



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, Everett Cox #85 Drain Arm

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

On February 19, 1974 the Board held a hearing to establish the drain maintenance assessment for the Everett Cox Drain. (Drainage Board Minutes Book 1, Page 112). At present the Everett Cox Drain maintenance assessment affects 161.65 and 28 lots. The current rate of assessment for the drain is set at \$4.00 per acre with a \$5.00 minimum with lots within the Woodshire Subdivision assessed at \$2.00 per acre with a \$25.00 minimum. This rate collects \$1,191.98 annually and the balance within the fund is \$172.15.

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 Everett Cox Drain shall be kept separate and these funds expended for needed maintenance on the drainage facilities that comprise the current Everett Cox 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 Everett Cox Drain will be made into the Vestal/Kirkendall fund. There shall be no further collections for the Everett Cox 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, Everett Cox 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, Everett Cox 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.

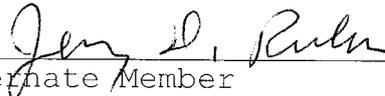
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Alternate Member

Attest:



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Vestal/Kirkendall Drainage Area, Everett Cox Arm

NOTICE

To Whom It May Concern and: Jenkins, Jon M & Kelly T Mervar

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Vestal/Kirkendall Drainage Area, Everett Cox 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, Everett Cox 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

Returned

OFFICE OF
HAMILTON COUNTY DRAINAGE BOARD

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Vestal/Kirkendall Drainage Area, Everett Cox Arm.

Jenkins, Jon M & Kelly T Mervar
6002 Meridian St N
Indianapolis, IN 46208

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 drain is \$1,998.66 and that the schedule shows you are the owner of the following lands:

Description	Current Benefit to Everett Cox	Current Benefit to Vestal. / Kirkendall	Proposed Benefit to Vestal / Kirkendall	Proposed Assessment to Vestal / Kirkendall	Percentage of total assessment.
08-10-08-00-01-029.003	2.66 Ac	n/a	2.66 Ac	\$15.00	0.75%
Woodshire Pt Blk A S8T18R4 2.66A					
Regulated Subd					

A hearing will be held by the Drainage Board in Commissioner's Court at 9:20A.M. on February 23, 2009 on the Surveyor's maintenance report and the schedule of assessments. The law requires that objections 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