

Kenton C. Ward, CFM
Surveyor of Hamilton County
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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

February 5, 2015

To: Hamilton County Drainage Board

Re: Cool Creek Drain, Westfield Business Park Arm - U.S. 31 Reconstruction

Attached are petition, plans, and other information for the proposed reconstruction of the Cool Creek Drain, Westfield Business Park Arm, for the U.S. 31 Road Project. The reconstruction was petitioned by the Indiana Department of Transportation. During the reconstruction of Westfield Park Drive and Sun Park Drive, and Wheeler Connector Road, the Westfield Business Park Arm, Cool Creek Drain will be affected and those changes are as follows:

Westfield Business Park – Section 1 Arm

The project will reconstruct a portion of Westfield Business Park – Section 1 Arm, with the reconstruction of Westfield Park Road and the new Westfield Business Park Court. The drain to be removed is Str. 8 to Str. 7, then to Str. 101; Str. 6 to Str. 5; then to Str. 100, and Str. 3 to Str. 2, per the Westfield Business Park, Section 1 by Weihe Engineers, Inc., and having job number 87-488. This above mentioned drain being along the current Westfield Business Park Road.

The new drain shall be those lengths of pipe between the following structures: 7444 to 7443, 7443 to 7442, 7442 to 7441, 7443 to 7443A, 7443A to 7434, 7434 to 7433, 7433 to 7445, 7443A to 7433A, 7433A to 7434A, 7434A to 7435, 7435 to 7435A, 7435A to 7446, 7434A to 7436B, 7436B to 7436, 7436 to 7436A, 7430 to 7431, 7431 to 7432, 7432 to existing Str. 100, 7460 to 7461, 7461 to 7462, 7462 to end section, 39 feet of open ditch to Str. 7499, Str. 7499, and 45 feet of open ditch to Str. 7430. This is as shown on sheets 129, 132, and 133 of the U.S. 31 Construction plans, Segment 7, having project number 1296427, contract number IR-34750, and dated September 7, 2012.

The total length of new drain for this arm shall be 1,056 feet. The 98 feet of original drain between the structures listed above shall be vacated. The change in drain length to this arm will be an increase of 958 feet.

Sun Communications Business Park – Section 1 Arm

The project will reconstruct a portion of Sun Communication Business Park – Section 1 Arm, with the construction of the Wheeler Connector Road. The reconstruction will replace 33

feet of 15" RCP from Str. 708 to Str. 707, per the Sun Communication plans by Paul I. Cripe, Inc., dated March 2, 1989, and having job number 87491-00000, with 30 feet of 12" RCP.

This is from existing Str. 707 to new Str. 7928. Also to be included is 49 feet of 12" RCP from Str. 7458 to Str. 7928 and 76 feet of 12" RCP from Str. 7454 to Str. 7928. This is as shown on sheet 119 of the U.S. 31 Construction plans having project number 1296427, contract number IR-34750, and dated September 7, 2012. The total length of new drain for this arm shall be 155 feet. The 33 feet of original drain between Str. 708 and 707 shall be vacated. The change in drain length to this arm will be an increase of 122 feet.

Sun Communications Business Park – Section 2 Arm

The project will remove a portion of Sun Communication Business Park – Section 2 Arm, with the construction of the Sun Park Drive extension. The removal will begin at the riser, Str. R1, on the 6" SSD per the Sun Communication plans by Paul I. Cripe, Inc., dated May 21, 1990, and having job number 87491-20220, and run 139 feet south to the new southern ROW of Sun Park Drive. This is as shown on sheet 135 of the U.S. 31 Construction plans having project number 1296427, contract number IR-34750, and dated September 7, 2012. The total length of vacated drain for Sun Communication Business Park – Section 2 Arm shall be 139 feet.

Project Summary:

The total change to the Cool Creek Drain, Westfield Business Park Arm is an increase of 941 feet as a sum of all the changes to the drain.

The cost of the reconstruction is to be paid by the Indiana Department of Transportation.

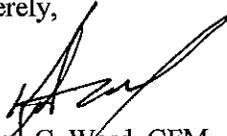
Since the petitioner is the Indiana Department of Transportation and is being performed under public bid process, no bond is required for the relocation/reconstruction work.

The easement for this drain shall remain the existing statutory 75' from the centerline of the tile or the top of bank of the open ditch, as per IC 36-9-27-33, or the limits of the public road right of ways. This reconstruction of the regulated drain will move or add additional easement and work will be completed in the easement of the following parcels:

<u>Parcel</u>	<u>Owner</u>
Sun Park Drive ROW	City of Westfield
Tournament Trail ROW	City of Westfield
Westfield Park Road ROW	City of Westfield
Westfield Business Park Court ROW	City of Westfield

I recommend the Board set a hearing for this proposed drain reconstruction for March 23, 2015.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Cool Creek Drain, Westfield Business Park Arm
U.S. 31 Reconstruction

Structure 8 to Structure 7; then to Structure 101; Structure 6 to Structure 5; then to Structure 100 and Structure 3 to Structure 2

On this 23rd day of November, 2015, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Cool Creek Drain, Westfield Business Park Arm, U.S. 31 Reconstruction - Structure 8 to Structure 7; then to Structure 101; Structure 6 to Structure 5; then to Structure 100 and Structure 3 to Structure 2.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the Cool Creek Drain, Westfield Business Park Arm, U.S. 31 Reconstruction - Structure 8 to Structure 7; then to Structure 101; Structure 6 to Structure 5; then to Structure 100 and Structure 3 to Structure 2.

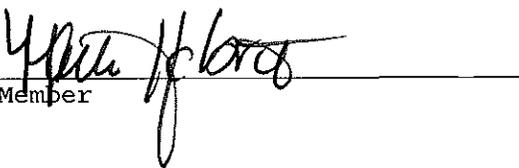
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest:



FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

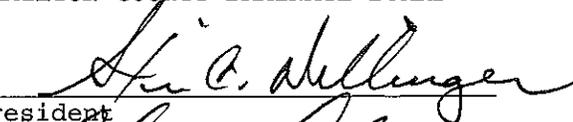
Cool Creek Drain, Westfield Business Park Arm
U.S. 31 Reconstruction

Sun Communications Business Park, Section 1 Arm
Structure 708 to Structure 707

On this 23rd day of November, 2015, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Cool Creek Drain, Westfield Business Park Arm, U.S. 31 Reconstruction - Sun Communications Business Park, Section 1 Arm, Structure 708 to Structure 707.*

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the *Cool Creek Drain, Westfield Business Park Arm, U.S. 31 Reconstruction - Sun Communications Business Park, Section 1 Arm, Structure 708 to Structure 707.*

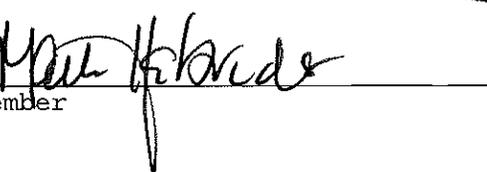
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

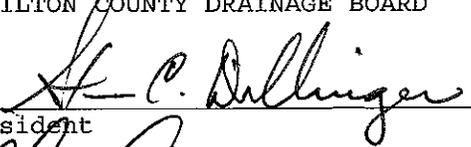
Cool Creek Drain, Westfield Business Park Arm
U.S. 31 Reconstruction

Sun Communications Business Park, Section 2 Arm
Structure R1 south to new southern right of way of Sun Park Drive

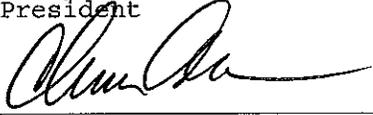
On this 23rd day of November, 2015, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Cool Creek Drain, Westfield Business Park Arm, U.S. 31 Reconstruction - Sun Communications Business Park, Section 2 Arm, Structure R1 south to new southern right of way of Sun Park Drive.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the Cool Creek Drain, Westfield Business Park Arm, U.S. 31 Reconstruction - Sun Communications Business Park, Section 2 Arm, Structure R1 south to new southern right of way of Sun Park Drive.

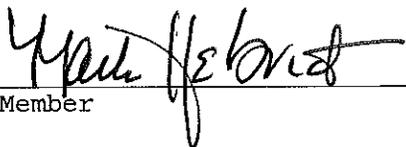
HAMILTON COUNTY DRAINAGE BOARD



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, Westfield Business Park Arm, U.S. 31 Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Cool Creek Drain, Westfield Business Park Arm, U.S. 31 Reconstruction* came before the Hamilton County Drainage Board for hearing *on November 23, 2015*, 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.

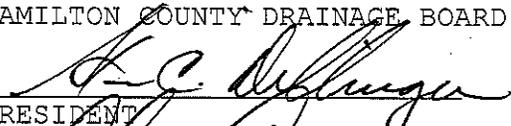
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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, Westfield Business Park Arm, U.S. 31 Reconstruction* 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, Westfield Business Park Arm
U.S. 31 Reconstruction*

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, Westfield Business Park Arm, U.S. 31 Reconstruction** on **March 23, 2015 at 9:05 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, Westfield Business Park
Arm, U.S. 31 Reconstruction**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **November 23, 2015** 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 C. Dillinger
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY