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RESOLUTION NO. DB-05-29-07-A

A RESOLUTION OF THE HAMILTON COUNTY DRAINAGE BOARD
CONCERNING THE JACOB YANSEL DRAIN

WITNESS THAT:

WHEREAS, the Hamilton County Drainage Board has jurisdiction to regulate the discharge of storm water from certain parcels of real estate which directly or indirectly discharge into the Jacob Yansel Drain ("the Drain"); and,

WHEREAS, the Hamilton County Surveyor has been advised that owners of certain parcels within part of the drainage shed served by the Drain, are interested in developing said parcels; and,

WHEREAS, the development of the parcels within part of the upper part of the drainage shed served by the Drain will create additional impervious surface which will result in additional storm water being discharged into the Drain; and,

WHEREAS, the Hamilton County Surveyor, pursuant to the authority granted by Indiana Code 36-9-27-17(d) has investigated the condition of the Drain as it serves the affected watershed ("the Watershed"); and,

WHEREAS, the following property owners own the designated parcels of real estate within the Watershed:

<u>Land Owner</u>	<u>Hamilton County Tax Parcel No.</u>	<u>Cross Reference No.</u>
Earl, Mary Lou	03-02-32-00-00-009.000	9809372
Carson, John C & Ruth A Proctor T/C	03-02-33-00-00-015.000	9508857
Sunset Tree Farms LLC	03-06-04-51-00-001.000	2004-17385
McGill, Ronald TR & Beverly TR 50% each	03-06-04-51-00-002.000	9722334
McGill, David E & Gina L	03-06-04-51-00-002.001	9924889
Etchison, Michael&Marilyn Trout 1/4ea & Karen Ogden TR 1/2	03-06-04-51-00-010.000	9914735
Sunset Tree Farms LLC	03-06-05-51-00-008.000	2005-84802
Kerby, Roy H	03-06-05-51-00-008.001	2001-41788
Edwards, Todd P & Shannon M	03-06-05-51-00-008.002	2004-60419
Sunset Tree Farms LLC	03-06-05-51-00-008.003	2006-3339
Robertson, Gloria & Roscoe & Julia Jt/Rs	03-06-05-51-00-008.005	2006-43308
Brown, Christopher J & Christy	03-06-05-51-00-009.000	2001-59330
Titus, Jeffrey A & Cheryl L	03-06-05-51-00-009.001	9405701
Fisher, Mark J & Sue E	03-06-05-51-00-009.002	9203491
Heugel, J D Jr & Vicky L Crevello	03-06-05-51-00-009.003	2004-19474
Heugel, J D Jr	03-06-05-51-00-009.103	2003-69051

; and,

WHEREAS, the Hamilton County Surveyor has investigated the capacity of the portion of the Drain serving the Watershed and has filed his Report of May 3, 2007, ("the Report") a copy of which is attached hereto; and,

WHEREAS, the Report further includes a finding that the Drain is inadequate to handle additional flow of water resulting from connections without being reconstructed and recommends that no further connections to the Drain be permitted until the Drain is reconstructed under Indiana Code 36-9-27-49 through Indiana Code 36-9-27-17; and,

WHEREAS, a Notice of Public Hearing to consider the Report was duly published at least ten (10) days in advance of the public hearing held on May 29, 2007, and the property owners within the Watershed have been mailed the Notice of the Public Hearing; and,

WHEREAS, the Drainage Board has held a public hearing on May 29, 2007, and considered all evidence presented at the public hearing, including the Report.

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

1. The Hamilton County Drainage Board hereby ratifies and approves the Report of the Hamilton County Surveyor of May 3, 2007.
2. The Hamilton County Drainage Board will not permit any additional connections, to discharge directly or indirectly into the Jacob Yansel Drain, from the above parcels of real estate, or any parcels resulting from splits of the above parcels, unless or until the Drain is reconstructed.
3. The Hamilton County Surveyor shall cause a copy of this Resolution to be recorded in the Office of the Hamilton County Recorder, and this Resolution shall be cross referenced to the last Deed of record of all of the property owners listed above.

4. The Hamilton County Drainage Board reserves unto itself the right to amend or modify this Resolution upon petition from any property owner within the Watershed.

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

HAMILTON COUNTY DRAINAGE BOARD



Steven A. Holt

Steven C. Dillinger



Christine Altman

ATTEST:



~~Lynette L. Mesbaugh~~ Pamela LOOKS

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

Michael A. Howard

This instrument prepared by Michael A. Howard, Attorney at Law, 694 Logan Street, Noblesville, Indiana, 46060, 773-4212.



SURVEYOR'S OFFICE

Hamilton County

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

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

May 3, 2007

To: Hamilton County Drainage Board

Re: Jacob Yansel Drain

At this time it has come to the attention of this office that several property owners within the upper drainage shed of the Jacob Yansel Drain wish to subdivide their parcels. This was reported to the Board at its meeting on April 9, 2007 (Drainage Board Minutes Book 10, Pages 202 to 203).

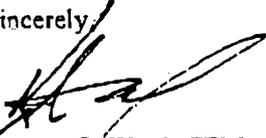
Upon review and inspection of this drain it has been determined that the drain is inadequate to handle the drainage from any additional impervious surfaces or connections and is in need of reconstruction. Therefore, this office shall deny any request for connections until the drain is reconstructed per IC36-9-27-17d.

This determination affects the following tracts within the Yansel Drainage Shed:

<u>Parcel Number</u>	<u>Owner</u>
03-02-33-00-00-015.000	Carson, John C. & Ruth A. Proctor
03-02-32-00-00-009.000	Earl, Mary Lou
03-06-04-51-00-002.000	McGill, Ronald
03-06-04-51-00-002.001	McGill, David
03-06-04-51-00-001.000	Sunset Tree Farms, LLC
03-06-05-51-00-008.001	Kerby, Roy H.
03-06-05-51-00-008.000	Sunset Tree Farms, LLC
03-06-05-51-00-008.003	Sunset Tree Farms, LLC
03-06-05-51-00-008.005	Robertson, Gloria C. & Roscoe R.
03-06-05-51-00-008.002	Edwards, Todd P. & Shannon M.
03-06-05-51-00-009.001	Titus, Jeffrey A. & Cheryl L.
03-06-05-51-00-009.002	Fisher, Mark J. & Sue E.
03-06-05-51-00-009.103	Heugel, J. D. Jr
03-06-05-51-00-009.003	Heugel, J. D. Jr & Vicky L Creuello
03-06-05-51-00-009.000	Brown, Christopher & Christy
03-06-04-51-00-010.000	Etchison, Michael T.

Any further construction of impervious surface shall overload the existing tile and shall require reconstruction of the Jacob Yansel Drain as per IC 36-9-27-17.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', written over the word 'Sincerely'.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm