

Kenton C. Ward, Surveyor

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*One Hamilton County Square
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June 8, 2006

TO: Hamilton County Drainage Board

RE: Mud Creek / Sand Creek Drainage Area, George Burk #46 Drain Arm

Upon Review of the drainage sheds I believe that the George Burk Drain should be made an arm to the Mud Creek / Sand Creek Drainage Area. I recommend this action as the George Burk Drain is a tributary to the Mud Creek / Sand Creek Drainage Area. This would also avoid a double assessment on the tracts currently assessed for the George Burk Drain when the remainder of the Mud Creek / Sand Creek Drainage Area is assessed for maintenance.

On June 7, 1971 the Board held a hearing to establish the Drain maintenance assessment for the George Burk Drain. (Drainage Board Minutes Book 1, Page 70). At present the George Burk Drain maintenance assessment affects 528.09 acres and 90 lots. The rate of assessment for the drain was set at \$1.00 per acre with a \$5.00 minimum. This rate collects \$1,062.14 annually and the balance within the fund is \$2,895.82.

The current maintenance assessment would increase as per the rates set for the Mud Creek / Sand Creek Drainage Area which are as follows:

1. Maintenance assessment for roads and streets be set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts be set at \$3.00 per acre and \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$3.00 per acre and \$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 acre 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 Board has two choices as to how the current balance for the Burk Drain is handled.

- A. Combining the current balances by:
 1. Transferring the balance of the Burk Drain fund into the Mud Creek / Sand Creek fund.
 2. All future maintenance work on the Burk Drain should be paid from the Mud Creek / Sand Creek fund.
- B. Keep the fund separate by:
 1. Keep funds separate and expend funds needed for maintenance in the length of Mud Creek covered by the current Burk Drain.
 2. Future assessments for the drainage area of the Burk drain be made into the Mud Creek/ Sand Creek fund. No further collections for the Burk fund.

I recommend that the Board set a hearing for this consolidation for August 28, 2006.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

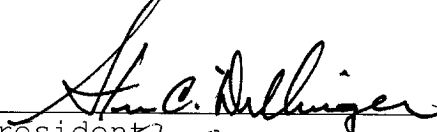
CONCERNING THE MAINTENANCE OF THE

Mud Creek/Sand Creek Drainage Area, George Burke Drain Arm

On this **28th day of August 2006**, 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, George Burke Drain 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.

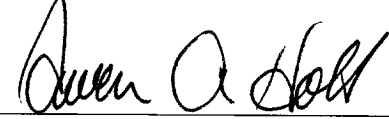
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

*N. H. Teter; William Locke; S. E. Carpenter; Mud Creek/Sand
Creek, Stanford Baughm Arm; Mud Creek/Sand Creek, George Burke Arm;
and Thomas Hussey Drains*

NOTICE

To Whom It May Concern and: Deaver, Freddie E & Amy Roudebush Deaver
Nichols, Maria J Revocable Trust

Notice is hereby given of the hearing of the Hamilton County
Drainage Board on the *N. H. Teter; William Locke; S. E. Carpenter;
Mud Creek/Sand Creek, Stanford Baughm Arm; Mud Creek/Sand Creek,
George Burke Arm; and Thomas Hussey Drains* on August 28, 2006 at
9:50 A.M. in Commissioners Court, Hamilton County Judicial Center,
One Hamilton County Square, Noblesville, Indiana, and which
construction and maintenance reports of the Surveyor and the
Schedule of Assessments made 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

*Andrew Tucker; Hunter-Snowberger; Lee Lambert; A. L. Haughey;
Abe Laudig; William Thomas; Ross & Mann; William Baker; Thomas
Pierce; George Beam; George Symonds; Margaret Cade; Eilizabeth
Lynch; Waltz, Warmon, Booth & Dickover; County McMahan; McMahan
& Overdorf; N. H. Teter; William Locke; S. E. Carpenter; Mud
Creek/Sand Creek, Stanford Baughm Arm; Mud Creek/Sand Creek,
George Burke Arm; Thomas Hussey; W. C. Inman; and Centennial,
Name Change to Williams Creek Drains*

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **August 28, 2006** has issued an order adopting the Schedule of Assessments, filed the same and made public announcement thereof at the hearing and ordered publication. If judicial review of the findings and order of the Board is not requested pursuant to Article Eight of this code within twenty (20) days from the date of this publication, the order shall be conclusive.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY