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Suite 188
One Hamilton County Square
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December 23, 2008

To: Hamilton County Drainage Board

RE: Thistlewaite Drain – Partial Vacation Request

The Hamilton County Surveyor's Office is requesting a partial vacation for the Thistlewaite Drain. The request is for a portion of the tile drain that has been removed and replaced with a relocated open drain.

The Thistlewaite Drain was reconstructed in 1908 (Hamilton County Circuit Court cause # 14573 filed April 25, 1908). The section of the drain that is proposed to be vacated was bypassed during the 1996 reconstruction and had been provided an outlet into the new open ditch and retained as part of the regulated drain per my report dated August 1, 1996 (Hamilton County Drainage Board Minutes, Book 4, Page 297B). The vacation is being proposed due to the construction of the Sheridan Estates Subdivision which removed the section of by-passed tile. The proposed vacation will vacate 776 feet of regulated drain which consisted of 15" clay tile.

The portion of the Thistlewaite Drain to be vacated is as follows:

Thistlewaite Drain Main Ditch (1908 reconstruction). From Station 33+70 to Station 41+46, 15" Clay Tile.

I believe that the requested partial vacation meets the requirements for vacation as set out in IC 36-9-27-34. I recommend the Board set a hearing for this item as set out in IC 36-9-27-37(a) for February 23, 2009.


Kenton C. Ward
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

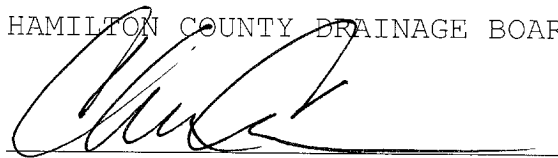
Thistlewaite Drain, Partial Vacation Request

Station 33+70 to Station 41+46

On this **23rd day of February 2009**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Thistlewaite Drain, Partial Vacation Request, Station 33+70 to Station 41+46**.

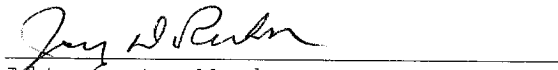
Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Thistlewaite Drain, Partial Vacation Request, Station 33+70 to Station 41+46**.

HAMILTON COUNTY DRAINAGE BOARD




President

Member



Alternate Member

Attest:



STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Thistlewaite Drain, Partial Vacation Request

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Thistlewaite Drain, Partial Vacation Request* came before the Hamilton County Drainage Board for hearing on *February 23, 2009*, 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.

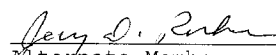
Wherefore, it is ORDERED, that the proposed Reconstruction of the *Thistlewaite Drain, Partial Vacation Request* be and is hereby declared established.

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:

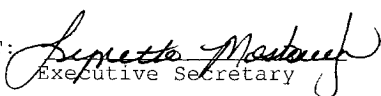
HAMILTON COUNTY DRAINAGE BOARD


PRESIDENT

Member


Alternate Member

ATTEST:


Executive Secretary

Thistlethwaite Drain #296

Vacate Sta. 33+70 to 41+46

Hearing: 02/23/09

No change in drainage shed or assmt.

This will remove 776' from the total length.

Parcel	Owner	Address	City	Desc1	Ben	Asmt
02-05-06-02-04-007.000	C.P. Morgan Communities	4670 Haven Point Blvd	Indianapolis, IN 46280	Sheridan Estates 2nd Lot 57	*	*
02-05-06-02-04-008.000	Heide, Jeremy & Amanda	326 Longbow St	Sheridan, IN 46069	Sheridan Estates 2nd Lot 58	*	*
02-05-06-02-04-009.000	Moistner, Donovan C A & Vanessa	324 Longbow St	Sheridan, IN 46069	Sheridan Estates 2nd Lot 59	*	*
02-05-06-02-04-010.000	Lang, Derrick & LaShawna Pharis	322 Longbow St	Sheridan, IN 46069	Sheridan Estates 2nd Lot 60	*	*
02-05-06-02-04-015.000	Young, Phyllis C	415 Warrior Ct	Sheridan, IN 46069	Sheridan Estates 2nd Lot 65	*	*
02-05-06-02-04-016.000	Ottinger, Jennifer R	417 Warrior Ct	Sheridan, IN 46069	Sheridan Estates 2nd Lot 66	*	*
02-05-06-02-04-017.000	Gellert, Cory & Jessica; Bankert, Paul & Sharon	419 Warrior Ct	Sheridan, IN 46069	Sheridan Estates 2nd Lot 67	*	*
02-05-06-02-04-018.000	Scheiter, Joshua W	421 Warrior Ct	Sheridan, IN 46069	Sheridan Estates 2nd Lot 68	*	*
02-05-06-02-04-019.000	Alexander, Brett J	423 Warrior Ct	Sheridan, IN 46069	Sheridan Estates 2nd Lot 69	*	*
02-05-06-02-04-020.000	C.P. Morgan Communities	4670 Haven Point Blvd	Indianapolis, IN 46280	Sheridan Estates 2nd Lot 70	*	*
02-05-06-02-04-021.000	C.P. Morgan Communities	4670 Haven Point Blvd	Indianapolis, IN 46280	Sheridan Estates 2nd Lot 71	*	*
02-05-06-02-04-028.000	C.P. Morgan Communities	4670 Haven Point Blvd	Indianapolis, IN 46280	Sheridan Estates 2nd Lot 78	*	*
02-05-06-02-04-029.000	O'Brien, Kyle & Carissa	416 Warrior Ct	Sheridan, IN 46069	Sheridan Estates 2nd Lot 79	*	*
02-05-06-02-04-030.000	Lenseigne, Matthew	414 Warrior Ct	Sheridan, IN 46069	Sheridan Estates 2nd Lot 80	*	*
02-05-06-02-04-031.000	Paxson, Brian L & Joyce	412 Warrior Ct	Sheridan, IN 46069	Sheridan Estates 2nd Lot 81	*	*

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD IN THE MATTER OF THE
Thistlewaite Drain, Partial Vacation

NOTICE is hereby given that a request by the Hamilton County Surveyor to PARTIALLY VACATE THE **Thistlewaite Drain, Partial Vacation** of Main Ditch, Station 33+70 to Station 41+46 the Sheridan Estates Subdivision Project has been filed and that a hearing is scheduled for **February 23, 2009 at 9:25 A.M.** on that request.

Objections to the VACATION of the drain must be filed in writing not less than five (5) days before the date of the hearing.

The Board will consider whether the drain performs the function for which it was designed and constructed; whether the expense of maintenance outweighs the benefits to be derived therefrom, and whether the abandonment thereof will not be detrimental to the public welfare.

HAMILTON COUNTY DRAINAGE BOARD

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Thistlewaite Drain, Sheridan Estates Partial Vacation

NOTICE

Notice is hereby given pursuant to Indiana Code 36-9-27-63 (before codification in 1981) that this Board, prior to final adjournment on **February 23, 2009** issued an order adopting the partial vacation, filed the same and made public announcement thereof at the hearing and ordered publication. Copies of the schedule of assessments and order are on file in the office of the Hamilton County Surveyor. If judicial review of the findings and order of the Board is not requested pursuant to Indiana Code 36-9-27-65(f) 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