



SURVEYOR'S OFFICE  
**H**amilton **C**ounty

*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 3, 2012

To: Hamilton County Drainage Board

Re: Williams Creek Drainage Area, Thomas Hussey #95 Arm

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

The Thomas Hussey Drain was created per the Commissioner Court by petition on September 2, 1901 and approved by the Commissioners on November 4, 1901 (See Commissioners Record Book 13, pages 225 and 278). At present the Thomas Hussey Drain maintenance assessment affects 278.40 acres and 50 lots. The rates of assessment for the drain are set at \$2.00 per acre with a \$15.00 minimum for non-platted residential tracts and agricultural tracts, \$5.00 per acre with \$35.00 minimum for unregulated drain subdivisions, \$10.00 per acre with \$65.00 minimum for regulated drain subdivisions, \$10.00 per acre with \$75.00 minimum for commercial property, and \$10.00 per acre for roads. This rate collects \$6,306.48 annually and the balance within the fund is \$6,909.81. 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.

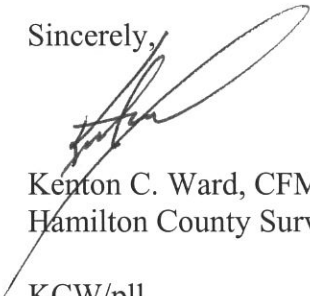
The total annual assessment for this arm will be \$6,747.22. Collections for this proposed assessment will begin in May 2013.

The current balance of the Thomas Hussey Drain shall be kept separate and these funds expended for needed maintenance on the Thomas Hussey 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 Thomas Hussey Drain will be made into the Williams Creek Drainage Area fund. No further maintenance collections for the Thomas Hussey Drain shall be made after 2012 other than any delinquent assessment penalties and interest which remain unpaid.

I recommend that the Board set a hearing for this consolidation for January 28, 2013.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

**Williams Creek Drainage Area, Thomas Hussey Arm**

On this **28<sup>th</sup> day of January, 2013**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drainage Area, Thomas Hussey 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  
December 21, 2012

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the  
**Williams Creek Drainage Area, Thomas Hussey Arm.**

Flannery, Terrence V & Michael J Feinstein  
11284 Crooked Stick Ln  
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 \$6,747.22. 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: 17-13-04-00-00-070.000 Rate: Un-Regulated Subd				
Description	Acres Benefitted	Current Thomas Hussey Assessment	Proposed Williams Creek Assessment	% of Total
S4 T17 R3 Crooked Stick Estates 5th Lot 77 1.50Ac	1.50	\$35.00	\$35.00	0.52%
The period of collections will be until the balance in Williams Creek fund reaches eight (8) times its annual assessment. When Thomas Hussey is combined with Williams Creek, future assessments will be made to Williams Creek instead of Thomas Hussey.				

A public hearing will be held by the Drainage Board in Commissioner's Court at **9:05 A.M. on January 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).*

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Williams Creek Drainage Area, Thomas Hussey Arm***

NOTICE

To Whom It May Concern and: Flannery, Terrence V & Michael J Feinstein

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Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Williams Creek Drainage Area, Thomas Hussey Arm** on **January 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF THE

**Williams Creek Drainage Area, Thomas Hussey Arm**

NOTICE

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