

SURVEYOR'S OFFICE  
**Hamilton County**

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October 17, 2006

Reconstruction was denied.  
However, the maintenance for  
this drain was established. It  
was approved on 11-27-2006.

To: Hamilton County Drainage Board

Re: Harvey Gwinn Drain

Attached is the drain map, drainage shed map and schedule of assessments for the Harvey Gwinn Drain. This drain is presently number three (3) on the Drain Classification List for reconstruction. This drain was requested for classification by Eugene D. O'Mahoney on March 14, 1980.

The Harvey Gwinn Drain was petitioned for through the Madison Circuit Court in 1881 as an open ditch from Sta. 0 to Prairie Creek, now known as the William Locke Drain. At sometime prior to Surveyor's Field Book dated June 29, 1899 refers to Sta. 33+70 as the end of the tile. The drain was apportioned for repair in 1907, 1923, 1927, 1936, 1938, 1939, 1948, 1949 and 1950. In 1965, the drain was reconstructed through the Hamilton County Circuit Court. Since that time repair work has been done by the property owners.

The drain now consists of a total of 19,650 feet, per the 1965 reconstruction. Of that length 3,370 feet consists of tile and 16,280 feet of open ditch. Of the tile length, approximately 1,470 feet is in Madison County and 1,900 feet in Hamilton County. The drainage shed consists of 1,294.25 total acres of which according to the Madison County Surveyor's Office, 224.58 acres lies within Madison County. Hamilton County has 1,069.67 acres, which consist of eight-six (83%) percent of the drainage shed. The percent of drainage shed and length of drain meets the requirements set out in IC36-9-27-14 (d) for the lesser affected county, Madison County, in this situation, to waive its rights to be represented on a Joint Board. The Madison County Drainage Board waived its right to a Joint Board in November 1995. On February 26, 1996 the Board held a hearing to place this drain on maintenance. At that time the property owners within the drainage shed asked the Board to reconstruct the drain. Due to the request the Board turned down the maintenance proposal.

Since that time two drainage complaints have been filed regarding the drain. The first was filed on March 30, 2005 by Donna Younts for the culvert pipe breaking in at Cyntheanne Road. The second was filed March 7, 2006 by David Zeller for a small beaver dam at Montana Ave. No action was done on either complaint since there were no maintenance funds for the drain.

At this time I recommend the Board initiate a two phase reconstruction of the drain. The first part would be a clearing project on both sides of the drain for the drain. After the clearing is completed a survey would be completed. Then the second portion would be a dredging of the drain.

The cost estimate for the project is as follows:

Clearing	26 acres @ 6,500/ac	\$169,000.00
Seeding	26 acres @ 2,600/ac	\$ 67,600.00
Fence Repair	12 locations @ \$200.00 each	\$ 2,400.00
	<b>Subtotal</b>	<b>\$239,000.00</b>
	15% Contingency	<u>35,850.00</u>
	<b>Total</b>	<b>\$274,850.00</b>

I have reviewed the drainage shed and upon considering each parcel individually, I believe each parcel will have equal benefits as provided by the drain. Therefore, I recommend a reconstruction assessment of \$212.00 per acre with a minimum assessment of \$212.00

The nature of the maintenance work required is as follows:

- A. Clearing of trees and brush on the existing open ditch;
- B. Creation and re-excavation of silt basin;
- C. Re-excavation of open ditch to original grade line;
- D. Surface water structure as might be required;
- E. Bank erosion protection and/or seeding as might be required;
- F. Repair of private tile outlet ends as might be required;
- G. Repair of regulated drain tile outlets;
- H. Repair of broken tile on regulated drains;
- I. Installation of breather pipes as might be required;
- J. Removal of debris and/or blockage from regulated tile and open ditch;
- K. Cleaning and/or repair of existing catch basin as might be required;
- L. Spraying for vegetation control;
- M. Mowing filter strips;
- N. Any other repairs deemed to be applicable and necessary by the Surveyor to restore the drain to its original intended use and condition.

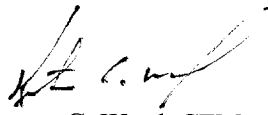
The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

I have reviewed the plans and drain map and believe that all tracts within the drainage shed of the Harvey Gwinn Drain will benefit equally as per land use. I recommend the following maintenance assessment to be adopted by the Board:

1. Maintenance assessment for roads and streets be set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts be set at \$2.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acres with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts be set at \$10.00 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 shall be set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$5.00 per acres with a \$35.00 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 \$10.00 per acre with a \$65.00 minimum.

The total annual assessment for this drain will be \$2,812.16 for Hamilton County and \$459.16 for Madison County.

I recommend the Board set a hearing for this proposed drain for November 27, 2006.



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/llm

FINDINGS AND ORDER

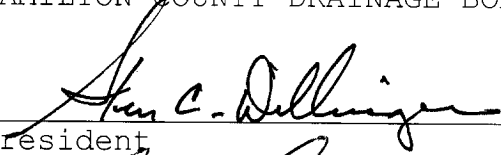
CONCERNING THE MAINTENANCE OF THE

Harvey Gwinn Drain

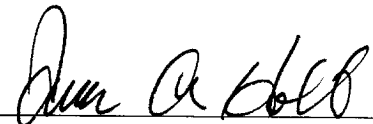
On this **27th day of November, 2006**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Harvey Gwinn Drain**.

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: 