

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

June 26, 2023

The meeting was called to order Monday, June 26, 2023 at 9:01 a.m.

The members of the Board present were Mr. Mark Heirbrandt-President, Mr. Steven C. Dillinger-Vice President and Ms. Christine Altman-Member. Also present was the Hamilton County Surveyor, Kenton C. Ward and his staff: Mr. Sam Clark, Mr. Reuben Arvin, Ms. Clara Furst, Mr. Gary Duncan, Ms. Suzanne Mills, Mr. Jerry Liston, Mr. Gavin Maxwell and Mr. Steve Cash. The Board's attorney's, Mr. Michael Howard and Mr. Connor Sullivan, were also present.

Approval of Minutes of June 12, 2023:

The minutes of June 12, 2023 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of June 12, 2023, seconded by Heirbrandt and approved unanimously.

Adam Ault Drain Reconstruction:

There were neither landowners present nor objections on file.

Duncan presented his report to the Board for approval.

"May 3, 2023

TO: Hamilton County Drainage Board

RE: Adam Ault Drain Reconstruction

Attached are the petition, construction drawings, schedule of assessments and drainage shed map, for the Adam Ault Drain Reconstruction Project.

The Adam Ault Drain is located in White River Township of Hamilton County and benefits properties in Section 1 of Township 20 North, Range 5 East and properties in Section 6 of Township 20 North, Range 6 East. The drain consists of tiles totaling 3,435-feet in length. The drainage shed is 79.53-acres in Hamilton County and 18.51 acres in Tipton County totaling 98.04 acres.

The Adam Ault Drain discharges to the O.F. Beeson Drain (Bear Creek) at Station 73+44 of the O.F. Beeson Drain (approximately).

The Adam Ault Drain needs reconstruction at this time due to its age, the lack of adequate capacity, and because the condition of the drain has deteriorated beyond the practicality of normal routine maintenance.

The attached plans, dated March 16, 2023, were prepared by the Hamilton County Surveyor's Office. The plans are for reconstructing the entire length of the Adam Ault Drain.

The drain is listed as Number 19 on the 2023 Drain Classification List for Reconstruction.

A petition for reconstruction of the Adam Ault Drain at 296th Street from the Tipton County Commissioners was presented to the Drainage Board on May 10, 2021. The petition was accepted during the meeting. (See Hamilton County Drainage Board Minutes Book 20, page 23).

The drain stationing in this report references the historic stationing of the drain. The project stationing of the construction plans by the Hamilton County Surveyor do not follow the historic stationing.

I have made a personal inspection of the drain. Upon doing so, I believe that the drain is practicable; will improve the public health; will 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.

History

Per a drainage report dated August 22, 2012, the Adam Ault Drain was constructed by order of the Hamilton County Commissioners in 1886. The drain consists of 1,075-feet of tile drain in Tipton County and 2,360-feet of tile drain in Hamilton County. (See Hamilton County Drainage Board Minutes Book 14, Page 334).

The records on file with the Hamilton County Surveyor indicate that Adam Ault and Albion Shaw, as owners of land "which would be benefitted by drainage", petitioned the Commissioners of Hamilton County in March of 1886 for the creation of the Adam Ault Drain as the drainage "cannot however be accomplished in the best and cheapest manner without affecting the lands of others" and that such drainage could "be best had by a ditch". The petition closes by asking "that said ditch be tiled and that reviewers be appointed to view said proposed ditch."

Per the Viewers Report of April 24, 1886, the Adam Ault was to consist of 2-rows of 6-inch tile 1000-feet in length between Stations 0+00 and 10+00; 2 rows of 7-inch tile 700-feet in length between Stations 10+00 and 17+00; and 2-rows of 8-inch tile 1,735-feet in length between Stations 17+00 and 34+35. The drain was to be a total length of 3,435-feet.

The Adam Ault Drain was placed on maintenance at hearing during the July 7, 1980 meeting of the Drainage Board. (See Hamilton County Drainage Board Minutes Book 1, page 365).

The drain was proposed for reconstruction in 1994 (See Hamilton County Drainage Board Minutes Book Addendum pages 266-267). This reconstruction project was not completed.

The maintenance assessment for the Adam Ault Drain was increased from the \$3.00 minimum to the Indiana Statutory \$5.00 minimum at hearing during the January 28, 2002 meeting of the Drainage Board. (See Hamilton County Drainage Board Minutes Book 6, pages 243).

In a letter dated October 18th, 2012, the Tipton County Drainage Board indicated that during the September 24, 2012 meeting of the Tipton County Drainage Board, the Board waived the rights for Joint Drainage Board for the Bear Creek Drainage Area (watershed).

The Adam Ault Drainage Shed was combined with the Bear Creek Drainage Area at hearing during the October 22, 2012 meeting of the Drainage Board (See Hamilton County Drainage Board Minutes Book 14, pages 334-344).

The Bear Creek Drainage Area was combined with the Duck Creek Drainage Area at hearing during the November 24, 2014 meeting of the Drainage Board. The October 6, 2014 report states "the Bear creek Drainage Area consists of seven (7) separate regulated drains. Those drains are the West Bear Creek, O.F. Beeson, George Parker, Jonas Rogers, Adam Ault, J.J. Billhymer, and Rhuetta Hankley Drains." (See Hamilton County Drainage Board Minutes Book 16, pages 40-48).

As previously stated, a petition for reconstruction of the Adam Ault Drain at 296th Street from the Tipton County Commissioners was presented to the Drainage Board on May 10, 2021. The petition was accepted during the meeting. (See Hamilton County Drainage Board Minutes Book 20, page 23).

At the March 13, 2023 meeting of the Drainage Board, the Board approved the reconstruction project for bids with bids due at the Drainage Board meeting on April 24, 2023. (See Hamilton County Drainage Board Minutes Book 21, page 201).

At the April 24, 2023 meeting of the Drainage Board, the following bids were received:

| Bidder | Bid Amount |
|------------------------------|--------------|
| Indiana Earthworks, LLC | \$327,985.00 |
| United Construction Services | \$359,105.00 |
| Morphey Construction | \$389,000.00 |

The apparent low bidder was Indiana Earthworks, LLC.

Work Order History

Based on a search of the County's database for drainage complaints, there have been eight (8) drainage complaints logged into the County's database for such complaints since 2002. The complaints are listed below

| Job # | Issue | Description | Location |
|---------------|------------|--------------------------------|--|
| DC-2002-00474 | 12/4/2002 | Sediment in tile | North side of 296th Street between Carpenter Road & Haworth Rodd |
| DC-2003-00143 | 4/17/2003 | Broken tile | 291st Street & Carpenter Road |
| DC-2003-00284 | 6/3/2003 | Broken tile | West side of Carpenter Rodd in side ditch |
| DC-2012-00044 | 2/22/2012 | Broken down tile | South of 296th Street, East of Carpenter Road |
| DC-2013-00540 | 12/4/2013 | Blow hole(s) | South of 296th Street, East of Carpenter Road |
| DC-2015-00038 | 3/18/2015 | Surface water | 291st Street & Carpenter Road |
| DC-2015-00091 | 4/7/2015 | Blow hole | 291st Street & Carpenter Road |
| DC-2018-00444 | 11/21/2018 | Wet area; used to drain better | South of 296th Street, East of Carpenter Road |

There have been a total of seven (7) Work Orders since 2002 with a total value of \$3,706.10. The Work Orders are listed below.

| Job # | Type of Repair | Cost (\$) | Date Complete |
|---------------|----------------------|-----------|---------------|
| WO-2002-00221 | Sediment in tile | 761.00 | 8/13/2003 |
| WO-2002-00222 | Sediment in tile | 209.00 | 8/13/2003 |
| WO-2003-00088 | Broken tile | 412.00 | 1/14/2005 |
| WO-2003-00141 | Broken tile | 278.00 | 1/19/2005 |
| WO-2012-00073 | Broken down tile | 326.00 | 4/10/2012 |
| WO-2014-00022 | Blow hole | 280.00 | 3/25/2014 |
| WO-2015-00135 | Three (3) Blow holes | 1,440.10 | 6/17/2015 |

There are no outstanding work orders for this drain at this time.

Existing Condition

Excepting any spot repairs made over the years, the Adam Ault Drain consists of 3,435-feet of the original tile installed in 1886. The current, total length of the drain is 3,435-feet and consists of the following.

1. 2-rows of 8-inch tile between Stations 34+35 and 17+00.
2. 2-rows of 7-inch tile between Stations 17+00 and 10+00.
3. 2-rows of 6-inch tile between Stations 10+00 and 0+00.

The drain functions but is undersized by today's standards. This is most evident on 296th Street which floods and is impassable during and after heavy rainfall events. The flooding also affects the adjacent properties. Also, portions of the drainage shed served by the drain have standing water issues that affect crop production. The tile is at least 137-years old and has exceeded the expected service life of such a tile. Routine maintenance is required for the tile to function.

Reconstruction Project

Based on the historic stationing of the drain, the length of the drain to be reconstructed is 3,435-feet. Based on the stationing of the construction plans, the length of the drain to be reconstructed is 3,424.66-feet. The difference is 10.34-feet and represents 0.30% of the length of the Drain based on the historic stationing. For purposes of this report, this difference is considered negligible, and the report references the historic stationing of the Drain.

The project will be let by the Hamilton County Drainage Board and the construction contract will be managed by the Hamilton County Surveyor's Office.

The proposed pipe was designed for agricultural drainage of the watershed served by the new pipe with a Drainage Coefficient (rate of removal of water in a 24-hour period, in inches) of 3/8". The size and slope of the pipe was governed by the elevation of the existing O.F. Beeson Drain (open ditch) at the outfall, available cover over the pipe along the existing pipe alignment and the flow rate determined using the Drainage Coefficient.

The project will include the following:

1. The installation of 30-LF of 18" RCP with granular backfill under Carpenter Road; 78-LF of 18" RCP with granular backfill under 296th Street; 3,297-feet of 18-inch perforated HDPE tile; 20-LF of 24" CMP with animal guard at the tile outlet; 4, 6" CMP breathers; 8-LF of 6-inch HDPE tile connection; and 1 existing tile connection.
2. The project will also include clearing of the easement area; fence removal and repair; erosion and sediment control including the installation of construction entrances, a concrete washout, rip-rap, and seeding; maintenance of traffic; roadway pavement removal and repair; removal and repair of gravel shoulder; driveway removal and repair; special backfill; and other ancillary construction.
3. Any excess soil material generated from the installation of the new pipe shall be spread within the limits of the existing easement so as not to negatively affect the existing surface drainage flow.

Easements

The drain will be reconstructed within the existing easement. No additional easements are needed for this project.

Permits

As this project will replace an existing tile with a new tile, no permits are required from IDNR, IDEM, or the U.S. Army Corps of Engineers.

Construction Cost

The cost of construction is outlined below based on the bid submitted by Indiana Earthworks, LLC.

| Line Item | Item Description | Unit | Quantity | Unit Cost (\$) | Total Cost (\$) |
|------------------|--|-------------|-----------------|-----------------------|------------------------|
| H-1 | Maintenance of Traffic [Carpenter Road] | LS | 1 | 5,000.00 | 5,000.00 |
| H-2 | Roadway Pavement Removal and Repair [Carpenter Road] | SYS | 20 | 320.00 | 6,400.00 |
| H-3 | 18" RCP with Granular Backfill [Carpenter Road] | LF | 30 | 250.00 | 7,500.00 |
| T-1 | Maintenance of Traffic [296th Street] | LS | 1 | 5,600.00 | 5,600.00 |
| T-2 | Roadway Pavement Removal and Repair [296th Street] | SYS | 55 | 227.00 | 12,485.00 |
| T-3 | Remove and Repair Gravel Shoulder [296th Street] | Tons | 3 | 360.00 | 1,080.00 |
| T-4 | 18" RCP with Granular Backfill [296th Street] | LF | 78 | 161.00 | 12,558.00 |
| B-1 | Clearing | LS | 1 | 5,200.00 | 5,200.00 |
| B-2 | Reset Fence | LF | 40 | 120.00 | 4,800.00 |

| | | | | | |
|--------------------------------|---|------|-------|----------|-------------------|
| B-3 | Repair Asphalt Drive | SYS | 3 | 520.00 | 1,560.00 |
| B-4 | Construction Entrance | EA | 4 | 2,550.00 | 10,200.00 |
| B-5 | Concrete Washout | LS | 1 | 2,500.00 | 2,500.00 |
| B-6 | 18" Perforated HDPE Tile | LF | 3,297 | 66.00 | 217,602.00 |
| B-7 | 24" CMP with Animal Guard [Regulated Drain Outlet] | LF | 20 | 195.00 | 3,900.00 |
| B-8 | 6" CMP Breather | EA | 4 | 2,300.00 | 9,200.00 |
| B-9 | 6-inch Tile Connection | LF | 8 | 225.00 | 1,800.00 |
| B-10 | Existing Tile Connection | EA | 1 | 2,200.00 | 2,200.00 |
| B-11 | Revetment Rip Rap with Geotextile | Tons | 76 | 150.00 | 11,400.00 |
| B-12 | Seeding | Acre | 1 | 7,000.00 | 7,000.00 |
| Total Construction Cost | | | | | 327,985.00 |

Changes to the Drain

The two rows of tile of the existing Adam Ault Drain will be removed as the new tile is installed and replaced with a single row of tile. The current length of the drain will not be affected by this project.

Project Costs

Topographic survey and design was performed by the Hamilton County Surveyor's Office.

Construction staking, periodic grade checks, and as-built drawings will be performed by the Hamilton County Surveyor's Office.

The total value of the project is estimated to be as follows:

| | |
|--------------------------------|---------------------|
| Construction | \$327,985.00 |
| Construction Contingency (15%) | \$49,197.75 |
| Total Project Cost | \$377,182.75 |

Project Funding

The costs for this project will be paid from the sources outlined below.

1. The cost of the tile under Carpenter Road shall be paid by the Hamilton County Highway Department per IC 36-9-27-71. Based on the bid costs for Line Items H1-H3, the lump sum cost to be charged to the Hamilton County Highway Department, including a 15% contingency, is \$21,735.00.
2. The cost of the tile under 296th Street shall be paid by the Tipton County Highway Department per IC 36-9-27-71. Based on the bid costs for Line Items T1-T4, the lump sum cost to be charged to the Tipton County Highway Department, including a 15% contingency, is \$36,481.45.
3. The remainder of the total project cost, equal to \$318,966.30, is recommended to be funded 80% by the Coronavirus State and Federal Fiscal Recovery Funds of the American Rescue Plan. There are ARPA funds currently allocated for this project. The amount to be paid by ARPA funds will be \$255,173.04.
4. I recommend the remaining 20% of the cost, \$63,793.26 be taken from the Duck Creek Watershed Maintenance Fund.

The maintenance fund balance for the Duck Creek Drainage Shed is currently \$219,733.56. Per IC-36-9-27-45.5 the Board may utilize to 75% of the maintenance balance for reconstruction projects. The Duck Creek watershed maintenance fund currently receives \$114,948.38 annually from maintenance assessments. I believe that no damages will result to landowners by the reconstruction of this drain. Therefore, damages shall be set at \$0.00.

I recommend that a hearing be held for this matter on June 26, 2023.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Dillinger made the motion to approve the Surveyor's report, seconded by Heirbrandt and approved unanimously.

"STATE OF INDIANA)
) ss: BEFORE THE HAMILTON COUNTY
COUNTY OF HAMILTON) DRAINAGE BOARD
 NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Adam Ault Drain Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Adam Ault Drain Reconstruction** came before the Hamilton County Drainage Board for hearing **on June 26, 2023**, 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 **Adam Ault Drain Reconstruction** 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

Mark Heirbrandt
PRESIDENT

Steven C. Dillinger
Member

Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Thorpe Creek Drainage Area - The Cove at Thorpe Creek Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"May 12, 2023

To: Hamilton County Drainage Board

Re: Thorpe Creek Drainage Area, The Cove at Thorpe Creek Extension

Attached is a drain map and petition for the extension of the Thorpe Creek Drainage Area, The Cove at Thorpe Creek Extension. The proposed drain is located in Fall Creek Township.

To be extended is that portion of open drain known as Thorpe Creek from the north line of tract 13-12-31-00-00-039.000 owned by Grand Communities, LLC and runs downstream in a generally southwesterly direction following the existing stream 2,553 feet to the south line of said tract.

This extension will consist of the following:

Open Ditch 2,553 feet

This extension is located on the following parcel:

| <u>Parcel</u> | <u>Owner</u> |
|------------------------|------------------------|
| 13-12-31-00-00-039.000 | Grand Communities, LLC |

This tract is currently being assessed maintenance for Thorpe Creek.

Thorpe Creek Drain is classified as an urban drain per my report dated January 25, 2007.

The nature of 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 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.

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 project falls under the requirements as set out in IC 36-9-27-52.0. Therefore, a hearing is required for the petition. I recommend that the Board set a hearing date for June 26, 2023.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCWp11"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Dillinger made the motion to approve the Surveyor's report, seconded by Heirbrandt and approved unanimously.

"STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Thorpe Creek Drainage Area, The Cove at Thorpe Creek Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Thorpe Creek Drainage Area, The Cove at Thorpe Creek Extension** came before the Hamilton County Drainage Board for hearing **on June 26, 2023**, 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 **Thorpe Creek Drainage Area, The Cove at Thorpe Creek 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

Mark Heirbrandt
PRESIDENT

Steven C. Dillinger
Member

Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Cool Creek, Anna Kendall, Main and Anna Kendall, E.M. Osborne Recons. - Oak Ridge Pointe:
There were no objections on file. Mr. Andy Taylor was present for this item.

The Surveyor presented his report to the Board for approval.

"April 4th, 2023

To: Hamilton County Drainage Board

Re: Cool Creek, Anna Kendall (Main) and Anna Kendall; E.M Osborne Reconstruction; Oak Ridge Pointe

Attached are petition by William Eric LLC., and plans for the proposed reconstruction and relocation of a portion of the County Regulated Anna Kendall Drain (main) and the EM Osborne Arm of the Anna Kendall Drain. This project is to be paid for by the developer. In order to facilitate site improvements, the proposal is to reconstruct the existing drain per the construction plans by Kimley Horn called "Oak Ridge Pointe Mass Grading and Plans" dated 4/29/2022, project No. 170090000.

The original Anna Kendall Drain (Main) was established in 1881 and the E.M Osborne Arm of the Anna Kendall Drain was established with the Quail Ridge/Pine Ridge Relocation on February 26th, 2001 (Drainage Board Minutes Book 5, Page 560-562)

The proposed project is located in the southwest corner of Oak Ridge Road and State Road 32. Per the plans by Kimley Horn, the existing drain will be reconstructed within the project site and will affect the following parcels: 09-09-02-00-00-004.011 owned by William Eric Group and 09-09-02-00-00-004.101 owned by Westfield Public Safety Building Corp.

Per the plans, the reconstruction of the main Anna Kendall Drain will begin at the culvert on the south side of State Road 32 at Sta. 0+0 per the plans and Sta. 90+65 per the drain 1881 description. From there, the open drain will run in its current location for 850 feet stopping at Sta. 8+50 per the plans and Sta. 99+15 per the drain 1881 description. The reconstruction will involve over excavation of the banks as shown on the attached plans.

In addition, a portion of the E.M. Osborne Arm of the Anna Kendall Drain will be reconstructed and relocated, as well. This arm currently enters the site along the south property line. The existing open drain will be intercepted at the south property line at Sta.0+0 per the plans and Sta. 7+65 per the open drains 2001 description. The drain then runs eastward for 300 feet as open ditch before turning to the north and running for 400 feet as open ditch before flowing into the Main Anna Kendall Drain at Sta. 700 per the plans and Sta. 98+65 per the Anna Kendall's (main) 1881 description. The total length of the reconstruction will be 1,550 feet. This project will add 325 feet from the current overall length of the Anna Kendall Drain. Within the project limits, the 375 feet of open ditch consisting of the existing E.M Osborne Drain from Sta. 7+65 to 11+40 per the drain's 2001 description, will be vacated.

The reconstruction will consist of the following:

Main Arm:
850' of Open Drain

E.M Osborne Arm:
700' of Open Drain

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The non-enforcement is for the altering of the regulated drain easement widths as shown in the above referenced plans and secondary plat designed by Kimley Horn. A new variable drainage easement of 40 feet will be provided for the E.M Osborne and Anna Kendall Regulated Drain which is reflected in the above referenced plans and secondary plat as well.

The cost of the project is to be paid by the developer. The petitioner has not submitted surety for the proposed drain reconstruction at this time. Per the Board's policy, if approved, the developer shall submit surety in the amount of 120% of the engineer's estimate prior to reconstruction.

This proposal meets the criteria for reconstruction of a regulated drain as laid out in IC-39-9-27-52.5.

I recommend the Board set a hearing for this proposed drain for June 26, 2023.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Dillinger made the motion to approve the Surveyor's report, seconded by Altman and approved unanimously.

The Surveyor presented a non-enforcement request for Oak Ridge Pointe to the Board for approval.

Altman made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Cool Creek, Anna Kendall (Main) and Anna Kendall,
E.M. Osborne Reconstruction, Oak Ridge Pointe**

E. M. Osborne Drain - Station 7+65 to Station 11+40

On this **26th day of June, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek, Anna Kendall (Main) and Anna Kendall, E.M. Osborne Reconstruction, Oak Ridge Pointe** (E. M. Osborne Drain - Station 7+65 to Station 11+40).

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Cool Creek, Anna Kendall (Main) and Anna Kendall, E.M. Osborne Reconstruction, Oak Ridge Pointe** (E. M. Osborne Drain - Station 7+65 to Station 11+40).

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt

President

Christine Altman

Member

Steven C. Dillinger

Member

Attest: Lynette Mosbaugh "

"STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Cool Creek, Anna Kendall (Main) and Anna Kendall, E.M. Osborne Reconstruction, Oak Ridge Pointe

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Cool Creek, Anna Kendall (Main) and Anna Kendall, E.M. Osborne Reconstruction, Oak Ridge Pointe** came before the Hamilton County Drainage Board for hearing **on June 26, 2023**, 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 **Cool Creek, Anna Kendall (Main) and Anna Kendall, E.M. Osborne Reconstruction, Oak Ridge Pointe** be and is hereby declared established.

Hamilton County Drainage Board
June 26, 2023

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

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Isaac Jones Drainage Area, Hinshaw & Keys Arm - Harvest Trail Section 1:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"April 21, 2023

To: Hamilton County Drainage Board

RE: Hinshaw & Keys Drain; Harvest Trail Section 1

Attached is a petition and plans for the proposed reconstruction of the Hinshaw Keys Regulated Drain located in the Isaac Jones Watershed in Westfield, IN. The reconstruction is being proposed by CND Woods Robinson LLC. The reconstruction is per plans by Weihe Engineering, having Job No. W20-0155-1 dated October 26th, 2022 with the last revision date of February 3, 2023 and file stamped by this office on April 11, 2023.

The portion of the reconstructed Hinshaw Keys drain will consist of roughly 74 feet of reinforced concrete pipe. The existing stretch of pipe was put in as a part of Aberdeen Section 1 (Drainage Board Meeting Minutes Book 20, Page 512) and needs to be replaced to prevent interference with the main outlet of Harvest Trail Section 1 which consists of the Isaac Jones Regulated Drain.

The reconstructed drain begins at Str. 705 per the plans and runs for 74 feet with 30- inch reinforced concrete pipe before stopping at Str. 704 per the plans.

The reconstructed drain consists of the following.

30" RCP 74 feet

The total length of the reconstructed drain will be 74 feet.

The cost of the reconstruction will be paid by the developer. The improvements will be in the existing regulated drain easement. The entirety of Harvest Trail Section 1 is located within the Isaac Jones Regulated Drain Watershed. The overall cost of reconstruction will be paid by CND Woods Robinson LLC.

I recommend that the Board set a hearing for this proposed reconstruction for June 26, 2023.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Dillinger made the motion to approve the Surveyor's report, seconded by Altman and approved unanimously.

"STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE

Isaac Jones Drainage Area, Hinshaw & Keys Arm, Harvest Trail Section 1

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Isaac Jones Drainage Area, Hinshaw & Keys Arm, Harvest Trail Section 1** came before the Hamilton County Drainage Board for hearing **on June 26, 2023**, 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 **Isaac Jones Drainage Area, Hinshaw & Keys Arm, Harvest Trail Section 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

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Williams Creek Drain, Hinshaw-Henley Arm - Bedford Falls:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"April 5th, 2023

To: Hamilton County Drainage Board

Re: Williams Creek; Hinshaw-Henley Drain; Bedford Falls

Attached is a petition filed by Less Impact Development LLC, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Bedford Falls, Williams Creek Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

Upon reviewing these plans, 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:

| | | | |
|---------|------------|------------|------------|
| 12" RCP | 1,224 feet | 30" RCP | 513 feet |
| 15" RCP | 1,309 feet | 36" RCP | 697 feet |
| 21" RCP | 97 feet | SSD | 1,788 feet |
| 24" RCP | 164 feet | Open Ditch | 210 feet |

The total length of the drain will be 6,002 feet. As per the construction plans for Bedford Falls of Carmel, prepared by Weihe Engineers, Project Number 200515, Dated February 16, 2022 with last revision date August 31, 2022.

With the approval of this project, 821 feet of the Hinshaw-Henley Reconstruction Arm of the Hinshaw Henley Drain, which was approved on August 28th, 2000 (Drainage Board Minutes Book 5, page 412 to 417), will be removed and vacated. In total, this project will lengthen the regulated drain by 5,181 feet. The portion of the drain to be vacated will be the 36" RCP between existing Structure 9 to existing Structure 4 per the drain's 2002 description (which is existing Structure 640 as shown on the above-mentioned Bedford Falls of Carmel construction plans). The reconstructed drain will begin at Sta. 9 per the drains 2002 description and Str. 633 per the plans. The drain runs east for 361 feet with 36" RCP before stopping at Str. 632 per the plans. The drain then continues east for 287 feet with 36" RCP before stopping at Str. 631 per the plans. The drain then turns slightly southward and runs for 49 feet with 36" RCP before outletting into Pond 1 per the plans. The drain flowline then runs southeast through the pond for 210 feet in the form of open ditch before stopping at Sta. 4 per the drains 2002 description.

The reconstructed drain will consist of the following:

| | | | |
|---------|----------|------------|----------|
| 36" RCP | 697 feet | Open Ditch | 210 feet |
|---------|----------|------------|----------|

The drain maintenance shall include the inlets, outlets, sub-surface drains and reinforced concrete pipes that are listed as part of the new regulated drain. The maintenance of the detention pond such as, erosion control or mowing and the maintenance of the native banks BMP around the pond and the two hydrodynamic separator water quality BMP structures will be the responsibility of the Bedford Falls HOA or the city of Carmel. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained. Thereby, allowing no fill or easement encroachments.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot to be assessed equally. I also believe that no damages will result to landowners by the constructor of this drain. I recommend a maintenance assessment of \$65.00 per lot, \$10.00 per acre for common areas, with \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be \$2,468.00.

In accordance with IC 36-7-4-709, the petitioner did not submit surety for the proposed drain prior to Drainage Board approval. A bond will be submitted prior to the commencement of construction.

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.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request will be for the alteration of the regulated drain easement to those easement widths as shown on the secondary plats for Bedford Falls which will be recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for June 26th, 2023.

Kenton C. Ward
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Altman made the motion to approve the Surveyor's report along with the non-enforcement request for Bedford Falls, seconded by Dillinger and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

**Williams Creek Drain, Hinshaw-Henley Arm
Bedford Falls**

On this **26th day of June, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drain, Hinshaw-Henley Arm, Bedford Falls**.

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

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Williams Creek Drain, Hinshaw-Henley Arm
Bedford Falls**

**36" RCP between Existing Structure 9 to Existing Structure 4
(Per the Drain's 2002 Description)**

On this **26th day of June, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drain, Hinshaw-Henley Arm, Bedford Falls (36" RCP between Existing Structure 9 to Existing Structure 4, per the drain's 2002 description)**.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Williams Creek Drain, Hinshaw-Henley Arm, Bedford Falls (36" RCP between Existing Structure 9 to Existing Structure 4, per the drain's 2002 description)**.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh "

"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, Hinshaw-Henley Arm, Bedford Falls

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Williams Creek Drain, Hinshaw-Henley Arm, Bedford Falls** came before the Hamilton County Drainage Board for hearing **on June 26, 2023**, 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, Hinshaw-Henley Arm, Bedford Falls** 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

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Isaac Jones Drainage Area - Harvest Trail Section 1:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"February 2nd, 2023

To: Hamilton County Drainage Board

RE: Isaac Jones Drain; Harvest Trail Section 1

Attached is a petition and plans for the proposed reconstruction of the Isaac Jones Regulated Drain located in the Isaac Jones Watershed in Westfield, IN. The reconstruction is being proposed by CND Woods Robinson LLC. The reconstruction is per plans by Weihe Engineering, having Job No. W20-0155-1 and dated October 26th, 2022.

The portion of the Isaac Jones Regulated Drain to be replaced will run from station 13+15 to station 37+00 per the drains 1903 description. The new drain will be constructed in the form of reinforced concrete pipes and a detention pond represented as open ditch.

Hamilton County Drainage Board
June 26, 2023

The reconstructed drain begins at the southwest corner of Lake 1 per the Weihe plans and at Sta. 13+15 per the drains 1903 description. The drain then runs northeast for 550 feet in the form of open ditch before stopping at Str. 410 per the plans. The drain then continues to run northeast for 170 feet with 30" RCP before stopping at Str. 409 per the plans. The drain then turns slightly northward and runs for 94 feet with 30" RCP to Str. 408 per the plans. The drain then turns eastward and runs 104 feet with 30" RCP before stopping at Str. 407 per the plans. This concludes the reconstruction within the limits of the subdivision. The drain then turns slightly northward and runs offsite for 68 feet with 30" RCP before stopping at Str. 406 per the plans. From there, the drain runs northeast for 292 feet with 30" RCP before stopping at Str. 405 per the plans. The drain then continues northeast for 200 feet with 30" RCP and stops at Str. 404 per the plans. The drain then turns north and runs for 344 feet with 30" RCP and stops at Str. 403 per the plans. The drain then turns slightly north eastward and runs for 260 feet with 30" RCP before stopping at Str. 402 per the plans. The drain then continues northeast for 229 feet with 30" RCP before outletting into the Isaac Jones Open Drain at Str. 400 per the plans and Sta. 37+00 per the drains 1903 description.

The reconstructed drain consists of the following.

| | |
|------------|------------|
| 30" RCP | 1,764 feet |
| Open Ditch | 550 feet |

The total length of the reconstructed drain will be 2,314 feet. The existing tile was removed from Sta. 13+15 to 37+00 per the drains 1903 description. The proposal will decrease the length of regulated drain by 71 feet. A reconstruction of the outlet point for the Hinshaw Keys Regulated Drain will be done with this project to prevent interference between the two outfalls. This reconstruction will be addressed in a separate hearing.

The cost of the reconstruction will be paid by the developer. The improvements on offsite properties will be within the existing regulated drain easement. Harvest Trail Section 1 is annexed into the City of Westfield. The other drainage facilities located within the subdivision fall under the jurisdiction of the city of Westfield and are not being petitioned as regulated drains. The platted parcels will be assessed at the unregulated subdivision rate. The entirety of Harvest Trail Section 1 is located within the Isaac Jones Regulated Drain Watershed. Maintenance of the area assumed by the Drainage Board shall include the inlet and outlet of the reconstructed drain and ensuring that the flow of water is maintained, thus allowing no encroachments. The maintenance of the proposed pond such as sediment and erosion control, mowing and aquatic vegetation maintenance and control will be the responsibility of the Homeowners Association or the city of Westfield. The overall cost of reconstruction will be paid by CND Woods Robinson LLC.

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.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The non-enforcement is for the altering of the regulated drain easement widths as shown in the above referenced plans and secondary plat designed by Weihe Engineering.

I recommend that the Board set a hearing for this proposed drain for June 26, 2023.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Altman made the motion to approve the Surveyor's report, seconded by Dillinger and approved unanimously.

"STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Isaac Jones Drainage Area, Harvest Trail Section 1

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Isaac Jones Drainage Area, Harvest Trail Section 1** came before the Hamilton County Drainage Board for hearing **on June 26, 2023**, 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 drainas 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 **Isaac Jones Drainage Area, Harvest Trail Section 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

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Non-enforcements:

Furst presented an addendum to a non-enforcement for the Cool Creek Drain, Springmill Crossing Arm filed by Ryan and Nicole Thompson for parcel #17-09-23-01-01-010.000 for a fence. The addendum is to correct an error on Page 4 reflecting the fence will encroach 15 feet into the 15-foot D & UE at the southeast rear corner and then encroach 9.5 feet into the 15-foot D & UE along the rear perimeter line. This encroachment will require 10-foot gates to be installed along the north and south perimeter lines centered to the existing drainage pipe located along the rear perimeter line.

Dillinger made the motion to approve the addendum to the non-enforcement presented, seconded by Altman and approved unanimously.

Clark presented a non-enforcement request for the Cool Creek Drainage Area, Springmill Villages Arm filed by Peter and Amanda Harper for parcel #08-09-14-01-07-014.000 for a driveway. The Surveyor's Office recommends approval.

Dillinger made the motion to approve the non-enforcement request presented, seconded by Altman and approved unanimously.

Clark presented a non-enforcement request for the Williams Creek Drain, Saddle Creek Arm filed by BSM Groups (Spectrum) for parcels #17-09-21-00-03-015.000, 17-09-21-00-03-016.000 and 17-09-21-00-03-014.000 for a coax cable. The Surveyor's Office recommends approval.

Dillinger made the motion to approve the non-enforcement request presented, seconded by Altman and approved unanimously.

Final Reports:

The Surveyor presented the following final reports to the Board for approval.

"To: Hamilton County Drainage Board

May 18, 2023

Re: Mud Creek - Sand Creek D.A.: Hawthorn Hills Drain - Iron Pointe Arm

Attached are as-built, certificate of completion & compliance, and other information for the Iron Pointe Arm. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated August 18, 2021. The report was approved by the Board at the hearing held August 23, 2021. (See Drainage Board Minutes Book 20, Pages 131-134)

The changes are as follows: the 12" RCP was shortened from 1000 feet to 985 feet. The length of the drain due to the changes described above is now **985 feet**. It should be noted that 267 feet of 6" SSD was removed with this project.

The easements were outlined in my report listed above. The offsite drainage easements were recorded under the following instrument #'s 2021067004, 2021067005, 2021067006, 2021067007.

The following sureties were guaranteed by Berkley Insurance Company and released by the Board on its April 10, 2023, meeting.

Bond-LC No: 0240584
Amount: \$93,084.60
For: Storm Sewers
Issue Date: July 30, 2021

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"To: Hamilton County Drainage Board

May 26, 2023

Re: Mary Nagle Drain, Tamarack Sec. 4 Drain

Attached are as-built, certificate of completion & compliance, and other information for Tamarack Sec. 4. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated May 26, 2021. The report was approved by the Board at the hearing held July 26, 2021. (See Drainage Board Minutes Book 20, Pages 106-107)

The changes are as follows: the 12" RCP was shortened from 83 feet to 73 feet. The 24" RCP was lengthened from 145 to 146 feet. The 30" RCP was shortened from 787 feet to 785 feet. The 36" RCP was lengthened from 462 feet to 464 feet. The open ditch was lengthened from 662 feet to 689 feet. The length of the drain due to the changes described above is now **2,157 feet**.

The non-enforcement was approved by the Board at its meeting on July 26, 2021 and recorded under instrument #2022038150.

The following sureties were guaranteed by Harco National Insurance Company and released by the Board on its May 11, 2021 meeting.

Bond-LC No: OHHNSU076979
Amount: \$167,535.60
For: Storm Sewers & SSD
Issue Date: May 11, 2011

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"To: Hamilton County Drainage Board

May 16, 2023

Re: Williams Creek Drain: The Reserve at Springmill Section 2 Replat

Attached are as-built, certificate of completion & compliance, and other information for The Reserve at Springmill Section 2 Replat. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated September 8, 2022. The report was approved by the Board at the hearing held October 24, 2022. (See Drainage Board Minutes Book 21, Pages 12-14)

The changes are as follows: the 12" RCP was lengthened from 202 to 203 feet. The 6" SSD was shortened from 673 feet to 672 feet. The length of the drain due to the changes described above is now **875 feet**. It should be noted that the project removed 267 feet of existing 6" SSD.

The non-enforcement was approved by the Board at its meeting on October 24, 2022 and recorded under instrument #202302089.

The following sureties were guaranteed by First Merchants Bank and released by the Board on its May 8, 2023, meeting.

Bond-LC No: 548679
Amount: \$48,473
For: Storm Sewers & SSD
Issue Date: August 15, 2023

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor "

Dillinger made the motion to approve the final reports presented, seconded by Altman and approved unanimously.

Hamilton County Regulated Drainage Shed Areas:

The Surveyor stated in your packet is a map I thought I would include for your information showing the regulated drainage sheds within Hamilton County. At this point there's 79.41% of the total area within Hamilton County that's assessed. This is just for the Board's information.

Taylor & Jessup Drain, Davis Arm - Army Corps and IDEM Review:

The Surveyor stated on May 22, 2023 I presented a petition for the Taylor & Jessup Drain, for a new arm that I'm calling the Davis Arm. At that time the Board asked that we check with various entities involved with wetlands, those being the Corps of Engineers and also IDEM. That has been done and you should have in your packet an email from Sarah Keller with the US Army Corps of Engineers stating that they do not have any issue with that area. This is dated June 5, 2023. The other is dated June 7, 2023 from Graham Wrin with IDEM saying that "any impacts to potential wetlands on site would be exempt under IC 13-18-22-1(7)(d). That qualifies as the IDEM Water of the State determination.

Taylor & Jessup Drain, Davis Arm - Professional Services Agreement:

The Surveyor presented a contract with Banning Engineering for the additional engineering on the Davis Arm in the amount of \$22,000.00.

Dillinger made the motion to approve the Professional Engineering Services Contract with Banning Engineering in the amount of \$22,000.00, seconded by Altman and approved unanimously.

Altman asked was this exemption part of the changes recently made by the legislature?

The Surveyor stated no, not federal.

Altman stated I mean local.

The Surveyor stated they may be, I've not dug into it.

Isaac Jones Drainage Area - Harvest Trail Section 1 (Continued):

Heirbrandt stated we got a little bit ahead of ourselves on this proposal and went ahead and approved this item. Is there anyone present for the Isaac Jones Drainage Area, Harvest Trail Section 1?

There was no one present.

Cool Creek, Wheeler & Beals Drain, John Wheeler Arm - iBeach:

There were no objections on file. Mr. Ashton Fritz was present for this item.

"April 10th, 2023

To: Hamilton County Drainage Board

RE: Cool Creek Wheeler and Beals Drain; John Wheeler Arm; iBeach

Attached is a petition and plans for the proposed reconstruction of the John Wheeler Arm of the Wheeler and Beals Regulated Drain located in Westfield, IN. The reconstruction is being proposed by iBeach31 LLC. The reconstruction is per plans by Ashton Fritz Engineering, having Job No. 2201004 and dated 12/28/2022 with last revision date of April 4, 2023.

The project is located on the following parcels iBeach 31 LLC, parcel number 08-05-36-00-00-050.001 and D&W Farms parcel number 08-05-36-00-00-004.004.

Within the project limits, the John Wheeler Arm of the Wheeler and Beals Drain is a closed drain located within the Cool Creek Watershed. The drain was constructed per its original 1880 description.

The portion of the John Wheeler Arm of the Wheeler and Beals Regulated Drain to be vacated and replaced will run from Sta. 2+24 to Sta. 10+36 per the drains 1880 description. The new drain will be constructed in the form of reinforced concrete pipe

The reconstructed drain begins at Str. 613 in the form of an inlet per the plans and Sta. 2+24 per the drain's 1880 description. The drain then runs north 92 feet with 12" RCP before stopping at Str. 612 per the plans. From there, the drain turns eastward and runs for 143 feet with 12" RCP before stopping at Str. 611 per the plans. The drain continues east for 92 feet with 12" RCP and stops at Str. 605 per the plans. From there, the drain turns northward and runs north for 40 feet with 24" RCP before stopping at Str. 604 per the plans. The drain then turns slightly northeast before running for 61 feet with 24" RCP and stops at Str. 603 per the plans. This concludes the reconstruction occurring on the site of the iBeach 31, LLC property. The drain then continues northeast offsite on the D&W Farms, Inc. property for 143 feet with 24" RCP before stopping at Str. 602 per the plans. Finally, the drain continues northeast for 397 feet with 24" RCP before stopping at Str. 601 per the plans and Sta. 10+36 per the drains 1880 description.

The reconstructed drain shall consist of the following:

| | |
|---------|----------|
| 12" RCP | 327 feet |
| 24" RCP | 641 feet |

The total length of the reconstructed drain will be 968 feet. The proposal will increase the length of the John Wheeler Regulated Drain by 156 feet. The cost of the reconstruction shall be paid by the petitioner.

In accordance with IC 36-7-4-709, the petitioner did not submit surety for the proposed drain prior to drainage board approval. A bond will be submitted prior to the commencement of construction. 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.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The nonenforcement is for the encroachment of structures into the statutory regulated drain easement as shown in the plans and recordable documents prepared by Fritz Engineering. Easement rights will not be enforced beyond 15 feet from either side of the drain centerline on parcel #08-05-36-00-00-050.001. The current statutory easement will not be altered on the offsite portion of the project.

I recommend the Board set a hearing for this proposed drain for June 26, 2023.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Altman made the motion to approve the Surveyor's report along with the non-enforcement request for iBeach, seconded by Dillinger and approved unanimously.

Hamilton County Drainage Board
June 26, 2023

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

**Cool Creek, Wheeler & Beals Drain, John Wheeler Arm
iBeach**

On this **26th day of June, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek, Wheeler & Beals Drain, John Wheeler Arm, iBeach**.

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

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Cool Creek, Wheeler & Beals Drain, John Wheeler Arm
iBeach**

Station 2+24 to Station 10+36

On this **26th day of June, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek, Wheeler & Beals Drain, John Wheeler Arm, iBeach (Station 2+24 to Station 10+36)**.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Cool Creek, Wheeler & Beals Drain, John Wheeler Arm, iBeach (Station 2+24 to Station 10+36)**.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh "

"STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Cool Creek Drain, Wheeler & Beals, John Wheeler Arm, iBeach

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Cool Creek Drain, Wheeler & Beals, John Wheeler Arm, iBeach** came before the Hamilton County Drainage Board for hearing **on June 26, 2023**, 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 **Cool Creek Drain, Wheeler & Beals, John Wheeler Arm, iBeach** 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

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Ida Teter Drain - Maintenance Assessment Increase:

There were no objections on file. Ms. Alison Beaudry was present for this item.

The Surveyor presented his report to the Board for approval.

"May 9, 2023

To: Hamilton County Drainage Board

Re: Ida Teter Drain Maintenance Assessment Increase

At this time, I recommend that the rates for the maintenance assessment for the Ida Teter Drain Fund #71, be revised. The drain has an annual assessment of \$1,627.76 and has a balance of \$2,179.19. The current assessment was set in 2013. This drain is in poor condition and in need of reconstruction and which plan is currently petitioned for. At this time the drain has not been assigned for engineering.

The current rates are as following:

1. Maintenance assessment for agricultural tracts set at \$4.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts set at \$4.00 per acre with a \$15.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain set at \$35.00 per lot/minimum. Common areas within the non-regulated drain subdivision assessed at \$5.00 per acre with a \$35.00 minimum.
4. Maintenance assessments for platted lots within subdivisions whose drainage system will be part of the regulated drain set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivision set at \$10.00 per acre with a \$65.00 minimum.
5. Maintenance assessments for commercial, institutional and multi-family residential tracts 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.

I recommend the rates be revised to the following:

1. Maintenance assessment for agricultural tracts be set at \$6.00 per acre with a \$25.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$6.00 per acre with a \$25.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the non-regulated drain subdivisions shall be assessed at \$15.00 per acre with a \$65.00 minimum.
4. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$85.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$25.00 per acre with a \$85.00 minimum.
5. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set at \$35.00 per acre with a \$105.00 minimum.
6. Maintenance assessment for roads and streets be set at \$25.00 per acre.

With 392.09 acres in the drainage shed at the above rates the drain will collect \$2,153.70 annually. These collections at the revised rates will begin in May 2024.

Due to the condition of the tile and the pending reconstruction I would recommend the collection period be increased from 4 times the annual assessment to 8 times the annual assessment.

I recommend the Board set a hearing for this matter on June 26, 2023.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing and asked if anyone cared to address the Board; seeing no one Heirbrandt closed the public hearing.

Altman made the motion to approve the Surveyor's report, seconded by Dillinger and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Ida Teter Drain, Maintenance Assessment Increase

On this **26th day of June, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Ida Teter Drain, Maintenance Assessment Increase**.

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

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

John Owen Drain - Maintenance Assessment Increase:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"May 9, 2023

To: Hamilton County Drainage Board

Re: John Owen Drain Maintenance Assessment Increase

At this time, I recommend that the rates for the maintenance assessment for the John Owen Drain Fund #43, be revised. The drain has an annual assessment of \$10,467.88 and has a current balance of \$47,616.30. The current assessment was set in 2007. This drain is in poor condition and in need of reconstruction.

The current rates are as following:

1. Maintenance assessment for agricultural tracts set at \$1.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts set at \$1.00 per acre with a \$15.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain set at \$35.00 per lot/minimum. Common areas within the non-regulated drain subdivision assessed at \$5.00 per acre with a \$35.00 minimum.
4. Maintenance assessments for platted lots within subdivisions whose drainage system will be part of the regulated drain set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivision set at \$10.00 per acre with a \$65.00 minimum.
5. Maintenance assessments for commercial, institutional and multi-family residential tracts 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.

I recommend the rates be revised to the following:

1. Maintenance assessment for agricultural tracts be set at \$2.00 per acre with a \$25.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acre with a \$25.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$40.00 per lot/minimum. Common areas within the non-regulated drain subdivisions shall be assessed at \$10.00 per acre with a \$40.00 minimum.
4. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$70.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$15.00 per acre with a \$70.00 minimum.
5. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set at \$25.00 per acre with a \$95.00 minimum.
6. Maintenance assessment for roads and streets be set at \$15.00 per acre.

The Lakeside Estates Subdivision is currently being assessed at the residential/agricultural rate. The rate for this subdivision will be changed to the un-regulated subdivision rate with this hearing. With 684.71 acres and 286 lots in the drainage shed at the above rates the drain will collect \$16,109.94 annually. These collections at the revised rates will begin in May 2024.

Due to the condition of the tile and the pending reconstruction I would recommend the collection period be increased from 4 times the annual assessment to 8 times the annual assessment as allowed under IC 36-9-27-43.

I recommend the Board set a hearing for this matter on June 26, 2023.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Dillinger made the motion to approve the Surveyor's report, seconded by Altman and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

John Owen Drain, Maintenance Assessment Increase

On this **26th day of June, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **John Owen Drain, Maintenance Assessment Increase**.

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

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

Oliver Shoemaker Drain - Maintenance Assessment Increase:

Ms. Susan Celentano, Ms. Lisa Roth and Ms. Leila Watkins were present for this item.

The Surveyor presented his report to the Board for approval.

"May 9, 2023

To: Hamilton County Drainage Board

Re: Oliver Shoemaker Drain Maintenance Assessment Increase

At this time, I recommend that the rates for the maintenance assessment for the Oliver Shoemaker Drain Fund #42, be revised. The drain has an annual assessment of \$9,438.88 and has a current balance of \$44,488.06. The current assessment was set in 1999.

The current rates are set at \$1.00 per acre, \$5.00 per lot with a \$5.00 minimum.

I recommend the rates be revised to the following:

1. Maintenance assessment for agricultural tracts be set at \$2.00 per acre with a \$25.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acre with a \$25.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$45.00 per lot/minimum. Common areas within the non-regulated drain subdivisions shall be assessed at \$10.00 per acre with a \$45.00 minimum.
4. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$75.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$15.00 per acre with a \$75.00 minimum.
5. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set at \$15.00 per acre with a \$85.00 minimum.
6. Maintenance assessment for roads and streets be set at \$15.00 per acre.

With 795.93 acres and 1,612 lots in the drainage shed at the above rates the drain will collect \$141,382.14 annually. These collections at the revised rates will begin in May 2024.

The drain is now an urban drain due to the development within the area over the last several years. Maintenance activities in urban areas tend to be more expensive due to tighter areas in which to work, pavement and curb repairs, and the number of trees planted which cause root issues in the subsurface drains and storm sewers. The open ditch at the lower end of the drain will, at some time in the future, need to be reconstructed. This will be an expensive project due to its location in an urban environment. The increase assessment will help offset, if not pay the cost of this work when that time comes.

I would also recommend the collection period be increased from 4 times the annual assessment to 8 times the annual assessment as allowed under IC 36-9-27-43.

I recommend the Board set a hearing for this matter on June 26, 2023.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Altman asked, would someone pull up on screen what the regulated portion of this is? The area of our responsibilities because this is a large increase.

Heirbrandt asked are ARPA dollars used on this?

The Surveyor stated not for maintenance.

Heirbrandt stated okay, that's what I thought.

Altman asked how old is the infrastructure?

Hamilton County Drainage Board
June 26, 2023

The Surveyor stated it depends on what portion you're looking at. Some of it is fairly new and some of it is still original.

Altman asked what's original? I see a bunch of subdivisions.

The Surveyor stated 1800's.

Mills stated the open ditch is from 1916 which runs through Cottingham Estates.

Altman stated okay, this is by Conner Prairie.

Mills stated the outlet portion is 1973 and some to the north was done in the early 2000's, 1998.

Altman asked the Surveyor, what plans do you have for reconstruction?

The Surveyor stated at this time the open ditch should be reconstructed in probably another five years, possibly four. It's getting to the point where it's got a lot of erosion on it, a lot of trees growing up along the banks and it's going to be tight quarters.

Altman asked do you have an idea of what that would cost in terms of linear feet?

The Surveyor stated at this time, no.

Altman stated I think we need some justification. The rates are not out of line, we'll put it that way, but the increase is significant and the balance.

Dillinger asked the Surveyor, how did you come up with this particular rate?

The Surveyor stated I looked at what the residents are paying now as far as \$1.00 per acre, \$5.00 per lot with a \$5.00 minimum; we haven't done that in years. I applied the standard rates that we would apply to other subdivisions at this point in time.

Altman asked so they're going from \$5.00 to what?

The Surveyor stated \$45.00. Also, if the Board remembers, there was a glitch, the wrong button was pushed, and the wrong assessment went out for most of the people.

Altman stated it went out as \$75.00, right?

The Surveyor stated it went out as \$75.00.

Heirbrandt stated and then they sent out a new letter.

The Surveyor stated yes, we sent out new notices to those people telling them it's actually \$45.00.

Altman stated the increase, \$5.00 to \$45.00 is not significant, it's just when you see what it does to the balance I wanted to make sure we have plans for that balance.

Heirbrandt stated given the fact nothing has been done since 1999 on the assessment.

Altman stated if you take up the inflation rate it's pretty in line.

Heirbrandt opened the public hearing and asked if anyone cared to address the Board; seeing no one Heirbrandt closed the public hearing.

Dillinger made the motion to overrule the objections, seconded by Altman and approved unanimously.

Dillinger made the motion to approve the Surveyor's report, seconded by Altman and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Oliver Shoemaker Drain, Maintenance Assessment Increase

On this **26th day of June, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Oliver Shoemaker Drain, Maintenance Assessment Increase**.

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

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

McMahon & Overdorf Drain:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"May 9, 2023

TO: Hamilton County Drainage Board

RE: McMahon & Overdorf Drain

At this time, I recommend the Board increase the period of collections for the McMahon & Overdorf Drain Fund No. 69, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$5,486.90 annually and has a balance of \$19,203.19. The assessments for this fund was last revised in 2007.

This is an urban drain which means maintenance work is costly. With the costs of maintenance increasing and tight access areas one work order could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future this drain may be a candidate for reconstruction. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for June 26, 2023.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pl1"

Altman stated we talk about dipping into the General Drain Improvement Fund. Interest wasn't an issue before because interest rates were so low. However, when we dip into that fund, given the Statute that requires interest on those monies, the allocated, should when we dip into that should we be approving interest.

The Surveyor stated the Statute doesn't allow the Board to charge interest on maintenance transfers.

Altman stated it puts the whole county's drainage shed vulnerable just to pluck the money without interest.

The Surveyor stated yes. Some of them are just a year or so, some of them are extended and that's what I'm trying to get away from.

Howard asked the Surveyor, I haven't read that for a while, do we have the right, even though it's not mandated for interest, do we have the right or do I need to look at that myself?

Altman stated I think that's something we ought to look at because now if interest does stay where it is, those monies can be significant on some of the borrowings and to be fair to every drainage shed I think we ought to be charging those who are borrowing the interest at the same rate that we would earn.

The Surveyor stated yes, Howard may want to look at that.

Howard stated I'll look into that. I guess what's amazing when I read through some of these objections extending it from four to eight, I tried to rewrite the notice on that and I think my first rewrite was more confusing than the others, but people have to understand with inflation construction costs; I mean 20, 40, 50; I saw one that was \$19,000.00 we had a balance that's three days with a guy and a backhoe. I'll check on that interest.

Altman stated if we use it for other purposes we pay interest, as we should.

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Dillinger made the motion to approve the Surveyor's report, seconded by Altman and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

**McMahon & Overdorf Drain
Increase Collection Period from 4 to 8 Years**

On this **26th day of June, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **McMahon & Overdorf Drain, Increase Collection Period from 4 to 8 Years.**

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

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

Flat Fork Creek, Flatrock Creek Arm - Added Parcels & Increase Collection Period:

There were 21 objections on file. Ms. Mary Heintzelman, Mr. Michael Kazmirske, Mr. Charles Cooper, Mr. Jim Cooper and Mr. Kirk Stout were present for this item.

The Surveyor presented his report to the Board for approval.

"April 24, 2023

To: Hamilton County Drainage Board

Re: Flat Fork Creek Drain, Flatrock Creek Arm, Added Parcels & Increase Collection Period

The Flat Fork Creek Drain, Flatrock Creek arm was placed on a maintenance program with the August 28, 2000 hearing (see Minute Book 4, Pages 419-420). At the hearing 105' of 36" RCP & 820' of open ditch was placed on maintenance for the benefit of Flatrock Creek Subdivision in Hancock County. A hearing was held March 25, 2002 to add Flatrock Creek Sections 2 & 3 (see Minute Book 6, Page 305). A hearing was held February 28, 2005 to add Section 4 (see Minute Book 8, Pages 197-198. No parcels from Hamilton County were assessed.

The Preserve at Arbor Pines Section 2 in Hamilton County was developed in 2020. A 52.5 hearing was held on November 23, 2020 to replace 187' of the Flatrock Creek arm open ditch with 187' of 36" RCP for the Pica Drive crossing (see minute book 19, pages 418-419).

The fund currently collects \$3,821.84 annually and has a balance of \$18,461.00. At this time, I recommend the Board increase the period of collections for the Flat Fork Creek Drain, Flatrock Creek Arm, Fund No. 325, from 4 years to 8 years as allowed under IC 36-9-27-43.

This drain is an Urban Drain. With the costs of maintenance increasing, one work order could eliminate the balance within the fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates.

I also recommend the remaining unassessed benefited parcels within Hancock County and benefited parcels within Hamilton County be added to the assessment roll. The parcels to be added from Hancock County are:

30-02-09-300-001.000-017; 30-02-09-300-002.000-017; 30-02-09-300-003.000-017; 30-02-09-300-004.000-017; 30-02-09-300-005.000-017
30-02-16-200-001.000-017; 30-02-16-200-001.001-017; 30-02-16-200-001.002-017; 30-02-16-200-001.008-017; 30-02-16-200-004.000-017
30-02-17-100-009.000-016; 30-02-17-100-009.001-017; 30-02-17-100-009.002-016

The parcels to be added from Hamilton County are:

13-16-08-00-00-019.000; 13-16-08-00-00-021.000; 13-16-08-00-00-022.000; 13-16-08-00-00-023.000; 13-16-08-00-00-024.000; 13-16-08-00-17-001.000 thru 13-16-08-00-17-074.000; 13-16-08-00-25-001.000 thru 13-16-08-00-25-039.000; 99-99-99-99-99-999.001 & 99-99-99-99-99-999.007

See assessment roll for owner and assessment information.

The assessments rate is \$25.00 per lot, with a \$25.00 minimum and \$10.00 per acre for roadways. The current annual assessment for Hancock County is \$3,821.84. The assessment for the 13 added parcels in Hancock County is \$727.16. The revised annual assessment for Hancock County is \$4,549.00. The assessment total for parcels in Hamilton County will be \$3,262.50. The total annual assessment for the Flat Fork Creek, Flatrock Creek Arm will be \$7,711.50.

I recommend the Board set a hearing for this proposal for June 26, 2023.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/jmh"

Altman asked is this a joint drain?

The Surveyor stated this is a joint drain with Hancock County. Hancock County waived its rights to a Joint Board in 2005. We're the Board of jurisdiction.

Altman asked the Surveyor, and the assessment that's proposed on people that haven't been assessed?

The Surveyor stated some of the people may not have been assessed by Hancock County in the past.

Altman stated but you're asking \$25.00 per year.

The Surveyor stated yes.

Howard stated and those people are benefited by the drain, it was just a clerical error in not getting them assessed.

The Surveyor stated yes.

Altman stated we ought to have the practice when we establish these subdivisions, we put the assessment on. We just establish the assessment. It seems silly to build it..

The Surveyor stated we do.

Altman stated we keep coming across ones that haven't been. Whenever we're doing this stuff, if a developer wants it, we should set the assessment rates and get it done so everybody knows what they're buying into.

Howard asked the Surveyor, but the ones that were not assessed were the other county?

The Surveyor stated yes.

Howard stated we need to work on beefing up that joint area.

The Surveyor stated yes, and I'll be working with the new Surveyor down there to do so.

Heirbrandt opened the public hearing.

Stout (101 Flatrock Blvd., Fortville) stated I received your letter around the 14th of June about this assessment. I've been living there since 2005 of November and it sounds like from your conversation I was understanding that people dropped the ball on this. Why are we getting this assessment now. I've been there all this time. You folks got my address wrong on the letter that you sent me. The envelope was correct, but the letter was not. Why are we assessing so much and then there's you keep saying they go up, go down. How do we accommodate that cost as a citizen of Hancock County. To me, you waited all this time. I don't understand why we're doing this now. Why are we getting this assessment and being penalized. What does this drainage ditch, wherever it is because I've looked at the map, I'm a little confused. I'm a truck driver, I don't have much time to, once I got this, it took me a week to get home, get the letter and go forth.

Mills stated the purple line is the drainage ditch and the subdivision is directly to the east that's being assessed.

Altman stated and they directly connect to that regulated drain.

Mills stated yes, this is their outlet.

Howard stated to step back, drainage sheds do not follow county boundaries and the Drainage Code allows assessment to collect water from a certain area. Back when this subdivision was developed there was a, under the Statute, since the water comes from both counties there's an opportunity for a Joint Board and Hancock County declined that. So, Hamilton County has the authority to collect from you. As far as why are we bringing it now instead of day 1, day 1 you should have been collected, but Hancock County didn't put you on the rolls. So, your cups not half empty, it's half full and the question of why are you being assessed now, is that you should have been assessed before and under the law we can't go backwards.

Stout stated I understand that, but still at the same time, I bought my house in November of 2005, you folks looked at this in August of 2005, something like that, but like you said the developers probably then dropped the ball. Don't know all the legal jargon.

Howard stated the waters from your subdivision has been going through there since 2005 at no cost to you.

Stout stated I understand that, but come up and you got this assessment and it's like come on and Hancock County should have at least had point with the residents of what's going on. I know you said they gave up their rights, but still.

Dillinger stated I think you need to address that with your Drainage Board.

Stout stated I probably will, but still I want to hear your side of the story before I start; I get this letter and everything else then another thing I didn't like the idea of a short period of time once I got this letter I had to send out a letter to you folks five days and it was a short period and you have it on a Monday morning where most people are working and have to take the day off to come in here. There probably would have been more people in here, but having it on a Monday morning when everybody's working is one thing. I still oppose. It's \$25.00, how much is that going to go up in time?

Altman stated it will go up to match what our costs are to maintain that drain.

Stout asked what kind of costs are we looking at to manage this drain?

Dillinger stated I think the point is, if you didn't drain into this or if we did not allow you to drain into this and the outlet was cut off, you would probably be flooded.

Howard stated and your subdivision wouldn't have been built. You have an outlet when you have collection system from roads, roofs, downspouts, that water has to go somewhere, usually in a detention pond, but ultimately it goes into that pink ditch. So, you're benefited by that ditch and to be benefited by \$25.00 a year, is not a lot of benefit.

Dillinger stated and what's been going on is the folks in Hamilton County that's been assessed has been paying your assessment.

Stout stated okay, I understand that. I also pay my water bill to Fortville.

Heirbrandt stated totally different subject.

Howard stated that's the water you drink, this is the water that goes downstream.

Stout stated okay. Thank you for your time. I still oppose it.

Dillinger stated you'd oppose it more if they shut you off and you got flooded.

Stout stated that's probably true too.

Dillinger stated \$25.00 would be pretty insignificant to you.

Stout asked is this \$25.00 a month, a week?

The Surveyor stated \$25.00 per year.

Stout stated that's one thing your letter didn't really explain.

Altman stated we need to clarify that, because it really is when you look at the cost of doing business, very modest.

Stout asked what do you do? I even got online trying to read all your information and still had trouble making sense of it.

Heirbrandt stated we apologize for any confusion on that.

Stout stated I understand, that's why I'm here today trying to figure it out. How are we paying that? Do you send us a bill?

Howard stated it will be on your tax bill.

Altman stated I don't know if it does, since we don't do their taxes.

The Surveyor stated I'm not sure what Hancock County does, if it's a separate bill or if it's on the tax bill like we do and then itemized.

Altman asked but is it Hancock's responsibility through their billing system or ours?

The Surveyor stated we collect for Hancock County for those people in Hamilton County draining that way and then we send that to Hancock County every year.

Heirbrandt stated you can certainly understand why people are confused. It is complicated.

The Surveyor stated this comes out with your May and November taxes.

Howard stated property taxes are due May 10th and November 10th. If you have a mortgage, it's probably paid from your escrow.

Dillinger stated \$12.50 per time.

Stout stated that's what I'm trying to understand, how do I see this bill, but it will be assessed on our property taxes.

Heintzelman (607 Bluff Creek Dr., Fortville) stated I am president of the HOA (Homeowners Association) and I had several people approach me about this being that it had never been addressed by this Homeowners Association since the beginning of it. Many of the homeowners have been in this addition this entire time and nothing has ever been brought up as far as, I guess in 2000 when this was initially put into place by the builder, probably, that none of this put into the covenants and restrictions to inform the people that we would be paying property taxes or taxes in another county. I mainly have the hard; I don't understand how we have to pay another property tax basically for another county.

Dillinger stated you're not paying for another county. You're paying it for your county, but your Drainage Board acquiesce to Hamilton County to oversee it rather than being a Joint Board. You're doing nothing different than if they had been here.

Heintzelman stated it even stated in one of the letters that this had been collected previously and none of the homeowners are aware of this. How was this collected previously?

The Surveyor stated it was collected from the Hamilton County people previously.

Howard stated everything we just told Mr. Stout would be the answer to your questions.

Heintzelman stated so the water runs through your county, it also runs through the next county and the next county and the next county. If we were to shut this off on our county line and drain it directly into the creek in our county.

Howard stated you would spend thousands and thousands and thousands of dollars digging that ditch.

Heintzelman stated that's exactly what it's saying we're going to spend on this.

Howard stated \$25.00 a year.

Heintzelman stated it doesn't state that, the letter did not state that at all. It was very vague and very; for all these homeowners, 140 homes in my addition that they're just not understanding where this is coming from when they've lived there over ten years, 20 years and now it's brought up like this and very vague.

The Surveyor stated you need to explain to your homeowners then that this is an annual assessment. Just like we told the gentleman before..

Heintzelman stated and it will come directly from..

Howard stated it will be on your tax bill as a separate, you have property taxes and you have drainage assessments.

Heintzelman stated we have drainage assessments on our water bill too.

Howard stated the water bill is the water that comes into your house, this is storm water from the roads.

Heintzelman stated we also pay a stormwater fee to Fortville, so why is Fortville charging us a stormwater fee and then we're going to turn around and pay another fee.

The Surveyor stated it's probably on the internal drainage facilities within your subdivision.

Heintzelman stated which drains into your..

The Surveyor stated which outlets into our open ditch.

Heintzelman asked so why is this not coming from our drainage fee that we're already paying to Fortville? Why are we going to pay \$8.00 per month for a drainage fee now and then another \$25.00 a year? Where is this \$8.00 a month going? It's a drainage fee, it's not the water bill. It's stormwater drainage. Why is that not going to this?

Dillinger stated I think you need to ask your water company in Fortville because we have nothing to do with that.

Heintzelman stated there were several people that went to the Board and they had no clue about this either. That's why I'm here today, to clarify a little bit of it.

The Surveyor stated one way to give them a clue is to shut it down and then they'd find out real quick.

Altman stated we don't need that.

The Surveyor stated this is an assessment for that drain that drains from your subdivision to Flat Fork Creek.

Heintzelman asked can I petition to have that taken from the town from the fee that we already pay then?

The Surveyor stated you could ask the town that.

Heintzelman asked what timeframe are we looking at that this \$25.00 is going to be assessed on our property taxes?

The Surveyor stated you have until next year.

Howard stated May of next year. It's assessed in January, but you will not be paying until May 10, 2024.

Heintzelman stated it will come out on the bill for next year's property taxes.

Howard stated if you think about it, if somebody has to go in there with a backhoe for two days, 140 times \$25.00 won't pay that cost.

Heintzelman stated I hope nobody has to go in there with a backhoe because they just built that addition. If it was an issue at that point now, it should have been taken care of when that addition was built and provided by the builders.

The Surveyor stated we did have a reconstruction of that drain when the development was put in.

Heintzelman stated but nothing was put out to us either.

Howard stated we only have to send you notice if we're going to collect money from you. We don't have to send you notice that we're not collecting money from you.

Heintzelman stated but no notice has ever come out until this one. After 23 years and we're getting our first initial notice of this.

Dillinger stated because somebody else has been paying your fee. I tried to explain that to the other gentleman. You've been getting a free ride. You ought to be very happy that we're only doing this now, that this is only coming to light.

Cooper, Jim (767 W. Garden St., Fortville) stated I'm not in Flatrock addition. I've lived in my home for 40+ years and then all of a sudden, I get this notice. I don't understand. I'm not even affiliated; I'm not even in Flatrock.

Heirbrandt asked the Surveyor, can you look into that and exactly where he's at and why he got that letter?

Cooper stated I'm right on Garden Street.

Heirbrandt asked is that in the drainage shed?

The Surveyor stated yes, it is. The yellow is the drainage shed for Hancock County. You can see that's well within the drainage shed.

Dillinger stated that's why you're being assessed.

Howard stated your stormwater goes into the same drain that we've been talking about for the last 30 minutes.

Cooper stated we also are being assessed by the town for storm sewer, or drainage. She said \$8.00, I thought mine was \$9.00 and something a month. We're paying Fortville for that drainage, storm sewer.

Dillinger stated I don't think it has anything to do with this drain.

Howard stated ours is just for maintenance of the open drain that takes the water from this entire watershed northwest.

Dillinger stated many times these assessments are \$100.00, \$200.00, \$1,000.00, \$5,000.00; yours is \$25.00.

Cooper stated I understand, but I still don't understand Hancock County, I believe that I'd be paying county drainage also, correct?

Dillinger stated you are. This is your county tax; this isn't our tax. We're just acting for your Drainage Board. They had the option to be part of this Board for this drainage shed, but they chose not to do it, they wanted us to handle it.

Howard stated so they do the collections, they pay us the money twice a year, we put it in a maintenance fund that can only be used to maintain this drain. Like I said to the lady earlier, those maintenance costs are substantial and when you look at \$25.00 even though there's a lot of people there, \$25.00 a year is not a lot of money and it may be ten or fifteen years before we have to do maintenance on that ditch. The law allows us to accumulate that and if it's ten years when we start doing maintenance on that ditch that money will be gone in a month because of going in and clearing out the ditch, which ultimately serves your property.

Cooper asked why wouldn't the whole Town of Fortville be involved?

Howard asked, see that yellow boundary?

Cooper stated yes.

Howard stated water doesn't follow a political boundary between cities and towns. Water follows, goes into a watershed and is collected and naturally flows where the natural flow is.

Cooper stated where does the natural flow of Fortville water flow then.

Howard stated what they're charging you for Fortville, we don't know about that. The only thing we have is maintaining the ditch that accepts stormwater from your property. Now, maybe they collect it earlier and accumulate it, but it only goes into this ditch.

Cooper stated well then, I'd think they'd be responsible to pay you for that drainage.

Dillinger stated you need to address that with them. That's not our issue.

Kazmirski (715 Breakers Lane, Fortville) stated on your assessment it does show \$25.00 current right now and paying \$25.00 more. When I looked at the subdivision that went up right next to us it says assessment \$0.00, and then it says proposed \$25.00. I know a few people, neighbor's, were a little confused about that. The other is, I know it's not exactly you guys, but that subdivision, every time it rains just a little bit, it pours down Breakers Lane because it's higher and they should have drains right by there and it doesn't. Who pays for the deterioration of our roads when it's coming down because it's right in the pathway. It doesn't matter how much rain; we have a nice little river coming down. That should have been assessed when they were building the subdivision correctly with the Surveyor to make sure that doesn't shed our way.

The Surveyor stated all we were responsible for was the offsite drainage and we got that information from the developer and Hancock County Surveyor's Office.

Kazmirski stated when they built it, it was clearly higher. That's what I don't get. The drainage, I thought you guys regulated and pay attention to all of that too.

Heirbrandt asked, have you contacted the developer or the city to ask them?

Kazmirski stated not yet.

Heirbrandt stated I would think that would fall within their jurisdiction.

Howard stated probably the city, I would guess the developer is long gone.

Kazmirski stated the assessment is confusing because the way you have it on current and then proposed.

The Surveyor stated that means the current assessment and annual assessment is \$25.00 and there's no change of assessment because the proposed assessment is also \$25.00.

Kazmirski stated but if you look at the subdivision next to us that just built you have \$0.00 for a current and \$25.00 for the proposed.

The Surveyor stated that is because Hancock County didn't give us that information until just recently when we were putting this together.

Kazmirski stated I'm just saying I can see how a lot got confused with that.

Dillinger stated, you're kind of shooting the messenger here. All we are, is the messenger. It's still your Drainage Board and your County that is responsible for all of this, it's not us. They just turned it over to us in order to bill.

Kazmirski stated I'm just asking the question.

Altman stated not necessarily, their Drainage Board decided they didn't want to get involved, but we will be maintaining it with these fees.

Howard stated the discharge, the internal is their problem.

Altman stated not the internal subdivision issues, but where it all flows to that main trunk line that's what this is for and what we maintain.

Heirbrandt asked would anyone else care to address the Board?

Cooper, Charles (722 Breakers Lane, Fortville) stated first and foremost on my father that was up here prior to when you say he has drainage going through Fortville and that's a Fortville, he's not connected to Fortville water, Fortville sewer, Fortville anything, he's off grid when it comes to water.

Heirbrandt stated this is a totally separate issue, it's like black and white.

Cooper stated no, what I'm saying is, you're saying that he's being assessed for something that when I was there and there was just a field, there was never a drain, it never went through the field that you guys are saying that you're maintaining now, which I completely understand. The subdivision that is back there where I live and the town approved all that stuff to go in and now you're sucking him into a drain that he never needed or wanted. He never had it. He's not connected to anything, they've just suddenly started saying we're going to start charging you money just like you guys have. I understand you guys being the messenger of bad news. When it comes to the assessment that's currently being levied and the way that it works you said that our Drainage Board in Hancock County waived the right to be here to represent us, but at the same time they failed to tell us that there was representation that they were failing to do to begin with. We're kind of being slapped, backhanded, to find out twenty some odd years later that you guys are in charge of something that is in our county and you can say you're the bearer of bad news and you still are in charge so guess what, you've been in charge since 2005 and still never informed us. If you guys are the ones that are in charge, you can't keep saying it's one county when it was still your county that's in charge of it. If they have a train trestle, concrete train trestle that trains are still currently that are tons more than they were now that are still active, 1890's I still see downtown Indianapolis. What is the deal with the drain. You're one of the guys that's, I assume, engineering this stuff, you can't maintain a drain for twenty some odd years or forty years when there's trains that are hundreds of thousands of tons that are going across something that's almost 150 years old? We got to keep assessing stuff like this? I just don't understand it. The minimal of \$25.00, I get it, it's real easy to say that until everybody understands it's the accumulative, it's not the small amount. It's the nickel and dimes. It's only \$22.20 to go get your own money from a bank machine, but they do that hundreds of thousands of times a day and they collect millions of dollars off of that. So, that's kind of our point, when we're complaining about \$25.00. When you say somebody else has been paying our rate, that subdivision is brand new that's in the red; brand new. They've probably been there a year. They haven't been paying our rate. There's been nothing there but a field, literally, a field. I used to ride a dirt back through that field.

Dillinger stated but that field drains somewhere.

Cooper stated that drain was never there.

Dillinger stated but it drains somewhere. A watershed drains somewhere.

Cooper stated I get it, but now all of sudden it's come to light now that you've put more houses there, now all of sudden...

Heirbrandt stated we didn't put them there, Hancock County..

Cooper stated no, no, in the red (referring to the map), is what I'm talking about. Now all of a sudden there's hundreds more homes in there, now all of sudden it's an issue and you need more money. COM, the power company that's across there, or the old power company, they had to put in their own retention ponds, they didn't drain into that. They still don't as far as I know, that's why they got their own darn drainage ponds. The town made them do that. You've got them assessed in there, you've got my dad assessed in there, you've got so many people assessed in there just to start money grabbing.

Altman stated this whole drain started because of a subdivision in Hancock County.

Cooper stated right, so why do you have people that are not part of the subdivision in there?

Dillinger stated because they're in the drainage shed.

Altman stated they're part of what drains to this regulated drain.

Cooper stated why didn't you take that out...

Dillinger stated here's the alternative. We cannot assess you, when the drain fails you will be flooded. That's the alternative.

Cooper stated I'm right on the corner where he's saying on Breakers, I get a crap ton of water coming from your county anyway.

The Surveyor asked, it comes from the west?

Cooper stated yes.

Heintzelman stated from the new addition.

Cooper stated there's quite literally, from my house to their house there's a four foot elevation change, minimum. So, do I get to assess you when I get flooded?

Heirbrandt stated the way I see it, when they built this addition in Hancock County, they should have notified every single one of you guys and let you know exactly about this assessment.

Cooper stated one last point, I know it's an assessment, but it's still a tax. One last thing that our homeowners would like to know is since we are paying an assessment in another county, that you guys have literally said in the paper, you're mandated by Indiana State Law that you can do this, so do we have to pay the extra fee to go to the park that is now off of Olio Road that they're saying they're charging everybody a crap ton of money to go to; since we're paying property taxes.

Howard stated that's the City of Fishers.

Heirbrandt stated that's totally different. You're paying for what's in the watershed according to State Law.

Cooper stated it's in Hamilton County and they said if you're in Hamilton County and you pay a Hamilton County tax.

Altman stated no, it's Fishers. If you'd read the paper, the City of Fishers is charging non-city residents who did not pay for that park.

Cooper stated and by the way that is Fishers that's right there that this goes through.

Altman stated that's Fishers, yes and it has nothing to do with this. I would assume you are well aware of that it has nothing to do with this.

Cooper stated I'm just trying to make a point is we're suddenly paying taxes to through Fishers through Hamilton County.

Altman stated this money that you'll be paying will go into a specific fund and used only for this drain. It is accounted for separately, it will be in this drain fund for your regulated drain.

Cooper stated and it says four to eight times so I'm assuming that means four to eight years.

Altman stated correct, until the collection equal eight times collections.

Cooper stated until it could be another four to eight years. It's been twenty something and nobody's done it yet. So, you're saying now that you want to collect extra money for four to eight years to build the pot, so to speak, so if you have to fix something.

Heirbrandt stated like Commissioner Dillinger said, you got a free ride.

Altman stated it doesn't matter.

Cooper stated not necessarily, there was nothing there.

Altman stated we build the collection fund to cover contingencies, trees falling in it, siltation that we have to take out; we have to keep that thing functioning so your homes and your properties don't flood. We try the best we can. If we don't build the fund and we have to do emergency work, then every homeowner gets an assessment to pay for it. This is a gradual way to build a fund to cover things and it's \$25.00 a year.

Cooper stated I know, up to eight years, until like I said, until there's still enough money and you can do it another four to eight years.

Altman stated that's a \$200.00 investment.

Dillinger stated it's still dictated on cost. We don't just arbitrarily...

Cooper stated well you did this time because he even said...

Dillinger stated in anticipation, we have to have a fund so that there's maintenance. If we don't charge you that maintenance and it goes bad, then we have to charge you a reconstruction fee and it will be a lot more than \$25.00. We deal with this every month with thousands of dollars on property owners, not \$25.00.

Heirbrandt asked would anyone else care to address the Board.

Roth (13424 Lantern Road, Fishers) stated how come we have to pay \$45.00, and they only pay \$25.00? When we've been paying for theirs this whole time, you're saying.

The Surveyor stated \$45.00 is what Hamilton County charges.

Roth stated how come they only have to pay \$25.00?

The Surveyor stated I didn't recommend an increase in Hancock County because...

Roth stated we should have had the deduction and they should have had the increase because we've been carrying them all this time.

Altman stated that's a good point.

Roth stated unfair.

The Surveyor stated that's the power the Board has the ability to do.

Altman stated I don't think that's appropriate. If I'd known the disparity between the two before this notice came out, I think she makes an extremely good point. Either everybody is at \$45.00, or everybody is at \$25.00.

Howard asked the Surveyor, was the \$45.00 established when the subdivision that's surrounded by red was built?

The Surveyor stated yes.

Roth stated we just had construction done of our Shoemaker Ditch a few years ago and we're still having to pay more than they're having to pay. I'm over by Cottingham Estates.

Heirbrandt stated they're on two ditches, right? Are they on two ditches?

Roth stated right now our ditch is terrible, it stinks, the fish are dying and we're having to pay \$45.00.

Heirbrandt asked, could someone from the Surveyor's Office go out there and look at that please?

Roth stated I was going to call the DNR.

The Surveyor asked Roth, are you on the Shoemaker Ditch?

Roth stated Shoemaker.

The Surveyor stated not Flat Fork.

Roth stated no.

Altman stated these are two different ditches.

Heirbrandt stated they're two different ditches, that's why.

Altman asked the Surveyor, would you clarify; everybody in this particular hearing, what do they pay per household.

Roth stated we pay \$45.00.

Heirbrandt stated I think you're on a different ditch.

Roth stated Shoemaker.

Heirbrandt stated Shoemaker is totally different from this drainage area. It's a separate ditch.

Roth stated sure, I know, I understand that, but since we're been paying for them all these years...

Altman stated no, no, every ditch has it's own fund. That's what I was trying to explain. Your Shoemaker Ditch goes into the Shoemaker Fund.

Roth stated is it because it's bigger we pay more?

Altman stated it's probably because it's more to maintain.

Roth stated larger?

Altman stated larger, longer, more difficult.

Roth asked could we find out?

Altman stated that's another question for another day.

Heirbrandt stated if the Surveyor's Office could reach out to you to explain this.

Roth stated I would be happy.

Heirbrandt stated you're talking about a totally separate ditch.

Roth stated sure, I am, but it's still it's like double.

Altman stated but you have not been paying their maintenance costs. Everybody gets their own fund.

Roth stated Hamilton County in general you said has been paying theirs.

Howard stated no, the part of this watershed that's in Hamilton County, which is the red area, has been paying their bill. You're in a whole different watershed and your assessment is based on costs in that watershed only. Your money goes into a fund that can only be used in this watershed. What you do has absolutely no effect on the people that have been up here for the last 45 minutes.

Roth stated but Hamilton County is Hamilton County.

Dillinger stated watersheds are different though.

Howard stated we're not paying out of your general tax funds and we're paying out of the drainage assessment for your drainage shed.

Roth stated I'd still like to know why \$45.00 versus \$25.00.

Howard stated there are places that it's substantially more than \$45.00.

Altman stated yes, some are \$75.00. It depends on the drain, the cost to maintain it and the exposure and risk.

Roth stated that's not what I've been hearing. Everybody on the next door app has said that they're all where we're at. Nobody said they're paying \$70.00 or anything like that.

Altman stated that's because you're in a community of next door which should be your neighbors.

Roth stated they're all over, no, I get from Fortville, I get from...

Altman stated there are rates all over the county, different.

Roth asked, who do I call to make sure...

Heirbrandt asked the Surveyor, could you give her some direction who she could talk to get better clarification on this.

The Surveyor stated if you would call the office at 317-776-8495 and ask for either myself or Janet Hansen. To answer the Board's question, all of Flat Fork, Flatrock Creek Arm, they're all \$25.00.

Heirbrandt asked if anyone else cared to address the Board; seeing no one Heirbrandt closed the public hearing.

Dillinger made the motion to deny the objections, seconded by Altman and approved unanimously.

Dillinger made the motion to approve the Surveyor's report, seconded by Altman and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

**Flat Fork Creek Drain, Flatrock Creek Arm
Added Parcels & Increase Collection Period**

On this **26th day of June, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **McMahon & Overdorf Drain, Increase Collection Period from 4 to 8 Years.**

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

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

F. M. Musselman Drain, W. S. Burnau Arm Reconstruction - Change Order No. 1:
Liston presented his report to the Board for approval.

"June 9, 2023

TO: Hamilton County Drainage Board

RE: F. M. Musselman Drain, W. S. Burnau Arm Reconstruction - Change Order # 1

The following items are an additional to the F. M. Musselman Drain, W. S. Burnau Arm Reconstruction contract being done by Morphey Construction.

| | |
|---|-----------------------|
| Change Order # 1 | |
| Item H3 - Additional 90.33 SYS for Pavement Repair (196 th Street) | \$ 19,872.60 |
| Item B15 - Grass Waterway 417 LF | \$ 20,433.00 |
| Item B20 - Inlet Protection (8) | \$ 2,800.00 |
| | <u>\$ 43,105.60</u> |
| Change Order # 1 Total | \$ 43,105.60 |
| Morphey's Contract | \$1,392,000.00 |
| Total 15% Contingency | <u>\$ 208,000.00</u> |
| Total | <u>\$1,600,800.00</u> |
| Revised Construction Total to Date | \$1,435,105.60 |

Submitted By

Jerry L. Liston
Hamilton County Surveyor's Office"

Dillinger made the motion to approve Change Orde No. 1 presented, seconded by Altman.

Altman stated the accounting on this is kind of confusing when you look at how your numbers are going. Can you figure how you can say the contract is "x", plus the change order and we're now at "that" because you have to move numbers up and down and around.

Hamilton County Drainage Board
June 26, 2023

The motion had been made and seconded to approve Change Order No. 1 and approved unanimously.

Construction Updates:

Elwood Wilson Drain, E. M. Hare Arm Reconstruction - Liston stated we have a potential conflict with Metronet at Promise Road where the drain will end.

William Lehr Drain, Joseph & Brooks Arm (156th Street Reconstruction) - Liston stated we had a conflict with Comcast and they are out of the way. We anticipate Indiana American Water being out of our way also.

2022 Reconstruction of the W. S. Burnau Arm of the F. M. Musselman Drain - Liston stated this project is complete, but I need to do an inspection with the contractor.

Jonas Rogers Drain, J. M. Gustin Arm Reconstruction - Liston stated this project is complete, but there are punch list items out. When those are done, I'll do a reinspection.

William Lehr Drain, J. S. McCarty Arm Phase 1 - Liston stated we're anticipating an August 1st start date.

Clara Knotts Drain, Park Broadway Arm Phase 2 - Duncan stated we are seeing movement with the utilities. I had conversations with both Duke and Centerpointe Energy that they're moving forward with plans to move their facilities. I need to get an update from AT&T. Morphey, the contractor on this project has been working directly with AT&T to relocate their facilities.

Ream Creek Drain, Orchard Park Arm (Pending Asbuilts) - Duncan stated we have draft asbuilts from our consultant on the project and are reviewing those.

Clara Knotts Drain, Park Broadway Arm Phase 1 (Pending Final Report) - Duncan stated Cline is putting that report together, it is extensive and it's taking him a little bit of time, but he is working on that.

Altman asked were you able to communicate with Ms. Davis that sent the email?

Duncan stated Cline and I talked about that on Friday. I wanted to get an update on this, so I'll reach out to her today.

Canal Place Drain, Strongbow Gate Arm (Pending Final Report) - Liston stated I've started putting together items for the final report and will hopefully have that at the next meeting.

Drainage Board Attorney - Pending Items:

Private Drain Petition (Wright/Dhani) - Howard stated Dhani hired a new lawyer two weeks ago, they filed a petition for judicial review. I responded promptly, the Wrights attorney copied my response and Judge Gookins signed both orders of dismissal within 24 hours of filing. We've been contacted by the Dhani's and also the Wright's and they are trying to negotiate and I said if one party tells us there's no more negotiation we'll send our contractor in there. Fortunately, it's a drought situation. I explained to Dhani's attorney that we will not do anything in writing because we don't want their third attorney to ask to construe anything in writing as a new order, which would trigger the twenty days, but the courts did not buy any of that anyway.

The Surveyor stated we have the contractor loaded for Wednesday.

Altman asked do you know the prevailing party? Could you make a call and say we're in negotiations, someone make that call?

The Surveyor stated yes.

Altman stated you've got a contractor lined up, I'd just as soon you go forward if we don't have a stop from the Wrights.

Howard stated with all due respect, the last time we talked to him the Surveyor and I were both leaving town and we said we don't want a contractor going out there unless we're here to triage damage control. Maxwell did exactly what he was told to do, and I'll jump on that yet this morning.

Altman stated hopefully release the contractor as soon as possible so they can go on another job.

The Surveyor asked Howard, you'll call Wright's this morning?

Howard stated yes.

Dillinger made the motion to adjourn, seconded by Altman and approved unanimously.

Mark Heirbrandt - President

Lynette Mosbaugh
Executive Secretary