

SURVEYOR'S OFFICE

Hamilton County

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

May 14, 2010

To: Hamilton County Drainage Board

Re: Williams Creek Drainage Area, Charles Osborn & J.R. Collins South Section

Attached is a drain map, drainage shed map and schedule of assessments for maintenance for Williams Creek Drain, Charles Osborn & J.R. Collins South Section. This portion of the drain is located in Clay Township.

The section of drain to be included with this report is that portion of drain between 136th Street, approximately Station 42+00 of the original 1902 report, and to a point 662 feet south of 131st Street and 1428 feet west of Springmill Road which is Station 94+00 of the 1902 description and the confluence of the O. F. Henley Drain. The north section, above 136th Street, was placed on maintenance per my report dated September 23, 2009 and approved at hearing on October 26, 2009 (see Hamilton County Drainage Board Minutes Book 12, pages 300-302).

At this time the Charles Osborn and J.R. Collins #2 Drain is listed on the 2010 Classification List for maintenance at Number 1. The drain was requested for classification by Frank McKinney Jr. on August 12, 1968 and V. John Davis in March 1978. The office has had eight (8) complaints on the drain since 2002. Those are as follows:

<u>DATE</u>	<u>APPLICANT</u>	<u>LOCATION</u>	<u>PROBLEM</u>
Feb. 20, 2002	Trinity Homes	136 th St. West of Springmill Rd. On Luis Way	Drain collapsed at outlet
July 9, 2003	Sarah Burr	Culver under 141 st St West of Springmill Rd.	Debris blocked culvert
March 4, 2004	Donald Monson	131 st St. & Springmill Rd.	Water standing
Dec. 2, 2004	Andrew Gerdom	North of 131 st St/ East of Springmill Rd.	Beaver dam
Nov. 27, 2006	Anna Seals	Northeast of Springmill & 131 st St.	Tree obstruction flow

April 14, 2008	Mike Cooney	1030 Bridgeport Dr.	Standing water
June 23, 2009	Rick Montague	14606 Warner Trail	Erosion
August 12, 2009	Aleta Wilson	Clearbrook & Bucksport Ln.	Structure problem

The nature of maintenance work required is as follows:

- A. Clearing of trees and brush on the existing open drain as needed to improve flow.
- B. Creation and re-excavation of silt basins
- C. Re-excavation of open ditch to original grade line
- D. Surface water structures as might be required
- E. Bank erosion protection and/or seeding as might be required;
- F. Repair of private tile outlet ends as might be required;
- G. Repair of regulated drain tile outlets;
- H. Removal of beaver dams;
- I. Removal of debris and/or blockage from regulated open ditch;
- J. Spraying for vegetation control;
- K. Any other repairs deemed to be applicable and necessary by the Surveyor to restore the drain to its original intended use and condition.

The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

A Watershed Management Plan is presently being prepared by Christopher Burke Engineering. This report will provide recommendations to the Drainage Board for maintenance, reconstruction and flood control.

The rates for maintenance were established per my report dated June 6, 2006 which was approved by the Board at hearing on August 28, 2006 (See Hamilton County Drainage Board Minute Book 9, Pages 410-411).

The following tracts should be added to the Williams Creek Drainage Assessments that are not completely or currently assessed.

<u>Owner</u>	<u>Parcel Number</u>	<u>Acreage</u>	<u>Assessment Amount</u>
Abacus Preschool, LLC Parks at Spring Mill	16-09-26-00-00-002.101	1.75 acres	\$75.00
Homeowners Association	16-09-26-00-00-002.001	21.51 acres	\$64.53
Carmel Dads Club, Inc.	16-09-27-00-00-026.001	5.78 acres	\$17.34
Avanelle Hodson	17-09-27-00-00-024.000	0.81 acres	\$15.00
City of Carmel	136 th Street	4.29 acres	\$42.90
City of Carmel	131 st Street	5.22 acres	\$52.20

I have reviewed the plans and drain map and believe, as set out in IC 36-9-27-69 (b) (1) that all tracts within the drainage shed of the Williams Creek Drain will benefit. The following maintenance assessment has been adopted by the Board:

1. Maintenance assessment for roads and streets are set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts are set at \$3.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts are set at \$3.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial institutional and multi-family residential tracts are set at \$10.00 per acre with a \$75.00 minimum.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be considered part of the regulated drain (those systems maintained by the City of Carmel) shall be set at \$35.00 per lot - \$35.00 minimum. Common areas within subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by the City of Carmel) are set at \$5.00 per acre with a \$35.00 minimum.
6. Maintenance assessments for platted lots within a subdivision whose drainage system will be part of the regulated drain are set at \$65.00 per lot, with a \$65.00 minimum. Common areas with regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.

The annual maintenance collection for this will be \$266.98. The period of collection shall be eight years as per IC 36-9-27-43.

Williams Creek has been identified in the NPDES Phase II General Permit Application, Storm Water Quality Management Plan Part C: Program Implementation Report dated November 5, 2008, Page 5, as a MS4 area receiving stream.

Williams Creek is listed in the NPDES Phase II General Permit Application Storm Water Quality Management Plan Part B: Baseline Characterization Report dated November 5, 2008 on the following pages:

Page 4 as an MS4 Area Receiving Stream

Page 7 as a 14 digit HUC Watershed #05120201090060 within the MS4 Area with drainage size of 14,198.70 acres.

Page 16 as being in the IDEM 305(b) Report as being fully supportive of aquatic life and full body contact.

This drain is not listed on the 2008 303(d) list of impaired waters for Indiana.

I recommend that the Board set a hearing for this proposed maintenance for October 25, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', written over a horizontal line.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

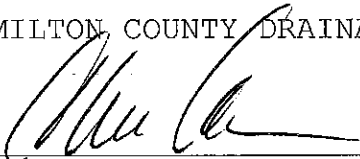
CONCERNING THE MAINTENANCE OF THE

Williams Creek Drainage Area,
Charles Osborne & J. R. Collins South Section

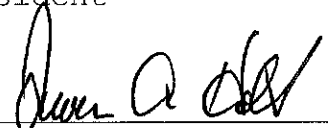
On this **25th day of October 2010**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drainage Area, Charles Osborne & J. R. Collins South Section**.

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.

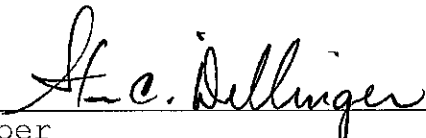
HAMILTON COUNTY DRAINAGE BOARD



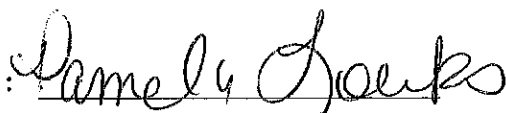
President



Member



Member

Attest: 

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

*Williams Creek Drainage Area,
Charles Osborne & J. R. Collins South Section*

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **October 25, 2010** 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: Pamela Louks

ONE TIME ONLY

RETURNED

OFFICE OF

HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Williams Creek Drainage Area, Charles Osborn & J.R. Collins South Section.

Parks at SpringMill H.O.A.
P.O. Box 843
Carmel, IN 46082

Under the Indiana Drainage Code, all land which drains directly, or indirectly, is assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. From time to time the assessments may be increased or changed. The chart below contains your proposed assessment and your percentage of the total annual maintenance contribution to the costs attributable to providing drainage to your land.

The Drainage Board has received a maintenance report and schedule of assessments which affects your land. You are hereby notified that the maintenance report of the County 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 County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the entire drain is \$266.98. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts: This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Parcel	Description	Acres Benefited	Maint. Assmt.	% of Asmnt.
16-09-26-00-00-002.001	S26 T18 R3 21.51 Ac	21.51	\$64.54	24.17%
Residential/Ag				

A public hearing will be held by the Drainage Board in Commissioner's Court at **9:05 A.M. on October 25, 2010** on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed. The failure of any owner to file an objection constitutes a waiver of his right to thereafter object on such ground to any final action of the Board. On or before the hearing date the Surveyor or any owner of lands named in the schedule of assessments may cause written evidence to be filed in support of or in rebuttal to any objection filed.

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste. 188
Noblesville, IN 46060

For a copy of the Surveyor's Report to the Drainage Board and a copy of the map, if applicable, please go to www.hamiltoncounty.in.gov/drainageboardnotices.

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

***Williams Creek Drainage Area,
Charles Osborne & J. R. Collins South Section***

NOTICE

To Whom It May Concern and: Parks at Springmill HOA

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Williams Creek Drainage Area, Charles Osborne & J. R. Collins South Section** on **October 25, 2010** 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