

# SURVEYOR'S OFFICE Hamilton County

April 28, 2009

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

To: Hamilton County Drainage Board

Re: Thorpe Creek Drainage Area

Attached is a drain map, drainage shed map and schedule of assessments for maintenance for the Thorpe Creek Drainage Area, main drain. This drain is located in Fall Creek Township. At this time the Thorpe Creek Drainage Area is listed on the 2009 Classification List for maintenance at Number 8.

The Thorpe Creek Drainage Area, main drain consists of two (2) separate regulated drains. Those drains are the Martha Ford Drain and Bell & Humbles Drain.

The Bell & Humbles Drain was constructed by order of the Hamilton County Commissioners on December 9, 1903. (See Hamilton County Commissioner's Record Book 14, Pages 474-485). The drain consists of 1,311 feet of open drain. The stationing of this drain is from Sta. 163+89 located on the east side of Cyntheanne Road to Sta. 177+00 located at or near the south property lines of parcel 13-12-30-00-00-005.005 and parcel 13-12-30-00-00-005.003 located west of Cyntheanne Road.

The Martha Ford Drain was reconstructed by order of the Madison Circuit Court as petitioned on December 30, 1953. (See Hamilton County Commissioner's Record Book 32, Pages 133-135 for copy of Madison County petition). The drain consists of 6,556 feet of open drain. The stationing of this drain is from Sta. 0+00 located at the county line, approximately 214 feet north of 136<sup>th</sup> Street and Atlantic Road to Sta. 65+56 located on the east side of Cyntheanne Road.

The drainage area shall consist of the following lengths of open ditch.

<u>DRAIN</u>	<u>OPEN</u>
Martha Ford	6,556
Bell & Humbles	<u>1,311</u>
	7,867 feet

The total length of regulated drain within the drainage area is 7,867 feet. Maintenance shall begin at the east right of way of Atlantic Road. Only that portion of the Thorpe Creek Drainage Area within Hamilton County shall be maintained other than the portion of the right of way of Atlantic Road that lies within Madison County.

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 structure 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 tile outlets;
- H. Repair of regulated tile.
- I. Installation or repair of breather pipes.
- J. Installation, cleaning or repair of catch basins or inlets as might be required.
- K. Removal of beaver dams;
- L. Removal of debris and/or blockage from regulated open ditch;
- M. Spraying for vegetation control;
- N. Mowing filter strips;
- O. 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.

At this time the Martha Ford Drain and Bell & Humbles Drain are not on a maintenance program.

I have reviewed the plans and drain map and believe, as set out in IC 36-9-27-69 (b) (1) that all tracts within the drainage shed of the Thorpe Creek Drainage area will benefit. The following maintenance assessment has been adopted by the Board for this drain:

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 annual maintenance collection for this extension will be \$2,147.30. The period of collection shall be eight years as per IC 36-9-27-43. Collections for this proposal will begin in 2010.

The Thorpe Creek Drain has been identified in the NPDES Phase II General Permit Application, Storm Water Quality Management Plan Part C: Program Implementation Report, Page 4, as a MS4 area receiving stream.

The Thorpe Creek Drain 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 3 as an MS4 Area Receiving Stream

Page 7 as a #05120201100130 Watershed within the MS4 Area

Page 16 as being in the IDEM 305(b) Report as being fully sustainable for aquatic life and full body contact

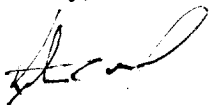
This drain is not listed on the 2008 303(d) list of impaired waters for Indiana.

I recommend that a Watershed Master Plan be prepared for this drainage area sometime in the future.

The open ditch is heavily overgrown and is in need of clearing. The drain is susceptible to jams caused by debris which causes backwater and localized flooding. It is possible for large woody debris to collect on road crossings. This creates a threat to the bridge structure and can redirect flow causing erosion. This drain has had a large beaver population. Many portions have silted in and are in need of dredging.

I recommend that the Board set a hearing for this proposed maintenance for June 22, 2009.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

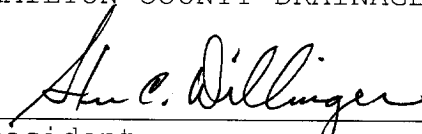
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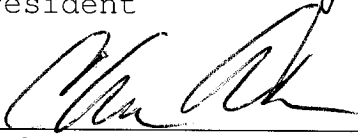
**FINDINGS AND ORDER**  
**CONCERNING THE MAINTENANCE OF THE**  
**Thorpe Creek Drainage Area**

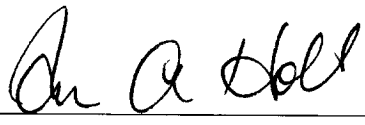
On this **22<sup>nd</sup> day of June 2009**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Thorpe Creek Drainage Area**.


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*

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Thorpe Creek Drainage Area* 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.

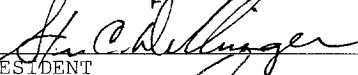
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

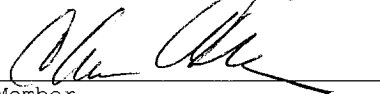
The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

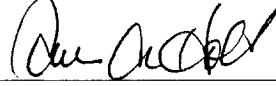
Wherefore, it is ORDERED, that the proposed Reconstruction of the *Thorpe Creek Drainage Area* be and is hereby declared established.


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

  
\_\_\_\_\_  
Member

ATTEST:   
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Thorpe Creek Drainage Area***

NOTICE

To Whom It May Concern and: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Thorpe Creek Drainage Area** on **June 22, 2009** 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

STATE OF INDIANA     )  
                              ) SS                   BEFORE THE HAMILTON  
                              )  
COUNTY OF HAMILTON )                   DRAINAGE BOARD

IN THE MATTER OF **Thorpe Creek Drainage Area**

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