

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*

April 2, 2014

To: Hamilton County Drainage Board

Re: Stony Creek Drain – Petition to Regulate

Attached is a petition filed by Brian and Carrie Taylor to regulate Stony Creek on their property located in Wayne Township in Hamilton County, Indiana. I have reviewed the petition and have found it to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will be less than the benefits accruing to the owners of land likely to be benefited. I also believe that no damages will result to landowners by regulating this drain. The drain will consist of the following:

Open Ditch      2,063 Feet

The starting point for the extension is the point where Stony Creek intersects the south property line of parcel # 12-07-25-00-00-001.001 currently owned by Brian and Carrie Taylor which is located approximately 811 feet south and 953 feet east of the northwest corner of Section 25, Township 19 North, Range 5 East and thence runs in a generally westerly direction following the downstream course of Stony Creek to the point where Stony Creek intersects the west property line of parcel # 12-07-25-00-00-001.001 located approximately 595 feet south of the afore said corner. The total length of the drain extension will be approximately 2,063 feet.

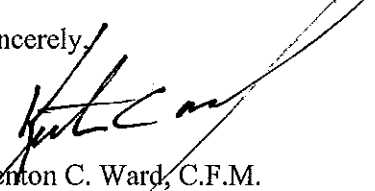
The parcel benefitted by this drain is currently assessed for the Stony Creek Regulated Drain. Therefore no changes in the current assessment shall be required.

The easement for the proposed arm across parcel # 12-07-25-00-00-001.001 shall be 75 feet from the top of bank on both sides of the ditch as set out in IC 36-9-27-33. On the north side the Taylor's have requested a non-enforcement, number INDNE-2014-00008, submitted on April 2, 2014 to reduce the easement to thirty (30) feet on that side. If the petition is approved at hearing I recommend the Board approve said non-enforcement.

Parcel # 12-07-25-00-00-001.001 is the only tract affected by the proposed extension.

I recommend the Board set a hearing for this proposed drain for May 27, 2014.

Sincerely,



Kenton C. Ward, C.F.M.  
Hamilton County Surveyor

KCW/llm

**Stony Creek Drain**

Brian & Carrie Taylor Petition

Excepting 2,063' of open ditch.

\*No reconstruction cost. Drain to be accepted in place without reconstruction costs.

\*No change in current maintenance assessment to Stony Creek.

Will add a 75' easement on both sides of the ditch.

INDNE-2014-00008 is requesting the north side be reduced to 30'.

Hearing: 05/27/14

Parcel	Owner	Description1	Acres	Benefited	RecAsmt	MntAsmt	MntPer
12-07-25-00-00-001.001	Mendenhall, Brian S, Charles R Mendenhall & Melissa S Worms	S25 T19 R5 25.00 Ac	*	*	*	*	100.00%
Contract Buyer	Taylor, Brian R & Carrie Anne King Taylor	S25 T19 R5 25.00 Ac	*	*	*	*	100.00%

14679



Pilgrim Rd



NON-ENFORCEMENT OF DRAINAGE EASEMENT ON INDIVIDUAL TRACTS



STATE OF INDIANA )

BEFORE THE HAMILTON

COUNTY OF HAMILTON )

COUNTY DRAINAGE BOARD

At the request of Brian and Carrie Taylor of Row Scrogg Vineyard & Winery The Hamilton County Drainage Board considered the extent of the drainage easement on the Stony Creek Drain on parcel number 12-07-25-00-00-001.001.

The legal description for this parcel is found in Deed Record Page or instrument number 2010036459 in the Hamilton County Recorders Office. The undersigned owners of record hereby agree and covenant with this Board that:

Neither the Hamilton County Drainage Board nor any contractor or workman operating under the authority of said Board will be liable for damages resulting from construction, reconstruction or maintenance of the above named drain at said location, whether to the real estate or improvements thereon, and said owners, their grantees and assigns do release and agree to hold the Board harmless from any such damage. \*\*Damages to paid by the land owner\*\*

The Board will not enforce the easement beyond a distance of 30 feet from the North side of the top of bank / center line of the tile of the said ditch / drain at that location.

The Board will not object to the improvement of the said real estate at a distance beyond the enforced portion of the easement.

OTHER CONDITIONS

AGREEMENT WILL BECOME EFFECTIVE UPON RECORDING.

DATED THIS DAY OF 20

PRESIDENT OF DRAINAGE BOARD

APPLICANT

MEMBER OF DRAINAGE BOARD

Brian R. Taylor

PROPRIETOR NAME

MEMBER OF DRAINAGE BOARD

CO-APPLICANT (Owner of Land Involved)

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law

Prepared by the Hamilton County Drainage Board: Kenton C. Ward

(Surveyor)

Revised February 2011

NON-ENFORCEMENT INFORMATION

Hamilton County Surveyor's Office  
One Hamilton County Square, Suite 188  
Noblesville, IN 46060  
317-776-8495 fax: 317-776-9628

Name of Drain: Stony Creek Project Name: \_\_\_\_\_

Parcel Number: 12-07-25-00-00-001, 001 Township: Wayne

Applicant's Name: Rain Song Vineyard & Winery Property Owner: Brian + Carrie Taylor

Address: 19539 Pilgrim Rd Property Address: 19539 Pilgrim Rd  
Noblesville, IN 46060 Noblesville, IN 46060

Phone: (317) 640 4534 Phone: (317) 640-4534

Fax: (317) 884-8789 Fax: ( ) \_\_\_\_\_

Contact Name: Brian Taylor Contractor-Installer: \_\_\_\_\_

Address: 1357 Worcester Dr, Canal <sup>IN</sup> 46033 Address: \_\_\_\_\_

Phone: (317) 640 4534 Phone: ( ) \_\_\_\_\_

Fax: (317) 884-8789 Fax: ( ) \_\_\_\_\_

Purpose of Non-enforcement: Preserve land/Trees for use by business.

Reduced to: 30 feet on North side of Drain.

If Utility, how many feet is line paralleling drain: \_\_\_\_\_

Plan Project / Job Number: \_\_\_\_\_

Project Location: \_\_\_\_\_

Engineering Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

**\*\*For Office Use Only\*\***  
Permit # \_\_\_\_\_ Project # \_\_\_\_\_ Check # \_\_\_\_\_

REVIEWED BY HAMILTON COUNTY AUDITORS OFFICE

10 day of Aug. 2010

B 12-07-25-00-00-001.001

13.00

2.00 NONE

MEMORANDUM OF LAND CONTRACT

KNOW ALL MEN BY THESE PRESENTS: A LAND CONTRACT has been executed this date by Charles R. Mendenhall, Brian S. Mendenhall and Melissa S. Worms ("Vendor"), and Brian R. Taylor and Carrie Anne King Taylor, Husband and Wife, ("Purchaser") for the following described real estate in Hamilton County, Indiana, to-wit:

A part of the Northwest quarter of Section 25, Township 19 North, Range 5 East located in Wayne Township, Hamilton County, Indiana, described as follows:

Beginning at the 1/2 inch iron rod at the Northwest corner of the Northwest quarter of Section 25, Township 19 North, Range 5 East; thence on the North line of said Northwest quarter North 89 degrees 36 minutes 16 seconds East (assumed bearing) 1334.00 feet to a mag nail at the Northeast corner of the Northwest quarter of said Northwest quarter; thence on the East line of the Northwest quarter of said Northwest quarter South 00 degrees 21 minutes 39 seconds East 815.80 feet to a mag nail; thence parallel with the North line of said northwest quarter South 89 degrees 36 minutes 16 seconds West 1335.76 feet to a 5/8 inch rod with yellow cap stamped Miller surveying on the West line of said Northwest quarter; thence on said West line North 00 degrees 14 minutes 16 seconds West 815.81 feet to the place of beginning, containing 25.00 acres, more or less. Commonly known as: 19539 Pilgrim Rd, Noblesville, IN 46060

all upon the covenants, terms and conditions set forth in said Land Contract.

IN WITNESS WHEREOF, Vendor and Purchaser have executed this instrument on this 2nd Day of August, 2010.

Signature Brian R. Taylor  
Brian R. Taylor

PURCHASER

Signature Carrie Anne King Taylor  
Carrie Anne King Taylor

**Purchaser's Acknowledgement**

STATE OF INDIANA )  
  ) SS:  
COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared Brian R. Taylor and Carrie Anne King Taylor, and acknowledged the execution of the foregoing Memorandum of Land Contract.

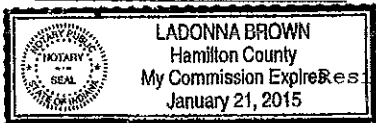
Witness my hand and Notary Seal this 2nd Day of August 2010.  
My commission expires:

Signature

Printed

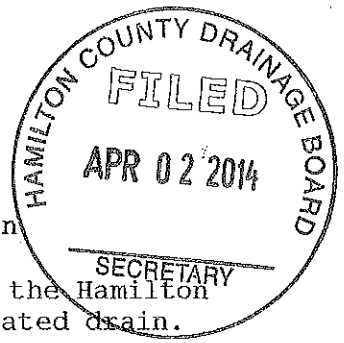
Notary Public

LADONNA BROWN  
Hamilton County  
My Commission Expires        in        County, Indiana  
January 21, 2015



2010036459 MEMO CONT \$15.00  
08/10/2010 10:03:02A 2 PGS  
Jennifer J Hayden  
HAMILTON County Recorder IN  
Recorded as Presented





To: Hamilton County Drainage Board

Re: In the matter of the Stony Creek Drain Petition  
only for parcel 12-07-25-00-00-001.001

Comes now the undersigned individuals, who petition the Hamilton County Drainage Board, per IC 36-9-27-54, for a new regulated drain. The undersigned believe the following:

1. They are owners of ten percent (10%) in acreage; or twenty five percent (25%) or more of the assessed valuation of the land that is outside the corporate boundaries of a municipality and is alleged by the petition to be affected by the proposed drain.

2. That as property owners within the drainage shed, they are qualified petitioners.

3. That they now desire that a regulated drain be established in Wayne Township, which involves the following public roads; 196th Street + Pilgrim Rd. and various areas surrounding these roads in the drainage shed.

4. The names and address of each owner affected by the proposed public drainage are attached hereto, made a part hereof, and marked Exhibit "A", which area of land involved in the proposed drainage area is located in section 25, township 19 north, range 5 east, Hamilton County, Indiana.

5. No other public lands or owners are located in the area which would affect improvement.

6. That the general route of the proposed drain is shown in the attached plan which is marked Exhibit "B" and made a part hereof.

7. That in the opinion of the Petitioner, the costs, damages, and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land to be benefited thereby.

8. That in the opinion of the Petitioner, the proposed improvement will improve the public health; benefit a public highway; and be of public utility.

~~9. That the name of the attorney or spokesman representing petitioner in the drainage petition is \_\_\_\_\_, who has an office at or whose address is \_\_\_\_\_, phone \_\_\_\_\_.~~

~~10. That Petitioners shall pay all the cost of notice and all legal costs if the petition is dismissed. These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.~~

~~11. Petitioners shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established. These costs include but are not limited to engineering, appraisals, surveying and other costs associated with the proposed drain.~~



