

SURVEYOR'S OFFICE  
**Hamilton County**

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

January 25, 2007

To: Hamilton County Drainage Board

Re: Vestal/Kirkendall Drainage Area, Cherry Tree Farms Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Vestal/Kirkendall Drain to the Cherry Tree Farms Drain. This proposed drain is located in Noblesville Township.

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 drain will consist of the following:

Open Ditch                      2,245 ft.

The total length of the drain will be 2,245 feet.

The extension will begin at the east end of the pond outlet for the Cherry Tree Farms Drain as described in my report dated July 16, 1979 and approved by the Board on November 19, 1979 (see Hamilton County Drainage Board Minutes Book 1, Page 326). The extension will follow the existing open ditch to the Emily Vestal Drain as described in the viewers report to the Hamilton County Circuit Court dated December 17, 1881.

The rates for maintenance were established per my report dated June 6, 2006 which was approved by the Board at hearing on July 24, 2006. (See Hamilton County Drainage Board Minute Book 9, Pages 331-332)

I have reviewed the plans and drain map and believe, as set out in IC 36-9-27-69 (b) (1) that tracts 11-10-15-00-00-007.000 and 11-10-15-00-00-018.000 is within the drainage shed of the Vestal/Kirkendall Drain and therefore benefits from the drain.

The annual maintenance collection for this extension will be \$148.80. Collections for this extension will not begin until 2008.

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designed as an Urban Drain.

The nature of maintenance work required is as follows:

1. Removal of beaver dams;
2. Bank erosion repair and protection as might be required;
3. Re-excavation of open ditch to improve flow;
4. Removal of debris and/or blockages from flowline;
5. Any other repairs that may be necessary to restore flow to the drain.

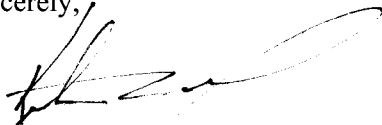
The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

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

<u>Owner</u>	<u>Parcel</u>
Denise M. Wilfong Charitable Remainder Unitrust	11-10-10-00-00-018.000
Paul L. Wilfong Trust ½ & Ralph L. Wilfong II Trust ½	11-10-15-00-00-007.000

I recommend that the Board set a hearing for this extension for April 23, 2007.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

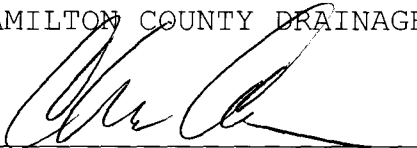
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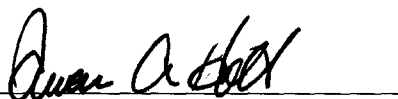
**FINDINGS AND ORDER**  
**CONCERNING THE MAINTENANCE OF THE**  
**VESTAL/KIRKENDALL DRAINAGE AREA, CHERRY TREE FARMS EXTENSION**

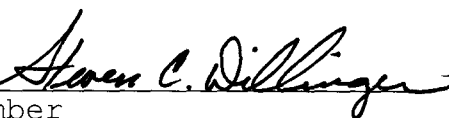
On this **23rd day of April 2007**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Vestal/Kirkendall Drainage Area, Cherry Tree Farms Extension**

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

  
\_\_\_\_\_  
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  
**VESTAL/KIRKENDALL DRAINAGE AREA, CHERRY TREE FARMS EXTENSION**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Vestal/Kirkendall Drainage Area, Cherry Tree Farms Extension** came before the Hamilton County Drainage Board for hearing **on April 23, 2007**, 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.

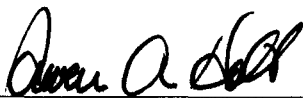
The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

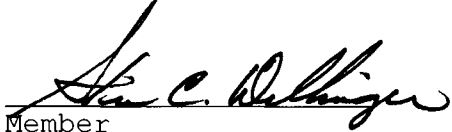
Wherefore, it is ORDERED, that the proposed Reconstruction of the **Vestal/Kirkendall Drainage Area, Cherry Tree Farms Extension** be and is hereby declared established.

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

  
PRESIDENT

  
Member

  
Member

ATTEST:   
Executive Secretary



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Vestal/Kirkendall Drainage Area, Cherry Tree Farms 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 **Vestal/Kirkendall Drainage Area, Cherry Tree Farms Extension** on **April 23, 2007, at 9:25 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 Vestal Kirkendall Drainage Area, Cherry  
Tree Farms Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **April 23, 2007** 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  
PRESIDENT

ATTEST: Lynette Mosbaugh  
EXECUTIVE SECRETARY