



KW

SURVEYOR'S OFFICE  
**Hamilton County**

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

April 4, 2023

To: Hamilton County Drainage Board

Re: Mallery-Granger Drain, Comstock Estates Extension

Attached is a drain map and petition for the extension of the Mallery-Granger Drain, Comstock Estates Extension. The proposed drain is located in Noblesville 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 extension of the regulated drain shall begin at the west property line of current Parcel 10-06-25-00-00-016.000 owned by Comstock LLC which is being platted as Comstock Estates. The beginning point falls on the east right of way line for the old Nickel Plate Railroad. The drain then runs 1,390 feet in a southeasterly direction down stream following the existing open ditch to the south property line of the afore mentioned parcel.

This extension will consist of the following:

Open Ditch      1,390 feet

This extension is located on the following parcel:

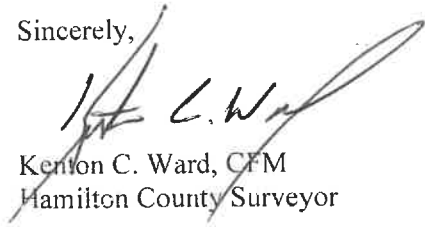
<u>Parcel</u>	<u>Owner</u>
10-06-25-00-00-016.000	Comstock LLC

This parcel will not be assessed for maintenance at this time.

The easements for the drain should be set at 75' from top of bank on the north bank and 25 feet on the south bank as set out on the Secondary Plat for Comstock Estates.

I recommend that the Board set a hearing date for May 22, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenton C. Ward". The signature is fluid and cursive, with a large loop at the end.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/llm

FILED

MAR 21 2023

OFFICE OF HAMILTON COUNTY SURVEYOR

To: Hamilton County Drainage Board

Re: In the matter of the Mallery Granger Drain Petition

Comes now the undersigned individuals, who petition the Hamilton County Drainage Board, per IC 36-9-27-54, for a new regulated drain. The undersigned believe the following:

1. They are owners of ten percent (10%) in acreage; or twenty five percent (25%) or more of the assessed valuation of the land that is outside the corporate boundaries of a municipality and is alleged by the petition to be affected by the proposed drain.
2. That as property owners within the drainage shed, they are qualified petitioners.
3. That they now desire that a regulated drain be established in Noblesville Township, which involves the following public roads; closest road State Road 19 to the west of drainage ditch (already regulated under St.Rd.19) and various areas surrounding these roads in the drainage shed.
4. The names and address of each owner affected by the proposed public drainage are attached hereto, made a part hereof, and marked Exhibit "A", which area of land involved in the proposed drainage area is located in section 25, township 19 north, range 4 east, Hamilton County, Indiana.
5. No other public lands or owners are located in the area which would affect improvement.
6. That the general route of the proposed drain is shown in the attached plan which is marked Exhibit "B" and made a part hereof.
7. That in the opinion of the Petitioner, the costs, damages, and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land to be benefited thereby.
8. That in the opinion of the Petitioner, the proposed improvement will improve the public health; benefit a public highway; and be of public utility.
9. That the name of the attorney or spokesman representing petitioner in the drainage petition is Jane Stewart (manager /Comstock, LLC), who has an office at or whose address is 1305CiceroRoad/Noblesville/IN, phone (317)773-1864.
10. **That Petitioners shall pay all the cost of notice and all legal costs if the petition is dismissed.** These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.
11. Petitioners shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established. These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.

Signature	Printed Name	Printed Address
<u>Nancy Jane Comstock Stewart</u>	<u>Nancy Jane Comstock Stewart*</u>	<u>1305 Cicero Rd., Noblesville</u>
_____	<u>*manager of Comstock, LLC.</u>	_____
_____	_____	_____
_____	<b>ALSO INCLUDED ARE:</b>	_____
_____	● <u>EXHIBIT B</u>	<u>- Email from Surveyor's Office for Easement Dimensions</u>
_____	● <u>EXHIBIT C</u>	<u>- Drainage Report Cover Letter by HWC Engineering</u>

STATE OF INDIANA        )  
                                  ) ss:  
COUNTY OF HAMILTON    )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Mallery-Granger Drain, Comstock Estates Extension**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Mallery-Granger Drain, Comstock Estates Extension** came before the Hamilton County Drainage Board for hearing **on May 22, 2023**, 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 **Mallery-Granger Drain, Comstock 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

***Mallery-Granger Drain, Comstock 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 **Mallery-Granger Drain, Comstock Estates Extension** on **May 22, 2023** at **9:00 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 **Mallery-Granger Drain, Comstock Estates  
Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **May 22, 2023** 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: Mark Heirbrandt  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY