



SURVEYOR'S OFFICE
Hamilton County

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

February 23, 2010

TO: Hamilton County Drainage Board

RE: Williams Creek Drain, Clay Creek Arm #1

Attached is a drain map for the Williams Creek Drain, Clay Creek Arm #1. This proposed drain is located in Clay 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 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 - 1,157 feet

The Williams Creek Drain, Clay Creek Arm #1 shall begin at the west property line of parcel 17-13-03-00-00-001.000, owned by Conseco, Inc, and run downstream within the existing Clay Creek 1,157 feet to the convergence with Williams Creek on parcel 17-13-03-00-00-001.001, owned by Conseco, Inc.

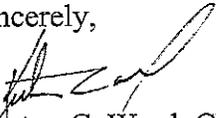
The easement for the drain should be set at 75' from the top of bank as set out in IC 36-9-27-33. According to the FEMA Flood Insurance Rate Map, Map Number 18057C0208F, the area on tracts 17-13-03-00-00-028.004 and 17-13-03-00-00-001.001 for the Clay Creek Open Ditch is covered by the floodplain for Williams Creek. Therefore, I believe that no damages will result to landowners by the regulating of this drain.

Regulated Drain easement will be added to the following tracts:

<u>Parcel</u>	<u>Owner</u>
17-13-03-00-00-028.004	Conseco Inc.
17-13-03-00-00-001.001	Conseco Inc.
17-13-03-00-00-001.000	Conseco Inc.

I recommend that the Board set a hearing for this extension for May 24, 2010.

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, Clay Creek Arm 1

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Williams Creek Drain, Clay Creek Arm 1** came before the Hamilton County Drainage Board for hearing **on May 24, 2010**, 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, Clay Creek Arm 1** 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:

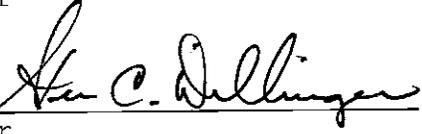
HAMILTON COUNTY DRAINAGE BOARD



PRESIDENT



Member



Member

ATTEST:


Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Williams Creek Drain, Clay Creek Arm 1

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, Clay Creek Arm 1** on **May 24, 2010**, at **9:10 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, Clay Creek Arm 1**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **May 24, 2010** 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
SECRETARY