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September 17, 2015

TO: Hamilton County Drainage Board

RE: Williams Creek Drain – J.R. Collins Arm – Partial Vacation

Attached is a partial vacation request and ALTA survey submitted by DePauw University and Earlham College, joint owners of parcels 16-09-26-00-00-001.000 and 16-09-26-00-00-002.000 in Clay Township.

The portion of the J.R. Collins Drain to be vacated is the main drain from Sta. 0+00 to Sta. 6+00 per the original 1890 legal description.

The proposed vacation will remove 600 feet of 6" tile from the total length of the J.R. Collins Arm of Williams Creek Drain.

The adjacent Illinois Street has its own storm sewer system that collects the ROW and discharges into the pond at Parks at Spring Mill, so no ROW runoff utilizes this drain. The grass ROW area for U.S. 31 is drained by the remaining portion of the main drain and Arm 1 of the J.R. Collins Drain. The only drainage area benefited by this portion of this drain is the 2 parcels owned by the petitioner.

When these 2 parcels are sold for commercial development, they will be installing their own storm sewer conveyance and detention system for their on-site water, which then will discharge back into the J.R. Collins Arm, at their south property line.

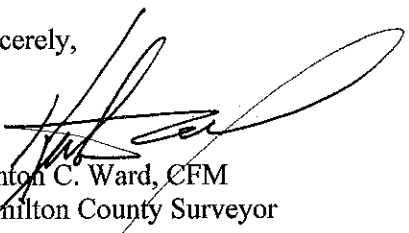
Arm 1 of the J.R. Collins Drain, which connects at Sta. 6+00 of the main drain and runs north easterly will remain in place, as it provides a drainage outlet for parcels not controlled by the petitioners.

This will not change the current assessments for the Williams Creek Drainage Area on these parcels.

I believe that the requested partial vacation meets the requirements for vacation as set out in IC 36-9-27-34(d).

I recommend the Board set a hearing for this item as set out in IC 36-9-27-37 for November 23, 2015.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

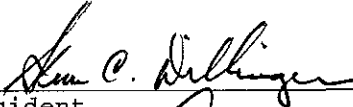
FINDINGS AND ORDER

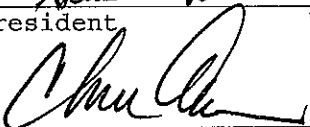
CONCERNING THE PARTIAL VACATION OF THE  
Williams Creek Drain, J. R. Collins Arm Partial Vacation  
Station 0+00 to Station 6+00

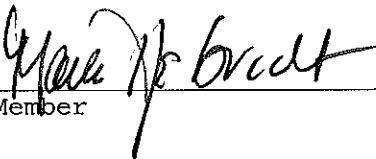
On this 23<sup>rd</sup> day of November, 2015, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Williams Creek Drain, J. R. Collins Arm Partial Vacation, Station 0+00 to Station 6+00.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the Williams Creek Drain, J. R. Collins Arm Partial Vacation, Station 0+00 to Station 6+00.

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

Attest: 

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD IN THE MATTER OF THE  
WILLIAMS CREEK DRAIN, J. R. COLLINS ARM, PARTIAL VACATION

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NOTICE is hereby given that a request by the Hamilton County Surveyor to **WILLIAMS CREEK DRAIN, J. R. COLLINS ARM, PARTIAL VACATION** from Station 0+00 to Station 6+00 of the Original 1890 Legal Description has been filed and that a hearing is scheduled for November 23, 2015 at 9:00 A.M. on that request.

Objections to the VACATION of the drain must be filed in writing not less than five (5) days before the date of the hearing.

The Board will consider whether the drain performs the function for which it was designed and constructed; whether the expense of maintenance outweighs the benefits to be derived therefrom, and whether the abandonment thereof will not be detrimental to the public welfare.

HAMILTON COUNTY DRAINAGE BOARD

ATTEST: Lynette Mosbaugh  
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF THE

**Williams Creek Drain, J. R. Collins Arm Partial Vacation**

NOTICE

Notice is hereby given pursuant to Indiana Code 36-9-27-63 (before codification in 1981) that this Board, prior to final adjournment on **November 23, 2015** issued an order adopting the partial vacation, filed the same and made public announcement thereof at the hearing and ordered publication. Copies of the schedule of assessments and order are on file in the office of the Hamilton County Surveyor. If judicial review of the findings and order of the Board is not requested pursuant to Indiana Code 36-9-27-65(f) 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