

Drain: Cool Creek Drain

Improvement-Arm: Keystone Extension

Date Approved: May 27, 2008

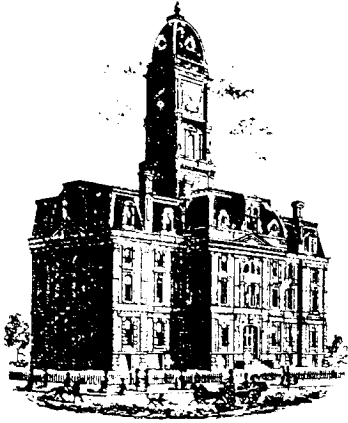
Drain Input Checklist

- Create Regulated Drain Record in Posse _____
 - Drain Type
 - Outlet (Tab)
 - Outlet Attached
 - Location
 - Twp
 - Certification
 - Drain Number

- Enter Improvement Arm in Posse May 27, 2008
(Construction Amount = Storm Drains, Erosion Control, Sub-surface drain & Earthwork)

- Scan Documents _____
 - Surveyor's Report
 - Engineer's Estimate
 - Notices
 - Findings and Order
 - Petition

- Create Posse Inspection Job _____
- Enter into Watershed Summary Spreadsheet _____
- Check for Vacation of Drain & Map Changes _____
- Check Drainage Easement Classification _____
- Sum drain length & Validate in GIS _____
- Enter New Watershed Length into Posse _____
- Create Boundary of Improvement in GIS _____



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

March 21, 2008

To: Hamilton County Drainage Board

Re: Cool Creek Drain, Keystone 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 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:

Open Ditch 1,240 ft.

The total length of the drain will be 1,240 feet.

The extension will begin at the south right of way line of Keystone Avenue, which is also the north property line of Tract 16-10-19-00-00-023.000, owned by Carmel Woods, LLC. The extension will follow the existing open ditch upstream to the east right of way line of Keystone Avenue, which is also the west property line of Tract 17-10-19-00-09-056.000, owned by Laura Vista, LLC.

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 75' from top of bank as set out in IC 36-9-27-33. Additional drainage easement will be added to the following tracts:

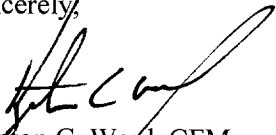
<u>Parcel</u>	<u>Owner</u>
16-10-19-00-00-028.001 Lowes Way SR 431/Keystone Avenue	Shurgard Storage Centers, Inc. Hamilton County Highway Department Indiana Department of Transportation

Upon reviewing the flood mapping for this area it appears that the area to be easement lies within the floodplain. This is shown on the FEMA FIRM for the area, Map Number 18057C0226F, dated February 19, 2003. Therefore, damages shall be set at \$0.00.

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.

I recommend that the Board set a hearing for this proposal for May 27, 2008.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

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

Drain-Improvement: Keystone Extension

Drain Type:	Size:	Length	Length (DB Query)	Length Reconcile	If Applicable	
					Price:	Cost:
open ditch		1240	1240	∅	\$19 ⁵⁵ /f	\$24,242 ⁰⁰

Sum: 1240 \$24,242⁰⁰

Final Report: N/A

Comments:

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

**Cool Creek Drain,
Keystone 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 **Cool Creek Drain, Keystone Extension** on **May 27, 2008**, at **9:15 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, Keystone Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **May 27, 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

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, Keystone Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Cool Creek Drain, Keystone Extension* came before the Hamilton County Drainage Board for hearing on *May 27, 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.

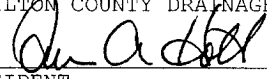
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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.

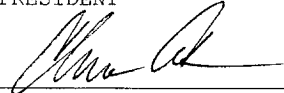
Wherefore, it is ORDERED, that the proposed Reconstruction of the *Cool Creek Drain, Keystone Extension* be and is hereby declared established.

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



REAL ESTATE DIVISION
701 Western Ave., Glendale, CA 91201

Christopher E. Tucker
Real Estate Counsel
Tel: (818) 244-8080 ext. 1351
Fax (818) 543-7341
Email: ctucker@publicstorage.com

May 23, 2008

Hamilton County Drainage Board
1 Hamilton County Square, Ste 188
Noblesville, IN 46060

By Federal Express
and Fax to (317) 776-9628

FILED
MAY 27 2008 9:43 AM
OFFICE OF HAMILTON COUNTY SURVEYOR

Re: Cool Creek Drain, Keystone Extension
Parcel 16-10-19-00-00-028.001 (Shurgard Storage Centers, Inc.)

Ladies and Gentlemen:

We object to the Cool Creek Drain, Keystone Extension to the extent it will place an easement on our property located at 1099 N Range Line Road, in Carmel.

Our objection is based on the ground that the damages assessed to our property are inadequate.

If the easement encumbers any portion of our property on which there are improvements, the damages may be significant, as IC 36-9-27-33 (d) states: "Permanent structures may not be placed on any right-of-way without the written consent of the board." Although we have been told that any existing encroachments would be considered "grandfathered", we have not been given evidence that that would be the case, nor assurance that we would be allowed to rebuild encroaching improvements if they are damaged or destroyed (i.e., by fire).

We cannot evaluate the impact of the easement to our property because we don't know exactly where it will be on our property. Although we have requested a map or plan that would show the location of the easement, the only thing provided to us is a sketch that *estimates* the easement's location. As the banks of Cool Creek are not on our property, we have no way of determining ourselves where the easement would be.

Thank you.

Sincerely,

Christopher E. Tucker
Vice President and Real Estate Counsel