

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

March 27, 2007

To: Hamilton County Drainage Board

Re: Stony Creek Drain, Stony Creek Realty Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Stony Creek Drain. This proposed drain is located in Noblesville Township.

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

Open Ditch      1,140 ft.

The total length of the drain will be 1,140 feet.

The extension will begin at the eastern terminus of the Kite Extension. This is the eastern most point of the drain per my report dated January 25, 2007 and approved by the Board at hearing on March 26, 2007. (See Hamilton County Drainage Board Minute Book 10) The extension will follow the existing open ditch upstream to the east property line of Tract 11-11-05-00-00-008.000, owned by Stony Creek Realty Development Company, LLC.

The current rates for the Stony Creek Drain are \$2.00 per acre with a \$15.00 minimum for agricultural and unplatted residential. Roads are assessed at \$10.00 per acre, \$10.00 per acre, \$75.00 minimum for commercial. The annual maintenance collection for this extension will be \$61.26.

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

The nature of maintenance work required is as follows:

1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.

The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33. Additional drainage easement will be added to the following tracts:

<u>Parcel</u>	<u>Owner</u>
11-11-05-00-00-008.000	Stony Creek Realty Development Company, LLC

I recommend that the Board set a hearing for this proposal for May 29, 2007.

Sincerely,



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/llm



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

**STONY CREEK DRAIN, STONY CREEK REALTY EXTENSION**

NOTICE

To Whom It May Concern and: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Stony Creek Drain, Stony Creek Realty Extension** on **May 29th** at **9:15 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: Pamela Louks

ONE TIME ONLY

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF THE  
**STONY CREEK DRAIN, STONY CREEK REALTY EXTENSION**

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **May 29, 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: Pamela Louks

ONE TIME ONLY

FINDINGS AND ORDER  
CONCERNING THE MAINTENANCE OF THE  
STONY CREEK DRAIN, STONY CREEK REALTY EXTENSION

On this **29th day of May 2007**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Stony Creek Drain, Stony Creek Realty Extension**.

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

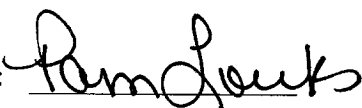


\_\_\_\_\_  
President



\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Attest: 

STATE OF INDIANA        )  
                              ) ss:  
COUNTY OF HAMILTON    )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
***Stony Creek Drain, Stony Creek Realty Extension***

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the ***Stony Creek Drain, Stony Creek Realty Extension*** came before the Hamilton County Drainage Board for hearing ***on May 29, 2007***, 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.

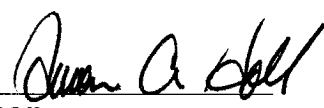
The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the ***Stony Creek Drain, Stony Creek Realty 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:

  
\_\_\_\_\_  
Acting Executive Secretary

CERTIFICATE OF ASSESSMENTS  
FOR  
ANNUAL MAINTENANCE

THE DRAINAGE BOARD OF:  
HAMILTON COUNTY, INDIANA

IN THE MATTER OF:  
ASSESSMENTS FOR ANNUAL **Stony Creek Drain, Stony Creek Realty  
Extension**  
in Hamilton County, Indiana

TO THE AUDITOR OF HAMILTON COUNTY


WE CERTIFY THAT THE SCHEDULE OF ASSESSMENTS ATTACHED, HERETO HAS BEEN ADOPTED PURSUANT TO Indiana Code, recodified 1982, to provide funds for annual maintenance of the above named drain; that due notice thereof has been published; that the period of time within which a judicial review could be requested has expired; and that the order of the Drainage Board fixing the assessment on each tract of land is now conclusive.

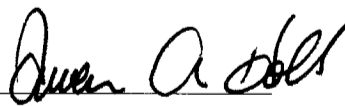
The assessments stated in the attached schedule are annual assessments and shall be collected year after year until such assessments are terminated or changed by order of the Drainage Board. Each annual assessment shall be due and payable in May and in November in each year. The first installment shall be due and payable in May **2008**.

All such installments may be paid without interest, but if not paid when due shall be subject to the same rate of penalty applicable to delinquent taxes.

The County Auditor is directed to enter the assessment according to this certification to the Ditch Duplicate of the county for collection by the County Treasurer.

IN WITNESS WHEREOF, we have hereto set our hands, this **29th day of  
May, 2007**.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

This schedule of assessments totals **\$61.26**



Stony Creek Drain #349  
 Stony Creek Realty Extension  
 Hearing: 05/29/07  
 \*Extension only. No reconstruction cost.  
 Adding 1,140' of open drain.

Maintenance	Rate	Minimum
Residential/Ag	2.00	15.00
Un-Reg Sub	5.00	35.00
Reg Sub	10.00	65.00
Commercial	10.00	75.00
Roads	10.00	

Parcel	Owner	Address	City	Desc1	Desc2	Acres	Benefited	MntAsmt	% of Total	Rec.
11-11-05-00-00-008.000	Stony Creek Realty Dev. Co. LLC	2001 Stoney Creek Dr	Noblesville, IN 46060	S5 T18 R5 30.63 Ac	Residential/Ag	30.63	30.63	\$61.26	100.00%	*
Total:								\$61.26	100.00%	