

Kenton C. Ward, CFM
Surveyor of Hamilton County
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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

August 4, 2009

To: Hamilton County Drainage Board

Re: Williams Creek Drainage Area, Crosswind Commons #302 Arm

Upon review of the Williams Creek Drainage Area, I believe that the Crosswind Commons Drain should be made an arm to the Williams Creek Drainage Area as the Crosswind Commons Drain is a tributary to the Williams Creek Drain. This would also avoid a double assessment on the tracts currently assessed for the Crosswind Commons Drain when the remainder of the Williams Creek (Charles Osborn & JR Collins #2) Drain is assessed for maintenance.

The Crosswind Commons Drain was created by the Hamilton County Drainage Board per the Surveyor's report dated October 23, 1997 and approved by the Board on November 24, 1997 (See Drainage Board Minutes Book 4, Pages 478 to 481). At present the Crosswind Commons Drain maintenance assessment affects 19.63 acres and 63 lots. The rate of assessment for the drain is set at \$5.00 per acre for common areas and road, with a \$60.00 minimum, and \$60.00 per lot. This rate collects \$3,928.00 annually and the balance within the fund is \$19,764.94. There are no outstanding work orders for this drain at this time.

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.

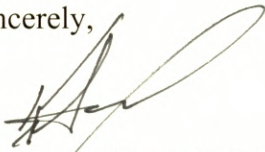
The total annual assessment for this arm will be \$4,336.00.

The current balance of the Crosswind Commons Drain shall be kept separate and these funds expended for needed maintenance on the Crosswind Commons 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 Crosswind Commons Drain will be made into the Williams Creek Drainage Area fund. No further maintenance collections for the Crosswind Commons Drain shall be made after 2009 other than any delinquent assessment penalties and interest which remain unpaid.

I recommend that the Board set a hearing for this consolidation for September 28, 2009.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

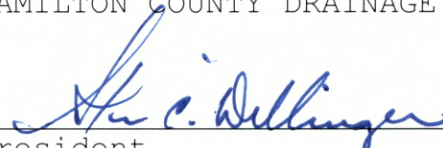
CONCERNING THE MAINTENANCE OF THE

Williams Creek Drainage Area, Crosswind Commons Arm

On this 28th day of September 2009, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drainage Area, Crosswind Commons 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: 

RETURNED

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Williams Creek Drainage Area, Crosswind Commons Arm.

Fink, David K & Elizabeth P Money
580 Zephyr Way
Westfield, IN 46074

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 \$4,336.00. 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:

Description: 08-09-10-00-01-013.000	Current Benefit to Crosswind Commons #302	Current Assessment to Crosswind Commons #302	Proposed Benefit to Williams Creek #315	Proposed Assessment to Williams Creek #315	Percentage of total assessment to Williams Creek #315
Crosswind Commons 1st Lot 13	One Lot	\$60.00	One Lot	\$65.00	1.50%
Regulated Subd.					

A public hearing will be held by the Drainage Board in Commissioner's Court at 9:15 A.M. on September 28, 2009 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Williams Creek Drainage Area, Crosswind Commons Arm

NOTICE

To Whom It May Concern and: Fink, David K & Elizabeth P Money

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Williams Creek Drainage Area, Crosswind Commons Arm** on **September 28, 2009** at **9:15 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, Crosswind Commons 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 28, 2009** 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



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