

*Kenton C. Ward, Surveyor*

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June 23, 2003

To: Hamilton County Drainage Board

Re: Kirkendall Drain, Mary Cox Drain Arm

Attached is a petition filed by Throgmartin Henke, LLP along with a drain map and assessment roll for the Mary Cox Arm, Kirkendall Drain to be located in Washington Township. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. 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 reconstruction will consist of the following: An extension of the Kirkendall Drain, acceptance of the Mary Cox Drain as part of the Kirkendall Drain and an arm described as follows:

Beginning at the south side of the box culvert under 161<sup>st</sup> Street, which is the present terminus of the Kirkendall Drain (See my report dated January 24, 2001; hearing date February 26, 2001, Drainage Board Minutes Book 5, pages 562 & 563), the Kirkendall open drain shall be extended south along the existing open ditch south of the box culvert under 161<sup>st</sup> Street, 150 feet to a point where it shall convert to the existing Mary Cox Drain at Sta. 24+00 of that drain per it's 1891 description. From that point the drain will continue in the existing Mary Cox Drain to the east line of the tract 08-10-08-00-00-029.000 which is approximately Sta 49+00 of the Mary Cox Drain.

Arm 1 shall begin at the main drain and run west along the south right of way of 161<sup>st</sup> Street 1,085 feet terminating at an existing 48"x42" CMP under 161<sup>st</sup> Street.

This line will consist of the following:

Mary Cox Drain	2,500 ft	New Main	150 ft
		Arm 1	1,085 ft

The total length of the extension shall be 1,235 feet of new drain.

This proposal will place easement under IC 36-9-27-33 on the following tracts:

08-10-08-00-00-032.000

08-10-08-00-00-032.001

08-10-08-00-00-033.000

The proposed extension shall increase the current drainage shed for the Kirkendall Drain by 238.31 acres and 52 lots. The existing assessment rates were established by the Board at hearing on May 1996.

I have reviewed the proposal and believe the drain will benefit each tract equally. Therefore, I recommend each tract be assessed at the established assessment rates equally. I also believe that no damages will result to landowners by the extension of this drain. I recommend the maintenance assessment of \$2.00 per acre, with a \$10.00 minimum. With this assessment the total annual assessment for this drain extension will be \$1,095.86.

I do not believe that damages will occur to any of the properties included with this proposal. Therefore, damages for all tracts shall be set at \$0.00.

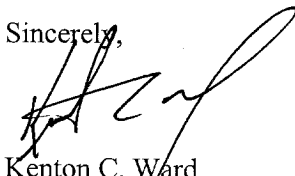
There is no cost of improvements for this extended length of drain as it is to be accepted as is, other than the work for the Bridgewater Club Section E being done by Throgmartin Henke LLP, developer of the proposed subdivision. This work consists of grading and installation of the pipe under Bridgewater Club Boulevard for Arm 1. Therefore, reconstruction costs shall be set at \$0.00.

Parcels assessed for this drain may be assessed for the Emily Vestal Drain at sometime in the future.

The drain has already been classified as an Urban Drain as set out in IC 36-9-27-67 to 69. This was done at hearing before the Board in May 1996.

I recommend the Board set a hearing for this proposed drain for July 28, 2003.

Sincerely,



Kenton C. Ward  
Hamilton County Surveyor

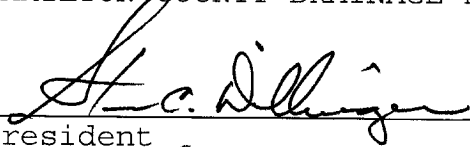
KCW/llm

FINDINGS AND ORDER  
CONCERNING THE MAINTENANCE OF THE  
Kirkendall Drain, Mary Cox Drain Arm

On this *28th day of July, 2003*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Kirkendall Drain, Mary Cox Drain Arm*.

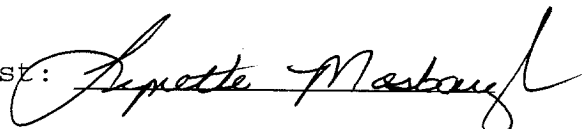
Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Attest:   
\_\_\_\_\_  
Depette Masbury

STATE OF INDIANA     )  
                          ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
*Kirkendall Drain, Mary Cox Drain Arm*

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Kirkendall Drain, Mary Cox Drain Arm* came before the Hamilton County Drainage Board for hearing on *July 28, 2003* 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.

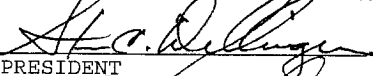
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included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

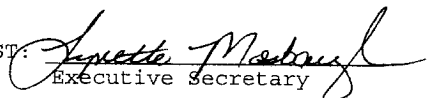
HAMILTON COUNTY DRAINAGE BOARD

  
PRESIDENT

  
Member

Member

ATTEST:

  
Executive Secretary