



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

July 31, 2008

To: Hamilton County Drainage Board

Re: Williams Creek Drain, Rosado Hill Arm (Revised Vernon Asher Extension)

Attached is a petition, drain map, drainage shed map, and schedule of assessments for the Rosado Hill Arm of the Williams Creek Drain. This proposed drain is located in Clay Township.

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

Rosado Hill Arm	Open Ditch	896 ft.
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The total length of the drain will be 896 feet.

The Rosado Hill Arm will begin at the west right of way line of Springmill Road, approximately 330 feet south of the centerline of 106th Street, and will follow the existing open ditch upstream to the east line boundary line of the Rosado Hill Subdivision per the secondary plat as recorded in the office of the Hamilton County Recorder as instrument number 2008009017 (PC 4, Slide 437).

The current rates for the Williams Creek Drain are \$3.00 per acre with a \$15.00 minimum for agricultural and unplatted residential, \$5.00 per acre with a \$35.00 minimum for unregulated subdivisions, \$10.00 per acre with a \$65.00 minimum for regulated subdivisions, and \$10.00 per acre with a \$75.00 minimum for commercial. Roads are assessed at \$10.00 per acre. The annual maintenance collection for this drain/this section will be \$357.80.

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

The nature of maintenance work required is as follows:

1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.

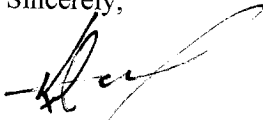
The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

The easements for the drain should be set at 50' from top of bank, except for in the platted area of Rosado Hill, in which case the easement will be that shown on the secondary plat as recorded in the office of the Hamilton County Recorder as instrument number 2008009017 (PC 4, Slide 437). Additional drainage easement will be added to the following tracts:

<u>Parcel</u>	<u>Owner</u>
17-13-11-00-00-001.002 Springmill Road and 106 th Street	Clay Township Regional Waste District Hamilton County Highway Department

I recommend that the Board set a hearing for this proposal for July 28, 2008.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

**Gasb 34 Asset Price &
Drain Length Log**

Drain-Improvement: ROSADO HILL ARM TO THE WILLIAMS CREEK DRAINAGE AREA

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
OPEN		896	896	0	\$19.55 LF	\$17,516.80
Sum:		<u>896</u>	<u>896</u>	<u>0</u>		<u>\$17,516.80</u>

Final Report: N/A

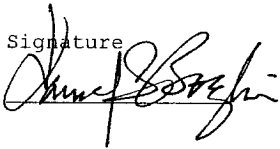
Comments:

To: Hamilton County Drainage Board

Re: In the matter of the Rosado Hill Subdivision 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; 106th Street and Spring Mill Road 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 11, township 17 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, and is identified on the attached plan as "Irregular Drainage Easement."
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 Joseph Scimia, who has an office at or whose address is Baker and Daniels, 600 E. 96th St., Ste. 600, Indianapolis, IN 46224, phone 317-569-9600.
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.

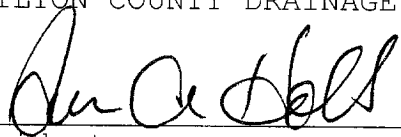
Signature	Printed Name	Printed Address
	<u>Daniel L. Boeglin,</u>	<u>8195 Heyward Drive, Indianapolis, IN 46250</u>
	<u>as a Member of BSC II, LLC</u>	

FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
WILLIAMS CREEK, ROSADO HILL ARM

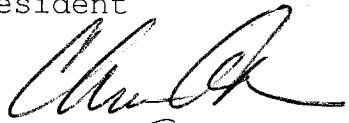
On this **11TH day of August 2008**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek, Rosado Hill Arm**

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.

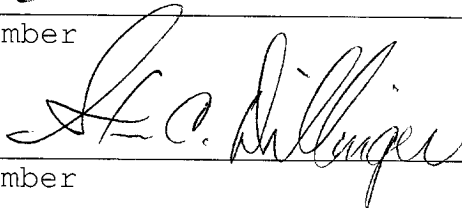
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

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 Drain, Rosado Hill Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Williams Creek Drain, Rosado Hill Arm** came before the Hamilton County Drainage Board for hearing **on August 11, 2008**, 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.

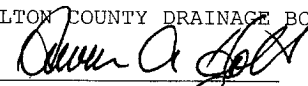
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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 Drain, Rosado Hill Arm** 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 Drain,
Vernon Asher 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 Drain, Vernon Asher Extension** on **July 28, 2008**, at **9:05 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, Rosado Hill Arm**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **August 11, 2008** 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: Steven A. Holt
 PRESIDENT

ATTEST: Lynette Mosbaugh
 SECRETARY