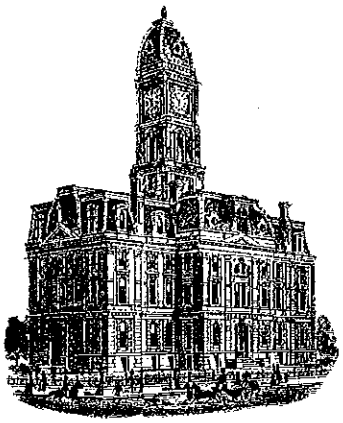

SURVEYOR'S OFFICE

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

September 29, 2015

To: Hamilton County Drainage Board

Re: Cool Creek Drain, Anna Kendall Arm, Mill Street Reconstruction

Attached are petition, plans, and other information for the proposed reconstruction of the Cool Creek Drain, Anna Kendall Arm, for the Mill Street Road Project. The reconstruction was petitioned by the City of Westfield. During the road reconstruction, the Anna Kendall Arm will be affected and those changes are as follows:

Anna Kendall - Main Arm

The project will reconstruct a portion of Anna Kendall Arm, with the placement of a new culvert and overflow weir structure under the new Mill Street. The reconstruction will intercept the original open ditch channel at Sta. 172+20, per the original1882 legal description, then run in a new channel through the new 48" CMP, and merges back into the original channel at Sta. 174+73. The new channel length will be 230 feet of open ditch between Sta. 2+70 and 5+00, as shown on sheets C2 and C3 of the Mill Street Reconstruction Project plans by Lochmueller Group, having project number 213-0027, and dated March 20, 2015.

The total length of new drain shall be 230 feet. The 253 feet of original drain between Sta. 172+20 and Sta. 174+73 per the original 1882 legal description, shall be vacated. This proposal will remove 23 feet from the Anna Kendall - Main Arm's total length.

Part of the construction of Mill Street is the new control structure and overflow weir that is designed to mimic the prior 48" pipe and old railroad embankment, which limited the flow of water through this point. This control structure and overflow weir was required to be provided to ensure no increased flows downstream. Per the 2014 FIRM maps from FEMA the upstream (south) side of the old railroad embankment has a BFE of 884 and the downstream (north) side has a BFE of 878. Therefore, removal of this system would create flooding that was not previously seen placing downstream properties in danger of flooding, and must be maintained per the design in perpetuity. The maintenance of the 48" CMP, control structure, overflow weir, and box structure under Mill Street will be the responsibly of the City of Westfield since it is all part of the new Mill Street road crossing. The open channel regulated drain through this area will only be responsible for maintaining flow in emergency situations to protect upstream landowners and not any structural features within the Mill Street ROW.

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Anna Kendall - Goodrich Brothers Arm

The project will reconstruct a portion of Goodrich Brothers Arm, with the placement of a new manhole, Str. 113 per the road plans, 35 feet east of existing Str. 9, which is labeled Str. 112 per the road plans, adjusting the casting height of existing Str. 9 to match new adjacent grade, and add new manhole, Str. 114 per the road plan, 270 feet east of existing Str. 9, removing the last 10 feet of existing pipe and replacing it with 25 feet of 33" pipe running in a north east direction, as shown on sheet R9 of the Mill Street Reconstruction Project plans by Lochmueller Group, having project number 213-0027, and dated March 20, 2015.

The total length of new drain shall be 25 feet. The last 10 feet of original drain west of the open ditch, per the 1988 Park Street Improvement plans, shall be vacated. This proposal will add 15 feet to the Anna Kendall – Goodrich Brothers Arm total length.

The cost of the reconstruction is to be paid by the City of Westfield.

Since the petitioner is the City of Westfield and is being performed under public bid process, no bond is required for the relocation/reconstruction work.

The easement for this drain shall remain the existing statutory 75' from the centerline of the tile or top of bank of the open ditch, as per IC 36-9-27-33. This reconstruction of the regulated drain will move the easement and work will be completed in the easement of the following parcels:

Parcel	Owner
09-09-01-02-07-016.000	City of Westfield
09-09-01-02-07-017.000	City of Westfield
09-09-01-02-07-018.000	City of Westfield
09-09-01-02-07-020.000	City of Westfield
09-09-01-02-07-024.000	City of Noblesville
09-09-01-02-07-024.001	City of Westfield
09-09-01-02-07-025.000	City of Noblesville
09-09-01-02-10-005.000	City of Westfield
09-09-01-02-10-006.000	City of Westfield
09-09-01-02-10-007.000	City of Westfield
09-09-01-02-08-001.000	City of Westfield
Mill Street ROW	City of Westfield
Park Street ROW	City of Westfield

I recommend the Board set a hearing for this proposed drain reconstruction for November 23, 2015.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

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HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

FILED
OCT 02 2015
OFFICE OF HAMILTON COUNTY SURVEYOR

IN RE: Cool Creek Drain, Anna Kendall Arm)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

City of Westfield (hereinafter Petitioner"),

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the Anna Kendall Arm, Cool Creek Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Anna Kendall Arm, Cool Creek Drain runs.
2. Petitioner plans to develop its real estate with roads, buildings, utilities, storm drains, sanitary sewers and other structures.
3. Petitioner's proposed development of its real estate will require relocation and reconstruction of a portion of the Anna Kendall Arm, Cool Creek Drain, as specifically shown on engineering plans and specifications filed with the Hamilton County Surveyor.
4. The work necessary for the proposed relocation and reconstruction will be undertaken at the sole expense of the Petitioner and such work will result in substantial improvement to the Anna Kendall Arm, Cool Creek Drain, without cost to other property owners on the watershed of the Anna Kendall Arm, Cool Creek Drain.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County Drainage Board authorizing relocation and reconstruction of the Anna Kendall Arm, Cool Creek Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.

Signed

Jeremy Lollar - Director of Public Works
Printed

Adobe PDF Fillable Form

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FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Cool Creek Drain, Anna Kendall Arm
Mill Street Reconstruction

Station 172+20 to Station 174+73

On this ***23rd day of November, 2015***, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the ***Cool Creek Drain, Anna Kendall Arm, Mill Street Reconstruction - Station 172+20 to Station 174+73.***

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 Drain, Anna Kendall Arm, Mill Street Reconstruction - Station 172+20 to Station 174+73.***

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger
President

Member

Member

Attest: Lynette Moskowitz

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FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Cool Creek Drain, Anna Kendall, Goodrich Brothers Arm
Mill Street Reconstruction

Last 10 Feet of Original Drain West of the Open Ditch
per the 1988 Park Street Improvements

On this ***23rd day of November, 2015***, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the ***Cool Creek Drain, Anna Kendall, Goodrich Brothers Arm, Mill Street Reconstruction - Last 10 Feet of Original Drain West of the Open Ditch per the 1988 Park Street Improvements.***

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 Drain, Anna Kendall, Goodrich Brothers Arm, Mill Street Reconstruction - Last 10 Feet of Original Drain West of the Open Ditch per the 1988 Park Street Improvements.***

HAMILTON COUNTY DRAINAGE BOARD

President

Member

Member

Attest:

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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, Anna Kendall Arm, Mill Street Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the ***Cool Creek Drain, Anna Kendall Arm, Mill Street Reconstruction*** came before the Hamilton County Drainage Board for hearing ***on November 23, 2015,*** 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, Anna Kendall Arm, Mill Street 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

H. C. Dullinger
PRESIDENT

Member

Member

ATTEST: Lynette Masbaugh
Executive Secretary

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BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Cool Creek Drain, Anna Kendall Arm
Mill Street Reconstruction

NOTICE

To Whom It May Concern and: _____
_____
_____

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **Cool Creek Drain, Anna Kendall Arm, Mill Street Reconstruction** on **November 23, 2015** at **9:00 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed by the Drainage Board have been filed and are available for public inspection in the office of the Hamilton County Surveyor.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY

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STATE OF INDIANA)
) SS BEFORE THE HAMILTON
)
COUNTY OF HAMILTON) DRAINAGE BOARD

IN THE MATTER OF **Cool Creek Drain, Anna Kendall Arm, Mill Street Reconstruction**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **November 23, 2015** adopted the reconstruction report of the Surveyor and the Amended Schedule of damages and assessments including annual assessment for periodic maintenance, finding that the costs, damages and expense of the proposed improvement would be less than the benefits which will result to the owner of lands benefited thereby.

The Board issued an order declaring the proposed improvement established. Such findings and order were marked filed and are available for inspection in the Office of the Hamilton County Surveyor.

If judicial review of the findings and order of the Board is not requested pursuant to Article VIII of the 1965 Indiana Drainage Code as amended within twenty (20) days from the date of publication of this notice, the findings and order shall become conclusive.

HAMILTON COUNTY DRAINAGE BOARD

BY: Steven C. Dillinger
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY

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