

SURVEYOR'S OFFICE
Hamilton County

Kenton C. Ward, Surveyor

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January 31, 2007

To: Hamilton County Drainage Board

Re: Mud Creek / Sand Creek Drainage Area, Russell Johnson #263 Drain Arm

Upon Review of the drainage sheds I believe that the Russell Johnson Drain should be made an arm to the Mud Creek / Sand Creek Drainage Area. I recommend this action as the Russell Johnson 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 Russell Johnson Drain when the remainder of the Mud Creek / Sand Creek Drainage Area is assessed for maintenance.

On April 27, 1994 the Board held a hearing to establish the drain maintenance assessment for the Russell Johnson Drain per my report dated July 15, 1993. (Drainage Board Minutes Book 3, Page 242). At present the Russell Johnson Drain maintenance assessment affects 516.66 acres and 672 lots. The rate of assessment for the drain was set at \$2.00 per acre for agriculture and non-platted residential and \$15.00 minimum for unregulated subdivisions. All other assessment rates are the same as the Mud Creek/Sand Creek Drainage Area. This rate collects \$14,589.62 annually and the balance within the fund is \$31,751.90.

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 \$2.00 per acre and \$15.00 minimum.

3. Maintenance assessment for non-platted residential tracts be set at \$2.00 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.

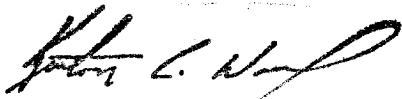
The total annual assessment for this arm will be \$30,464.74. Collections for this arm will begin in 2008.

The current balance of the Russell Johnson Drain shall be kept separate and these funds expended for needed maintenance on the Russell Johnson Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Mud Creek/Sand Creek Drainage Area fund.

Future assessments for the drainage area of the Russell Johnson Drain will be made into the Mud Creek/Sand Creek Drainage Area fund. No further maintenance collections for the Russell Johnson Drain shall be made.

I recommend that the Board set a hearing for this consolidation for March 26, 2007.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

FINDINGS AND ORDER

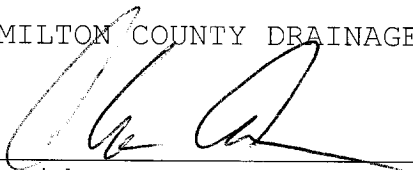
CONCERNING THE MAINTENANCE OF THE

Mud Creek/Sand Creek Drainage Area, Russell Johnson Arm

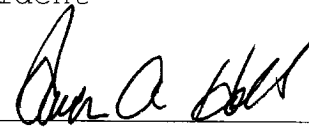
On this **26th day of March 2007**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Mud Creek/Sand Creek Drainage Area, Russell Johnson Arm**.

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.

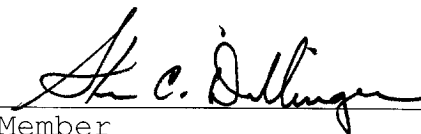
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Mud Creek/Sand Creek Drainage Area, Russell Johnson Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **March 26, 2007** 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