



Kenton C. Ward, CFM
Surveyor of Hamilton County
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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

April 28, 2009

TO: Hamilton County Drainage Board

RE: Thorpe Creek Drainage Area, Hillcrest Farms Drain Arm

Upon review of the drainage sheds I believe that the Hillcrest Farms Drain should be made an arm to the Thorpe Creek Drainage Area. I recommend this action as the Hillcrest Farms Drain is a tributary to the Thorpe Creek Drainage Area. This would also avoid a double assessment on the tracts currently assessed for the Hillcrest Farms Drain as the remainder of the Thorpe Creek Drainage Area is assessed for maintenance.

On March 23, 1998 (continued from September 22, 1997 and February 23, 1998) the Board held a hearing on my report dated July 23, 1997 to establish the drain maintenance assessment for the Hillcrest Farms Drain. (See Drainage Board Minutes Book 4, Pages 407, 429, 510-511 and 524-525). The original rate of assessment for the drain was set at \$112.00 per lot and \$112.00 for Hamilton County road ways.

This rate collects \$1,008.00 annually and the balance within the fund is \$5,291.64

The current maintenance assessment would decrease as per the rates that have been set for the Thorpe Creek Drainage Area which are as follows:

1. Maintenance assessment for roads and streets be set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts be set at \$2.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial institutional and multi-family residential tracts be 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 considered part of the regulated drain (those systems maintained by the Town of Fishers) 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 (those systems maintained by the Town of Fishers) shall be set at \$5.00 per acre with a \$35.00 minimum.
6. Maintenance assessments for platted lots within a subdivision whose drainage system will be part of the regulated drain shall be set at \$75.00 per lot with a \$75.00 minimum. Common areas with regulated drain subdivisions shall be set at \$10.00 per acre with a \$75.00 minimum.

The new assessment will collect \$666.60 annually. The period of collection for this drain has been set at 8 years per IC 36-9-27-43.

The current balance of the Hillcrest Farms Drain shall be kept separate and these funds expended for needed maintenance on the Hillcrest Farms Drain.

Future assessments for the drainage area of the Hillcrest Farms Drain will be made into the Thorpe Creek fund. No further maintenance collections for the Hillcrest Farms Drain fund shall be made.

All future maintenance work on the Hillcrest Farms Drain should be paid from the Thorpe Creek fund once the balance of the Hillcrest Farms Drain fund is depleted.

In addition, I petition for the Board to add 882 feet to the drain as part of the Thorpe Creek Drainage Area - Hillcrest Farms Drain Arm from Str. 1 of the original Hillcrest Farms Drain to where the open ditch outlets into Thorpe Creek. This extension will close the gap between the current downstream terminus of the Hillcrest Farms Drain and Thorpe Creek. This extension consists of existing 38' of 48" CMP culvert under Cyntheanne Road and approximately 844' of existing open ditch.

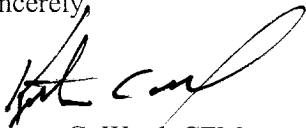
The affected parcels of this extension are as follows:

Town of Fishers	Cyntheanne Road
Fishers East LLC	13-12-30-00-00-009.003
Fishers East LLC	13-12-30-00-00-007.003

The additional easement for the extension shall be 75' as set out in IC 36-9-27-33.

I recommend that the Board set a hearing for this consolidation and extension for June 22, 2009.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

**Gasb 34 Asset Price &
Drain Length Log**

Drain-Improvement: Thorpe Creek: Hillcrest Farms Extension

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
Open		844	844	0	\$19.55 lf	\$16,500.20
CMP	48"	38	38	0	\$25.81 lf	\$980.78
Sum:		<u>882</u>	<u>882</u>	<u> </u>	<u>\$17,480.98</u>	

Final Report: 882

Comments:

FINDINGS AND ORDER

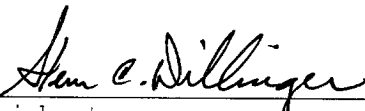
CONCERNING THE MAINTENANCE OF THE

Thorpe Creek Drainage Area, Hillcrest Farms Drain Arm

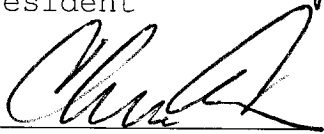
On this **22nd day of June 2009**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Thorpe Creek Drainage Area, Hillcrest Farms Drain Arm**.

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.

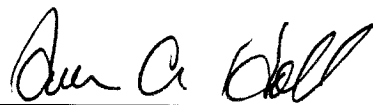
HAMILTON COUNTY DRAINAGE BOARD



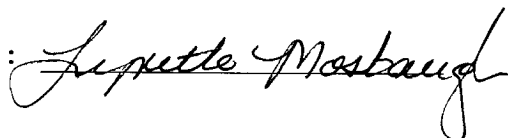
President



Member



Member

Attest: 

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, Hillcrest Farms Drain Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Thorpe Creek Drainage Area, Hillcrest Farms Drain Arm** came before the Hamilton County Drainage Board for hearing on **June 22, 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, Hillcrest Farms Drain Arm** 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

Alan C. Dellinger
PRESIDENT

[Signature]
Member

[Signature]
Member

ATTEST:

[Signature]
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Thorpe Creek Drainage Area, Hillcrest Farms Drain Arm

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, Hillcrest Farms Drain Arm** on **June 22, 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, Hillcrest Farms Arm**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **June 22, 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: Steven C. Dillinger
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY