

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

February 23, 2010

To: Hamilton County Drainage Board

Re: Clay Creek Drain, Crooked Stick Estates Section 4 Arm

Attached is a drain map for the Clay Creek Drain, Crooked Stick Estates Section 4 Arm. This proposed drain is located in Clay Township.

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:

Clay Creek Drain	Open Ditch – 639 feet
Center Creek Arm to Clay Creek Drain	Open Ditch – 1,068 feet

The Clay Creek Drain shall begin at the east right of way line of Ditch Road and run upstream within the existing Clay Creek channel 639 feet to the north right of way of 116th Street. The Center Creek Arm shall begin at the west property line of parcel 17-13-04-00-00-056.000, owned by National Bank of Indianapolis, and run downstream within the existing Center Creek channel 1,068 feet to a point that intersects the Clay Creek Drain approximated 334 feet upstream of the east right of way line of Ditch Road.

The nature of maintenance work required is as follows:

1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.

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

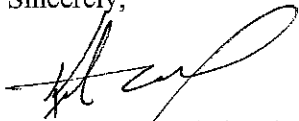
The easement for the drain should be set at the existing platted easements as shown on the secondary plat for Crooked Stick Estates, Section 4, as recorded in the Office of the Hamilton County Recorder in Plat Book 5, Pages 158 thru 160. Therefore, I believe that no damages will result to landowners by the regulating of this drain.

Regulated Drain easement will be added to the following tracts:

<u>Parcel</u>	<u>Owner</u>
17-13-04-00-00-050.000	David W. & Jaclyn A Lemen
17-13-04-00-00-051.000	Lyndell D., Jr. and Janyce B. Foster
17-13-04-00-00-055.000	Homer F. & Linda Beltz
17-13-04-00-00-056.000	National Bank of Indianapolis
116 th Street	City of Carmel
Ditch Road	Hamilton County Highway Department

I recommend that the Board set a hearing for this extension for April 26, 2010.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

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

Drain-Improvement: Clay Creek : Crooked Stick Estates Sec. 4 Arm

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
Open	—	639	639	Ø	\$19.55 LF	\$12,492.45
Open	—	1068	1068	Ø	\$19.55 LF	\$20,879.40
Sum:		1707				\$22,128.85

Final Report: N/A

Comments:

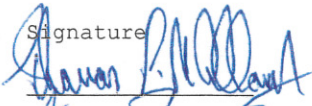
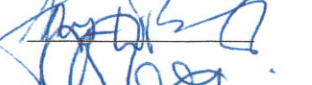
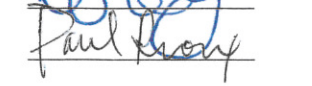
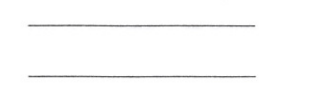
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To: Hamilton County Drainage Board

Re: In the matter of the Thomas Hussey Drain Petition

Comes now the undersigned individuals, who petition the Hamilton County Drainage Board, per IC 36-9-27-54, for a new regulated drain. The undersigned believe the following:

1. They are owners of ten percent (10%) in acreage; or twenty five percent (25%) or more of the assessed valuation of the land that is outside the corporate boundaries of a municipality and is alleged by the petition to be affected by the proposed drain.
2. That as property owners within the drainage shed, they are qualified petitioners.
3. That they now desire that a regulated drain be established in Clay Township, which involves the following public roads; Prestwick Lane and various areas surrounding these roads in the drainage shed.
4. The names and address of each owner affected by the proposed public drainage are attached hereto, made a part hereof, and marked Exhibit "A", which area of land involved in the proposed drainage area is located in section 4, township 17 north, range 3 east, Hamilton County, Indiana.
5. No other public lands or owners are located in the area which would affect improvement.
6. That the general route of the proposed drain is shown in the attached plan which is marked Exhibit "B" and made a part hereof.
7. That in the opinion of the Petitioner, the costs, damages, and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land to be benefited thereby.
8. That in the opinion of the Petitioner, the proposed improvement will improve the public health; benefit a public highway; and be of public utility.
9. That the name of the attorney or spokesman representing petitioner in the drainage petition is Thomas P. McCullough & James W. Browning, who has an office at or whose address is 1535 Prestwick Ln. & 1473 Prestwick Ln, phone 660-6865 & 344-7328.
10. That Petitioners shall pay all the cost of notice and all legal costs if the petition is dismissed. These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.
11. Petitioners shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established. These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.

Signature	Printed Name	Printed Address
	<u>Thomas P. McCullough</u>	<u>1535 Prestwick Ln., Carmel, IN 46032</u>
	<u>James W. Browning</u>	<u>1473 Prestwick Ln., Carmel, IN 46032</u>
	<u>Scott & Abbie Rodgers</u>	<u>1640 Prestwick Ln., Carmel, IN 46032</u>
	<u>PAUL Rioux</u>	<u>CRICKED STICK CC</u>
_____	_____	_____
_____	_____	_____

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Clay Creek Drain, Crooked Stick Estates Section 4 Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Clay Creek Drain, Crooked Stick Estates Section 4 Arm** came before the Hamilton County Drainage Board for hearing **on April 26, 2010**, 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.

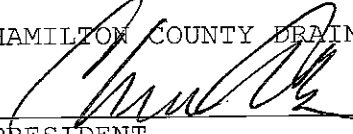
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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.

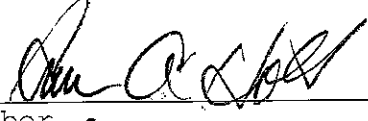
Wherefore, it is ORDERED, that the proposed Reconstruction of the **Clay Creek Drain, Crooked Stick Estates Section 4 Arm** be and is hereby declared established.

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

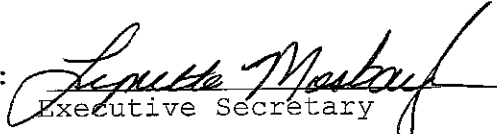


Member



Member

ATTEST:


Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Clay Creek Drain, Crooked Stick Estates Section 4 Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **Clay Creek Drain, Crooked Stick Estates Section 4 Arm** on **April 26, 2010**, at **9:05 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed 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

STATE OF INDIANA)
) SS BEFORE THE HAMILTON
)
COUNTY OF HAMILTON) DRAINAGE BOARD

IN THE MATTER OF **Clay Creek Drain, Crooked Stick Estates**
Section 4 Arm

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **April 26, 2010** adopted the reconstruction report of the Surveyor and the Amended Schedule of damages and assessments including annual assessment for periodic maintenance, finding that the costs, damages and expense of the proposed improvement would be less than the benefits which will result to the owner of lands benefited thereby.

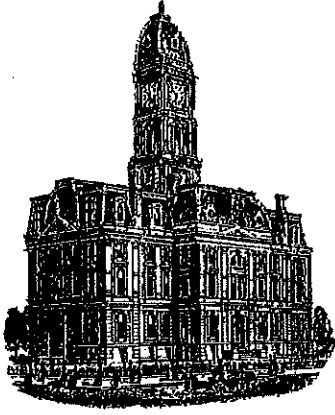
The Board issued an order declaring the proposed improvement established. Such findings and order were marked filed and are available for inspection in the Office of the Hamilton County Surveyor.

If judicial review of the findings and order of the Board is not requested pursuant to Article VIII of the 1965 Indiana Drainage Code as amended within twenty (20) days from the date of publication of this notice, the findings and order shall become conclusive.

HAMILTON COUNTY DRAINAGE BOARD

BY: Christine Altman
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY



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

Map Correction-Field Verification

Drain Number: #315

Drain Length: 1707

Drain Name: Clay Creek _Crooked Stick Est. Sec. 4 Arm

Change +/- : -1707

Date: 10-27-2016

New Length: 0

Verified By: GRH, SLM

Notes & Sketch:

See Attached Map.

Open ditch was proposed regulated via a reconstruction order in 2010. This order was rescinded per the Hamilton County Drainage Board – See Drainage Record Book 15, page 248. Therefore, this portion is no longer considered regulated drain and will be removed from the mapping database.

Suzanne L. Mills
GIS Specialist

Altman asked how many acres is the church on; do you know how big that parcel is because I don't know if they have any TIF; that's definitely going to affect any TIF that they have going.

Hoyes stated that he believes it's about 10 acres; where the old farmhouse sits.

Certificate of Assessment - Clara Knotts Drain, College Hills/Parkwood Crossing:

Hoyes presented the certificate of assessment for the Clara Knotts Drain, College Hills/Parkwood Crossing East Assessment Area. This was approved at the last meeting, but was missed the Board's signature.

Sly Run Drain, Pebble Brook Arm - Culvert Replacement Bid Opening (Noblesville):

Liston stated that the Board received in their packets the bid comparison sheet from the City of Noblesville on this project. In speaking with Jim Hellmann there were fourteen companies that picked up plans for this project. Nine bids were turned in and the low bidder is Hoosier Pride out of Springport, Indiana. Hoosier Pride has done quite a few projects across the county.

Howard stated that the contract was awarded this morning, but they will not be starting construction because they're nine homes on that cul-de-sac and they're going to have to maintain traffic over those pipes and they thought with the holidays coming up that the homeowners probably don't want to be tracking mud and gravel into their homes. This project will start right after the first of the year.

Altman asked if there was an estimated time for construction?

Howard stated that he doesn't remember, but knows that they will do it as quickly as possible.

Altman stated that the property owners are worried about spring floods.

Howard stated that it will be done one lane at a time. It will be dependent on the weather, but the hope is to get it done before spring flooding.

Altman asked if Liston needed any type of acknowledgement or approval on this item?

Liston stated that he doesn't believe so.

Spills - Clara Knotts Drain:

Liston stated that we've learned that Circle K and their consultant, American Environmental, have 60 days to submit a detailed initial site report, which will tell us how far the spill has leached in the subsoil.

Altman stated that they will do some testing to find out how far it traveled.

Liston stated that our Health Department will not do anything until they receive that report.

Surety Acceptance:

Liston stated that at this afternoons Commissioner's meeting the Board would be accepting the following surety: Subdivision Bond #15-801433 in the amount of \$2,057,390.00 for Terry Lee Crossing, land development for new dealership.

Clay Creek Drain - Crooked Stick Estates Reconstruction:

Howard stated that he forwarded to the Board by email on Friday a proposed order of the Drainage Board vacating findings and repealing order for reconstruction of the 2010 and 2011 orders concerning Clay Creek Drain, Crooked Stick Estates Arm #4. I have received the signed motion to dismiss by plaintiff's attorney and consistent with my email to them I said that I would hold that pending your action on this order. Procedurally, we would need to move to reconsider those orders of April 26, 2010 and April 25, 2011 and consider the proposed order.

Altman stated that the dismissal is with prejudice?

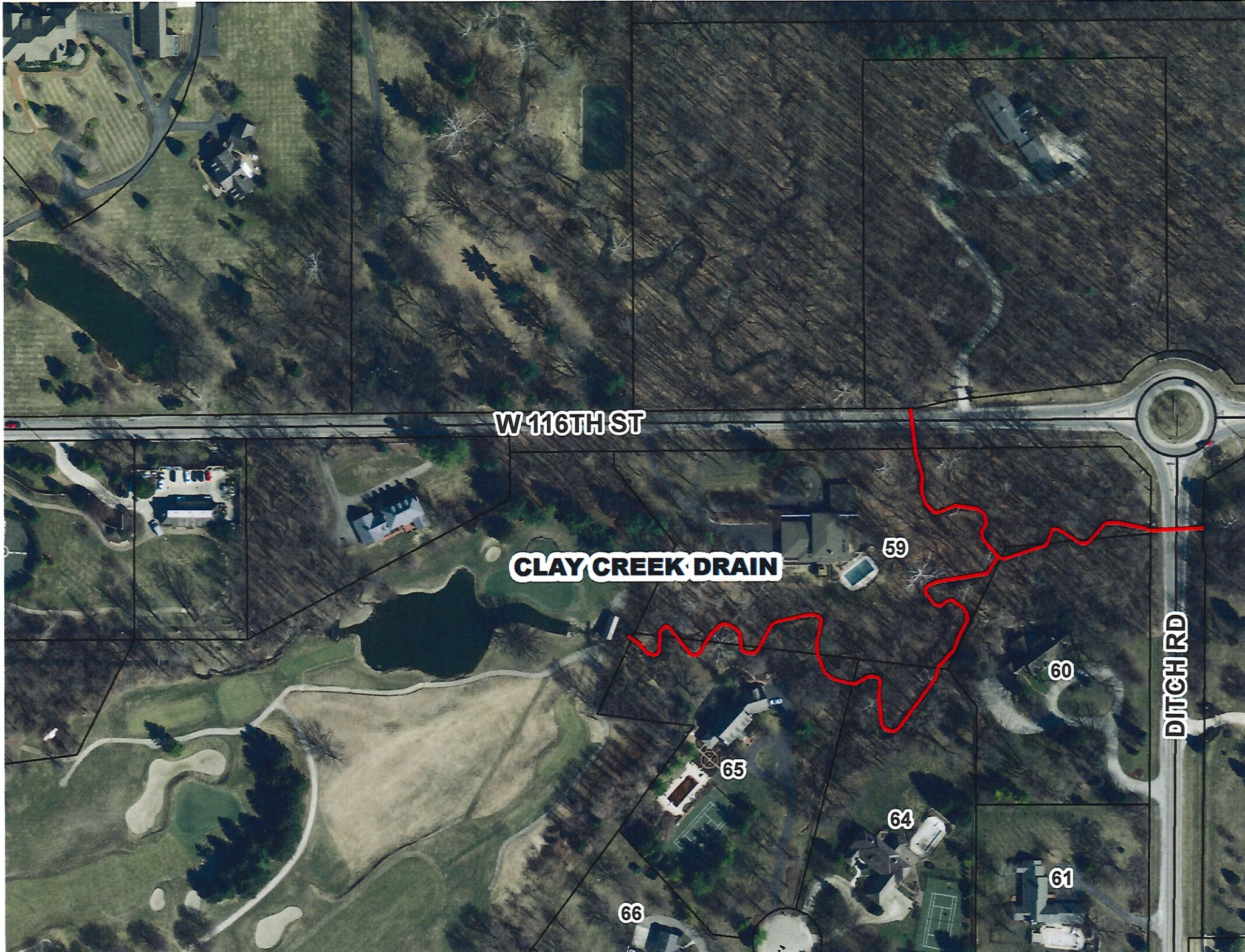
Howard stated yes. This petition for the court and the order is that both parties would be responsible for all costs incurred by the party including attorney's fees.

Altman asked if Howard considers this a final adjudication of the matter?

Howard stated that it is the final adjudication of the matter.

Dillinger made the motion to reconsider the orders of April 26, 2010 and April 25, 2011 and consider the proposed order, seconded by Heirbrandt.

Altman asked if there was any time period for a motion to reconsider or anything that could reopen the actions taken?



W 116TH ST

CLAY CREEK DRAIN

59

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DITCH RD

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