N C (9)

RESOLUTION DB 5-29-07-C

A RESOLUTION OF THE COUNTY DRAINAGE BOARD RECLASSIFYING THE MARY JOHNSON DRAIN AND ESTABLISHING DRAINAGE ASSESSMENTS FOR RECONSTRUCTION OF THE FREEDOM ARM

WHEREAS, there is presently a regulated drain located in Adams Township, Hamilton County, Indiana, referred to as the "Mary Johnson Regulated Drain" (the "Drain");

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of Hamilton County, and certain landowners within the County, that a certain section of the Drain be reconstructed and reclassified as an urban drain in accordance with Indiana Code 36-9-27-69;

WHEREAS, said section of the Drain should be known as the "Freedom Arm" of the Drain (the "Freedom Arm");

WHEREAS, certain parcels of land within the Drain's watershed will be benefited (the "Benefited Parcels") by the reconstruction of the Freedom Arm (the "Reconstruction");

WHEREAS, the Hamilton County Surveyor has completed a report (the "Report") that contains a mathematical calculation as to the assessment for the reconstruction of the Freedom Arm;

WHEREAS, the Benefited Parcels currently consist of rural areas that are drained adequately without the Reconstruction and, therefore, there should be no assessment imposed upon the Benefited Parcels at the present time as provided by Indiana Code 36-9-27-69 (b) (6); and

WHEREAS, a public hearing was held on the 29th day of May, 2007, for the Reconstruction;

IT IS THEREBY RESOLVED by the Hamilton County Drainage Board as follows:

1. The Drain is hereby reclassified as an urban drain in accordance with Indiana Code 36-9-27-69.

2. There is hereby established the Freedom Arm, identified in Exhibit A attached hereto.

3. The Benefited Parcels include property within the Drain's watershed, generally located north of 216th Street and west of U.S. Highway 31 North, and are represented more specifically by the areas identified as "Upper

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Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

Parcels" (the "Upper Parcels") and "Lower Parcels" (the "Lower Parcels") in Exhibit B attached hereto.

4. The Report attached hereto as Exhibit C is hereby ratified and approved. The Report identifies costs of the Reconstruction totaling Two Hundred and Seventy Thousand Dollars ($270,000.00). The Report establishes the formula and total assessment for each of the Benefited Parcels. The assessments equal the value of benefits conferred upon such parcels.

5. There is no assessment imposed upon the non-urban portion of the drain at this time. The assessment for the current non-urban parcels shall be assessed and collected when those parcels are developed, redeveloped or platted for development, whichever occurs first.

6. Assessments made against the Benefited Parcels under the terms of this resolution shall be assigned to Freedom Ready Mix, LLC or its assigns as reimbursement for construction of the existing drain. This assignment shall be the total payment to Freedom Ready Mix, LLC for the dedication of the reconstructed Freedom Arm.

ALL OF WHICH IS RESOLVED this 29th day of May, 2007.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger

Christine Altman

Steven A. Holt

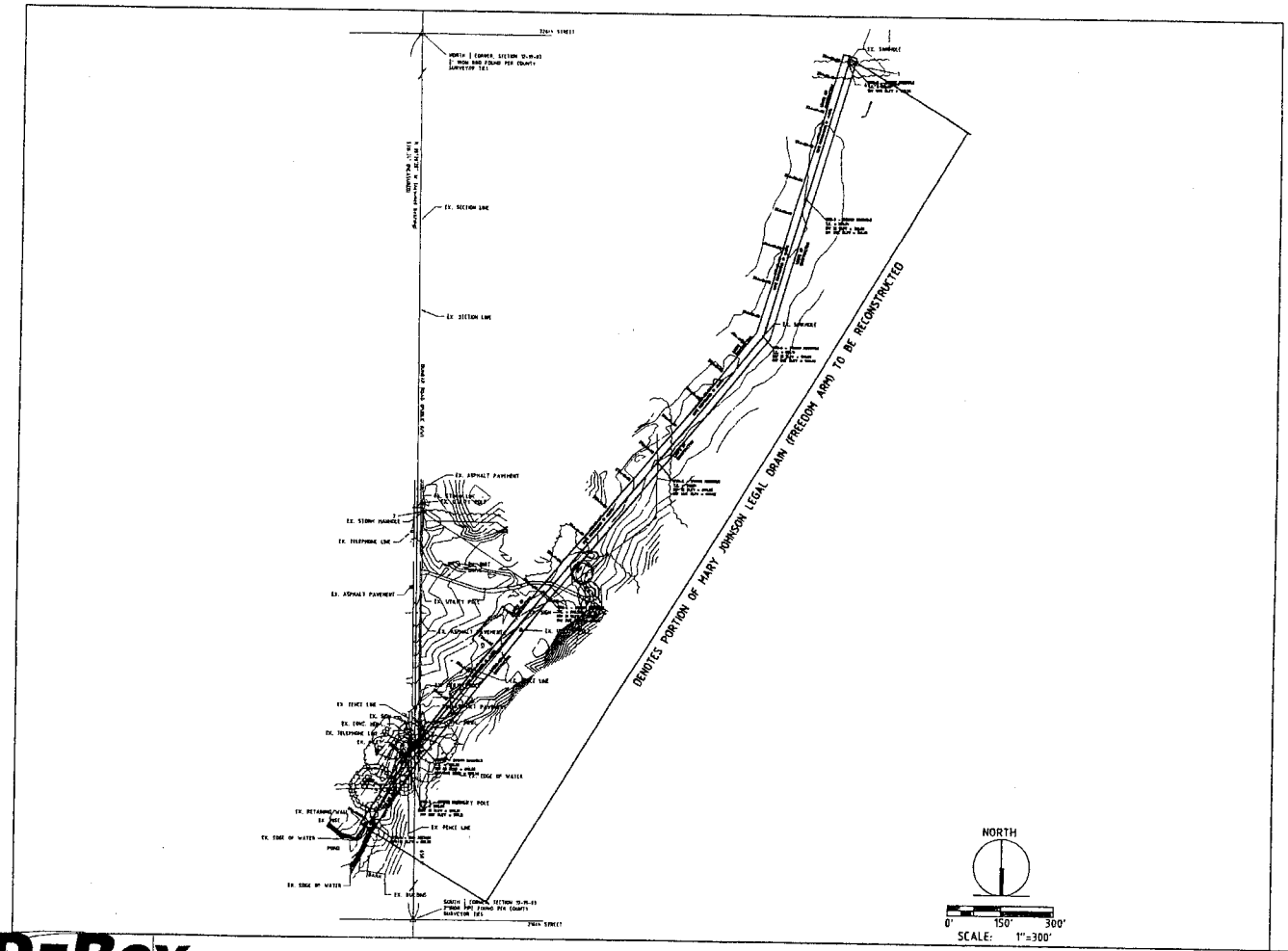
ATTEST:

Pamela Louks

I affirm, under the penalites of perjury, that I have taken reasonable care to redact each social security number in the document, unless required by law.

Matthew S. Skelton

This instrument prepared by Matthew S. Skelton, Attorney at Law, 970 Logan St. Noblesville, Indiana 46060, 569-4835



DEBOY
LAND DEVELOPMENT SERVICES
Designers Engineers Surveyors
8018 9th Street, Suite 100, Noblesville, IN 46060
Phone: 317.770.1801 Fax: 317.770.1821
Toll Free: 1.800.801.8556
PREPARED BY:

EXHIBIT "A" - Portion of Mary Johnson Legal Drain to be Reconstructed

PREPARED FOR:
CHRIS ELBRECT
JOB #2006-0023
DATE: 10-13-06

"EXHIBIT B"
BENEFITED PARCELS

MARY JOHNSON RECONSTRUCTED LEGAL DRAIN

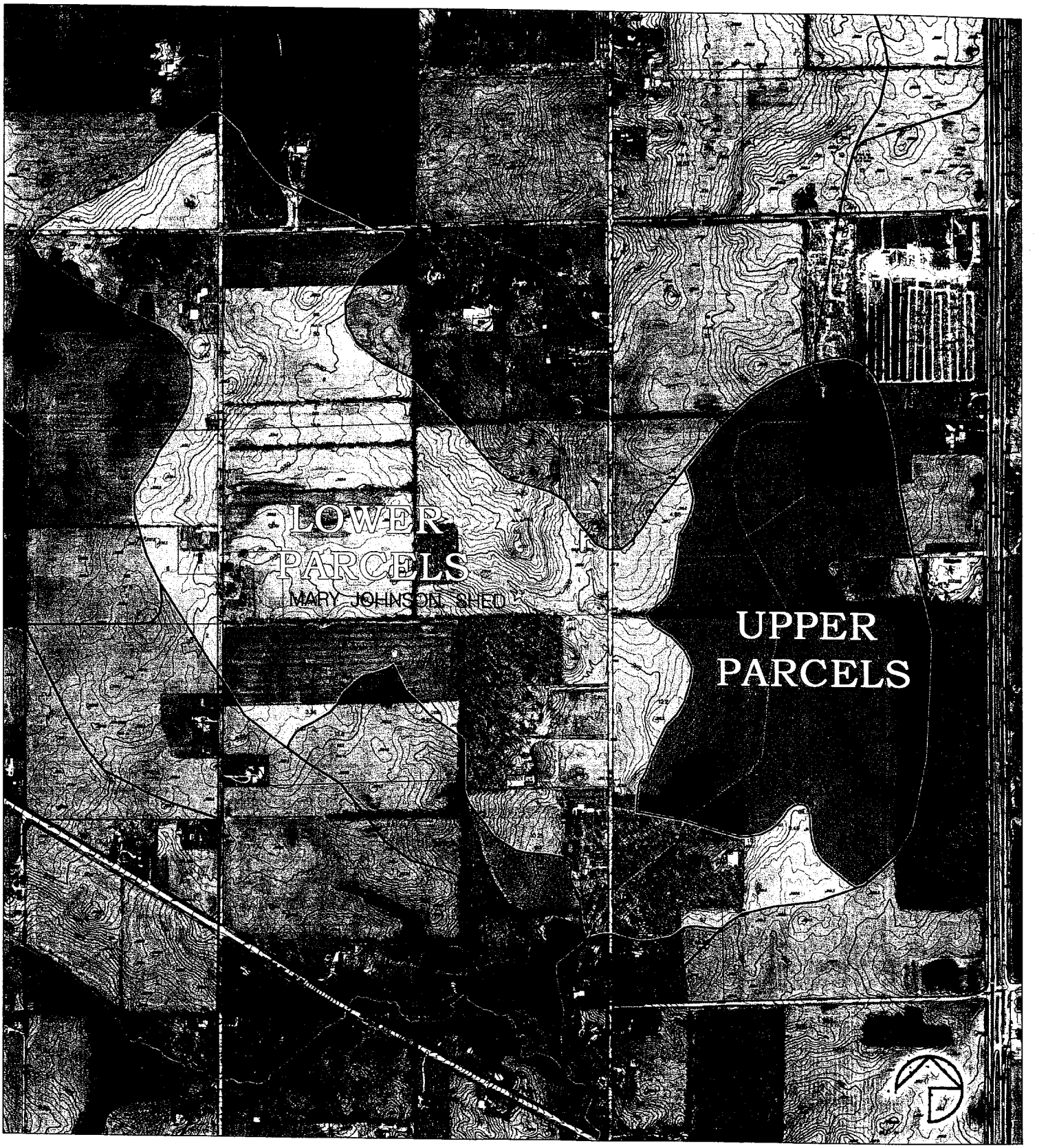


EXHIBIT "C"

SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495
Fax (317) 776-9628

Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

To: Hamilton County Drainage Board

Date: February 28, 2007

Re: Mary Johnson Drain Reconstruction

Attached is a petition and plans for the proposed reconstruction of the Mary Johnson Drain. The reconstruction is being proposed by Elbrecht - Freedom Ready Mix. The plans for the Freedom Ready Mix project by DeBoy Land Development Services, Project No. 2006-0023, dated 7/21/2006, will reconstruct the regulated drain from station 18 of Arm 2 to the Mary Johnson Drain originally constructed in 1908, which is Station 25+52 on the DeBoy plan, to station 35+84 of Arm 2 to the Mary Johnson Drain which is also station 32+02 of the Mary Johnson Main Drain and which is shown as Station 8+00 on the DeBoy plan, to the outlet at Station 42+82 of the Mary Johnson Main Drain which is shown as station 0+00 on the DeBoy plan.

This line will consist of the following:

741' of 36" HDPE Pipe
62' of 36" RCP
946' of 24" HDPE Pipe
401' of 21" HDPE Pipe
402' of 18" HDPE Pipe

The length of the drain to be reconstructed is 2,552 feet which will replace 2,864 feet which is a net reduction in length of 312 feet as calculated from stationing on the original plans.

The cost of the reconstruction is to be paid by Elbrecht - Freedom Ready Mix. The engineers estimate for the reconstruction is $270,000.00. A performance bond for 120% of the engineers' estimate will be provided by the developer in the amount of $324,000.00 within 30 days of the reconstruction hearing and prior to reconstruction.

The proposal will reconstruct the drain across the following parcels:

01-05-12-00-00-018.000 owner Bruce, Dick
01-05-12-00-00-019.000 owner Sheila Beals Family LP
01-05-12-00-00-019.003 owner Beals Larry W & Fostine,
01-05-12-00-00-022.000 owner Waitt, Sara Jane Trustee of Sara Jane Waitt Trust
01-05-12-00-00-023.000 owner Chenault, Greta L Trust
Dunbar Road, Hamilton County Highway right-of-way

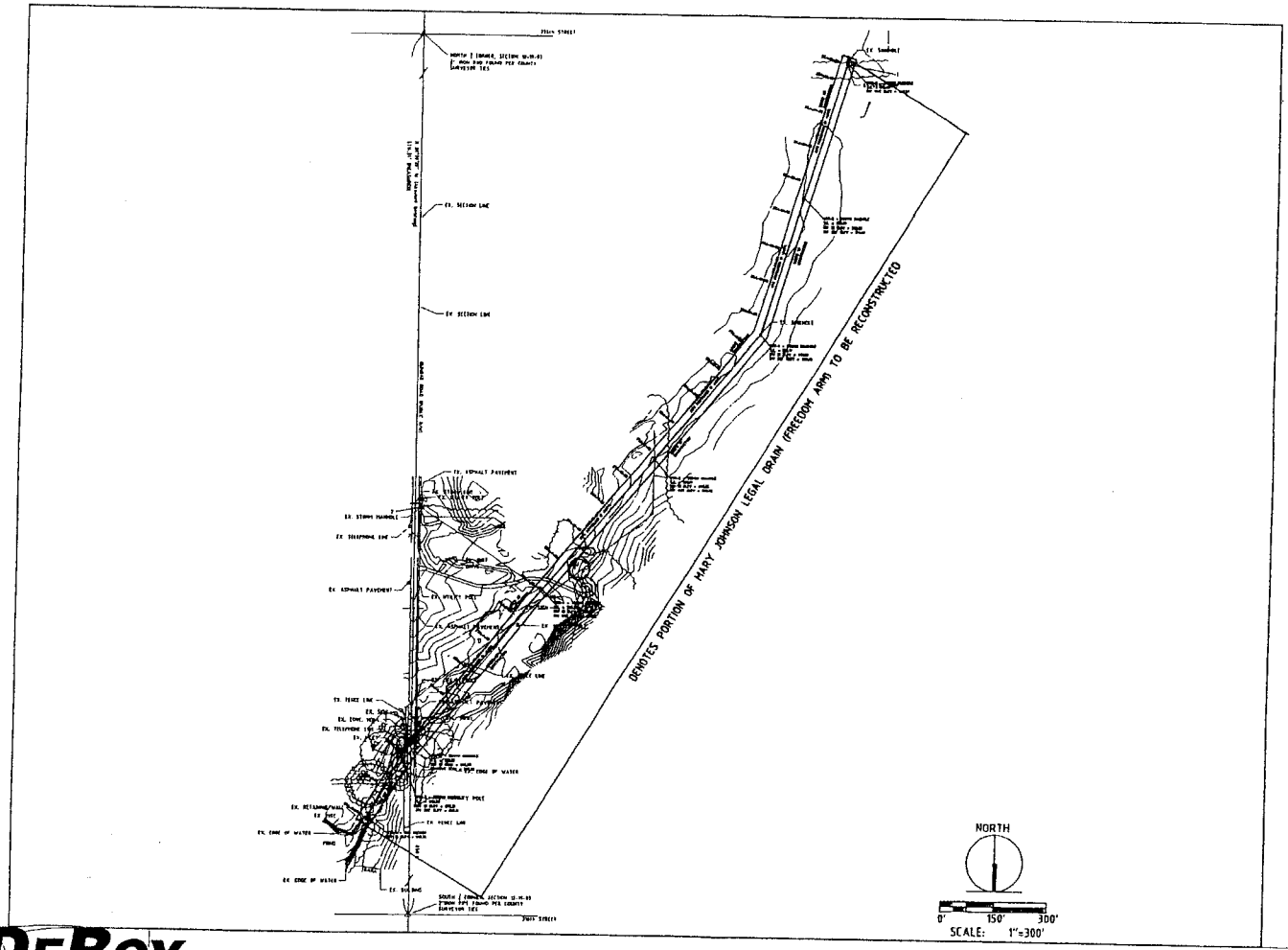
The reconstruction will be completed in the existing regulated drain easement as set out in I.C. 36-9-27-33. Therefore no damages will result and all damages shall be set at $0.00.

This reconstruction proposal includes a resolution for reimbursement to Elbrecht - Freedom Ready Mix which will address assessments for parcels that will develop in the future which will reimburse Elbrecht - Freedom Ready Mix for the cost of reconstructing the Freedom Arm of the Mary Johnson Drain. The referenced resolution includes the attached exhibits "A", "B" and "C".

I recommend that the Board set a hearing date for May 29, 2007.

Sincerely,

Kenton C. Ward
Hamilton County Surveyor



DeBoy
LAND DEVELOPMENT SERVICES
Designers Engineers Surveyors
8018 9th Street, Suite 100, Noblesville, IN 46060
Phone: 317.770.1801 Fax: 317.770.1821
Toll Free: 1.800.801.8556
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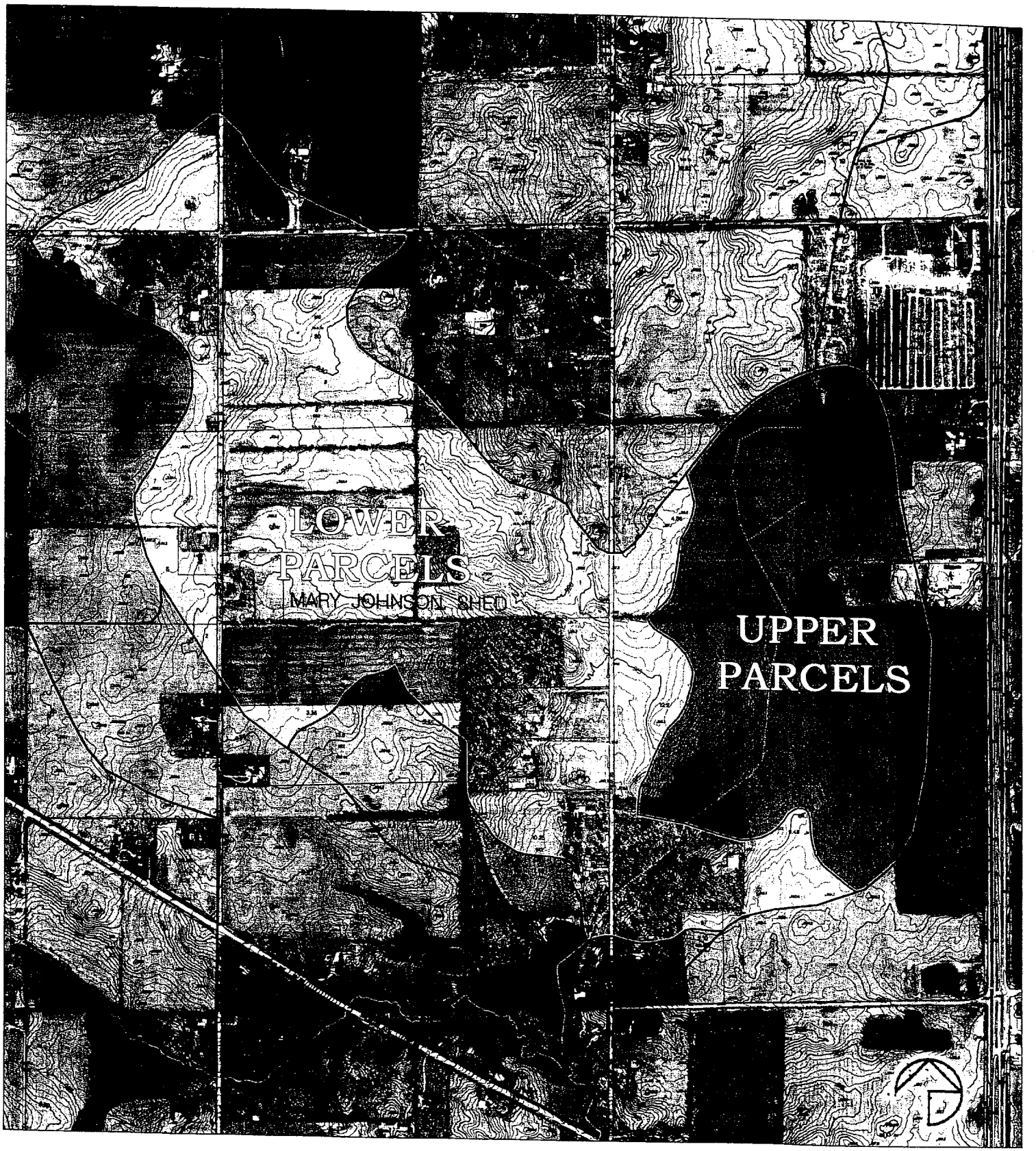
EXHIBIT "A" - Portion of Mary Johnson Legal Drain to be Reconstructed

PREPARED FOR:
CHRIS ELBRECT
JOB #2006-0023
DATE: 10-13-06

"EXHIBIT B"
BENEFITED PARCELS

MARY JOHNSON RECONSTRUCTED LEGAL DRAIN



"EXHIBIT C"

Mary Johnson Drain #6
Hearing: May 29, 2007
Freedom Arm Reconstruction
Cost to be paid by Elbrecht-Freedom Ready Mix.
Parcels to be assessed in the future as they develop and
Elbrecht-Freedom to be reimbursed.

Rate for Upper Area: $922.33
Rate for Up & Low Area: $417.89

$113,400.00 Upper Estimate
$156,600.00 Up & Low Estimate
$270,000.00 Total

Rate for Upper Area: $922.33
Rate for Up & Low Area: $417.89

Parcel	Owner	Address	City	Description	Maintenance Acres Benefitted	Upper Acres Benefitted	Up & Low Acres Benefitted	Proposed Upper Assmt.	Proposed Up & Low Assmt.	Total Future Asmt.
01-05-12-00-00-013.000	Duncan, David G & Dads Truck & Auto	1611 226th St W	Cicero, IN 46034	S12 T19 R3	4.00	4.00	4.00	$3,689.30	$1,671.56	$5,360.86
01-05-12-00-00-013.001	Laughlin, John Jr	14048 Jameson Ln	Carmel, IN 46032	S12 T19 R3	5.00	5.00	5.00	$4,611.63	$2,089.45	$6,701.08
01-05-12-00-00-011.000	Connett, Charles & Cecelia Calabrese Cotrustees Etal	45 Tenth St N	Noblesville, IN 46060	S12 T19 R3	3.00	3.00	3.00	$2,766.98	$1,253.67	$4,020.65
01-05-12-00-00-018.000	Bruce, Dick H Trustee	3365 N 800 E	Howe, IN 46746	S12 T19 R3	28.00	23.14	28.00	$21,342.63	$11,700.91	$33,043.54
01-05-12-00-00-017.002	Thcerble LLP	P O Box 440	Cicero, IN 46034	S12 T19 R3	7.00	7.00	7.00	$6,456.28	$2,925.23	$9,381.51
01-05-12-00-00-017.000	Ross, Robert J	1815 Dee Ann Dr	Kokomo, IN 46902	S12 T19 R3	9.20	9.20	9.20	$8,485.40	$3,844.59	$12,329.99
01-05-12-00-00-017.003	Elbrecht, Christopher W & April M T/E	P O Box 440	Cicero, IN 46034	S12 T19 R3	5.80	5.80	5.80	$5,349.49	$2,423.76	$7,773.25
01-05-12-00-00-019.000	Sheila Beals Family LP	45 N Tenth St	Noblesville, IN 46060	S12 T19 R3	84.54	62.85	84.54	$57,968.20	$35,328.40	$93,296.60
01-05-12-00-00-019.003	Beals, Larry W & Fostine	21595 Dunbar Rd	Sheridan, IN 46069	S12 T19 R3	16.91	2.96	16.91	$2,730.09	$7,066.52	$9,796.60
01-05-12-00-00-019.001	Beals, Jeffrey Lynne	21645 Dunbar Rd	Sheridan, IN 46069	S12 T19 R3	2.15		0.33		$137.90	$137.90
01-05-12-00-00-019.004	PSI Energy Inc	1000 Main St E	Plainfield, IN 46168	S12 T19 R3	2.10		0.97		$405.35	$405.35
01-05-01-00-00-033.000	Mullin, Martha Isabelle Trustee	778 226th St E	Sheridan, IN 46069	S1 T19 R3 6	7.00		7.00		$2,925.23	$2,925.23
01-05-02-00-00-013.000	Keys, John & Leona Keys Living Trust	759 Tincher Rd E	Mooresville, IN 46158	S2 T19 R3 2	11.00		11.00		$4,596.79	$4,596.79
01-05-11-00-00-011.001	Mundy, Thomas C	22560 Oak Ridge Rd	Sheridan, IN 46069	S11 T19 R3	1.90		1.90		$793.99	$793.99
01-05-11-00-00-011.000	Brown, Jerry L	6101 236th St E	Cicero, IN 46034	S11 T19 R3	13.98		13.98		$5,842.10	$5,842.10
01-05-11-00-00-011.002	Mundy, Thomas C	22560 Oak Ridge Rd	Sheridan, IN 46069	S11 T19 R3	0.12		0.12		$50.15	$50.15
01-05-11-00-00-012.000	Brown, Jerry L	6101 236th St E	Cicero, IN 46034	S11 T19 R3	7.00		7.00		$2,925.23	$2,925.23
01-05-11-00-00-013.000	McKinney, Ina	21802 Oak Ridge Rd	Sheridan, IN 46069	S11 T19 R3	6.00		6.00		$2,507.34	$2,507.34
01-05-11-00-00-013.001	McKinney, Stephen W & Donna J	22006 Oak Ridge Rd	Sheridan, IN 46069	S11 T19 R3	2.00		2.00		$835.78	$835.78
01-05-11-00-00-014.000	McKinney, Ina L	21802 Oak Ridge Rd	Sheridan, IN 46069	S11 T19 R3	2.00		2.00		$835.78	$835.78
01-05-12-00-00-001.000	Brown, Jerry L	6101 236th St E	Cicero, IN 46034	S12 T19 R3	30.00		30.00		$12,536.69	$12,536.69
01-05-12-00-00-002.000	Walker, Dennis J	2459 N 800 E	Whitestown, IN 46075	S12 T19 R3	5.00		5.00		$2,089.45	$2,089.45
01-05-12-00-00-003.000	Walker, Dennis J	2459 N 800 E	Whitestown, IN 46075	S12 T19 R3	35.00		35.00		$14,626.14	$14,626.14
01-05-12-00-00-003.001	Walker, Dennis J & Paula D	2459 N 800 E	Whitestown, IN 46075	S12 T19 R3	5.00		5.00		$2,089.45	$2,089.45
01-05-12-00-00-004.000	Bruce, Dick H Trustee	3365 N 800 E	Howe, IN 46746	S12 T19 R3	22.00		22.00		$9,193.57	$9,193.57
01-05-12-00-00-020.000	Bruce, Dick H Trustee	3365 N 800 E	Howe, IN 46746	S12 T19 R3	10.00		10.00		$4,178.90	$4,178.90
01-05-12-00-00-021.000	Waitt, Sarah Jane Trustee	21710 Dunbar Rd	Sheridan, IN 46069	S12 T19 R3	8.00		8.00		$3,343.12	$3,343.12
01-05-12-00-00-022.002	Root, William E & Wanda L	21820 Dunbar Rd	Sheridan, IN 46069	S12 T19 R3	8.00		8.00		$3,343.12	$3,343.12
01-05-12-00-00-022.000	Waitt, Sarah Jane Trustee	21710 Dunbar Rd	Sheridan, IN 46069	S12 T19 R3	17.58		10.25		$4,283.37	$4,283.37
01-05-12-00-00-028.000	Buzash, Victoria Aldred	1471 Kincannon Ln	Indianapolis, IN 46217	S12 T19 R3	20.00		18.88		$7,889.76	$7,889.76
01-05-12-00-00-027.000	Aldred, Michael H & Rebecca	21749 Oak Ridge Rd	Sheridan, IN 46069	S12 T19 R3	13.60		3.38		$1,412.47	$1,412.47
01-05-12-00-00-005.000	Neal, Rex A II & Roben E	881 226th St E	Sheridan, IN 46069	S12 T19 R3	2.34		2.34		$977.86	$977.86
01-05-12-00-00-022.001	Pound, Marylee Waitt & David C Trustees	4226 Manning Rd	Indianapolis, IN 46228	S12 T19 R3	0.42		0.42		$175.51	$175.51
01-05-12-00-00-023.000	Chenault, Greta L Trust	21612 Dunbar Rd	Sheridan, IN 46069	S12 T19 R3	14.00		0.72		$300.88	$300.88
					409.64	122.95	374.74	113,400.00	156,600.00	270,000.00