

Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495
Fax (317) 776-9628

Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

May 25, 2016

To: Hamilton County Drainage Board

Re: Sly Run Drain – George Booth Arm 1 – Andover North Section 3 Vacation

Attached is a petition from Pulte Homes of Indiana, LLC, along with plans, calculations, and quantity summary for the proposed reconstruction of George Booth Arm 1 Arm of the Sly Run Drain. The proposal is to reconstruct and remove part of the drain for the development of Andover North Section 3. Because the proposal is to “reconstruct” the drain by removing the tile through the subdivision and placing a breather at the north line of the subdivision, this will be treated at a vacation.

The total length of the vacated drain for this arm shall be 409 feet. The vacation will be between Sta. 0+00 and Sta. 4+09, per the original 1905 legal description. This proposal will remove 409 feet from the Sly Run Drain, George Booth Arm 1 total length.

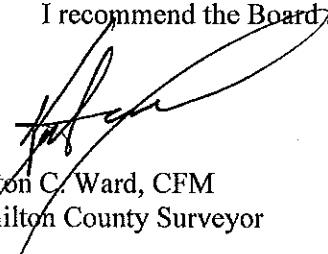
A breather will be set on the existing 6” tile at Sta. 4+09 and the tile removed running south west into Andover North Section 3. The drainage from Andover North Section 3 will be picked up with the drainage system being installed with the development and within the jurisdiction of the City of Westfield. The drainage for this system will now run to the south into the Andover Arm of the Pebble Brook Drain.

This vacation affects the following parcels and owners:

08-06-29-00-00-012.000

Pulte Homes of Indiana, LLC

I recommend the Board set a hearing for this matter for July 25, 2016.



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: Sly Run Drain - George Booth Arm 1)
Hamilton County, Indiana)

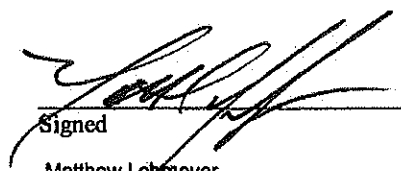
PETITION FOR RELOCATION AND RECONSTRUCTION

Pulte Homes of Indiana (hereinafter "Petitioner"),

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the Sly Run Drain - George Booth Arm 1 Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Sly Run Drain - George Booth Drain runs.
2. Petitioner plans to develop its real estate with roads, buildings, utilities, storm drains, sanitary sewers and other structures.
3. Petitioner's proposed development of its real estate will require relocation and reconstruction of a portion of the Sly Run Drain - George Booth Arm 1 Drain, as specifically shown on engineering plans and specifications filed with the Hamilton County Surveyor.
4. The work necessary for the proposed relocation and reconstruction will be undertaken at the sole expense of the Petitioner and such work will result in substantial improvement to the Sly Run Drain - George Booth Arm 1 Drain, without cost to other property owners on the watershed of the Sly Run Drain - George Booth Arm 1 Drain.
5. Proposed relocation and reconstruction will not adversely affect other land owners within the drainage shed.
6. Petitioner requests approval of the proposed relocation and reconstruction under IC 36-9-27-52.5.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County Drainage Board authorizing relocation and reconstruction of the Sly Run Drain - George Booth Ar Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.



Signed
Matthew Lohmeyer

Printed

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Sly Run Drain, George Booth Arm 1, Andover North Section 3 Vacation

Station 0+00 to Station 4+09


On this 25th day of July, 2016, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Sly Run Drain, George Booth Arm 1, Andover North Section 3 Vacation - Station 0+00 to Station 4+09.

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 Sly Run Drain, George Booth Arm 1, Andover North Section 3 Vacation - Station 0+00 to Station 4+09.


HAMILTON COUNTY DRAINAGE BOARD



President



Member



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
Sly Run Drain, George Booth Arm 1, Andover North Section 3 Vacation

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Sly Run Drain, George Booth Arm 1, Andover North Section 3 Vacation* came before the Hamilton County Drainage Board for hearing on *July 25, 2016*, 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.

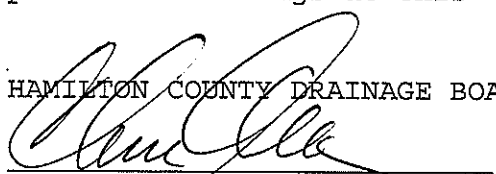
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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.

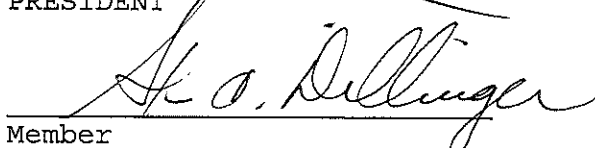
Wherefore, it is ORDERED, that the proposed Reconstruction of the *Sly Run Drain, George Booth Arm 1, Andover North Section 3 Vacation* be and is hereby declared established.

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:

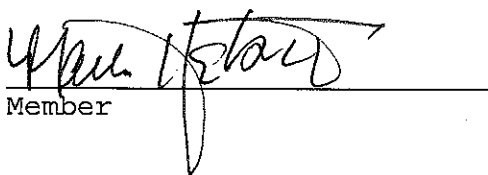
HAMILTON COUNTY DRAINAGE BOARD



PRESIDENT

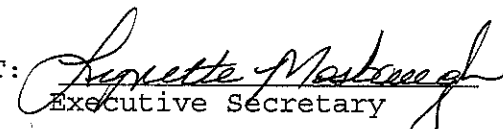


Member



Member

ATTEST:



Executive Secretary

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD IN THE MATTER OF THE

Sly Run Drain, George Booth Arm 1,
Andover North Section 3 Vacation

NOTICE is hereby given that a request by the Hamilton County Surveyor for the VACATION OF THE SLY RUN DRAIN, GEORGE BOOTH ARM 1, ANDOVER NORTH SECTION 3 across the Pulte Homes of Indiana, LLC, Parcel No. 08-06-29-00-00-012.000 (Station 0+00 to Station 4+09 per the original 1905 Legal Description) has been filed and that a hearing is scheduled for July 25, 2016 at 9:30 A.M. on that request.

Objections to the VACATION of the drain must be filed in writing not less than five (5) days before the date of the hearing.

The Board will consider whether the drain performs the function for which it was designed and constructed; whether the expense of maintenance outweighs the benefits to be derived therefrom, and whether the abandonment thereof will not be detrimental to the public welfare.

HAMILTON COUNTY DRAINAGE BOARD

ATTEST: Lynette Mosbaugh
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Sly Run Drain, George Booth Arm 1,
Andover North Section 3 Vacation

NOTICE

Notice is hereby given pursuant to Indiana Code 36-9-27-63 (before codification in 1981) that this Board, prior to final adjournment on **July 25, 2016** issued an order adopting the partial vacation, filed the same and made public announcement thereof at the hearing and ordered publication. Copies of the schedule of assessments and order are on file in the office of the Hamilton County Surveyor. If judicial review of the findings and order of the Board is not requested pursuant to Indiana Code 36-9-27-65(f) 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