



K.W.

SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, Surveyor

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Suite 188

One Hamilton County Square

Noblesville, Indiana 46060-2230

January 25, 2005

Hamilton County Drainage Board

Re: Kirkendall Drain - Mary Cox Arm

Upon reviewing the drainage shed for the Kirkendall Drain, I have notice that part of the Mary Cox Drain is in the watershed for the Kirkendall Drain. Due to the development growth and that the Mary Cox Drain is not currently on maintenance, I recommend that the remaining portion of the Mary Cox Drain be made part of the Kirkendall Drain, Mary Cox Arm.

The new Kirkendall Drain, Mary Cox Arm, will be from Sta. 48+33 to Sta. 67+33 of the original Mary Cox description from 1884. The tile portion of the Mary Cox Drain (See Surveyor's report dated June 23, 2003, Drainage Board Minutes Book 7, pages 98 and 99) will also become part of the Kirkendall Drain, Mary Cox Arm.

The drain shall also be extended from Sta. 67+33 of the original Mary Cox description from the 1884, to the north right of way of 161st Street. This extension will include 32 feet of twin 84" CMP pipes under 161st Street and 445 feet of open ditch. This new extension will place statutory easements on parcels 10-10-09-00-00-033.000, owned by Eric & Leah Teitsma and 10-10-09-00-00-034.000, owned by Jack Z. & Margaret L. Kwasniewski.

The total length of new drain shall be 477 feet. The total length of 3528 feet of the Mary Cox Drain will be added to the Kirkendall Drain. The 150 feet of 15" tile from the original Mary Cox Drain between Sta. 10+00 and Sta. 11+50 shall be vacated. This section of the Mary Cox Drain was missed in my report to the Board on June 23, 2003 (See Drainage Board Minutes Book 7, pages 98 and 99).

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

Upon review of the drainage assessments for the Kirkendall Drain, I found that the assessment rate for roadway should be adjusted.

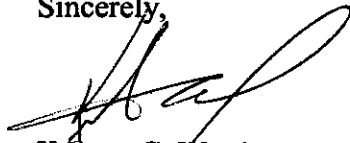
I recommend that the assessment rate be increased from \$2.00 per acre for roadways to \$10.00 per acre. This will increase the current annual assessment from \$51.28 to \$256.40 for the Hamilton County Highway, from \$55.80 to \$279.00 for Indiana Department of Transportation, and from \$32.64 to \$163.20 for the Town of Westfield. These roadways have not been accepted yet by the appropriate governmental entity and will increase the current annual assessment from \$73.38 to \$366.90 for Langston Construction, \$94.98 to \$474.90 for Crossmann Communities, \$83.94 to \$419.70 for Arbor Investments, \$35.46 to \$177.30 for Throgmartin-Henke Development, and \$12.48 to \$62.40 for Carey Glen LLC.

The total annual assessment for this new length of drain will be \$2007.38. This includes the increased assessment for the roadways in the Kirkendall Drain and the parcel assessments for the new drain. The assessment roll is attached to this report.

The assessment rates for the tracts currently assessed to the Kirkendall Drain shall remain the same.

I recommend this hearing be set for March 28, 2005.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', written over the printed name.

Kenton C. Ward
County Surveyor

KCW/grh

**Gasb 34 Asset Price &
Drain Length Log**

Drain-Improvement: Kirkendall - Mary Cox Extension (9-12-2005)

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
cmp*	84"	32	32'	∅	\$95 ⁴⁹ /ft	\$3055.68
open	—	445'	445'	∅	\$1955/ft	\$8699.75

Sum: 477 \$11,755.43

Surveyor's Final Report: 477

Comments:
* CPI Supply quote 9-27-2005

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

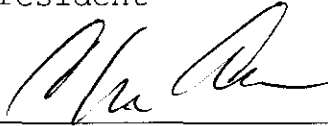
On this **12 day of September, 2005**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Kirkendall Drain, Mary Cox Arm**.

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



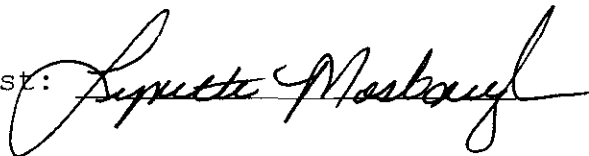
President



Member

Member

Attest:



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 Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Kirkendall Drain, Mary Cox Arm** came before the Hamilton County Drainage Board for hearing **on September 12, 2005**, 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 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:



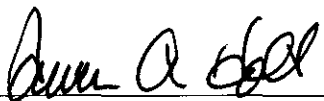
Executive Secretary

FINDINGS AND ORDER
CONCERNING THE PARTIAL VACATION OF THE
Mary Cox Drain, Sta. 10+00 to 11+50

On this **12th day of September, 2005**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Mary Cox Drain, Sta. 10+00 to 11+50**.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Mary Cox Drain**.

HAMILTON COUNTY DRAINAGE BOARD




President



Member

Member

Attest: 

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF
Kirkendall Drain, Mary Cox Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Kirkendall Drain, Mary Cox Arm** on **March 28, 2005** 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

Kirkendall Drain, Mary Cox Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **September 12, 2005** 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