

SURVEYOR'S OFFICE
Hamilton County

Kenton C. Ward, Surveyor

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

November 3, 2006

TO: Hamilton County Drainage Board

RE: Cool Creek Drain, Overman Harvey/William Knight Arm

Attached is a petition filed by Viking Meadows Development, LLC. along plans, calculations, quantity summary and assessment roll for the Overman Harvey/William Knight Arm, Cool Creek Drain to be located in Washington Township. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. 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:

4,355 feet of Open Ditch

The total length of the drain will be 4,355 feet.

The open ditch listed above is the existing open ditch that is in two segments. Segment #1 begins at a point approximately 1,100 feet south and 1,496 feet east of the North West Corner of Sec. 13-T18N-R3E, this is the confluence of the Springmill Village Arm of Cool Creek Drain and the William Knight Arm of Cool Creek Drain, and the beginning point for the Overman Harvey/William Knight Arm of the Cool Creek Drain, and follows the existing ditch to the eastern property line of parcel 08-09-13-00-00-001.000, owned by Viking Meadows Development, LLC. Segment #2 begins at the western boundary of parcel 08-09-13-00-00-005.001, owned by Viking Meadows LP., and follows the existing ditch through Valley View at Viking Meadows Section 2, across parcel 08-09-13-00-00-006.000, owned by Westtec Land Acquisitions LLC, across the U.S. 31 Right of Way, and to the eastern Right of Way line of U.S. 31.

The rates for the Cool Creek Drain are set as follows:

1. Maintenance assessment for roads and streets are set at \$10.00 per acre with a \$25.00 minimum.
2. Maintenance assessment for agricultural tracts is set at \$2.00 per acres with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts is set at \$2.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts are 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 shall be assessed based on the current use and the rates set out above. Once the future sections of Viking Meadows are platted, the parcel assessments will need to be adjusted to the rates as set out in paragraph number 5 above and the roads as set out in paragraph number 1 above.

The total annual assessment for this arm will be \$457.70

The petitioner was not required to submit surety for the proposed drain because the drain is an existing open ditch.

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 upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Valley View at Viking Meadows Section 2 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for February 26, 2007.



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/grh

To: Hamilton County Drainage Board

Date: 02-06-06

Re: Wheeler & Beals (Cool Creek) Drain

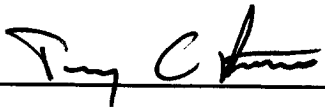
Viking Meadows, L.P. (Here-in-after "Petitioner"),

hereby petitions the Hamilton County Drainage Board under IC 36-9-27-66 for an arm to be installed to the Wheeler & Beals (Cool Creek) Drain in order to serve the property of the petitioner. The petitioner, in support of said petition, advises the Board that:

1. The Wheeler & Beals (Cool Creek) Drain is presently on a maintenance program and that land of the petitioner is assessed as benefited by the maintenance of the regulated drain
2. There is no known adequate open or tiled drain connecting the land of the petitioner with the regulated drain; (Regulating William Knight Open Ditch Only)
3. The waters from the petitioners land flow over or through land owned by others to reach the regulated drain;
4. The legal description of lands through which the new regulated drain will run along with the parcel numbers, name and address of each owner of that land is shown on Exhibit "A" which is attached;
5. The general route of the proposed new regulated drain and method of construction is shown on Exhibit "B" which is attached.
6. Petitioner agrees to pay all legal and construction costs involved with the construction of the proposed new regulated drain.

Signed

Printed



TIMOTHY C. PETERSON

FINDINGS AND ORDER

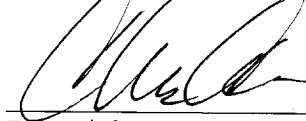
CONCERNING THE MAINTENANCE OF THE

Cool Creek Drain, Overman Harvey/William Knight Arm

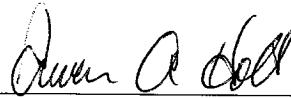
On this **26th day of February 2007**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek Drain, Overman Harvey/William Knight Arm**.

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.

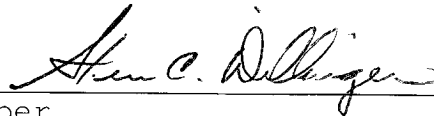
HAMILTON COUNTY DRAINAGE BOARD



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
Cool Creek Drain, Overman Harvey/William Knight Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Cool Creek Drain, Overman Harvey/William Knight Arm* came before the Hamilton County Drainage Board for hearing on *February 26, 2007*, 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, Overman Harvey/William Knight 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