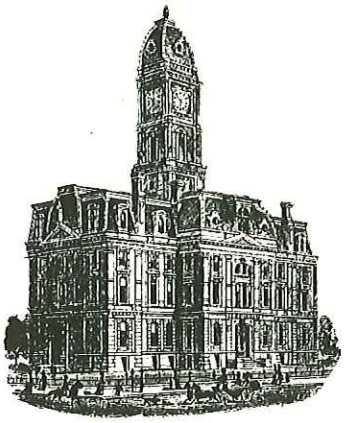

SURVEYOR'S OFFICE

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

February 1, 2013

To: Hamilton County Drainage Board

Re: Cool Creek Drain, P.L. Porter Arm, U.S. 31 Reconstruction - East Street

Attached are petition, plans, and other information for the proposed reconstruction of the P.L. Porter Arm of the Cool Creek Drain, for East Street, which is part of the U.S. 31 Road Project. The reconstruction was petitioned by the Indiana Department of Transportation. During the road reconstruction, the Cool Creek Drain, P.L. Porter Arm will be affected and those changes are as follows:

P.L. Porter Arm

The project will reconstruct a portion of open ditch which is part of the P.L. Porter Arm. The existing pipe end section, which is Str. 601 per the construction plans for P.L. Porter Company by Paul I. Cripe, having job number 89463-00000, and dated March 15, 1990, shall be removed. The existing open ditch will be enclosed with 71 feet of 30" RCP and the end section replaced on the new end of the pipe. This is as shown on sheets 55 and 93 of the U.S. 31 Construction plans having project number 1296427, contract number IR-34750, and dated August 10, 2012. The total length of new drain shall be 71 feet. The 71 feet of original open ditch shall be vacated.

This proposed reconstruction will result in no change to the total length of the P.L. Porter Arm.

The cost of the reconstruction is to be paid by the Indiana Department of Transportation.

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

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The easement for this drain shall remain the existing statutory 75' from the centerline of the tile or the top of bank of the open ditch, as per IC 36-9-27-33. This reconstruction of the regulated drain will not change or relocate the easement. Work will be completed in the easement of the following parcels:

Parcel	Owner
09-06-30-00-00-002.000	Jeannette L. Douglass, Trustee
08-06-30-00-00-005.000	George & Jeanette Douglass

I recommend the Board set a hearing for this proposed drain reconstruction for April 22, 2013.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

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Gasb 34 Asset Price & Drain Length Log

Drain-Improvement: Cool Creek: PL Porter - US 31 Reconstruction East St.

					If Applicable	
Drain Type:	**Size:**	**Length**	**Length (DB Query)**	**Length Reconcile**	**Price:**	**Cost:**
RCP	30"	71	71	Ø	$24.60/ft	$1746.60
Sum:		71	71	Ø		$1,746.60

Final Report:_____

Comments:

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FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Cool Creek Drain, P. L. Porter Arm, U.S. 31 Reconstruction - East Street

71′ of Original Open Ditch

On this ***22nd day of April, 2013,*** the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the ***Cool Creek Drain, P. L. Porter Arm, U.S. 31 Reconstruction - East Street, 71′ of Original Open Ditch.***

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, P. L. Porter Arm, U.S. 31 Reconstruction - East Street, 71′ of Original Open Ditch.***

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, P. L. Porter Arm,
U.S. 31 Reconstruction - East Street

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the ***Cool Creek Drain, P. L. Porter Arm, U.S. 31 Reconstruction - East Street*** came before the Hamilton County Drainage Board for hearing ***on April 22, 2013,*** 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, P. L. Porter Arm, U.S. 31 Reconstruction - East Street*** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

PRESIDENT

Member

Member

ATTEST: Executive Secretary

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BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Cool Creek Drain, P. L. Porter Arm
U.S. 31 Reconstruction – East Street

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, P. L. Porter Arm, U.S. 31 Reconstruction – East Street** on **April 22, 2013** at **9:05 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, P. L. Porter Arm, U.S. 31 Reconstruction, East Street**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **April 22, 2013** adopted the reconstruction report of the Surveyor and the Amended Schedule of damages and assessments including annual assessment for periodic maintenance, finding that the costs, damages and expense of the proposed improvement would be less than the benefits which will result to the owner of lands benefited thereby.

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

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

HAMILTON COUNTY DRAINAGE BOARD

BY: Christine Altman
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY

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