at \$5.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts are set at \$5.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts are 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.

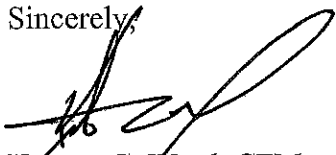
The total annual assessment for this arm will be \$3,375.74.

The current balance of the Mallott-Carson Drain shall be kept separate and these funds expended for needed maintenance on the Mallott-Carson Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Taylor Creek Drain fund. Collections for the Taylor Creek Drain would not begin until May 2012.

Future assessments for the drainage area of the Mallott-Carson Drain will be made into the Taylor Creek Drain fund. No further maintenance collections for the Mallott-Carson Drain shall be made.

I recommend that the Board set a hearing for this consolidation for March 28, 2011.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER


CONCERNING THE MAINTENANCE OF THE

Taylor Creek Drain, Mallott-Carson Arm

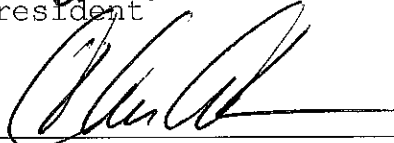
On this **25th day of April, 2011**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Taylor Creek Drain, Mallott-Carson Arm**.

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



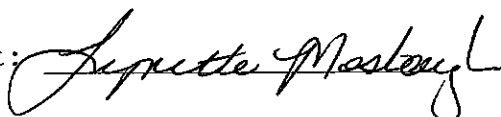
President



Member



Member

Attest: 

TAYLOR CREEK DRAIN, MALLOTT-CARSON ARM

Property Owner	Parcel Number	Acres Benefited	Current Maintenance	Proposed Maintenance	% of Acres
O'Rear, Robert & Rita	03-02-32-00-00-006.000	20	\$40.00	\$100.00	2.96%
	03-02-32-00-00-010.000	33	\$66.00	\$165.00	4.89%
	03-02-32-00-00-011.000	52.8	\$105.60	\$264.00	7.82%
Quear, Douglas E & Teresa A	03-02-29-00-00-009.000	100.01	\$200.02	\$500.06	14.81%
TOTALS		205.81	\$411.62	\$1,029.06	30.48%

Hamilton County Drainage Board
One Hamilton Co. Square, STE 120
Noblesville IN 46060



2/21/11

Dear Sir: after receiving the drainage board assessment proposal for the Taylor Creek, Mallott-Carson Arm, I have several concerns that need to be answered, because I have 105 Acres that are directly affected by this and my yearly drainage assessment is going to double in cost.

My understanding is the Mallott Carson drainage assessment has always had enough funds to maintain the drain.

What are the current funds for maintaining the Taylor Creek assessment.

Is the Taylor Creek underfunded, if so how many other property's flow into it that should be funding this.

What other drainage sheds benefit from Taylor Creek?

Has the Taylor Creek been properly funded in the past?

Taylor Creek - Mallott-Carson Arm

03-02-32-00-00-006.000

03-02-32-00-00-010.000

03-02-32-00-00-011.000

Robert C. O'Kear

4302 E. 236th

Cicero IN 46034



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Noblesville, Indiana 46060-2230

March 24, 2011

Robert C. O'Rear
4302 E. 236th Street
Cicero, IN 46034

Re: Taylor Creek Drain, Mallott-Carson Arm

I received your objection dated March 21, 2011 regarding the above referenced hearing. You are correct in that the funds for the Mallott-Carson Drain have been adequate to cover maintenance for the drain. However, the Mallott-Carson Drain outlets into the Taylor Creek Open Drain which currently does not have an assessment. The current Taylor Creek assessment is for a tile arm to Taylor Creek. This arm has a drainage shed of 34 acres and a current annual assessment of \$177.80.

At this time Taylor Creek, also known as the Jesse DeVaney Drain, is Number 3 on the 2011 Drain Classification List for reconstruction. Although detailed plans are not completed yet this office is preparing for the reconstruction now.

Through 2011 the Mallott-Carson, Jacob Blasser, Sylvester Gwinn, Fred Seeright and Jesse DeVaney Arm 6 will be consolidated into the Taylor Creek Drain. The remainder of the Jesse DeVaney Drain will also be placed on maintenance and the regulated drain extended to Little Cicero Creek.

During 2011 Taylor Creek will be surveyed and plans developed for reconstruction. Also during that time various state and federal permits will be obtained. I hope to have a reconstruction hearing sometime in 2012 or early 2013.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

To:

Hamilton County Drainage Board

From:

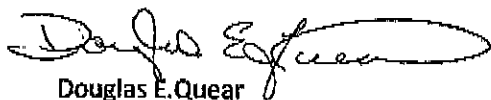
Douglas E. Quear

4410 246th ST E

Cicero IN

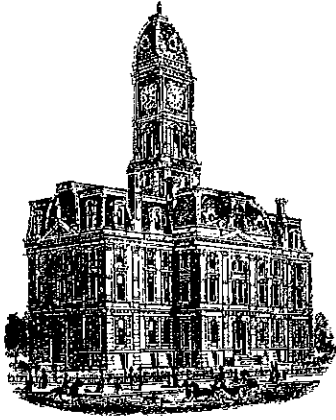
Description: 03-02-29-00-00-009.000 S29 T20 R4 100.01AC

The proposed assessment to consolidate the Mallott-Carson drain and the Taylor Creek drain is not cost effective to the land owners paying assessment for the Mallott-Carson. The Taylor Creek drain is regulated but it is my understanding there has not been any assessment fees paid into this drain. If the Taylor Creek was in the same condition as the Mallott-Carson drain I would not have any objections. Also the information that was sent did not explain about the other drain that is affected by this consolidation. If the Hamilton County Drainage Board would give us a master plan of why they are recommending the consolidation of these drains and why the Fred Seeright drain was not included this would help us understand the recommendation.



Douglas E. Quear





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Noblesville, Indiana 46060-2230

March 23, 2011

Douglas E. Quear
4410 E. 246th Street
Cicero, IN 46034

Re: Mallott-Carson Arm, Taylor Creek Drain

I received your objection dated March 22, 2010 to the consolidation of the Mallott-Carson Drain into Taylor Creek. At this time Taylor Creek, also known as the Jesse DeVaney Drain, is Number 3 on the 2011 Drain Classification List for reconstruction. Although detailed plans are not completed yet this office is preparing for the reconstruction now.

Through 2011 the Mallott-Carson, Jacob Blasser, Sylvester Gwinn, Fred Seeright and Jesse DeVaney Arm 6 will be consolidated into the Taylor Creek Drain. The Taylor Creek Drain and assessment schedule was previously approved by the Board. The remainder of the Jesse DeVaney Drain will also be placed on maintenance and the regulated drain extended to Little Cicero Creek.

During 2011 Taylor Creek will be surveyed and plans developed for reconstruction. Also during that time various state and federal permits will be obtained. I hope to have a reconstruction hearing something in 2012 or early 2013.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Taylor Creek Drain, Mallott-Carson 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, Mallott-Carson Arm** on **March 28, 2011** at **9:20 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, Mallott-Carson Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **April 25, 2011** has issued an order adopting the Schedule of Assessments, filed the same and made public announcement thereof at the hearing and ordered publication. If judicial review of the findings and order of the Board is not requested pursuant to Article Eight of this code within twenty (20) days from the date of this publication, the order shall be conclusive.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY