

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

February 3, 2009

TO: Hamilton County Drainage Board

RE: Thorpe Creek Drainage Area, A. J. Myers Drain Arm

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

On October 3, 1983 the Board held a hearing on my report dated July 5, 1983 to establish the drain maintenance assessment for the A. J. Myers Drain. (See Drainage Board Minutes Book 1, Page 563). The original rate of assessment for the drain was set at \$2.00 per acre with a \$6.00 minimum. Assessment rates were increased per my reconstruction report dated June 10, 2002 which was approved by the Board at hearing on July 22, 2002 (See Hamilton County Drainage Board Minutes Book 6, Pages 399-402). The rates set at that time were as follows:

1. Maintenance assessment for roads and streets \$10.00 per acre with a \$25.00 minimum.
2. Assessment for platted lots and common areas in subdivisions whose drainage systems will not be part of the regulated drain. Those systems maintained by the (Town of Fishers) shall be set at \$15.00 per acre with a \$25.00 per lot/minimum.
3. Assessments for platted lots and common areas in subdivisions whose drainage system will be part of the regulated drain shall be set at \$10.00 per acre with a \$50.00 per lot/minimum.
4. Assessment for acreage shall remain at \$2.00 per acre with a \$6.00 minimum. This shall include agricultural lands and non-platted residential tracts.
5. Assessment for commercial, industrial and institutional tracts shall be set at \$35.00 per acre with a \$75.00 minimum.

At May 22, 2006 hearing the minimum rate for residential and agricultural was increased From \$6.00 to \$15.00; the minimum rate for unregulated subdivisions was increased from \$25.00 to \$35.00; and the minimum rate for regulated subdivisions was increased from \$50.00 to \$65.00.

This rate collects \$6,174.12 annually for Hamilton County and \$561.93 for Madison County. The balance within the fund is \$16,126.67

The proposed maintenance assessment would decrease as per the rates 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 and \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acre and \$15.00 minimum.
4. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$75.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$10.00 per acre with a \$75.00 minimum.
5. Assessment for platted lots and common areas in 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 per lot/minimum.
6. Assessment for commercial, industrial and institutional tracts shall be set at \$10.00 per acre with a \$75.00 minimum.

A portion of the drainage shed for this drain is within Madison County. Madison County waived their right to a Joint Board during the maintenance hearing in 1983.

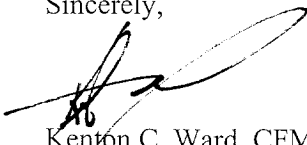
The current balance of the A. J. Myers Drain shall be kept separate and these funds expended for needed maintenance in the length of Thorpe Creek covered by the current A. J. Myers Drain.

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

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

I recommend that the Board set a hearing for this consolidation for April 27, 2009.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

13-12-29-00-13-034.000

A.J. Myers Arva

16144 Brookmere Ave.
Fishers, IN. 46037
April 20, 2009

Hamilton County Drainage Board
One Hamilton County Square, Ste. 188
Noblesville, IN 46060



I am writing relative to your recent letter about an assessment for my Property. I live in Britton Falls off Cyntheanne Road and have no idea where the Thorpe Creek Drainage Area is. Also, my lot is only 65 feet by 119 feet.

According to your letter, item no. 2, the minimum for my lot should only be \$25.00.

If you are collecting this amount of money from every home in Fishers, I can't imagine what in the world you are going to do with all the money.

A response would be appreciated.

Sincerely,

Edward H. Ruesch

Thorpe Creek, A.J. Myers Arm

13-12-29-00-10-020.000

March 31, 2009

Hamilton County Drainage Board
One Hamilton County Square, Ste 118
Noblesville, IN 46060



Dear Hamilton County Drainage Board:

I received the notification letter of the maintenance report of the County Surveyor (copy enclosed). The annual cost of maintaining the drain is \$6,245.74.

Our Britton Falls Area lot is one of over 200 hundred completed home lots with an estimated 1,000 completed homes over the next few years.

Considering the annual cost of maintenance, the existing and future Britton Falls homes, the surrounding homes associated with Thorpe Creek maintenance, it seems like a lot more assessment revenue is being created than the \$6,245.74 required.

Could you provide more information to me? I'm not particularly opposed to the assessment, but it would be helpful to understand how many Britton Falls home lots are being assessed as an unregulated subdivision and the other assessed revenues generated from non-Britton Falls properties involved in the Thorpe Creek maintenance as assessed by the Drainage Board.

Thank you.

Thomas and Renee Sherman
16267 Oliver Street
Fishers, IN 46037

A handwritten signature in cursive that reads "Thomas & Renee Sherman".

email: rtsherm@gmail.com

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the
Thorpe Creek Drainage Area, A.J. Myers Arm.

Sherman, Thomas C & Renee E TE
16267 Oliver St
Fishers, IN 46037

You are hereby notified that the maintenance report of the County 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 County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the drain is \$6,245.74 and that the schedule shows you are the owner of the following lands:

Description: 13-12-29-00-10-020.000	Current Benefit to A.J. Myers Drain	Current Assessment A.J. Myers Drain	Proposed Benefit to Thorpe Creek	Proposed Assessment to Thorpe Creek	Percentage of total assessment to Thorpe Creek
Britton Falls Area 2 Sec A Phs 2 Lot 129	One Lot	\$35.00	One Lot	\$35.00	0.56%
Un-reg. Subd.					

A hearing will be held by the Drainage Board in Commissioner's Court at 9:20 A.M. on April 27, 2009 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed.

The failure of any owner to file an objection constitutes a waiver of his right to thereafter object on such ground to any final action of the Board. On or before the hearing date the Surveyor or any owner of lands named in the schedule of assessments may cause written evidence to be filed in support of or in rebuttal to any objection filed.

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Thorpe Creek Drainage Area, A. J. Myers Arm

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, A. J. Myers Arm** on **April 27, 2009** 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

Thorpe Creek Drainage Area, A. J. Myers Drain 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 27, 2009** 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

FINDINGS AND ORDER


CONCERNING THE MAINTENANCE OF THE

Thorpe Creek Drainage Area, A. J. Myers Drain Arm


On this 27th day of April 2009, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Thorpe Creek Drainage Area, A. J. Myers 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.

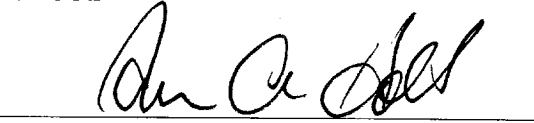
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 