

March 18, 2005

SURVEYOR'S OFFICE Hamilton County

Kenton C. Ward, Surveyor

Phone (317) 776-8495

Tax (317) 776-9628

Suite 188

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

TO: Hamilton County Drainage Board

RE: Mallery Granger Drain, John Deer Arm

Attached is a petition filed by Morse Lake Industrial Park, LLC, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the John Deer Landscaping Arm, Mallery Granger Drain to be located in Noblesville 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:

Open Ditch 630 ft.

The total length of the drain will be 630 feet.

This is the existing open ditch which runs in a general north to south direction along the east property lines of tract 11-06-24-00-00-024.000 and tract 11-06-24-00-00-024.002. This open ditch outlets into the existing Feather Cove Arm of the Mallery Granger Drain as described in my report to the Board dated July 14, 2000 and approved at hearing by the Board on August 28, 2000. (Hamilton County Drainage Board Minutes Book 5, Pages 423-425).

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$10.00 per acre for commercial, institutional and multi-family residential with a \$75.00 minimum. With this assessment the total annual assessment for this drain/this section will be \$201.10,

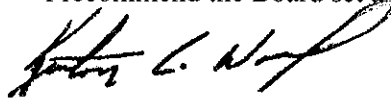
The following tracts shall be assessed as commercial tracts:

Tract	Acres	Owners
11-06-24-00-00-024.000	8.21Acres	Morse Lake Park, LLC
11-06-24-00-00-024.002	11.9 Acres	Morse Lake Park, LLC

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 approve the attached non-enforcement for parcel 11-06-24-00-00-024.000 which includes the drainage easement description. The drainage easement for parcel 11-06-24-00-00-024.002 has been approved by the Board on February 23, 2004 and has been recorded as instrument number 200400012081 in the Office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for May 23, 2005.



Kenton C. Ward
Hamilton County Surveyor

KCW/pll

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

Revised June 1997

IN RE: _____)
Hamilton County, Indiana)

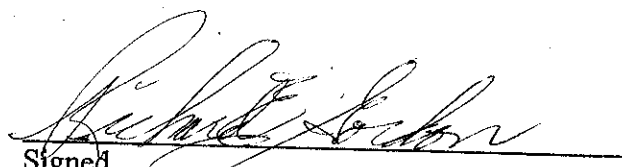
PETITION FOR RELOCATION AND RECONSTRUCTION

Morse Lake Industrial Park, LLC (hereinafter "Petitioner"),

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the Mallery Granger South Arm Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Mallery Granger South Arm Drain runs.
2. Petitioner plans to develop its real estate with roads, buildings, utilities, storm drains, sanitary sewers and other structures.
3. Petitioner's proposed development of its real estate will require relocation and reconstruction of a portion of the Mallery Granger South Arm Drain, as specifically shown on engineering plans and specifications filed with the Hamilton County Surveyor.
4. The work necessary for the proposed relocation and reconstruction will be undertaken at the sole expense of the Petitioner and such work will result in substantial improvement to the Mallery Granger South Arm Drain, without cost to other property owners on the watershed of the Mallery Granger South Arm Drain.
5. Proposed relocation and reconstruction will not adversely affect other land owners within the drainage shed.
6. Petitioner requests approval of the proposed relocation and reconstruction under IC 36-9-27-52.5.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County Drainage Board authorizing relocation and reconstruction of the Mallery Granger South Arm Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.


Signed _____
Morse Lake Industrial Park, LLC
Printed _____

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

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Hamilton County, Indiana)

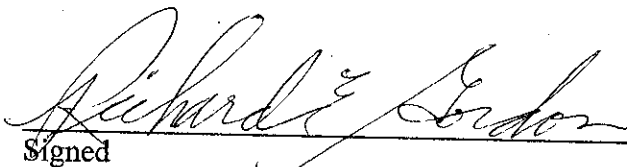
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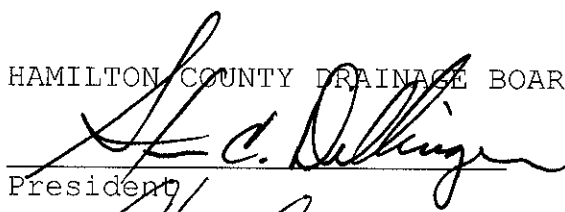
FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE
Mallery Granger Drain, John Deer Arm

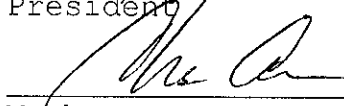
On this *23rd day of May 2005*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Mallery Granger Drain, John Deer Arm*.

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: 