



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

December 2, 2021

TO: Hamilton County Drainage Board

RE: Williams Creek Drainage Shed, Clay Creek Drain Arm, Miller Extension

Attached are plans and petition for the extension of the Clay Creek Drain. The petition was filed by John Michael and Deanne Miller on November 22, 2021. The petition requests the Board to extend the existing Clay Creek Drain across the Miller and Bourdillon properties.

The extension would begin at the terminus of the Clay Creek Drain within High Grove Section 1 established as ending at the east line of Block "A" as shown on the secondary plat of High Grove, Section 1 recorded in the Office of the Hamilton Recorder as Instrument Number 200000007619, Plat Cabinet Number 2, Slide Number 404. This terminus is described in my report to the Board dated November 17, 1999 for the Clay Creek Drain, High Grove Section 1 Arm and approved at hearing on December 27, 1999 (see Hamilton County Drainage Board Minutes Book 5, pages 297-298).

The extended drain will then run downstream following the existing open ditch a distance of 436.7 feet and terminating at the north end of "Block D" as shown on the secondary plat of High Grove, Section 2 recorded in the Office of the Hamilton County Recorder as Instrument Number 200200045032, Plat Cabinet 3, Slide 7. This point is the beginning of the Clay Creek Drain as described in my report to the Board dated December 19, 2001 for the Clay Creek Drain, High Grove Section 2 Arm. This report was approved at hearing on January 28, 2002 (see Hamilton County Drainage Board Minutes Book 6, pages 256-257).

Maintenance of the drain will include removing debris and obstructions, bank restoration and any other work necessary to maintain the flow within the ditch.

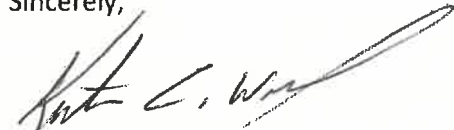
At this time the tract owned by Patrick D. V. Bourdillon, parcel 17-09-33-00-12-001.000, High Grove Section 3, Lot 33 has a 30-foot regulated drain easement along the northeast line of the tract. This is shown on the secondary plat for High Grove Section 3 as recorded in the Office of the Hamilton County Recorder as Instrument Number 200300046635, Plat Cabinet 3, Slide 170. The Bourdillon tract known as parcel #17-09-33-00-00-006.111 does not currently have an easement but will require the entire 0.096-acre tract to be covered by regulated drain easement. This tract lies between the drain and the existing platted easement.

The property owned by J. Michael and Deanne Miller, tracts 17-09-33-00-00-006.101 and 17-09-33-00-00-006.121, do not currently have a regulated drainage easement. Both parcels shall be covered by a regulated drainage easement on those portions of the land located to the west of the west bank of Clay Creek, between east and west banks of Clay Creek and east 75 feet of the east bank of Clay Creek.

Clay Creek Drain is an arm to the Williams Creek Drainage Shed. The Miller and Bourdillon tracts shown on the Exhibit "A" of the petition are currently assessed for the Williams Creek Drainage Shed. There are no changes in the current assessments with the approval of this petition.

I recommend the Board set the petition for hearing on January 24, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenton C. Ward", written over a faint, light-colored signature line.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/plf

FILED
NOV 22 2021

OFFICE OF HAMILTON COUNTY SURVEYOR

To: Hamilton County Drainage Board

Re: In the matter of the Clay Creek 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; N/A 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 33, township 18 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 _____, who has an office at or whose address is _____, phone _____.
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.

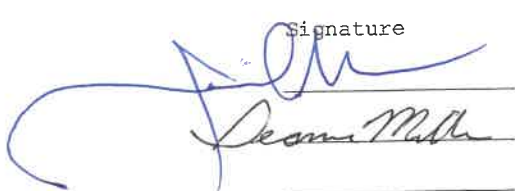
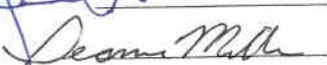
Signature	Printed Name	Printed Address
	John Michael Miller	12411 Hoover Rd Carmel IN 46032
	Deanne Miller	12422 Hoover Rd Carmel IN 46032
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

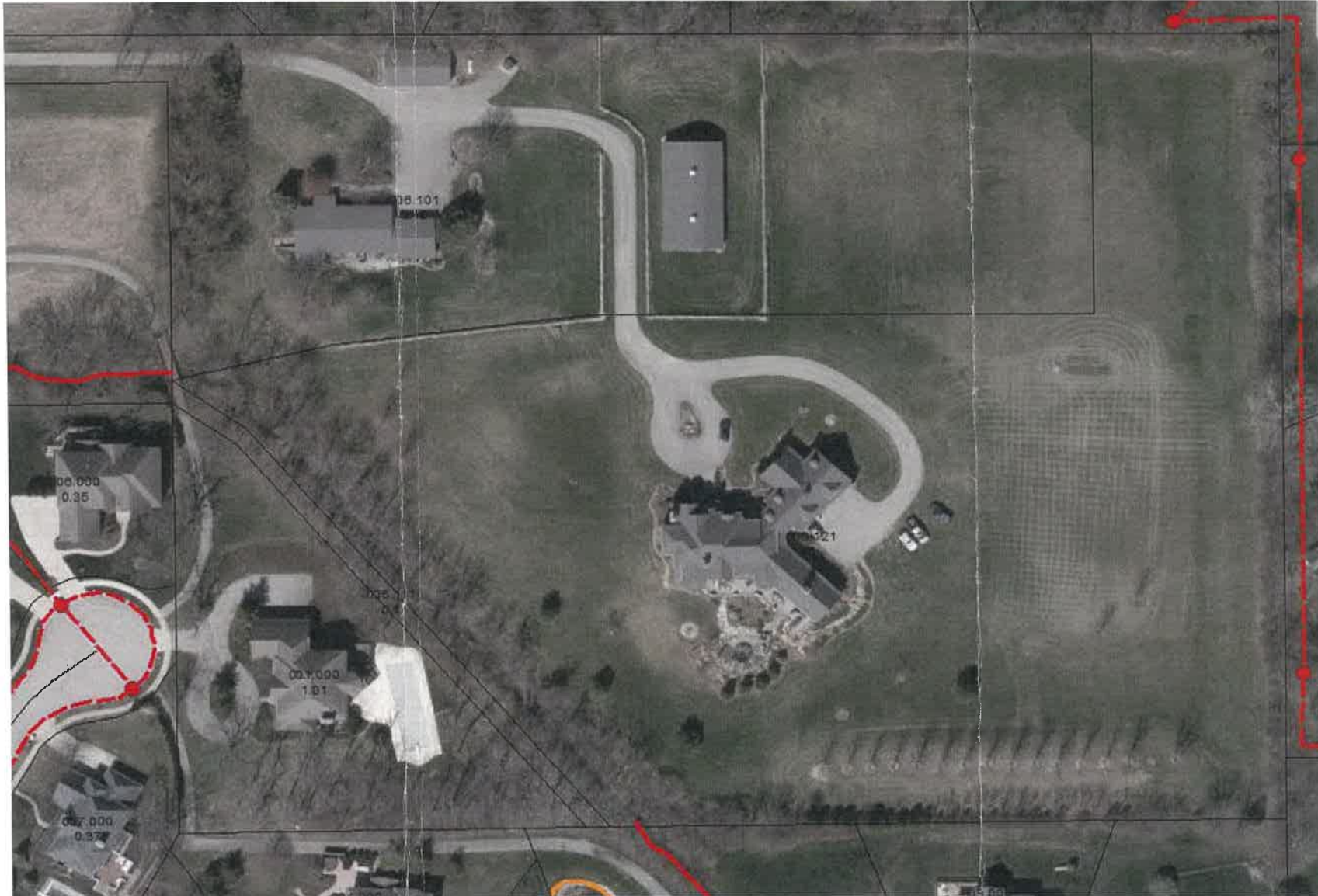
EXHIBIT "A"

Clay Creek, High Grove Subd. (Williams Creek Drainage Area)

Petition to regulate Clay Creek thru un-platted parcel northeast of High Grove Sec. 3.

Parcel	Owner	Address	City	Description
17-09-33-00-00-006.121	Miller, J. Michael & Deanne	12411 Hoover Rd	Carmel, IN 46032	S33 T18 R3 5.00 Ac
17-09-33-00-00-006.101	Miller, J. Michael & Deanne	12415 Hoover Rd	Carmel, IN 46032	S33 T18 R3 3.18 Ac
17-09-33-00-00-006.111	Bourdillon, Patrick D V	12227 Redgold Run	Carmel, IN 46032	S33 T18 R3 0.10 Ac
17-09-33-00-12-001.000	Bourdillon, Patrick D V	12227 Redgold Run	Carmel, IN 46032	S33 T18 R3 High Grove Sec. 3 Lot 33

OFFICE OF HAMILTON COUNTY SURVEYOR
NOV 22 2021
FILED

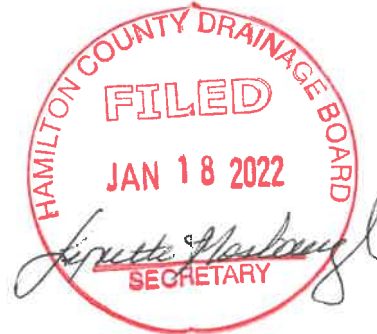


12227 Redgold Run,

Carmel, IN 46032

January 13, 2022

Hamilton County Drainage Board
One Hamilton County Square, Ste. 188
Noblesville, IN 46060-2230



Dear Sirs,

RE: Notice of Hearing on Reconstruction & Schedule of Assessments and Damages on the Williams Creek Drainage Shed, Clay Creek Drain Arm, Miller Extension

In a letter dated December 22, 2021, I was informed of a hearing on this matter on January 24, 2022.

I am a neighbor of Michael Miller and Deanne Miller who filed a petition for a new regulated drain. My property abuts the creek involved in the Miller Extension. I note that the Surveyor's Report dated December 2, 2021 states in paragraph 4 the following:

"Maintenance of the drain will include removing debris and obstructions, bank restoration and any other work necessary to maintain the flow within the ditch."

The report does not specify what "bank restoration and any other work necessary to maintain the flow within the ditch" might involve.

I am submitting this letter as a notice of objection in advance of the Hearing to any work proposed that might unnecessarily remove trees, and other vegetation from the banks of the creek that form a visual buffer between my property and the Miller property, or unnecessary "bank restoration" that impinges on my property.

I intend to attend the Hearing on January 24, 2022.

Sincerely,

Patrick Bourdillon

12227 Redgold Run,

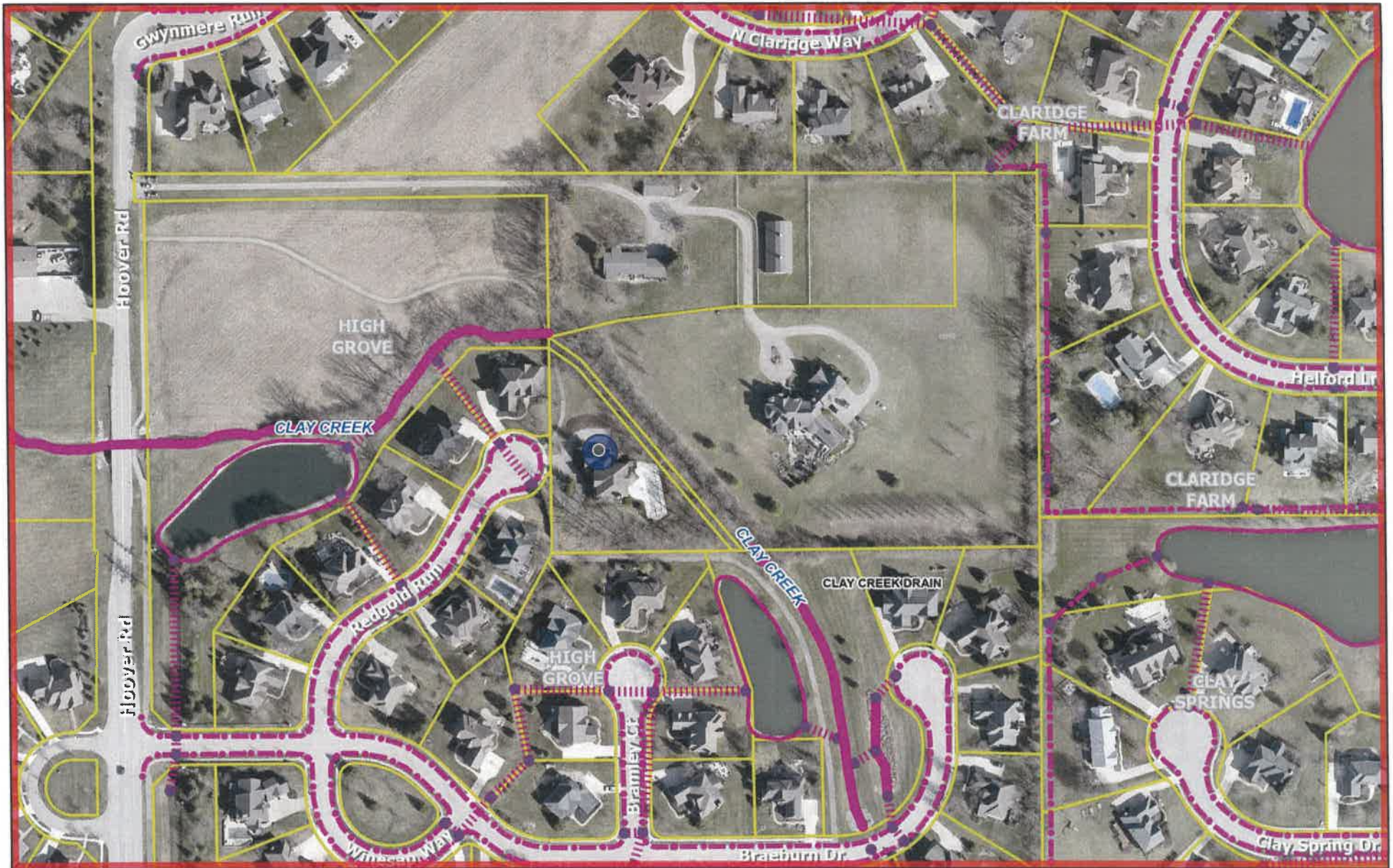
Carmel, IN 46032

Tel: 317 691 5882

17-09-33-00-00-006.111

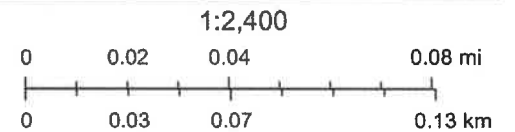
17-09-33-00-12-001.000

Williams Creek-Miller Extension



January 18, 2022

- | | | |
|---------------------------------|---------------------------------|------------------|
| Subdivision Drain Drainage Pool | OPEN DRAIN | Regulated Drains |
| Subdivision Regulated Drains | SSD | OPEN DRAIN |
| CLOSED DRAIN | Subdivision Drainage Structures | Parcels |



Author: Hamilton County

12227 Redgold Run,

Carmel, IN 46032

April 5, 2022

Hamilton County Drainage Board
One Hamilton County Square, Ste. 188
Noblesville, IN 46060-2230



Dear Sirs,

RE: Hearing on Reconstruction & Schedule of Assessments and Damages on the Williams Creek Drainage Shed, Clay Creek Drain Arm, Miller Extension.

I am a neighbor of Michael Miller and Deanne Miller who filed a petition for a new Regulated Drain. My property abuts the creek involved in the proposed Miller Extension.

I submitted an objection to the Drainage Board proposal prior to the Hearing on January 24, 2022, and I attended the Hearing. A copy of my objection letter dated January 13, 2022, is attached. At the Hearing I spoke in person concerning my objection.

At the Hearing there was discussion of the issue of the lack of clarity about the precise relationship of my property to the creek which is proposed to be part of the regulated drain, and of the fact that there is no easement on my side of the creek. I attempted during the Hearing to clarify the survey issue since at the time that I built my home in 2003 I purchased from Dr. Miller a strip of land, approximately 10 feet wide, up to the edge of the creek and contiguous with the main part of my property, in such a way that Dr. Miller retained ownership of the creek, which was what Dr. Miller wanted, but not the bank on my side of the creek. Appropriate surveys were done at the time.

My understanding is that there is no easement on my side of the creek that would allow work to be done by the Drainage Board on my side of the creek related to what is described in the Surveyor's Report dated December 2, 2021, in paragraph 4, as:

"Maintenance of the drain will include removing debris and obstructions, bank restoration and any other work necessary to maintain the flow within the ditch."

The report does not specify what "bank restoration and any other work necessary to maintain the flow within the ditch" might involve.

At the Hearing there was also discussion about whether the proposed work for Drain Regulation could be carried out without access to my side of the creek. This did not seem to me to be a practical possibility, although it was stated by someone from the Drainage Board that it might be.

My objection to the proposal arises in part out of the fact that before I closed on the main part of my property in 2002, during the process of purchasing it from Shamrock Builders, the Drainage Board started work on the creek, which appeared to involve clearing a significant amount of vegetation, including trees on the banks. This would have significantly affected the visual buffer between the two properties, and the character of the creek. The Drainage Board was restrained from completing the project after objections from both Dr. Miller and myself, supported by Shamrock Builders. At a Hearing in 2002 related to this it appeared that there was an error of understanding on the part of both the Drainage Board and Shamrock Builders about the precise location of the property that I was in the process of purchasing from Shamrock. I had been told that the property I was intending to purchase, which previously had been purchased by Shamrock from Dr. Miller, extended to the middle of the creek, which was an error. The original parcel extended to about 10 feet short of the creek on my side of the creek. At the Hearing in 2002 I presented my own objections to what had been done by the Drainage Board, and also presented an affidavit provided to me by Dr. Miller, stating his own objection to the Drainage Board's actions. At that time Dr. Miller and I appeared to be in agreement that including this section of the creek as part of a Regulated Drain was not necessary. At that 2002 Hearing it was decided, that because of these errors, and because of the fact that the Drainage Board had started work on a Drain Regulation project that it was not entitled to do, no further action would be taken, and the case was closed, without including this part of the creek in the Regulated Drain.

In order to prevent the future possibility of similar work being attempted, I went through the arduous process of purchasing from Dr. Miller the strip of land referred to above, so that no one other than myself would have access to my side of the creek to modify the creek bank, or to remove vegetation, including trees. The creek has flowed adequately for the 19 years I have lived there, and at the most a few fallen branches and other debris perhaps need to be moved or removed to maintain optimal flow. It seems to me that this could relatively easily be done by the owner of the creek without it being part of a Regulated Drain.

I note that at the Hearing on January 24, 2022, it was decided to defer action on the Drainage Board proposal until a further Hearing on June 27, 2022. In the meantime, it was stated that a review of the prior survey, or a repeat survey, would be undertaken. I understood that it was recommended that someone from the Drainage Board should contact me for further discussion of the issue. I have not been contacted. On two occasions I have called the Drainage Board office in order to participate in any necessary discussion, and to ascertain what, if anything, is now planned. Despite messages left to enable such discussion, I have not been contacted by anyone at the Drainage Board.

I would like to emphasize that I still object to the Drainage Board proposal. It does not seem possible to do what is proposed without access to my side of the creek. If an attempt is made exclusively from Dr. Miller's side of the creek it seems likely that the character of the creek, and the vegetation on its banks would unnecessarily be changed. It seems to me that any issue of optimal flow of the creek could be achieved by minimal attention to a relatively small amount of debris in the creek. In other words, "removing debris", from paragraph 4 of the Surveyor's Report of December 2, 2021, is all that is necessary. In order to achieve the appropriate amount of minimal clearing of this section of the creek, which is part of Dr. Miller's property and runs immediately adjacent to my own property, it does not seem necessary that it should become the "Miller Extension" of the "Williams Creek Drainage Shed, Clay Creek Drain Arm".

I am submitting this follow-up letter as a notice of my continued objection, in advance of the deferred Hearing on June 27, 2022, to the drainage proposal, since this appears to include work that might unnecessarily remove trees, and other vegetation from the banks of the creek that form a visual buffer between my property and the Miller property, or that might involve unnecessary "bank restoration" that impinges on my property and might unnecessarily alter the character of the creek.

I would be happy to discuss this with personnel from the Drainage Board as was previously recommended.

I intend to attend the Hearing on June 27, 2022.

Sincerely,

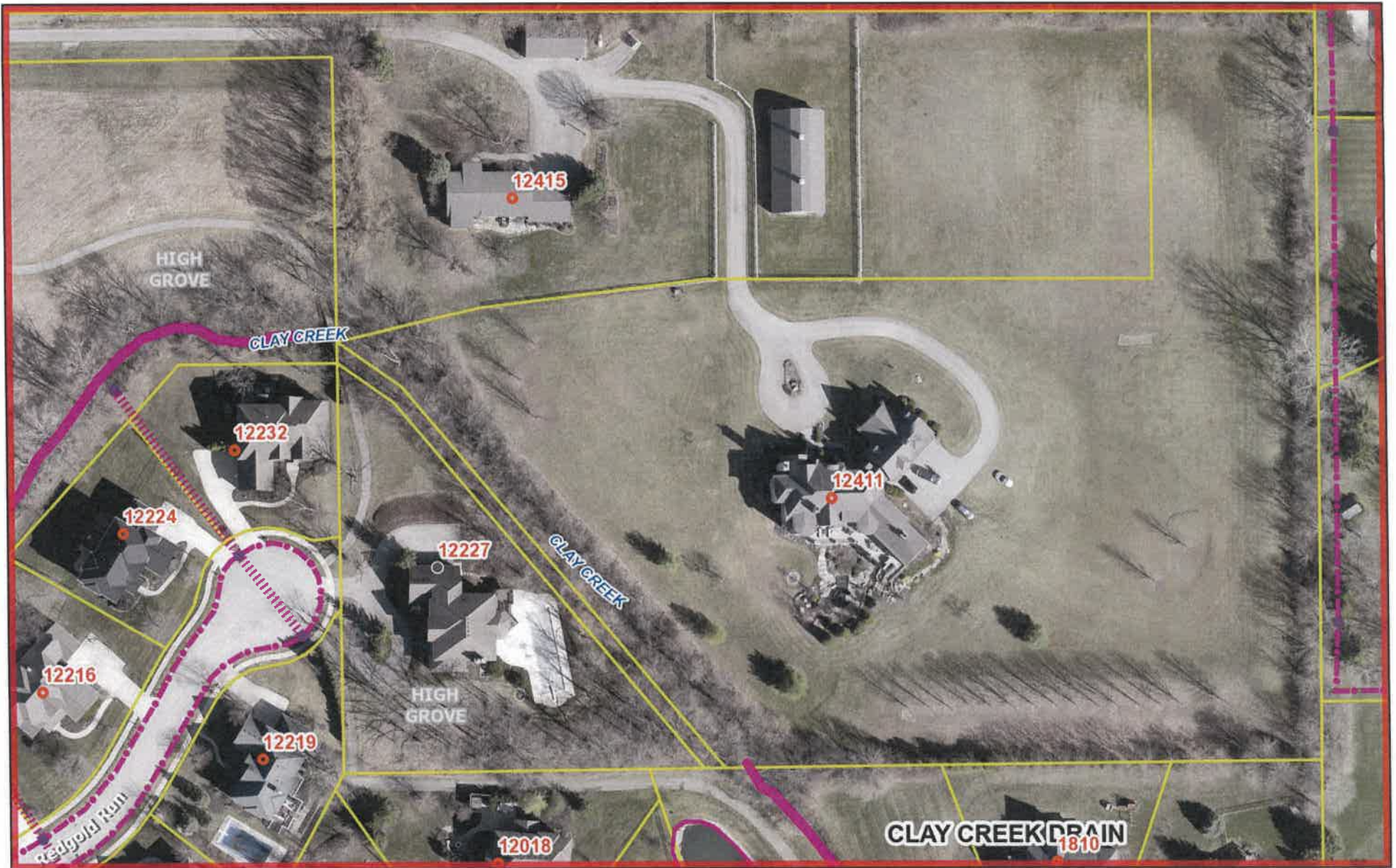
A handwritten signature in black ink that reads "Patrick Bourdillon". The signature is written in a cursive style with a large initial 'P' and 'B'.

Patrick Bourdillon

Tel: 317 691 5882

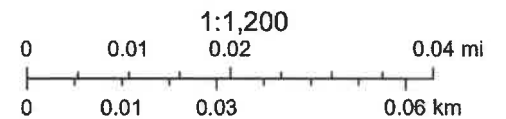
Email: pdvbourdillon@gmail.com

Clay Creek Drain, Miller Extension



April 12, 2022

- Address Points
- ⋯ SSD
- Parcels
- ⋯ Subdivision Drain Drainage Pool
- Subdivision Drainage Structures
- Subdivision Regulated Drains
- Regulated Drains
- - - CLOSED DRAIN
- OPEN DRAIN



Author: Hamilton County

Hamilton County compiled this map. Although strict accuracy standards have been employed, Hamilton County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission. This copy printed from Digital Archive of the Hamilton County Surveyor's Office; One Hamilton Co. Square, Ste., Noblesville, In 46060

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Williams Creek Drainage Shed, Clay Creek Drain Arm, Miller Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Williams Creek Drainage Shed, Clay Creek Drain Arm, Miller Extension** came before the Hamilton County Drainage Board for hearing **on June 27, 2022**, 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 **Williams Creek Drainage Shed, Clay Creek Drain Arm, Miller Extension** 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

***Williams Creek Drainage Shed, Clay Creek Drain Arm
Miller Extension***

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 **Williams Creek Drainage Shed, Clay Creek Drain Arm, Miller Extension** on **January 24, 2022** at **9:00 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 **Williams Creek Drain, Clay Creek Arm,
Miller Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **June 27, 2022** 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