



*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*

March 31, 2010

To: Hamilton County Drainage Board

Re: Cool Creek Drain, Danbury Estates Extension

Attached is a drain map for the extension of the Cool 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 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:

Open Ditch - 812 feet

The extension shall begin at the east property line of tract 16-10-19-00-08-049.000, owned by Danbury Estates Homeowners Association, Inc, which is the terminus of the Foster Estates Arm of Cool Creek per my report dated August 20, 2009 and approved by the Board at a hearing on September 28, 2009 (See Hamilton County Drainage Board Minutes Book 12, Pages 252-254). Thence run downstream within the existing Cool Creek channel 812 feet to the south property line of tract 16-10-19-00-08-049.000, owned by Danbury Estates Homeowners Association, Inc, which is the beginning point of the Laura Vista Arm of Cool Creek per my report dated August 20, 2009 and approved by the Board at a hearing on September 28, 2009 (See Hamilton County Drainage Board Minutes Book 12, Pages 239-240).

Regulated Drain easement will be added to the following tracts:

<u>Parcel</u>	<u>Owner</u>
16-10-19-00-08-049.000	Danbury Estates Homeowners Assoc. Inc.
16-10-19-00-00-001.000	Keith Albrecht
16-10-19-00-00-001.010	David and Nancy Dwyer
16-10-19-00-00-001.011	Ed and Roberta Manetta

The regulated drain easement shall be the platted drainage easements which exist in the Danbury Estates Common Area, parcel 16-10-19-00-08-049.000, owned by Danbury Estates Homeowners Association Inc., per the secondary plat for Danbury Estates, Section 1, as recorded in the Office of the Hamilton County Recorder as Instrument Number 9429324 (P.C. 1, Slide 435). The easement on tracts 16-10-19-00-00-001.000, 16-10-19-00-00-001.010, and 16-10-19-00-00-001.011, should be a variable width easement, no more than 75 feet from the top of bank but not less than 25 feet from the top of bank, based on the 100 year Inundated Special Flood Hazard Zone shown of the FEMA Flood Insurance Rate Maps, Map Number 18057C0226F, dated February 19, 2003. According to the FEMA Flood Insurance Rate Maps, Map Number 18057C0226F, dated February 19, 2003, this area is covered by the floodplain for Cool Creek. Therefore, I believe that no damages will result to landowners by the regulating of this drain.

I recommend that the Board set a hearing for this extension for May 24, 2010.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll



STATE OF INDIANA     )  
                          ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Cool Creek Drain, Danbury Estates Extension**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Cool Creek Drain, Danbury Estates Extension** came before the Hamilton County Drainage Board for hearing **on May 24, 2010**, 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.

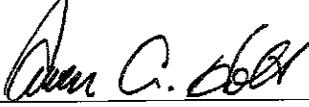
The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

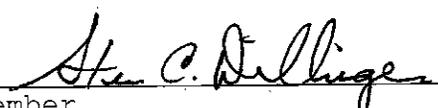
Wherefore, it is ORDERED, that the proposed Reconstruction of the **Cool Creek Drain, Danbury Estates Extension** be and is hereby declared established.

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

***Cool Creek Drain, Danbury Estates 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 **Cool Creek Drain, Danbury Estates Extension** on **May 24, 2010**, at **9:10 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 Cool Creek Drain, Danbury Estates  
Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **May 24, 2010** 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: Christine Altman  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY