



SURVEYOR'S OFFICE
Hamilton County

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

December 18, 2008

TO: Hamilton County Drainage Board

RE: Vestal/Kirkendall Drainage Area, Cherry Tree Farms #110 Drain Arm

Upon review of the drainage sheds I believe that the Cherry Tree Farms Drain should be made an arm to the Vestal/Kirkendall Drainage Area. I recommend this action as the Cherry Tree Farms Drain is a tributary to the Vestal/Kirkendall Drainage Area. This would also avoid a double assessment on the tracts currently assessed for the Cherry Tree Farms Drain when the remainder of the Vestal/Kirkendall Drainage Area is assessed for maintenance.

On October 15, 1979 the Drainage Board held a hearing to establish the drain and the drain maintenance assessment for the Cherry Tree Farms Drain, per the Surveyor's report dated July 16, 1979, and approved by Board at hearing on November 19, 1979 (See Hamilton County Drainage Board Minutes Book 1, Page 326). At present the Cherry Tree Farms Drain maintenance assessment affects 14.51 acres and 44 lots. The current rate of assessment for the Cherry Tree Farms Drain is \$5.00 per acre, with a \$15.00 minimum. The roadways are assessed at \$5.00 per acre. These rates collect \$734.76 annually and the current balance in the maintenance fund is \$3,180.99. There are no outstanding work orders for this drain at this time.

The current maintenance assessment would increase as per the rates set for the Vestal/Kirkendall Drainage Area which are as follows:

1. Maintenance assessment for agricultural tracts be set at \$2.00 per acre and \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acre and \$15.00 minimum.

3. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$20.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$5.00 per acre with a \$20.00 minimum.
4. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$35.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$10.00 per acre with a \$35.00 minimum.
5. Maintenance assessment for commercial, institutional and multi-family residential tracts be set at \$10.00 per acre with a \$75.00 minimum.
6. Maintenance assessment for roads and streets be set at \$10.00 per acre.

The current balance of the Cherry Tree Farms Drain shall be kept separate and these funds expended for needed maintenance on the drainage facilities that comprise the current Cherry Tree Farms Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Vestal/Kirkendall Drain Fund.

Future assessments for the drainage area of the Cherry Tree Farms Drain will be made into the Vestal/Kirkendall fund. There shall be no further maintenance collections for the Cherry Tree Farms Drain fund.

I recommend that the Board set a hearing for this consolidation for February 23, 2009.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

FINDINGS AND ORDER

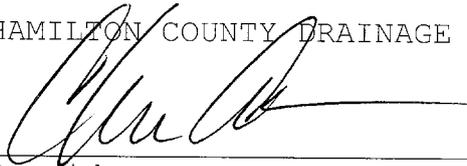
CONCERNING THE MAINTENANCE OF THE

Vestal/Kirkendall Drainage Area, Cherry Tree Farms Drain Arm

On this *23rd day of February 2009*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Vestal/Kirkendall Drainage Area, Cherry Tree Farms Drain 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.

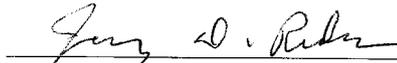
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Alternate Member

Attest:



February 2, 2009

Hamilton County Drainage Board
One Hamilton County Square Ste. 188
Noblesville, IN 46060



Objections: To Raising Periodic Maintenance for Cherry Tree Farms Lot 14

We the following home owners strongly objection to raising the fee to maintain the drainage ditch connected to our property for the following reasons:

1. This fee was established in 1979 and has obviously been sufficient to maintain the ditch with no increase. This is has been well established by the fact the budget still has a surplus of \$3,180.
2. Your received letter implied that there will be other lots added to maintain this ditch. This should lower the cost of maintence, not increase it for us.
3. Your received letter gives no information, on how the money has been spent, why an increase is necessary and how the money will be used in the future.
4. When your office was contacted on January 30, 2009. Lynette stated the increase was what the board had established per lot. This is not a valid justification for an increase of the fee, for us. If this board has maintained our drainage for \$15.00 with a surplus of money why should we now be penalized because you want to add more lots to the drainage maintenance?

This increase is just one more, in a whole line of government increases that needs to STOP. You have not shown why you need the increase of this fee. You have not shown how the money is spent currently and you have not shown how the money would be spent in the future. These are our objections.

Sincerely

Brenda G. Barker

Bruce G. Barker

10-10-10-04-02-008.000

2/17/2009



Hamilton County Drainage Board
One Hamilton County Square, Ste. 188
Noblesville, IN 46060

RE: Vestal/Kirkendall Drainage Area, Cherry Tree Farms Drain Arm.

Please accept this document as notice of my objection to an increase in the drainage maintenance assessment covering the property described as: 10-10-10-04-02-008.000, Cherry Tree Farms 2nd lot 21. This piece of property is my home. Since the establishment of this assessment in 1979 the geography of the area has been significantly altered by the underground limestone mining operation currently being worked by Martin Marietta located adjacent to the Kirkendall Drainage. Since approximately 1996 the underground mining operation has resulted in the draining of the neighborhood pond (inability of the pond to hold water unless mechanically filled by a pump operated by Martin Marietta) as well as the lowering of the general water level as measured by the depths of well on my property as well as wells throughout the Cherry Tree Farms neighborhood. Several neighborhood wells have been replaced during this time frame.

As indicated above this pond cannot maintain a consistent water level. This pond is the primary water runoff reservoir for this neighborhood. The water no longer runs out of the pond or out of the neighborhood and into the Kirkendall vestal ditch.

As such this pond and neighborhood no longer are tributaries of any significance to the Kirkendall Vestal Ditch and should not be assessed any maintenance fee.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Bill Faul".

Bill and Margaret Faul
Homeowners



Cherry Tree Farms Homeowners Association

2/17/2009

Hamilton County Drainage Board
One Hamilton County Square, Ste. 188
Noblesville, IN 46060

RE: Vestal/Kirkendall Drainage Area, Cherry Tree Farms #110 Drain Arm.

Please accept this document as notice of my objection to an increase in the drainage maintenance assessment covering the property described as: 10-10-10-04-02-006.000, Cherry Tree Farms 2nd Blk B, 2.56 Ac.

This piece of property is a drainage pond. Since the establishment of this assessment in 1979 the geography of the area has been significantly altered by the underground limestone mining operation currently being worked by Martin Marietta located adjacent to the Kirkendall Drainage. Since approximately 1996 the underground mining operation has resulted in the draining of this pond (inability of the pond to hold water unless mechanically filled by a pump operated by Martin Marietta) as well as the lowering of the general water level as measured by the depths of wells in the Cherry Tree Farms neighborhood. Several neighborhood wells have been replaced during this time frame.

As indicated above this pond cannot maintain a consistent water level. This pond is the primary water runoff reservoir for this neighborhood. The water no longer runs out of the pond or out of the neighborhood and into the Kirkendall vestal ditch.

As such this pond and neighborhood no longer are tributaries of any significance to the Kirkendall Vestal Ditch and should not be assessed any maintenance fee.

Respectfully submitted,

Bill Faul
President, Cherry Tree Farms Civic Association

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Vestal/Kirkendall Drainage Area, Cherry Tree Farms Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Vestal/Kirkendall Drainage Area, Cherry Tree Farms Arm** on **February 23, 2009** at **9:20 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

Vestal/Kirkendall Drainage Area, Cherry Tree Farms Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **February 23, 2009** 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