

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

April 4, 2011

To: Hamilton County Drainage Board

Re: Stony Creek Drain, Weaver & Hooke #23 Arm

Upon review of the drainage sheds, I believe that the Weaver & Hooke #23 Drain should be made an arm to the Stony Creek Drain as the Weaver & Hooke #23 Drain is a tributary to the Stony Creek Drain. This would also avoid a double assessment on the tracts currently assessed for the Weaver & Hooke #23 Drain when the remainder of the Stony Creek Drain is assessed for maintenance.

The William Weaver Drain was created in 1928 and the Sam Hooke Drain was created in 1939. Both drains were created by the Hamilton County Circuit Court. At present the Weaver & Hooke #23 Drain maintenance assessment affects 1,844.45 acres. The rate of assessment for the drain was set on June 26, 2006 at the following rates: Non-platted Residential & Agricultural tracts are set at \$1.00 per acre with a \$15.00 minimum. Platted lots and common areas in subdivisions whose drainage systems will not be part of the regulated drain are set at \$5.00 per acre with a \$35.00 minimum. Platted lots within subdivisions and common areas whose drainage systems will be part of the regulated drain are set at \$10.00 per acre with a \$65.00 minimum. Commercial, institutional and multi-family residential tracts are set at \$10.00 per acre with a \$75.00 minimum. Roads and streets are set at \$10.00 per acre. This rate collects \$3,698.52 annually and the balance within the fund is \$12,388.72. There are no outstanding work orders for this drain at this time.

The current maintenance assessment will revise as per the rates set for the Stony Creek Drain which are as follows:

1. Maintenance assessment for roads and streets are set at \$10.00 per acre.

2. Maintenance assessment for agricultural tracts are set at \$4.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts are set at \$4.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts are 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.

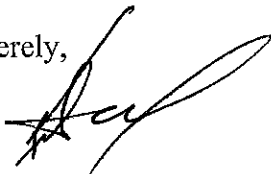
The total annual assessment for this arm will be \$9,315.20.

The current balance of the Weaver & Hooke Drain shall be kept separate and these funds expended for needed maintenance on the Weaver & Hooke Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Stony Creek Drain fund. Collections for the Weaver & Hooke Drain would not begin until May 2012.

Future assessments for the drainage area of the Weaver & Hooke Drain will be made into the Stony Creek Drain fund. No further maintenance collections for the Weaver & Hooke Drain shall be made.

I recommend that the Board set a hearing for this consolidation for June 27, 2011.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

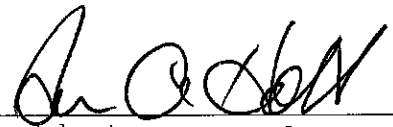
CONCERNING THE MAINTENANCE OF THE

Stony Creek Drain, Weaver & Hooke Arm

On this **27th day of June, 2011**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Stony Creek Drain, Weaver & Hooke 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



Alternate Member

Attest: 

STONY CREEK DRAIN, WEAVER & HOOKE ARM

Property Owner	Parcel Number	Current Benefit	Current Assessment	Stony Creek Benefit	Stony Creek Assessment	% of Total
Forest View Farms, Inc (Wayne Musselman)	12-07-36-00-00-014.000	58.3	\$58.30	58.3	\$233.20	2.20%
	12-07-36-00-00-014.001	5	\$15.00	5	\$20.00	0.21%
	12-07-36-00-00-015.000	23	\$23.00	23	\$92.00	0.99%
	12-07-36-00-00-016.000	20	\$20.00	20	\$80.00	0.86%
	12-11-01-00-00-002.000	81.22	\$81.22	81.22	\$324.88	3.49%
TOTALS		187.52	\$197.52	187.52	\$750.08	7.75%

Via- e-mail Atten: Lynette Mosbaugh

June 21, 2011

Hamilton County Drainage Board

One Hamilton County Square, Ste. 188

Noblesville, IN 46060



Ref: Drainage assessment

Stony Creek Drain (Weaver & Hooke Arm)

Per your letters, we are objecting in writing to the proposed increase of assessment for the maintenance cost or reconstruction cost associated to the above project. On the following legal descriptions;

1. 12-11-01-00-00-002.000 81.22 ACRES
2. 12-07-36-00-00-016.000 20.00 ACRES
3. 12-07-36-00-00-014.000 58.30 ACRES
4. 12-07-36-00-00-014.001 5.00 ACRES
5. 12-07-36-00-00-015.000 23.00 ACRES

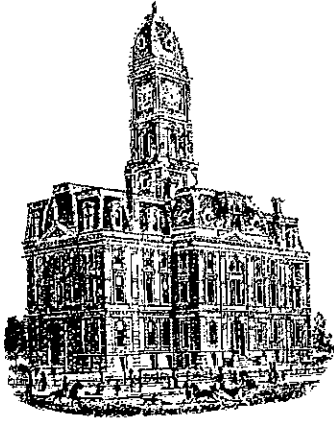
Our current annual assessment is \$187.30. The proposed annual assessment would be \$749.00. This is an increase of 300% or from \$.50 cents per acre to \$4.00 per acre.

Please file our objection and send an acknowledgment of its receipt back.

Thank-you,

Wayne Musselman, president

Forrest View Farms Inc.



*Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8995
Fax (317) 776-9628*

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

June 24, 2011

Forest View Farms, Inc.
17744 Durbin Rd.
Noblesville, IN. 46060

RE: Stony Creek Drain, Weaver & Hooke Arm

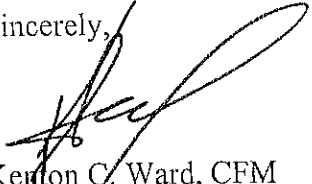
I have received your objection concerning the above referenced hearing. I would like to take this opportunity to explain the reason for this proposed change.

At the beginning of this year the Stony Creek Drain was approved for reconstruction. The drainage area north of S.R. 32 was assessed for this reconstruction. Along with the reconstruction all of the drains north of S.R. 32 which had been on a maintenance program were combined into the overall Stony Creek Drainage Area.

The Weaver & Hooke Drain enters the Stony Creek Drain south of S.R. 32. Therefore, it was not affected by the reconstruction and maintenance proceedings earlier this year. At this time it is proposed to combine the drains for maintenance. Landowners within the Weaver & Hooke Drainage Shed will not be assessed for the current reconstruction project on Stony Creek Drain.

I hope this helps explain why this combination is being proposed.

Sincerely,


Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

OFFICE OF

HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the
Stony Creek Drain, Weaver & Hooke Arm.

Deaton-Wise, Kimberly
 16995 Mystic Rd
 Noblesville, IN 46060

Under the Indiana Drainage Code, all land which drains directly, or indirectly, is assessed for either maintenance cost or reconstruction cost within the drain. In making the calculation for each parcel, the Drainage Board must calculate the percentage of the cost attributable to each parcel of land benefitted. From time to time the assessments may be increased or changed. The chart below contains your existing assessment, the proposed assessment, and your percentage of the total annual maintenance contribution to the costs attributable to providing drainage to your land.

The Drainage Board has received a maintenance report and schedule of assessments which affects your land. You are hereby notified that the maintenance report of the County 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 County Surveyor.

The Surveyor has estimated that the annual cost of periodically maintaining the entire drain is \$9,315.20. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts. This assessment is not a charge for services associated with regulating the quality of storm water within your city or town.

Description: 12-11-02-00-00-017.007	Current Acres Benefited to Weaver & Hooke	Current Assessment to Weaver & Hooke	Proposed Acres Benefited to Stony Creek	Proposed Assessment to Stony Creek	Percentage of total assessment
S2 T18 R5 2.00 AC Residential/Ag	2.00 Ac	\$15.00	2.00 Ac	\$15.00	0.16%
If Weaver & Hooke is combined with Stony Creek future assessments will be made to Stony Creek instead of Weaver & Hooke.					

A public hearing will be held by the Drainage Board in Commissioner's Court at 9:10 A.M. on June 27, 2011 on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed. The failure of any owner to file an objection constitutes a waiver of his right to thereafter object on such ground to any final action of the Board. On or before the hearing date the Surveyor or any owner of lands named in the schedule of assessments may cause written evidence to be filed in support of or in rebuttal to any objection filed.

HAMILTON COUNTY DRAINAGE BOARD
 One Hamilton County Square, Ste. 188
 Noblesville, IN 46060

For a copy of the Surveyor's Report to the Drainage Board and a copy of the map, if applicable, please go to www.hamiltoncounty.in.gov/drainageboardnotices.

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Stony Creek Drain, Weaver & Hooke Arm

NOTICE

To Whom It May Concern and: Deaton-Wise, Kimberly

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Stony Creek Drain, Weaver & Hooke Arm** on **June 27, 2011** at **9:10 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: Lynette Mosbaugh

ONE TIME ONLY

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Stony Creek Drain, Weaver & Hooke Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **June 27, 2011** 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