

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

March 12, 2009

To: Hamilton County Drainage Board

Re: Thorpe Creek Drainage Area, Fishers East LLC Extension

Attached is a drain map and drainage shed map for the extension of the Thorpe Creek Drainage Area, Fishers East LLC Extension. The proposed drain is located in Fall Creek Township.

To be extended is that portion of open drain known as Thorpe Creek from the north line of tract 13-12-30-00-00-007.003 owned by Fishers East LLC which is also the terminus of the Bell & Humbles Drain (Sta. 177+00) and runs downstream in a generally southeasterly direction following the existing stream to the northern beginning of the Thorpe Creek Drain, Cyntheanne Extension per my report dated January 25, 2007 and approved by the Board on March 26, 2007 (see Hamilton County Drainage Board Minutes Book 10, pages 155 to 158). This point is located at the north property line of parcel 13-12-30-00-00-010.00 owned by Cyntheanne LLC. This extension will close the existing gap between the Bell & Humbles Drain and Thorpe Creek Drain, Cyntheanne Extension. In addition to the upstream watershed, this stretch of existing open creek is also the outlet for two regulated drain tributaries – the A. J. Meyers Drain and the Hillcrest Farms Drain.

This extension will consist of the following:

Open Ditch 3,050 ft.

This extension is located on the following parcels:

<u>Parcel</u>	<u>Owner</u>
13-12-30-00-00-007.003	Fishers East LLC
13-12-30-00-00-007.002	Fishers East LLC
13-12-30-00-00-008.000	Charles D. & Janice A. Ables
13-12-30-00-00-009.303	Fishers East LLC
13-12-30-00-00-009.003	Fishers East LLC
13-12-30-00-00-009.001	Fishers East LLC

The current rates for the Thorpe Creek Drain are \$2.00 per acre with a \$15.00 minimum for agricultural and un-platted residential and \$5.00 per acre with a \$35.00 minimum for platted lots in subdivisions whose drainage systems will not be considered part of the regulated drain (those systems maintained by the Town of Fishers). The annual maintenance collection for this extension will be \$249.58.

Thorpe Creek Drain is classified as an urban drain per my report dated January 25, 2007.

The nature of maintenance work required is as follows:

1. Bank erosion protection and/or seeding as might be required.
2. Removal of debris and/or blockages from existing open drain.
3. Removal of beaver dams.
4. Any other repairs necessary to restore proper flow to the open ditch.

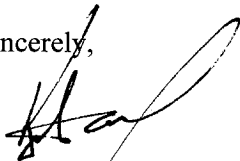
The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33.

I have made a personal inspection of the land described below. 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 probably be less than the benefits accruing to the owners of land likely to be benefited.

The project falls under the requirements as set out in IC 36-9-27-52.0. Therefore, a hearing is required for the petition. I recommend that the Board set a hearing date for May 26, 2009.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Thorpe Creek Drainage Area, Fishers East LLC Extension

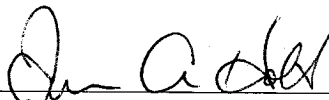
On this 26th day of May 2009, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Thorpe Creek Drainage Area, Fishers East LLC Extension**.

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




Vice 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
Thorpe Creek Drainage Area, Fishers East LLC Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Thorpe Creek Drainage Area, Fishers East LLC Extension** came before the Hamilton County Drainage Board for hearing on **May 26, 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 **Thorpe Creek Drainage Area, Fishers East LLC Extension** 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



VICE-PRESIDENT

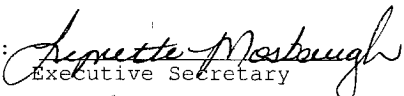


Member



Alternate Member

ATTEST:


Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Thorpe Creek Drainage Area, Fishers East LLC Extension

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 **Thorpe Creek Drainage Area, Fishers East LLC Extension** on **May 26, 2009**, 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 **Thorpe Creek Drainage Area, Fishers East
LLC Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **May 26, 2009** 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
 VICE PRESIDENT

ATTEST: Lynette Mosbaugh
 SECRETARY