

SURVEYOR'S OFFICE

Hamilton County

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

May 11, 2011

To: Hamilton County Drainage Board

Re: Williams Creek Drain, Billy Creek Associates Arm

Attached is a drain map for the Billy Creek Associates Arm of the Williams Creek Drain. This proposed drain is located in Clay Township.

This extension was set out in my classification report to the Board dated February 15, 2011 and approved by the Board on February 28, 2011 at which time the Board referred the list to the surveyor for maintenance and reconstruction of drains as listed (see Hamilton County Drainage Board Minutes Book 13, Pages 284-291). This extension is a reconstruction of the Williams Creek Drain as per IC 36-9-27-34(b) (E). This report is being submitted per IC 36-9-27-49. This extension falls under subsection (b) (2) of Section 49. The drain is to be accepted in place without reconstruction costs or assessment.

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:

Billy Creek Associates Arm	Open Ditch	5,184 ft.
----------------------------	------------	-----------

The total length of the drain will be 5,184 feet.

The Billy Creek Associates Arm will begin at the west right of way line of Springmill Road, which is the current terminus of the Williams Creek Farms Arm of Williams Creek, per my report dated April 6, 2010, and approved by the Board at a hearing on June 28, 2010, (see Hamilton County Drainage Board Minutes Book 13, Pages 26-27) and will follow the existing open channel downstream 5,184 feet to the south property line of parcel 17-09-34-00-00-018.101, owned by Elizabeth Frenzel Casalini.

Because this property is currently being considered for development, 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 future 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 future maintenance work should be performed is annually as required by the condition of the drain.

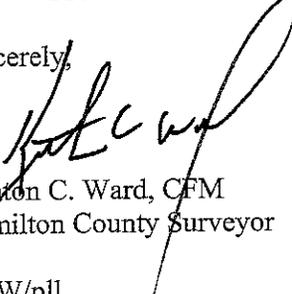
The easement for the drain on the parcels should be set at 75' from the top of bank as set out in IC 36-9-27-33. According to the FEMA Flood Insurance Rate Map, Map Number 18057C0208F, the area for the Springmill Road Arm easement is covered by the floodplain for Williams Creek. Therefore, I believe that no damages will result to landowners by the regulating of this drain.

The Billy Creek Associates Arm of the Williams Creek Regulated Drain will add easement to the following tracts:

<u>Parcel</u>	<u>Owner</u>
17-09-34-00-00-015.000	Billy Creek Associates
17-09-34-00-00-016.001	Eleanor F. Bookwalter
17-09-34-00-00-016.000	Billy Creek Associates
17-09-34-00-00-005.000	Eleanor F. Bookwalter
17-09-34-00-00-005.001	Eleanor F. Bookwalter
17-09-34-00-00-003.000	Billy Creek Associates
17-09-34-00-00-018.000	Billy Creek
17-09-34-00-00-018.001	Billy Creek Assoc.
17-09-34-00-00-018.101	Elizabeth Frenzel Casalini

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

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Williams Creek Drain, Billy Creek Associates Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Williams Creek Drain, Billy Creek Associates Arm** came before the Hamilton County Drainage Board for hearing **on June 27, 2011**, 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.

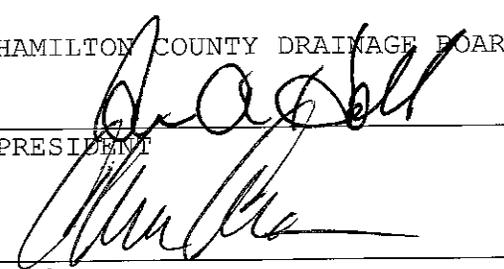
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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 **Williams Creek Drain, Billy Creek Associates Arm** 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

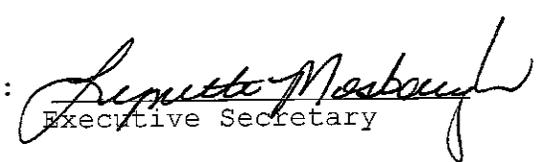


Member



Alternate Member

ATTEST:


Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Williams Creek Drain, Billy Creek Associates Arm

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 **Williams Creek Drain, Billy Creek Associates Arm** on **June 27, 2011**, at **9:05 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 **Williams Creek Drain, Billy Creek
Associates Arm**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **June 27, 2011** 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: Steven A. Holt
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY