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August 31, 2006

TO: Hamilton County Drainage Board

RE: Mud Creek / Sand Creek Drainage Area, William McKinstry #270 Drain Arm

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

On October 24, 1994 the Board held a hearing to establish the drain maintenance assessment for the William McKinstry Drain. (Drainage Board Minutes Book 4, Pages 15-17). At present the William McKinstry Drain maintenance assessment affects 286.41 acres and 341 lots. The rate of assessment for the drain was set at \$2.00 per acre with a \$10.00 minimum. This rate collects \$4,294.30 annually and the balance within the fund is \$263.04.

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.

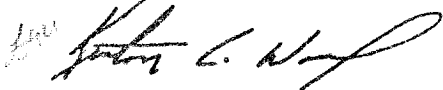
4. Maintenance assessment for commercial, institutional and multi-family residential tracts be set at \$10.00 per acre with a \$75.00 minimum.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$35.00 per lot/minimum. 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 William McKinstry Drain is handled.

- A. Combining the current balances by:
 1. Transferring the balance of the William McKinstry Drain fund into the Mud Creek / Sand Creek fund.
 2. All future maintenance work on the William McKinstry 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 William McKinstry Drain.
 2. Future assessments for the drainage area of the William McKinstry Drain be made into the Mud Creek/ Sand Creek fund. No further collections for the William McKinstry fund.

I recommend that the Board set a hearing for this consolidation for October 23, 2006.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm

FINDINGS AND ORDER

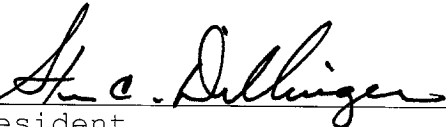
CONCERNING THE MAINTENANCE OF THE

Mud Creek/Sand Creek Drainage Area, William McKinstry Arm

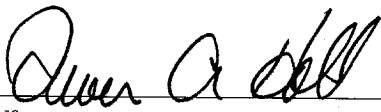
On this **23rd day of October 2006**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Mud Creek/Sand Creek Drainage Area, William McKinstry Arm**.

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: 