

Kenton C. Ward, CFM
Surveyor of Hamilton County
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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

May 13, 2011

To: Hamilton County Drainage Board

Re: Sly Run Drain, Mercho/Delullo Extension

Attached is an area map for the Mercho/Delullo Extension of the Sly Run Drain located in Noblesville Township.

This extension was set out in my classification report to the Board dated February 15, 2011 and approved by the Board on February 28, 2011 at which time the Board referred the list to the Surveyor for maintenance and reconstruction of drains as listed. (See Hamilton County Drainage Board Minutes Book 13, Pages 284-291). This extension is a reconstruction of the Sly Run Drain as per IC 36-9-27-34(b) (E). This report is being submitted per IC 36-9-27-49. This extension falls under subsection (b) (2) of Section 49. The drain is to be accepted in place without reconstruction costs or assessment.

I have made a personal inspection of the proposed extension. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway, be of public utility and that the costs, damages and expenses of the proposed drain will be less than the benefits accruing to the owners of land likely to be benefited.

The drain commences at the south line of tract 11-06-22-00-00-006.000 which is the terminus of the Sly Run Drain, West Harbour Extension per my report dated December 4, 2009 and approved by the Board at hearing on March 22, 2010. (See Hamilton County Drainage Board Minute Book 12, Pages 447 -448); runs thence downstream in a south/southeasterly direction within the existing channel of the North Fork of Sly Run approximately 5,724 feet across tracts 11-06-22-00-00-005.001, 11-06-22-00-00-005.000, 11-06-27-00-00-002.001, 11-06-27-00-00-008.000 to the east line of property line tract 11-06-27-00-13-008.000 which is the west side of Lot 268 as platted by Section 6 of Morse Pointe which is the beginning of the Sly Run Drain, Mill Grove/Morse Pointe Extension per my report dated September 3, 2009 and approved by the Board at hearing on November 23, 2009. (See Hamilton County Drainage Board Minutes Book 12 Pages 332 -334).

Also, included with this report is the section of open drain commencing at the east property line of tract 11-06-27-00-00-001.000 which is the terminus of the Sly Run Drain, State Road 38 and Little Chicago Road Extension per my report dated January 8, 2010 and approved by the Board at hearing on February 22, 2010 (See Hamilton County Drainage Board Minutes Book 12, Pages 401 -402); thence running in an easterly direction approximately 1,001 feet across tract 11-06-22-00-00-002.001 and terminating with its confluence with the main channel of the North Fork of Sly Run at approximately 790 feet east and 601 feet south of the north west corner of Section 27, Township 19 North, Range 4 East.

The drain will consist of 6,725 feet of open drain.

The easement for the proposed drain across tracts 11-06-22-00-00-005.001, 11-06-22-00-00-005.000, 11-06-22-00-00-002.001, 11-06-22-00-00-008.000 shall be 75 feet from top of bank on both sides of the drain as set out in IC 36-9-27-33.

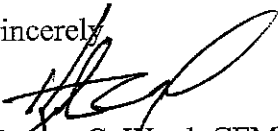
Upon review of the FEMA National Flood Insurance Rate Map (FIRM), Map Number 18057C0130F, dated February 19, 2003, the easement area on the Mercho and Delullo tracts is covered by the 100-year floodplain. Therefore I believe that no damages will result to landowners by the extension of this drain.

The following tracts are affected by this proposed drain:

<u>Parcel</u>	<u>Owner</u>
11-06-22-00-00-005.001	Mercho, Frank E. & Henriette Family Partnership LP
11-06-22-00-00-005.000	Delullo, William C. Trustee 75% and Husband Trust 25%
11-06-27-00-00-002.001	Mercho, Frank E. & Henriette Family Partnership LP
11-06-27-00-00-008.000	Mercho, Frank E. & Henriette Family Partnership LP

I recommend the Board set a hearing for this proposed drain for July 25, 2011.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

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, Mercho/Delullo Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Sly Run Drain, Mercho/Delullo Extension** came before the Hamilton County Drainage Board for hearing **on July 25, 2011**, 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, Mercho/Delullo Extension** 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

Sly Run Drain, Mercho/Delullo Extension

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **Sly Run Drain, Mercho/Delullo Extension** on **July 25, 2011**, at **9:25 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed 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

STATE OF INDIANA)
) SS BEFORE THE HAMILTON
)
COUNTY OF HAMILTON) DRAINAGE BOARD

IN THE MATTER OF **Sly Run Drain, Mercho/Delullo Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **July 25, 2011** adopted the reconstruction report of the Surveyor and the Amended Schedule of damages and assessments including annual assessment for periodic maintenance, finding that the costs, damages and expense of the proposed improvement would be less than the benefits which will result to the owner of lands benefited thereby.

The Board issued an order declaring the proposed improvement established. Such findings and order were marked filed and are available for inspection in the Office of the Hamilton County Surveyor.

If judicial review of the findings and order of the Board is not requested pursuant to Article VIII of the 1965 Indiana Drainage Code as amended within twenty (20) days from the date of publication of this notice, the findings and order shall become conclusive.

HAMILTON COUNTY DRAINAGE BOARD

BY: Steven A. Holt
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY