



SURVEYOR'S OFFICE  
**Hamilton County**

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March 2, 2005

TO: Hamilton County Drainage Board

RE: Wheeler & Wheeler Drain

Attached is a partial vacation request submitted by C.P. Morgan. The request is for that portion of the G.W. Wheeler Drain that will be within the limits of The Horizons at Cumberland Pointe Subdivision now being developed.

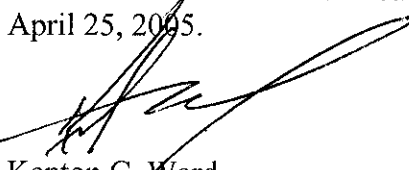
The Wheeler & Wheeler Drain consists of the G.W. Wheeler, J.W. Wheeler Drains, and the Howe Road Arm which were constructed in 1908 and 1990 respectively. The drain is currently on a maintenance program which was approved at hearing on December 7, 1970. (See Drainage Board Minutes Book 1, Page 61).

The portion of the G.W. Wheeler Drain to be vacated is that portion from station 0+00 to station 0+26. Station 0+26 is an existing CMP breather located near or on the property line between The Horizons at Cumberland Pointe and parcel 10-11-08-00-00-020.000 (Woodburn). This breather is located on the north side of the fence line at this location.

The vacation is being proposed due to the construction of the drainage facilities for The Horizons at Cumberland Pointe. The proposed vacation will vacate twenty-six (26) feet of regulated drain.

I believe that the requested partial vacation meets the requirements for vacation as set out in IC 36-9-27-34(d).

I recommend that Board set a hearing for this item as set out in IC 36-9-27-37 for April 25, 2005.

  
Kenton C. Ward  
Hamilton County Surveyor


FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE  
**G.W. Wheeler Drain, Sta. 0+00 to 0+26**

On this **25th day of April 2005**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **G.W. Wheeler Drain, Sta. 0+00 to 0+26**.


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 **G.W. Wheeler Drain**.

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
President

  
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Member

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Member

Attest: 

**BEFORE THE HAMILTON COUNTY DRAINAGE BOARD**

**IN THE MATTER OF THE**

**PARTIAL VACATION OF**

**G.W. Wheeler Drain Sta. 0 to Sta. 0+26**

C.P. Morgan  
4670 Haven Point Blvd.  
Indianapolis, IN 46280

NOTICE is hereby given that the Hamilton County Drainage Board will reclassify Sta. 0+00 to 0+26 of the G.W. Wheeler Drain as being in need of vacation.

A hearing on this reclassification will be held April 25, 2005 at 9:55 A.M. in the Commissioners Courtroom at Noblesville, Indiana.

Objections to vacating the drain must be filed in writing not less than five (5) days before the date of hearing. The Board will consider whether the drain performs the function for which it was designed and constructed; whether the expense of continued maintenance outweighs the benefits to be derived therefrom; and whether the abandonment thereof will be more detrimental to the real estate served by the abandoned portion of the drain than the cost of continued maintenance.

HAMILTON COUNTY DRAINAGE BOARD