

*Kenton C. Ward, CFM*  
*Surveyor of Hamilton County*  
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*Suite 188*  
*One Hamilton County Square*  
*Noblesville, Indiana 46060-2230*

August 31, 2007

To: Hamilton County Drainage Board

**RE: Elizabeth Warner Drain**

Attached is a partial vacation request submitted by Platinum Properties LLC, managing member of East Carmel LLC. The request is for that portion of the drain that will be within the limits of the Legacy subdivision now being developed.

The Elizabeth Warner Drain is a combination of the Joseph Dawson Drain, which was constructed in 1879 and the George Warner Drain, which was a 1895 reconstruction of the Dawson Drain. The drain is currently on a maintenance program per my report dated April 17, 1980, which was approved at hearing on July 7, 1980. Station 0+00 to Station 26+00 was vacated per my report to the Board dated February 20, 2003, with a hearing date of March 23, 2003 (DB 7, pages 10 and 11). Station 26+00 (which actually was the breather at Station 27+22 after the regulated drain remapping process) to Station 28+67 was vacated per my report to the Board on June 13, 2005, with a hearing date of August 8, 2005 (DB 8, pages 384 and 385).

The portion of the Warner Drain to be vacated is that portion from Sta. 28+67 to Sta. 32+67, which is where a new breather will be located in the Legacy project south of 146<sup>th</sup> Street.

The vacation is being proposed due to the construction of the drainage facilities for the Legacy Subdivision. This construction will be changing the drainage flow from the Warner to the Tunis Gerard Drain. The maintenance of the new facilities will be done by the City of Carmel. The proposed vacation will vacate 400 feet of regulated drain, which consist of 1 row of 7" tile and 1 row of 6" tile.

The watershed for the Elizabeth Warner Drain will not be changed at this time, but will be as future development of the Legacy project takes place. The exact watershed break can be determined as we review section of Legacy and have more detail as to what areas will be draining to the Warner and Gerard Drains.

I believe that the requested partial vacation meets the requirements for vacation as set out in IC 36-9-27-34(d). I recommend the Board set a hearing for this item as set out in IC 36-9-27-37 for October 22, 2007.

A handwritten signature in black ink, appearing to read 'K. Ward', with a long, sweeping flourish extending to the right.

Kenton C. Ward  
Hamilton County Surveyor

KCW/grh

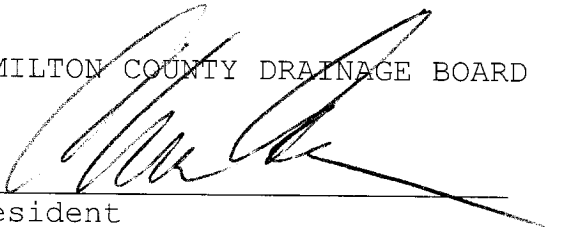
FINDINGS AND ORDER  
CONCERNING THE PARTIAL VACATION OF THE

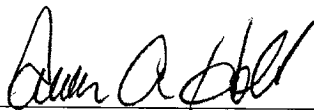
**Elizabeth Warner Drain  
Sta. 28+67 to Sta. 32+67**

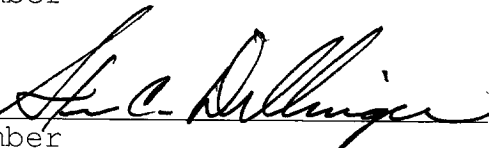
On this **22nd day of October 2007**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Elizabeth Warner Drain, Sta. 28+67 to Sta. 32+67**.

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 **Elizabeth Warner Drain**.

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

Attest:   
\_\_\_\_\_

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD IN THE MATTER OF THE  
ELIZABETH WARNER DRAIN

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NOTICE is hereby given that a request by the Hamilton County Surveyor to VACATE THE Elizabeth Warner Drain across the East Carmel LLC property due to the construction of the drainage facilities for the Legacy Subdivision has been filed and that a hearing is scheduled for October 22, 2007 at 9:30 A.M. on that request.

Objections to the VACATION of the drain must be filed in writing not less than five (5) days before the date of the hearing.

The Board will consider whether the drain performs the function for which it was designed and constructed; whether the expense of maintenance outweighs the benefits to be derived therefrom, and whether the abandonment thereof will not be detrimental to the public welfare.

HAMILTON COUNTY DRAINAGE BOARD

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF THE

**Elizabeth Warner Drain, Sta. 28+67 to 32+67**

NOTICE

Notice is hereby given pursuant to Indiana Code 36-9-27-63 (before codification in 1981) that this Board, prior to final adjournment on **October 22, 2007** issued an order adopting the partial vacation, filed the same and made public announcement thereof at the hearing and ordered publication. Copies of the schedule of assessments and order are on file in the office of the Hamilton County Surveyor. If judicial review of the findings and order of the Board is not requested pursuant to Indiana Code 36-9-27-65(f) 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

Elizabeth Warner Drain #117  
Partial Vacation of Sta. 28+67 to Sta. 32+67  
Hearing: October 22, 2007

Rate per Acre: 2.00  
Rate per Lot: 35.00  
Minimum: 10.00

Parcel	Owner	Address	City	Description1	Acres Benefited	MntAsmt
17-10-23-00-00-001.003	East Carmel LLC	9757 Westpoint Dr Ste 600	Indianapolis, IN 46256	S23 T18 R4 328.50 Ac	n/a	No Change



August 28, 2007

Greg Hoyes  
Plan Reviewer  
Hamilton County Surveyors Office  
One Hamilton County Square, Suite 188  
Noblesville, In 46060-2230

RE: The Legacy Master Infrastructure Phase 1.  
Vacation of a Portion of the Elizabeth Warner Drain.

Dear Greg:

Per the construction plans prepared by Stoepelwerth and Associates entitled The Legacy Master Infrastructure Phase 1 we wish to vacate a portion of the Elizabeth Warner Legal Drain on parcel 17-10-23-00-00-001.000. We desire to vacate approx. 400' of the drain and will install a new breather on the upstream end of the drain that will remain in place. If you have any questions regarding this request, please fee free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy J. Walter', with a stylized flourish at the end.

Timothy J. Walter, P.E.  
Senior Project Manager  
Platinum Properties, LLC, managing member of East Carmel LLC.

Cc: Dennis Olmstead, Stoepelwerth and Assoc.  
File.