

SURVEYOR'S OFFICE

Kenton C. Ward, CFM Surveyor of Hamilton County Phone (317) 776-8495 Fax (317) 776-9628 Suite 188 One Hamilton County Square Noblesville, Indiana 46060-2230

August 5, 2013

TO: Hamilton County Drainage Board

RE: Williams Creek Drain, B & B Park Arm

Attached is a petition filed by Christian & Amie Browning, along with a nonenforcement, plans, calculations, and quantity summary for the B & B Park (formerly known as Lakeland) Arm to the Williams Creek Drain. This proposed drain is located in Clay 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 below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a 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 - 520 feet

The total length of the drain will be 520 feet.

The arm shall begin at north property line of parcel 17-09-27-00-00-032.000, owned by Christian & Amie Browning, and follow the existing open channel (Elliott Creek) 520 feet to the south property line of said parcel, which is the beginning point for the Claridge Farms Drain, Section 1 Arm, per my report dated December 20, 1990 and approved by the Board at a hearing on March 18, 1991 (see Drainage Board Minute Book #2, pages 516 and 520).

The internal storm sewer drains to the subdivision will remain private and the maintenance responsibility with be that of the property owners.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to the landowner by the construction of this drain. I recommend the Williams Creek un-regulated subdivision rate of \$5.00 per acre, with a \$35.00 minimum, and \$10.00 per acre for road be used. With this assessment, the total annual assessment for this drain/this section will be \$78.26.

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 designated as an Urban Drain.

The parcels involved with this new arm are:

Parcel	Owner		
17-09-27-00-00-032.000	Christian & Amie Browning		
Clay Center Road	City of Carmel		

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request is for the regulated drain easement to be those easement widths as shown on the secondary plat for B & B Park as recorded in the office of the Hamilton County Recorder.

I recommend that the Board set a hearing for this arm on September 23, 2013.

Sincerely,

Kenton C. Ward, CFM Hamilton County Surveyor

KCW/pll

# Gasb 34 Asset Price & Drain Length Log

Drain-Improvement: Williams Creek - B & B Park Arm

					lf App	licable
Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	Price:	Cost:
open	n/a	520	520	0	\$19.55 lf	\$10,166.00
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	3					
					14	
			11			
				·		
	Sum:	520	520	0		\$10,166.00
Final Report:						
Comments:						
Comments.						
				2		

### STATE OF INDIANA

#### COUNTY OF HAMILTON )

## TO: HAMILTON COUNTY DRAINAGE BOARD

% Hamilton County Surveyor

One Hamilton County Square, Suite 188 Noblesville, IN. 46060-2230

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In the matter of	Lakeland	Subdivision, Section	
	Drain Petition.		

Petitioner is the owner of all lots in the land affected by the proposed new regulated drain. The drainage will affect various lots in <u>Lakeland</u>, a subdivision in Hamilton County, Indiana. The general route of such drainage shall be in existing easements and along public roads as shown in the plans on file in the Surveyor's Office.

Petitioner believes that the cost, damages and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land likely to be benefited thereby. Petitioner believes the proposed improvements will:

- (a) improve public health
- (b) benefit a public street
- (c) be of public utility

Petitioner agrees to pay the cost of construction of the drainage system and requests periodic maintenance assessments by the Board thereafter.

The Petitioner also agrees to the following:

- 1. To provide the Drainage Board a Performance Bond or Non-Revocable Letter of Credit for the portion of the drainage system which will be made a regulated drain. The bond will be in the amount of 120% of the Engineer's estimate. The bond will be in effect until construction of 100% of the system is completed and so certified by the Engineer.
- 2. The Petitioner shall retain an Engineer throughout the construction phase. At completion of the project the Petitioner's Engineer shall certify that the drainage system which is to be maintained as a regulated drain has been constructed as per construction plans.
- 3. The Petitioner agrees to request in writing to the County Surveyor any changes from the approved plan and must receive written authorization from the County Surveyor prior to implementation of the change. All changes shall be documented and given to the Surveyor to be placed in the Drain file.
- 4. The Petitioner shall instruct his Engineer to provide a reproducible print on a 24" x 36" Mylar of the final design of the Drainage System. This shall be submitted to the County Surveyor prior to the release of the Performance Bond.
- 5. The Petitioner shall comply with the Erosion Control Plan as specified on the construction plans. Failure to comply with the Erosion Control Plan shall be determined by the Board as being an obstruction to the drainage system. The County Surveyor shall immediately install or repair the needed measures at Petitioners cost as per IC 36-9-27-46.

The Petitioner further requests that the Drain be classified as an Urban Drain as per IC 36-9-27-69(d).

# **RECORDED OWNER(S) OF LAND INVOLVED**

Signed

Christian T. Browning\_

Printed Name Date

Signe

Amie B. Browning

Printed Name

Printed Name

Date

Signed

Printed Name

Date

Date

Signed

Adobe PDF Fillable Form This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060

## FINDINGS AND ORDER

### CONCERNING THE MAINTENANCE OF THE

# Williams Creek Drain, B & B Park Arm

On this 23<sup>rd</sup> day of September, 2013, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Williams Creek Drain, B & B Park 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

Member

Member

Attest:

# BEFORE THE HAMILTON COUNTY DRAINAGE BOARD IN THE MATTER OF

## Williams Creek Drain, B & B Park Arm

#### NOTICE

To Whom It May Concern and:

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the Williams Creek Drain, B & B Park Arm on September 23, 2013 at 9:05 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

## Williams Creek Drain, B & B Park 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 23, 2013** 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

# BEFORE THE HAMILTON COUNTY DRAINAGE BOARD IN THE MATTER OF THE

## Williams Creek Drain, B & B Park Arm

### NOTICE

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Hamilton County Drainage Board

Attest: Pamela Louks

ONE TIME ONLY