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December 21, 2009

To: Hamilton County Drainage Board

Re: Mud Creek/Sand Creek Drainage Area, Hawthorne Hills Arm (#156)

Upon review of the drainage sheds, I believe that the Hawthorne Hills Drain should be made an arm to the Mud Creek / Sand Creek Drainage Area as the Hawthorne Hills Drain is a tributary to the Nancy Kimberlain portion of the Mud Creek Drain. This would also avoid a double assessment on the tracts currently assessed for the Hawthorne Hills Drain when the remainder of Mud Creek/Sand Creek Drainage Area is assessed for maintenance.

Hawthorne Hills Section 1 was constructed per my report dated July 2, 1982 and approved by the Board on September 7, 1982 (See Hamilton County Drainage Board Minutes Book 1 Page 490) and Section 2 was constructed per my report dated December 17, 1984 and approved by the Board on February 11, 1985 (See Hamilton County Drainage Board Minutes Book 2, Page 38). The Northern Extension was added per my report dated June 5, 2009 and approved by the Board on August 24, 2009 (See Hamilton County Drainage Board Minutes Book 12, Page 185-187). At present the Hawthorne Hills Drain maintenance assessment affects 12.37 acres and 38 lots. The rate of assessment is \$5.00 per acre with a \$15.00 minimum for residential and agricultural parcels; \$5.00 per acre with a \$25.00 minimum for platted un-regulated subdivisions; \$10.00 per acres with a \$35.00 minimum for regulated drain subdivisions; \$10.00 per acres with a \$75.00 minimum for commercial, institutional, and multi-family tracts; and \$10.00 per acre for roads. This rate collects \$1,473.70 annually and the fund is currently in the red \$7,543.88.

Collections will continue for this drain until 2015 so that the current balance owed to the General Drain Improvement Fund is paid. Any future balance of the Hawthorne Hills Drain shall be kept separate and these funds expended for needed maintenance on

the Hawthorne Hills Drain. This shall be done until funds are exhausted. At that time funding for repairs shall be taken from the Mud Creek / Sand Creek Drainage Area.

The existing rates set for the Mud Creek / Sand Creek Drainage Area maintenance assessment are as follows:

Maintenance assessments for roads and streets are set at \$10.00 per acre.

Maintenance assessments for agricultural tracts are set at \$2.00 per acre with a \$15.00 minimum.

Maintenance assessments for non-platted residential tracts are set at \$2.00 per acres with a \$15.00 minimum.

Maintenance assessment for commercial, institutional and multi-family residential tracts are set at \$10.00 per acres with a \$75.00 minimum.

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.

Maintenance assessment for platted lots within subdivisions whose drainage systems will be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivision shall be set at \$10.00 per acres with a \$65.00 minimum.

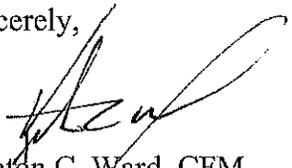
The total annual assessment for this arm will be \$2,613.70.

Assessments for the Mud Creek/Sand Creek Drainage Area will begin 2010.

The collection period for Mud Creek / Sand Creek Drainage Area has been set at 8 years per IC 36-9-27-43.

I recommend that the Board set a hearing for this consolidation for February 22, 2010.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

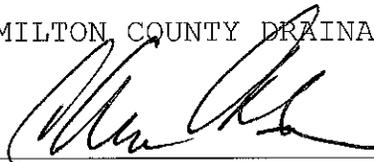
CONCERNING THE MAINTENANCE OF THE

Mud Creek/Sand Creek Drainage Area, Hawthorne Hills Arm

On this **22nd day of February 2010**, 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, Hawthorne Hills 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.

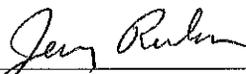
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Alternate Member

Attest:



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Mud Creek/Sand Creek Drainage Area, Hawthorne Hills Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Mud Creek/Sand Creek Drainage Area, Hawthorne Hills Arm** on **February 22, 2010** at **9:30 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

Mud Creek/Sand Creek Drainage Area, Hawthorne Hills Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **February 22, 2010** 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