

Kenton C. Ward, CFM
Surveyor of Hamilton County
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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

June 29, 2010

To: Hamilton County Drainage Board

Re: John Owen Drain, North Harbour Extension

Attached is a drain map for the extension of the John Owen Drain. This proposed drain is located in Noblesville Township. This extension was set out in my classification report to the Board dated April 22, 2010 and approved by the Board on May 10, 2010 at which time the Board referred the list to the Surveyor for maintenance and reconstruction of drains as listed. This extension is a reconstruction of the John Owen Drain as per IC 36-9-27-34(b) (E). This report is being submitted per IC 36-9-27-49. This extension falls under subsection (b) (2) of Section 49. The drain is to be accepted in place without reconstruction costs or assessment.

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 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:

Open Ditch – 1,125 feet

The extension shall begin at a point in the open drain at the south right-of-way line of 211th Street. This point is the existing terminus of the regulated drain as described in my report dated February 23, 2010 for the John Owen Drain, Lions Creek Extension. This extension was approved by the Board at hearing on May 24, 2010. (See Hamilton County Drainage Board Minutes Book 12, Pages 552-553). Thence running downstream within the existing open ditch 1,125 feet through Harbour Town Apartments and North Harbour Section 15 (Lots 450, 451, 452 and 453.) and North Harbour Section 14 (Lot 436 and Common Area Block A) to its outlet in Morse Reservoir.

Platted drainage easements exist on the parcels involved per the plat of North Harbour, Section 14 as recorded in the office of the Hamilton County Recorder on May 18, 1978 in Deed Record Book 7, pages 44-46, per the plat of North Harbour, Section 15 as recorded in the office of the Hamilton County Recorder on May 16, 1978 in Deed Record Book 7, pages 36-38 and per the plat and for Harbour Town Apartments as recorded in the office of the Hamilton County Recorder on June 28, 1985 in Deed Record Book 349, pages 774-776. Therefore, I believe that no damages will result due to the regulating of this drain.

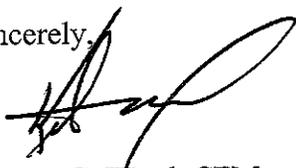
According to FEMA Flood Insurance Rate Map Number 18057C0130F, dated February 19, 2003, this area is also covered by mapped floodplain.

This proposed extension will affect the following tracts:

Parcel	Owner
11-06-15-00-00-019.001	Fifth Third Bank
11-06-15-03-05-001.000	Provence, Terry & Vicky L.
11-06-15-03-05-009.000	Frew, Mark T & Cynthia Lynn
11-06-15-03-05-008.000	Cates, Michelle L.
11-06-15-03-05-007.000	Deines, Charles E.
11-06-15-03-04-026.000	Lennon, Robert R. & M. Diane
11-06-15-03-04-022.000	Robertson, William R. & Cindy A.
11-06-15-03-04-023.000	Lang, Glen Scott
11-06-15-03-04-024.000	James, Peter D. & Anne F.
11-06-15-03-04-025.000	Busch, William J. & Michelle

I recommend that the Board set a hearing for this extension for August 23, 2010.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
John Owen Drain, North Harbour Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *John Owen Drain, North Harbour Extension* came before the Hamilton County Drainage Board for hearing *on August 23, 2010*, 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.

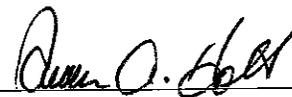
Wherefore, it is ORDERED, that the proposed Reconstruction of the *John Owen Drain, North Harbour Extension* be and is hereby declared established.

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



PRESIDENT



Member



Member

ATTEST: 
Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

John Owen Drain, North Harbour Extension

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 **John Owen Drain, North Harbour Extension** on **August 23, 2010**, 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

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

IN THE MATTER OF **John Owen Drain, North Harbour Extension**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **August 23, 2010** 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