



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

January 25, 2007

To: Hamilton County Drainage Board

Re: Vestal/Kirkendall Drainage Area, Boomerang Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Vestal/Kirkendall Drain across the property owned by Boomerang Development, LLC. 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 1,635 ft.

The total length of the drain will be 1,635 feet.

The extension will begin at the west property line of tract 10-10-09-00-00-010.001 and will follow the existing open ditch to the south right of way line of 161st Street.

The rates for maintenance were established per my report dated June 6, 2006 which was approved by the Board at hearing on July 24, 2006. (See Hamilton County Drainage Board Minute Book 9, Pages 331-332)

I have reviewed the plans and drain map and believe, as set out in IC 36-9-27-69 (b) (1) that tracts 11-10-15-00-00-007.000 and 11-10-15-00-00-018.000 is within the drainage shed of the Vestal/Kirkendall Drain and therefore benefits from the drain.

The annual maintenance collection for this extension will be \$85.00. Collections for this extension will not begin until 2008.

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 designed as an Urban Drain.

The nature of maintenance work required is as follows:

1. Removal of beaver dams;
2. Bank erosion repair and protection as might be required;
3. Re-excavation of open ditch to improve flow;
4. Removal of debris and/or blockages from flowline;
5. Any other repairs that may be necessary to restore flow to the drain.

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. The easement will affect the following tracts:

<u>Owner</u>	<u>Parcel</u>
Boomerang Development, LLC	10-10-09-00-00-010.000
Boomerang Development, LLC	10-10-09-00-00-010.001

I recommend that the Board set a hearing for this extension for April 23, 2007.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

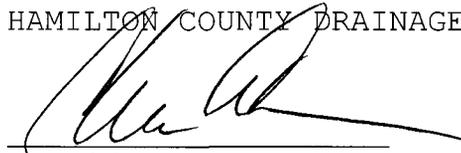
KCW/llm

FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
VESTAL/KIRKENDALL DRAINAGE AREA, BOOMERANG EXTENSION

On this **23rd day of APRIL 2007**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Vestal/Kirkendall Drainage Area, Boomerang 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.

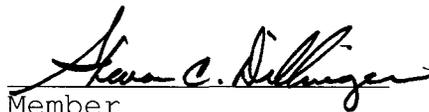
HAMILTON COUNTY DRAINAGE BOARD



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
VESTAL/KIRKENDALL DRAINAGE AREA, BOOMERANG EXTENSION

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Vestal/Kirkendall Drainage Area, Boomerang Extension** came before the Hamilton County Drainage Board for hearing **on April 23, 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 **Vestal/Kirkendall Drainage Area, Boomerang 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:

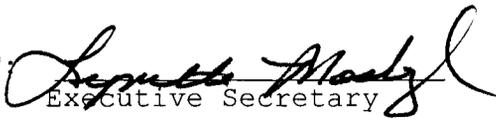
HAMILTON COUNTY DRAINAGE BOARD


PRESIDENT


Member


Member

ATTEST:


Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Vestal/Kirkendall Drainage Area, Boomerang 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 **Vestal/Kirkendall Drainage Area, Boomerang Extension** on **April 23, 2007**, 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 **Vestal Kirkendall Drainage Area, Boomerang Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **April 23, 2007** 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: Christine Altman
PRESIDENT

ATTEST: Lynette Mosbaugh
EXECUTIVE SECRETARY