

SURVEYOR'S OFFICE
Hamilton County

Kenton C. Ward, Surveyor

Phone (317) 776-8495

Fax (317) 776-9628

Suite 188

*One Hamilton County Square
Noblesville, Indiana 46060-2230*

October 20, 2006

TO: Hamilton County Drainage Board

RE: Cool Creek Drain, Carey Commons Arm

Upon Review of the drainage sheds I believe that the Carey Commons Drain should be made an arm to the Cool Creek Drain. I recommend this action as the Carey Commons Drain outlets into the Cool Creek Drain. This would also avoid a double assessment on the tracts currently assessed for the Carey Commons Drain when the remainder of the Cool Creek Drain is assessed for maintenance.

The Carey Commons Drain in Washington Township was placed on a maintenance program when it was developed. Surveyor's report for the Carey Commons Drain is dated June 25, 1998, and was first heard on July 27, 1998 and finally approved by the Board at hearing on September 28, 1998 (Hamilton County Drainage Board Minutes Book 4, Pages 568 to 569 and 592 to 593). At present the Carey Commons Drain maintenance assessments affects 17.11 acres and 66 lots. The current rate of assessment for the Carey Commons Drain is \$5.00 per acre for common area, \$50.00 minimum and \$50.00 per platted lot. The roadways are assessed at \$5.00 per acre, \$50.00 minimum. These rates collect \$3,372.90 annually and the current balance in the maintenance fund is \$16,133.39. There are no outstanding work orders for this drain at this time.

The rates for the Cool Creek Drain have been set at the following:

1. Maintenance assessment for roads and streets be set at \$10.00 per acre with a \$25.00 minimum.
2. Maintenance assessment for agricultural tracts be set at \$2.00 per acres with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts be set at \$35.00 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 (those systems maintained by the Town of Westfield or City of Carmel) shall be set at \$25.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$10.00 per acre with a \$25.00 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 \$15.00 per acre with a \$65.00 minimum.

The tracts now assessed for the Carey Commons Drain should be assessed as platted lots within subdivisions whose drainage system is regulated drain, as set out in paragraph number 6 above and the roads as set out in paragraph number 1 above.

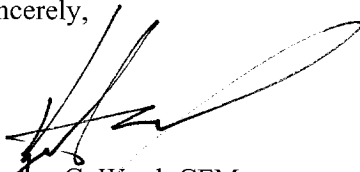
The total annual assessment for this arm will be \$4,695.80.

The current balance of the Carey Commons Drain shall be kept separate and these funds expend for needed maintenance in the Carey Commons Subdivision on the drainage facilities that comprise the current Carey Commons Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Cool Creek Drain Fund.

Future assessments for the drainage area of the Carey Commons Drain will be made into the Cool Creek fund. No further maintenance collections for the Carey Commons Drain fund shall be made.

I recommend that a hearing be held for this matter on February 26, 2007.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

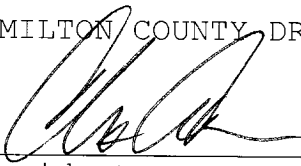
KCW/grh

FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Cool Creek Drain, Carey Commons Arm

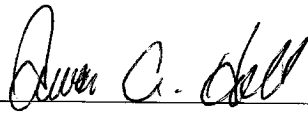
On this **26th day of February 2007**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek Drain, Carey Commons Arm**.

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.

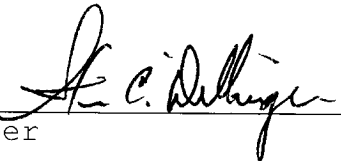
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Cool Creek Drain, Carey 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 **February 26, 2007** 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

HAMILTON COUNTY DRAINAGE BOARD
One Hamilton County Square, Ste 188
Noblesville, In. 46060



Dear Sirs,

February 18, 2007

You are hereby notified of my written objection to increasing my drainage fees to support any additional proposals such as 'Cool Creek Drain #345' as stated in the notice I received January 25, 2007 from the HAMILTON COUNTY DRAINAGE BOARD.

It is my contention that any and all drainage fees are excessive when you do not receive proper benefit of the implied drainage service!! The Carey Commons Drain #306 per your notice currently has a balance of \$16,133.39 with no outstanding work orders!!

As a current homeowner in the Carey Commons sub-division I have been unable to get any satisfaction from 'any' authority to correct the drainage problem on 'my' side of the sub-division. My backyard is adjacent to Carey Road and approximately six to eight feet lower level than the road. The problem of the backyards flooding 'every' Spring and Fall has existed since the original builder of the sub-division(PUD) was allowed to install a catch basin @ the North end backyard of the sub-division without any drain pipes or culverts to take the water away! Builder was allowed by someone to just grade the yards with a 'taper or slope', hoping the water would drain away. Families cannot even utilize their backyards fully in the Spring or Fall due to the water, for three to four months straight, and that results in children having to play in the streets. So far, the only satisfaction is for people to 'sell' their houses in the mid-month of the summer to an unsuspecting buyer such as I was!

Omni Management Services is contracted by the Homeowner's Asss. to 'manage' the Sub-Division! When talking to 'Omni', one finds out they don't feel obligated to answer to anyone. Their only answer is all 'Homeowners' are responsible for their own lots. Since being annexed by the Town of Westfield, the Town's answer is 'yes' someone didn't install proper drainage, but they cannot do anything!

When the 'Boston Tea Party' occurred, I believe it had do with 'taxation' and 'levy' of fees without representation assuring that people received what was due them.(ie. What a reasonable person would expect!). It is my belief this is what is happening now. I am being told I 'will' pay a drainage fee with no recourse, first for Carey Commons Drain #306 and now for the Proposed Cool Creek Drain @345. Beyond any doubt, the Homeowners in Carey Commons Sub-Division are not presently receiving the services they are being required to pay for today or tomorrow.

I would also like to state that the water flooding the backyards is even worse as Carey Road has been widened and will increase even worse yet as it becomes four-lanes eventually. This just provides even more runoff water to flow down into the backyards.

It would be greatly appreciated if somehow the representatives for the Town of Westfield, the Hamilton Co. representatives and the Drainage Board could put their heads together and solve this water drainage problem which was not created by the Homeowners of Carey Commons.

Respectfully,

A handwritten signature in cursive script that reads "Tonya L. Ruhnau". The signature is written in black ink and is positioned above the printed name.

Tonya L. Ruhnau
17241 Shadoan Way
Westfield, In. 46074

Cool Creek Drain
 Carey Commons Arm (Previously Drain #306)
 Maintenance Hearing: 02/26/07

Maintenance	Rate	Minimum
Ag & Res	2.00	15.00
Un-Reg Sub	10.00	25.00
Reg Sub	15.00	65.00
Commercial	35.00	75.00
Roads	10.00	25.00

Future assessments to Cool Creek #345
 No further assessments to Carey Commons #306

Parcel	Owner	Desc1	Desc2	Benefit	Remove #306 Mnt.	Add #345 Mnt.	Percent
08-10-06-02-01-001.000	Lush, David T	CAREY COMMONS PHS 1 LOT 1	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-002.000	Ellsworth, David C & Anne	CAREY COMMONS PHS 1 LOT 2	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-003.000	Madrid, Alan A & Crystal A	CAREY COMMONS PHS 1 LOT 3	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-004.000	Rendon, Lisa	CAREY COMMONS PHS 1 LOT 4	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-005.000	Strother, Randall D & Andrea B	CAREY COMMONS PHS 1 LOT 5	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-006.000	Harden, Bradley L & Carla D	CAREY COMMONS PHS 1 LOT 6	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-007.000	Kazeck, Joan	CAREY COMMONS PHS 1 LOT 7	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-008.000	Stewart, Roger W	CAREY COMMONS PHS 1 LOT 8	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-009.000	Hostetler, Scott E & Christie A	CAREY COMMONS PHS 1 LOT 9	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-010.000	Wallace, Johnie M & Marjorie D	CAREY COMMONS PHS 1 LOT 10	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-011.000	Novak, David G & Terri M	CAREY COMMONS PHS 1 LOT 11	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-012.000	Melsheimer, Suzanne R	CAREY COMMONS PHS 1 LOT 12	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-013.000	Sullivan, Dustin R & Ami E Frank Jt/rs	CAREY COMMONS PHS 1 LOT 13	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-014.000	Matlock, Andrew J & Pamela K	CAREY COMMONS PHS 1 LOT 14	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-015.000	Clark, Corey	CAREY COMMONS PHS 1 LOT 15	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-016.000	Fauntleroy, James M & Christine M	CAREY COMMONS PHS 1 LOT 16	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-017.000	Gath, Susan I	CAREY COMMONS PHS 1 LOT 17	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-018.000	Farney, Rodney & Carol Jt/Rs	CAREY COMMONS PHS 1 LOT 18	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-019.000	MacDougall, Robert M & Jennifer	CAREY COMMONS PHS 1 LOT 19	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-020.000	Snodgrass, James S & Suzanne M	CAREY COMMONS PHS 1 LOT 20	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-021.000	Woodley, Leanna	CAREY COMMONS PHS 1 LOT 21	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-022.000	Victor, David E & Larisa	CAREY COMMONS PHS 1 LOT 22	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-023.000	Brown, David L	CAREY COMMONS PHS 1 LOT 23	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-024.000	Haskins, James A	CAREY COMMONS PHS 1 LOT 24	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-025.000	Burton, Anthony M & Beth	CAREY COMMONS PHS 1 LOT 25	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-026.000	Loveall, Shane A	CAREY COMMONS PHS 1 LOT 26	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-027.000	Chumley, Donnie A & Donna R	CAREY COMMONS PHS 1 LOT 27	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-028.000	Lasker, Charles & Sharon	CAREY COMMONS PHS 1 LOT 28	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-029.000	Frazier, Robert B & Linda C	CAREY COMMONS PHS 1 LOT 29	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-030.000	Henry, Robert L Sr	CAREY COMMONS PHS 1 LOT 30	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-031.000	Moreno, Margarita A	CAREY COMMONS PHS 1 LOT 31	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-032.000	Christopher, Chris J & Lilly B	CAREY COMMONS PHS 1 LOT 32	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-033.000	Stranko, Scott	CAREY COMMONS PHS 1 LOT 33	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-034.000	Gaynor, Tracy W & Lynn B	CAREY COMMONS PHS 1 LOT 34	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-035.000	Borders, Jesse L Jr & Debra Ann	CAREY COMMONS PHS 1 LOT 35	Regulated Subd.	One Lot	50.00	65.00	1.38%

08-10-06-02-01-036.000	Riley, Jeffery A & Deborah L	CAREY COMMONS PHS 1 LOT 36	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-037.000	Grosenbacher, Jeffrey A & Elizabeth M	CAREY COMMONS PHS 1 LOT 37	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-038.000	Atkins, B Clark & Connie Deanne	CAREY COMMONS PHS 1 LOT 38	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-01-039.000	Carey Development LLC	CAREY COMMONS PHS 1 BLK A , 0.06Ac	Regulated Subd.	0.06	50.00	65.00	1.38%
08-10-06-02-02-001.000	Richardson, Elizabeth	CAREY COMMONS PHS 2 LOT 39	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-002.000	Ford, Robert Paul & Lindsay D	CAREY COMMONS PHS 2 LOT 40	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-003.000	Lunsford, Suzanne	CAREY COMMONS PHS 2 LOT 41	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-004.000	Ruhnow, Tonya L	CAREY COMMONS PHS 2 LOT 42	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-005.000	Woodward, Nathan W & Jennifer M	CAREY COMMONS PHS 2 LOT 43	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-006.000	McKenney, Michel R & Teresa A	CAREY COMMONS PHS 2 LOT 44	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-007.000	Nickels, Cathy F	CAREY COMMONS PHS 2 LOT 45	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-008.000	Miller, Kristofer J	CAREY COMMONS PHS 2 LOT 46	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-009.000	Butler, Gregory & Mandy	CAREY COMMONS PHS 2 LOT 47	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-010.000	Baird, Matthew & Alicia	CAREY COMMONS PHS 2 LOT 48	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-011.000	Kaufman, James R & Vicki L	CAREY COMMONS PHS 2 LOT 49	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-012.000	Quinn, Becky J & Donna J & Pamela J Jt/rs	CAREY COMMONS PHS 2 LOT 50	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-013.000	Peters, Troy H & Sweet S	CAREY COMMONS PHS 2 LOT 51	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-014.000	Secretary of Housing and Urban Development	CAREY COMMONS PHS 2 LOT 52	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-015.000	Genicerros, Sandra A	CAREY COMMONS PHS 2 LOT 53	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-016.000	Inman, Jeffrey W & Kristyn	CAREY COMMONS PHS 2 LOT 54	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-017.000	Indy Home Solutions LLC	CAREY COMMONS PHS 2 LOT 55	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-018.000	Jones, Amy J	CAREY COMMONS PHS 2 LOT 56	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-019.000	Rose, Steve K & Jane A	CAREY COMMONS PHS 2 LOT 57	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-020.000	Kobrowski, Michael & Nichole	CAREY COMMONS PHS 2 LOT 58	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-021.000	Royce, Amy	CAREY COMMONS PHS 2 LOT 59	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-022.000	Pedde, Josh & Laura Bishop Jt/Rs	CAREY COMMONS PHS 2 LOT 60	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-023.000	Hays, Dana J & William K House Jt/Rs	CAREY COMMONS PHS 2 LOT 61	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-024.000	Yunker, Colleen Trustee	CAREY COMMONS PHS 2 LOT 62	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-025.000	Dubina, Paul R & Kimberly D	CAREY COMMONS PHS 2 LOT 63	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-026.000	Frazer, Matthew J	CAREY COMMONS PHS 2 LOT 64	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-027.000	Hohl, William F & Diane L	CAREY COMMONS PHS 2 LOT 65	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-028.000	Rentschler, Jeff & Michelle	CAREY COMMONS PHS 2 LOT 66	Regulated Subd.	One Lot	50.00	65.00	1.38%
08-10-06-02-02-029.000	Carey Commons Community Assn Inc	CAREY COMMONS PHS 2 C.A. B, 1.41Ac	Regulated Subd.	1.41	50.00	65.00	1.38%
08-10-06-02-02-030.000	Carey Development LLC	CAREY COMMONS PHS 2 C.A. C , 0.53Ac	Regulated Subd.	0.53	50.00	65.00	1.38%
08-10-06-02-02-031.000	Carey Commons Community Assn Inc	CAREY COMMONS PHS 2 C.A. D, 0.53Ac	Regulated Subd.	0.53	50.00	65.00	1.38%
99-99-99-99-999.001	Hamilton County Highway Department	171st & Carey 6.23,Phs1&2=8.35	Roads	14.58	72.90	145.80	3.10%
					Totals: 4,695.80 100.00%		