



SURVEYOR'S OFFICE  
**Hamilton County**

*Kenton C. Ward, CFM*  
*Surveyor of Hamilton County*  
*Phone (317) 776-8495*  
*Fax (317) 776-9628*

*Suite 188*  
*One Hamilton County Square*  
*Noblesville, Indiana 46060-2230*

December 13, 2010

To: Hamilton County Drainage Board

Re: Vestal/Kirkendall Drainage Area, Vestal / Metzger & Klingensmith / Kirkendall Creek Arm

Attached is a drain map, drainage shed map and schedule of assessments for maintenance for the Vestal/Kirkendall Drainage Area, Vestal / Metzger & Klingensmith / Kirkendall Creek Arm. This drain is located in Clay Township.

The portion of drain included in the Vestal / Metzger & Klingensmith / Kirkendall Creek Arm that is to be placed on maintenance at this time is that length between 146<sup>th</sup> Street and Cherry Tree Road.

The Emily Vestal Drain was ordered constructed on December 17, 1881 by the Hamilton County Circuit Court (see Circuit Court Order Book 4, pages 511-531). The drain consists of open drain from Sta. 0+00 to Sta. 154+00. The length of drain to be placed on maintenance per the report is from Sta. 138+20 which is the south right of way for 146<sup>th</sup> Street to it's terminus at Sta. 154+00. This consists of 1,580 of open ditch.

The Metzger & Klingensmith Drain was ordered constructed by the Hamilton County Circuit Court per the Drain Commissioners Report filed September 28, 1882 (See Order Book 6, Pages 253-257). The drain consists of open ditch from Sta. 0 to Sta. 118+00. The length of this drain to be placed on maintenance per this report is 1,218 feet of open drain which is from Sta. 0+00 to Sta. 12+18 which is the south right of way for Cherry Tree Road.

The portion of Kirkendall Creek included in this arm is that portion of the drain established as Vestal/Kirkendall Drainage Area, Kirkendall Arm per my report dated October 11, 2006 and approved by the Board at hearing on November 27, 2006. (See Hamilton County Drainage Board Minutes Book 9, pages 558-560). This drain begins at the north end of the box

culvert under 146<sup>th</sup> Street and runs downstream 1,344 feet to the confluence with the Emily Vestal Drain.

The total length of open drain to be placed on maintenance with this report is 4,142 feet.

At this time the Metzger & Klingensmith Drain, as part of the Emily Vestal Drain is listed on the 2010 Classification List for Reconstruction at number 3. The drain was requested for classification on June 5, 1969 by Orville T. Chapman and again on February 14, 1974 by Walter Freeze. The office has had 24 complaints on the drain since 2003. Those are as follows:

<u>Date</u>	<u>Applicant</u>	<u>Location</u>	<u>Problem</u>
July 8, 2003	Joseph Griffith	N. of 131 <sup>st</sup> Street	Large tree fell in ditch
July 14, 2003	Carmel St. Dept.	14299 Cherry Tree Ave.	Trees down in ditch
Aug. 20, 2003	Rebecca Taylor	14299 Cherry Tree Ave	Trees down in ditch
Jan. 6, 2005	Shannon Kasterschmidt	6787 171 <sup>st</sup> Street	Excavated into the Vestal
Jan. 7, 2005	Michelle Schaffer	14160 Cherry Tree Ave.	Erosion along bank
March 22, 2005	Ron Szabo	16933 Peach Lane	Erosion & standing water
Dec. 22, 2005	Shannon Kastenschmidt	16981 Peach Lane	Ditch excavated
Feb. 3, 2006	Mitch Mitchell	131 <sup>st</sup> & River Ave.	Beaver dam
March 10, 2006	Mitch Mitchell	5806 Annadale Dr.	Obstructions blocking flow
June 5, 2006	Steve McQueen	Cherry Tree Meadows	Water not moving
Nov. 14, 2006	Mitch Mitchell	5806 Annadale Dr.	Obstruction under bridge on Haverton Way.
May 31, 2007	Ronald Szabo	South side of 171 <sup>st</sup> St.	Sediment
June 1, 2007	Ronald Szabo	South side of 171 <sup>st</sup> St.	Sediment
May 9, 2008	Martin Marrietta	North of 161 <sup>st</sup> St.	Beaver dam
May 15, 2008	Gretchen Lough	Flintoff & Palmetto Dr.	Tree down in drain
Sept. 10, 2008	James Carte	Cherry Tree Rd	Log jam
Oct. 30, 2008	Pat Molter	4025 E. 161 <sup>st</sup> St.	Beaver dam

April 6, 2009	City of Noblesville	North of 161 <sup>st</sup> St.	Beaver dam
April 13, 2009	Michael Kastner	171 <sup>st</sup> Street	Retention pond outlet obstructed
May 21, 2009	Phillip Paul	171 <sup>st</sup> Street	Utility Co. filled ditch
June 17, 2009	Jackie Nevins	South 171 <sup>st</sup>	Street water not flowing
July 20, 2009	Ronald Szabo	16933 Peach Lane	Silt in ditch
March 18, 2010	Martin Marietta	Between 161 <sup>st</sup> & 171 <sup>st</sup> St.	Beaver dam
March 29, 2010	Ronald Szabo	South 171 <sup>st</sup> St.	Beaver dam

I am recommending that the portion of the drain as described above be placed on maintenance at this time. 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 structures 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 tiles & outlets;
- H. Removal of beaver dams;
- I. Removal of debris and/or blockage from regulated open ditch;
- J. Spraying for vegetation control;
- K. Mowing filter strips;
- L. 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.

The rates for maintenance were established as the Kirkendall Drain as per my report dated March 25, 1996 and approved by the Board at hearing on May 28, 1996. (See Hamilton County Drainage Board Minutes Book 4, Pages 238-239).

The name was changed to the Vestal/Kirkendall Drainage Area and the rates for maintenance for road per acre, non-platted residential minimums and agriculture minimums were increased per my report dated June 6, 2006 and approved by the Board at hearing on July 24, 2006 (See Hamilton County Drainage Board Minutes Book 9, Pages 331-332).

The rates for maintenance for subdivisions were increased per my report dated January 25, 2007 which was approved by the Board at hearing on April 23, 2007 (See Hamilton County Drainage Board Minutes Book 10, Pages 239-240).

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 Vestal/Kirkendall Drainage area, Vestal / Metzger & Klingensmith / Kirkendall Creek Arm, will benefit. The following maintenance assessment rates have been adopted by the Board:

1. Maintenance assessment for agricultural tracts be set at \$2.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for commercial institutional and multi-family residential tracts be set at \$10.00 per acre with a \$75.00 minimum.
4. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be considered part of the regulated drain shall be set at \$20.00 per lot - \$20.00 minimum. Common areas within subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$5.00 per acre with a \$20.00 minimum.
5. Maintenance assessments for platted lots within a subdivision whose drainage system will be part of the regulated drain shall be set at \$35.00 per lot with a \$35.00 minimum. Common areas with regulated drain subdivisions shall be set at \$10.00 per acre with a \$35.00 minimum.
6. Maintenance assessment for roads and streets be set at \$10.00 per acre.

The annual maintenance collection for this extension will be \$5,821.40. The period of collection shall be eight years as per IC 36-9-27-43.

The drain is not listed in the NPDES Phase II General Permit Application Stormwater Quality Management Plan Part B: Baseline Characterization Report.

The drain is not listed in the NPDES Phase II General Permit Application, Stormwater Quality Management Plan Part C: Program Implementation Report.

The drain is not listed on the proposed 2010 303 (d) List of Impaired Water for Indiana.

The Vestal/Kirkendall Drainage Area should be considered for a Watershed Management Plan. This study would review stormwater quantity and quality within the drainage shed.

This drain is in need of flowline obstruction removal and bank stabilization. Beavers have been active in the area in recent years.

I recommend that the Board set a hearing for this proposed maintenance for January 24, 2011.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenton C. Ward', written over a large, light-colored oval shape.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

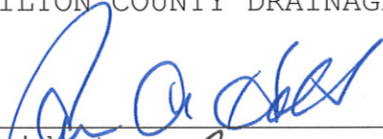
CONCERNING THE MAINTENANCE OF THE

Vestal/Kirkendall Drainage Area, Vestal/Metzer & Klingensmith  
Kirkendall Creek Arm

On this **24th day of January, 2011**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Vestal/Kirkendall Drainage Area, Vestal/Metzer & Klingensmith/Kirkendall Creek 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: 



# Proposed Vestal-Kirkendall Shed - Area 3



Printing Date: 6/17/2010  
Prepared By: Darren Wilson, GISP  
Hamilton County Surveyor's Office  
One Hamilton County Square, Ste 188  
Noblesville, IN 46060  
317-776-8495



## HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
Vestal/Kirkendall Drainage Area, Vestal / Metzger-Klingensmith / Kirkendall Creek Arms

Plum Creek Riverview Partners LLC  
600 96th St E Ste 590  
Indianapolis, IN 46240

Under the Indiana Drainage Code, all land which drains directly, or indirectly, is assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. From time to time the assessments may be increased or changed. The chart below contains your existing assessment, the proposed assessment, and your percentage of the total annual maintenance contribution to the costs attributable to providing drainage to your land.

The Drainage Board has received a maintenance report and schedule of assessments which affects your land. 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 entire drain is \$5,821.40. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts. This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Description: 17-10-22-00-22-001.000	Current Benefit	Current Assessment	Revised Benefit	Revised Assessment	Percentage of total assessment
Riverview Medical Park Lot 1, 5.74 Ac Commercial	n/a	n/a	5.74	\$75	1.29%

A public hearing will be held by the Drainage Board in Commissioner's Court at 9:25 A.M. on January 24, 2011 on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection 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

*For a copy of the Surveyor's Report to the Drainage Board and a copy of the map, if applicable, please go to [www.hamiltoncounty.in.gov/drainageboardnotices](http://www.hamiltoncounty.in.gov/drainageboardnotices).*



## HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
Vestal/Kirkendall Drainage Area, Vestal / Metzger-Klingensmith / Kirkendall Creek Arms

Campbell, Freddie L & Sylvia S  
5346 Rippling Brook Way  
Carmel, IN 46033

Under the Indiana Drainage Code, all land which drains directly, or indirectly, is assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. From time to time the assessments may be increased or changed. The chart below contains your existing assessment, the proposed assessment, and your percentage of the total annual maintenance contribution to the costs attributable to providing drainage to your land.

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The Surveyor has estimated that the annual cost of periodically maintaining the entire drain is \$5,821.40. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts. This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Description: 16-10-22-00-04-017.000	Current Benefit	Current Assessment	Revised Benefit	Revised Assessment	Percentage of total assessment
Spring Creek 2nd Lot 88	n/a	n/a	One Lot	\$20	0.34%
Un-Reg Sub					

A public hearing will be held by the Drainage Board in Commissioner's Court at 9:25 A.M. on January 24, 2011 on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection 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

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BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Vestal/Kirkendall Drainage Area,  
Metzer & Klingensmith/Kirkendall Arm***

NOTICE

To Whom It May Concern and: Plum Creek Riverview Partners, LLC  
Campbell, Freddie L & Sylvia S

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Vestal/Kirkendall Drainage Area, Metzer & Klingensmith/Kirkendall Arm** on **January 24, 2011** at **9:25 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

*Vestal/Kirkendall Drainage Area, Vestal/Metzer & Klingensmith  
Kirkendall Creek Arm*

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **January 24, 2011** 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