

*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*

August 26, 2013

To: Hamilton County Drainage Board

Re: Williams Creek Drainage Area, John Osborn #162 Arm

Upon review of the Williams Creek Drainage Area, I believe that the John Osborn Drain #162 should be made an arm to the Williams Creek Drainage Area as the John Osborn Drain discharges to Williams Creek Drain through Springmill Run. This would also avoid a double assessment on the tracts currently assessed for the John Osborn Drain as the remainder of the Williams Creek Drain is assessed for maintenance.

The John Osborn Drain was created by the Hamilton County Board of Commissioners on February 5, 1906. At present the John Osborn Drain maintenance assessment affects 255.67 acres and 230 lots. The rate of assessment for the drain is set at \$2.00 per acre for all parcels, with a \$25.00 minimum, and \$10.00 per acre for roads. This rate collects \$8,287.56 annually and the balance within the fund is \$29,784.87. There is one outstanding work order 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 – John Osborn 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.

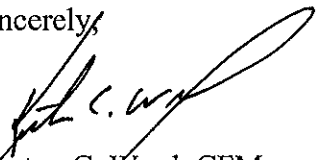
The total annual assessment for this arm of Williams Creek will be \$18,870.78. Collections for the proposed assessment will begin in May 2014.

The current balance of the John Osborn Drain shall be kept separate and these funds expended for needed maintenance on the John Osborn 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 John Osborn Drain will be made into the Williams Creek Drainage Area fund. No further maintenance collections for the John Osborn 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 October 28, 2013.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

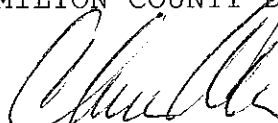
CONCERNING THE MAINTENANCE OF THE

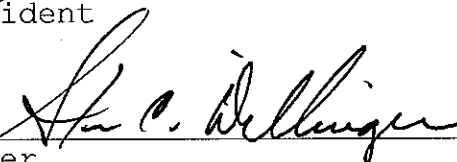
Williams Creek Drainage Area, John Osborne Arm

On this 28<sup>th</sup> day of October, 2013, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drainage Area, John Osborne 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  
September 27, 2013

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
Williams Creek Drainage Area, John Osborn #162 Arm.

Ozdemir, Sain & Aryn Eliza Jane Ozdemir  
3302 Walnut Creek Dr  
Carmel, IN 46032

Under the Indiana Drainage Code, all land which drains directly, or indirectly, may be assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. From time to time the assessments may be increased or changed. The chart below contains your proposed assessment and your percentage of the total annual maintenance contribution to the costs attributable to providing drainage to your land.

The Drainage Board has received a maintenance report and schedule of assessments which affects your land. 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 \$18,870.78. 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: This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Parcel: 17-13-05-00-03-008.000					
	Rate	Acres Benefitted	Current Osborn Assessment	Proposed Williams Creek Assessment	% of Total
S5 T17 R3 Walnut Creek Woods Lot 9 1.32Ac	Regulated Subd	One Lot	\$25.00	\$65.00	0.34%
When the John Osborn Drain is combined with Williams Creek, the annual assessment will be made to the Williams Creek Drain instead of the John Osborn Drain. The period of collections will be until the balance in the Williams Creek Drainage Area fund reaches 8 times its annual assessment.					

A public hearing will be held by the Drainage Board in Commissioner's Court at **9:05 A.M. on October 28, 2013** 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

*For a copy of the Surveyor's Report to the Drainage Board and a copy of the map, if applicable, please go to [www.hamiltoncounty.in.gov/drainageboardnotices](http://www.hamiltoncounty.in.gov/drainageboardnotices).*

OFFICE OF  
**HAMILTON COUNTY DRAINAGE BOARD**  
 September 27, 2013

**RETURNED**

**Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
 Williams Creek Drainage Area, John Osborn #162 Arm.**

Tiberi, Marco & Patricia Manni  
 10726 KNIGHT DR  
 Carmel, IN 46032

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Parcel: 17-13-05-00-11-006.000					
	Rate	Acres Benefited	Current Osborn Assessment	Proposed Williams Creek Assessment	% of Total
S5 T17 R3 Kings Mill 2nd Lot 33	Regulated Subd	One Lot	\$25.00	\$65.00	0.34%
When the John Osborn Drain is combined with Williams Creek, the annual assessment will be made to the Williams Creek Drain instead of the John Osborn Drain. The period of collections will be until the balance in the Williams Creek Drainage Area fund reaches 8 times its annual assessment.					

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OFFICE OF  
**HAMILTON COUNTY DRAINAGE BOARD**  
 September 27, 2013

**RETURNED**

**Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Williams Creek Drainage Area, John Osborn #162 Arm.**

Wedgewood Building Company LLC  
 10645 Towne Rd  
 Carmel, IN 46032

Under the Indiana Drainage Code, all land which drains directly, or indirectly, may be assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. From time to time the assessments may be increased or changed. The chart below contains your proposed assessment and your percentage of the total annual maintenance contribution to the costs attributable to providing drainage to your land.

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Parcel: 17-13-04-03-08-008.000					
	Rate	Acres Benefitted	Current Osborn Assessment	Proposed Williams Creek Assessment	% of Total
S4 T17 R3 Bella Terra Lot 8	Regulated Subd	0.74	\$25.00	\$65.00	0.34%
When the John Osborn Drain is combined with Williams Creek, the annual assessment will be made to the Williams Creek Drain instead of the John Osborn Drain. The period of collections will be until the balance in the Williams Creek Drainage Area fund reaches 8 times its annual assessment.					

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 One Hamilton County Square, Ste. 188  
 Noblesville, IN 46060

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OFFICE OF  
**HAMILTON COUNTY DRAINAGE BOARD**  
 September 27, 2013

**RETURNED**

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
**Williams Creek Drainage Area, John Osborn #162 Arm.**

Weksler, Juan E & Danielle R  
 3557 Corsham Cir  
 Carmel, IN 46032

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Parcel: 17-13-05-00-15-012.000					
	Rate	Acres Benefited	Current Osborn Assessment	Proposed Williams Creek Assessment	% of Total
S5 T17 R3 English Oaks Lot 12	Regulated Subd	One Lot	\$25.00	\$65.00	0.34%
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 Noblesville, IN 46060

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OFFICE OF  
**HAMILTON COUNTY DRAINAGE BOARD**  
 September 27, 2013

**RETURNED**

**OCT 16 2013**

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
**Williams Creek Drainage Area, John Osborn #162 Arm.**

Deylen Development LLC  
 410 College Ave Ste 100  
 Indianapolis, IN 46203

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Parcel: 17-13-05-00-15-013.000					
	Rate	Acres Benefitted	Current Osborn Assessment	Proposed Williams Creek Assessment	% of Total
S5 T17 R3 English Oaks Lot 13	Regulated Subd	One Lot	\$25.00	\$65.00	0.34%
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OFFICE OF  
**HAMILTON COUNTY DRAINAGE BOARD**  
 September 27, 2013

**RETURNED**

**OCT 28 2013**

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
**Williams Creek Drainage Area, John Osborn #162 Arm.**

Conour, William F  
 500 E 96th St Ste 150  
 Indianapolis, IN 46240

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Parcel: 17-13-05-00-02-003.001

	Rate	Acres Benefitted	Current Osborn Assessment	Proposed Williams Creek Assessment	% of Total
S5 T17 R3 Bridlebourne 2nd Lot Pt 63	Regulated Subd	One Lot	\$25.00	\$65.00	0.34%

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RETURNED

OFFICE OF  
HAMILTON COUNTY DRAINAGE BOARD

September 27, 2013

OCT 28 2013

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
Williams Creek Drainage Area, John Osborn #162 Arm.

Conour, William F  
500 E 96th St Ste 150  
Indianapolis, IN 46240

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Parcel: 17-13-05-00-04-011.000					
	Rate	Acres Benefited	Current Osborn Assessment	Proposed Williams Creek Assessment	% of Total
S5 T17 R3 Bridlebourne 3rd Lot 62 1.54Ac	Regulated Subd	One Lot	\$25.00	\$65.00	0.34%
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BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF THE

**Williams Creek Drainage Area, John Osborn Arm**

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **October 28, 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

*Williams Creek Drainage Area, John Osborn Arm*

NOTICE

To Whom It May Concern and: Ozdemir, Sain & Arynn Eliza Jane  
Tiberi, Marco & Patricia Manni  
Wedgewood Building Company, LLC

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Williams Creek Drainage Area, John Osborn Arm** on **October 28, 2013** at **9:05 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