

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*

October 7, 2013

To: Hamilton County Drainage Board

Re: Williams Creek Drainage Area, Clay Creek #318 Arm

Upon review of the Williams Creek Drainage Area, I believe that the Clay Creek Drain #318 should be made an arm to the Williams Creek Drainage Area as the Clay Creek Drain discharges to Williams Creek Drain. This would also avoid a double assessment on the tracts currently assessed for the Clay Creek Drain as the remainder of the Williams Creek Drain is assessed for maintenance.

The Clay Creek Drain was created by the Hamilton County Drainage Board per the Surveyor's report dated November 17, 1999 and approved by the Board on December 27, 1999 (See Drainage Board Minutes Book 5, Page 297-298). At present the Clay Creek Drain maintenance assessment affects 199.44 acres and 252 lots. The rate of assessment for the drain is set at \$5.00 per acre for common areas and parcels, with a \$50.00 minimum, and \$10.00 per acre for roads, with a \$50 minimum. This rate collects \$16,257.80 annually and the balance within the fund is \$78,669.99. There are no outstanding work orders for this drain at this time.

I have reviewed the plans and drain map and believe, as set out in ID 36-9-27-69(b)(1) that all tracts within the drainage shed of Williams Creek Drain – Clay Creek Arm will benefit. The current maintenance assessments, as per the existing rates set for the Williams Creek Drainage Area are as follows:

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 part of the regulated drain shall be set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$5.00 per acre with a \$35.00 minimum.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.

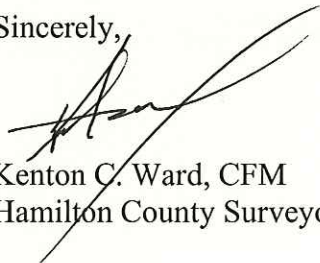
The total annual assessment for this arm of Williams Creek will be \$13,220.50. Collections for the proposed assessment will begin in May 2014.

The current balance of the Clay Creek Drain shall be kept separate and these funds expended for needed maintenance on the Clay Creek Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Williams Creek Drainage Area fund.

Future assessments for the drainage area of the Clay Creek Drain will be made into the Williams Creek Drainage Area fund. No further maintenance collections for the Clay Creek Drain shall be made after 2013 other than any delinquent assessment penalties and interest which remain unpaid.

I recommend that the Board set a hearing for this consolidation for November 25, 2013.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

**Williams Creek Drainage Area, Clay Creek Arm**

On this 25<sup>th</sup> day of November, 2013, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drainage Area, Clay Creek 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



\_\_\_\_\_  
President



\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Attest:



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Williams Creek Drainage Area, Clay Creek 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 Drainage Area, Clay Creek Arm** on **November 25, 2013** at **9:30 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 Drainage Area, Clay Creek Arm**

NOTICE

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