



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 23, 2009

To: Hamilton County Drainage Board

Re: Mud Creek – Sand Creek Drainage Area, E.E. Bennett / Olio Road – I-69 Bridge Arm

Attached is a 52.0 petition and plans for the proposed relocation of the Mud Creek /Sand Creek Drainage Area, E. E. Bennett Arm (W. A. Young Arm and A. F. Kinneman Arm). The relocation is being proposed by the Hamilton County Commissioners. The proposal is to relocate the drain across the following parcels as part of the Olio Road – I-69 Bridge project per plans by American Structurepoint., Job No. IN20080343, revision date 4/7/2009:

<u>Parcel</u>	<u>Owner</u>
13-11-23-00-00-011.000	Interstate Holdings
13-11-23-00-00-008.000	Brueckmann Family Partners & Eugene P. Cornett Living Trust & Adaline M. Cornett
13-11-24-00-00-032.000	Corby Thompson
13-11-24-00-00-035.002	Brueckmann Family Partners
141 <sup>st</sup> Street right-of-way	City of Noblesville
Olio Road right-of-way	City of Noblesville
Tegler Drive right-of-way	City of Noblesville

Per the plans, there are two options proposed for routing storm water from the east side of Olio Road to the existing detention pond located northwest of the project site. These are known as Option 1 and Option 2.

Option 1

Option 1 will intercept the existing tile at Structure 306 per the above referenced plans, northeast of the intersection of 141<sup>st</sup> Street and Olio Road (Station 17+91 of the W. A. Young Arm of the E. E. Bennett Drain), then be piped south of 141<sup>st</sup> Street (Structure 306 to Structure 305), then west of Olio Road (Structure 305 to Structure 304 and 302), then north of Tegler Drive (Structure 302 to Structure 303 and 303A). Then, the storm water will follow the existing regulated drain route in a northwesterly direction via new open ditch (Structure 303A to Structure 301), then piped under the pipeline (Structure 301 and 300 to Structure 300A) which is the outlet into the existing detention pond in the Saxony development. This pond was constructed as a reconstruction of the drain per my report dated April 25, 2003 and approved by the Board on May 27, 2003 (see Hamilton County Drainage Board Minutes Book 7, Pages 69 to 74).

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This line will consist of the following:

<u>STR</u>	<u>Length</u>	<u>Size</u>	<u>Type</u>
306 – 305	147'	48"	RCP
305 – 304	185'	48"	RCP
304 – 302	164'	48"	RCP
302 – 303	161'	48"	RCP
303 – 303A	74'	48"	RCP
303A – 301	1075'	--	Open Ditch
301 – 300	19'	54"	RCP
300 – 300A	224'	54"	RCP

Lengths:

48" RCP    731 ft.                      54" RCP    243 ft.                      Open Ditch    1,075 ft.

Under Option 1, the total length of the new drain shall be 2,049 feet. The 1,886 feet of original drain shall be vacated between Sta. 17+91 to Sta. 21+60 of the W. A. Young Arm as recorded in the original Viewers Report dated November 5, 1925, and Sta. 7+84 to Sta. 23+01 of the A. F. Kinneman Arm as recorded in the original Viewers Report dated October 22, 1892. This proposal will add 163 feet to the drain's total length. This will also close the gap created between Station 23+01 and the pond in the Saxony Development created when 90' of 12" CMP was not installed as planned per my report for the E. E. Bennett Drain and Republic Arm dated April 25, 2003.

The easement for Option 1 will utilize road right-of-way where applicable and the existing 150' easement per IC 36-9-27-33.

Option 2

Option 2 will intercept the existing tile northeast of the intersection of 141<sup>st</sup> Street and Olio Road (Station 17+91 of the W. A. Young Arm of the E. E. Bennett Drain), then be piped south of 141<sup>st</sup> Street, then west of Olio, then north of Tegler Drive. These sections between Structure 306 to 303A are as noted with Option 1. From this point, the storm water will be routed west along the north right-of-way line of Tegler Drive via open ditch for approximately 950', then turn north for approximately 450', then piped under the pipeline and outlet into the existing detention area in the Saxony development as noted with Option 1.

This line will consist of the following:

<u>STR</u>	<u>Length</u>	<u>Size</u>	<u>Type</u>
306 – 305	147'	48"	RCP
305 – 304	185'	48"	RCP
304 – 302	164'	48"	RCP
302 – 303	161'	48"	RCP
303 – 303A	66'	48"	RCP
303A – 301	1400'	--	Open Ditch
301 – 300	14'	54"	RCP
300 – 300A	236'	54"	RCP

Lengths:

48" RCP      723 ft.      54" RCP      250 ft.      Open Ditch      1,400 ft.

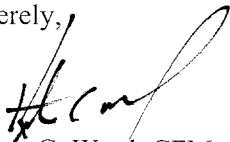
Under Option 2, the total length of the new drain shall be 2,373 feet. The 1,886 feet of original drain shall be vacated between Sta. 17+91 to Sta. 21+60 of the W. A. Young Arm as recorded in the original Viewers Report dated November 5, 1925, and Sta. 7+84 to Sta. 23+01 of the A. F. Kinneman Arm as recorded in the original Viewers Report dated October 22, 1892. This proposal will add 487 feet to the drain's total length. This option also closes the existing gap in the drain between Station 23+01 and the Saxony Pond as outlined in Option 1.

The easement for Option 2 will utilize the road right-of-ways where applicable and will include additional easement to be provided by the City of Noblesville and Hamilton County at a later date if this option is approved.

For either option, the cost of the relocation is to be paid by the City of Noblesville and Hamilton County. The petitioner is exempt from providing surety in the form of bond or letter of credit.

I recommend that the Board set a hearing date for May 26, 2009.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/llm



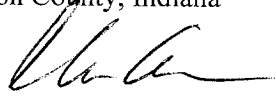
IN THE MATTER OF THE E.E. BENNETT DRAIN  
HAMILTON COUNTY DRAINAGE BOARD

Come now the Board of Commissioners of Hamilton County, who petition the Hamilton County Drainage Board as follows:

1. They are the duly elected Board of Commissioners of Hamilton County, Indiana.
2. That in that capacity they are responsible for the drainage of public highways.
3. That they now desire that a regulated drain be reconstructed in Fall Creek Township which involves 141<sup>st</sup> Street and Olio Road and various areas surrounding the road 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 19, Township 18 North, Range 6 East, and Section 24, Township 18 North, Range 5 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 drains will intercept the existing E.E. Bennett Drain in the northeast quadrant of the intersection of 141<sup>st</sup> Street and Olio Road and route drainage with a combination of open ditch and storm sewer along the north side of 141<sup>st</sup> Street and outlet into the detention area for Saxony development.
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 benefit a public highway in Hamilton County, Indiana.
9. That the name of the attorney representing Petitioner in the drainage petition is Michael Howard, 694 Logan St., Noblesville, Indiana.

10. That Petitioners shall pay the cost of notice and all legal costs if the Petition is dismissed.
11. Petitioner shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established.

Board of Commissioners of  
Hamilton County, Indiana

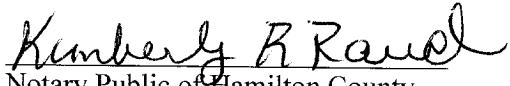
BY:   
Christine Altman, President

Attest:

  
Robin Mills/Auditor of Hamilton County

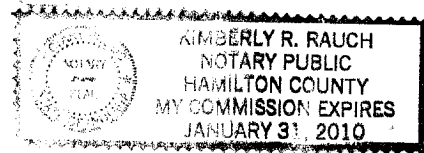
STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF HAMILTON)

Subscribed and sworn to before me, A Notary Public this 22<sup>nd</sup> day of December, 2008.

  
Notary Public of Hamilton County

My Commission Expires:

1-31-2010



FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Mud Creek/Sand Creek Drainage Area,  
E. E. Bennett/Olio Road-I-69 Bridge Arm**

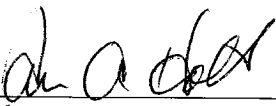
**W. A. Young Arm - Station 17+91 to Station 21+60  
A. F. Kinneman Arm - Station 7+84 to Station 23+01**


On this **26<sup>th</sup> day of May 2009**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Mud Creek/Sand Creek Drainage Area, E. E. Bennett/Olio Road - I-69 Bridge Arm; W. A. Young Arm - Station 17+91 to Station 21+60; A. F. Kinneman Arm - Station 7+84 to Station 23+01**


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 **Mud Creek/Sand Creek Drainage Area, E. E. Bennett/Olio Road - I-69 Bridge Arm; W. A. Young Arm - Station 17+91 to Station 21+60; A. F. Kinneman Arm - Station 7+84 to Station 23+01.**

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
Vice President

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Alternate 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  
**Mud Creek/Sand Creek Drainage Area, E.E. Bennett/Olio Road - I-69  
Bridge Arm**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Mud Creek/Sand Creek Drainage Area, E. E. Bennett/Olio Road - I-69 Bridge Arm** came before the Hamilton County Drainage Board for hearing on **May 26, 2009**, 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.

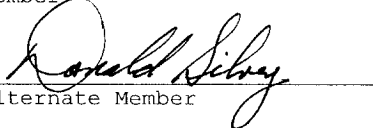
Wherefore, it is ORDERED, that the proposed Reconstruction of the **Mud Creek/Sand Creek Drainage Area, E.E. Bennett/Olio Road - I-69 Bridge Arm** be and is hereby declared established.

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

  
VICE-PRESIDENT

  
Member

  
Alternate Member

ATTEST:

  
Executive Secretary



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Mud Creek/Sand Creek Drainage Area, Olio Road & I-69 Bridge Project***

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 **Mud Creek/Sand Creek Drainage Area, Olio Road & I-69 Bridge Project** on **May 26, 2009, 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 **Mud Creek/Sand Creek Drainage Area, E. E. Bennett/Olio Road - I-69 Bridge Arm**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **May 26, 2009** 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: Christine Altman  
VICE PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY