



SURVEYOR'S OFFICE

# Hamilton County

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To: Hamilton County Drainage Board

Re: Drain Classification

Under the authority of the Indiana Drainage code: IC 36-9-27-34, I hereby submit the following drains for classification:

**A. DRAINS IN NEED OF RECONSTRUCTION**

|                                       |                               |
|---------------------------------------|-------------------------------|
| 1. Emily Vestal Drain                 | 6,797.82 ac                   |
| 2. Jesse DeVaney Drain (Taylor Creek) | 3,425.99 ac                   |
| 3. Wm P. Bennett Drain                | 1,651.75 ac                   |
| 4. William Locke Drain (Stony Creek)  | 7,553.94 ac (Ham. & Mad. Co.) |
| 5. Sand Creek Drain                   | 6,935.28 ac                   |
| 6. Mallery-Granger Drain              | 974.76 ac                     |
| 7. Mary Wilson Drain                  | 821.00 ac                     |
| 8. E. Clark & S.J. Compton Drain      | 4,369.70 ac                   |
| 9. Wheeler & Beals Drain (Cool Creek) | 4,108.00 ac                   |
| 10. Abe Laudig & James Wheeler Drain  |                               |

**B. DRAINS IN NEED OF MAINTENANCE**

|   |             |
|---|-------------|
| 1. C. Osborn & J. R. Collins Drain (Williams Creek) | 2,123.50 ac |
| 2. West Bear Creek                                  | 1,789.97 ac |
| 3. O. F. Beeson Drain                               | 4,708.30 ac |
| 4. Elijah Jay Drain                                 | 2,258.48 ac |
| 5. Johnson & Gardner Drain                          | 3,216.52 ac |
| 6. Isaac Jones & T. B. Lindley                      | 7,305.10 ac |
| 7. Mud Creek  | 9,600.00 ac |
| 8. Duck Creek                                       | 4.3 sq. mi. |
| 9. Thorpe Creek                                     | 2,000.00 ac |
| 10. W.C. VanArsdale Drain                           |             |
| 11. James E. Driver Drain                           |             |
| 12. Herbert Billingsley Drain                       |             |
| 13. Guy Guilky Drain                                |             |
| 14. Thomas Lindley Drain, Carey Horney Arm          |             |
| 15. Green Harris Drain                              |             |
| 16. Kline-Miller Drain                              |             |

## 17. A. Stehman Drain

ALL OTHER REGULATED DRAINS/DITCHES THAT WERE CERTIFIED TO THE AUDITOR OF HAMILTON COUNTY IN 1957, AS REGULATED DRAINS/DITCHES TO BE CLASSIFIED AS DRAINS/DITCHES IN NEED OF PERIODIC MAINTNENACE.

### C. DRAINS IN NEED OF VACATION

No drain found to be in need of vacation at this time.

### **DRAIN MAPPING PROJECT:**

During the mapping project which was completed in 2005 for the regulated drains, eight (8) new drains were discovered. These drains were not listed on the drains which were certified to the Auditor in 1957. The 1957 list has been utilized for the classification list since 1965. Utilizing the 1957 list, plus adding new drains or removing vacated drains over the years, the length of drains which had been reported previously was 1,077 miles. As a result of the mapping project the length of drain miles increased to 1,095 miles. This figure is believed to be very accurate based on the methodology which was utilized in the creation of the new mapping. This is the length reported to the Auditor in 2004 for the GASB34 reporting of Capital improvements.

The new drains that were added to the classification list in 2005 are as follows:

James E. Driver Drain  
Abe Laudig & James Wheeler Drain  
Herbert Billingsley Drain  
Guy Guilky Drain  
Thomas Lindley Drain, Carey Horney Arm  
Green Harris Drain  
Kline-Miller Drain  
A. Stehman Drain

At this time these drains have been added to the classification list as drains which are in need of maintenance. As more data is compiled for each of these the classification could change at a later date. Whenever possible these drains should be consolidated with the drain which serves as its receiving stream.

### **REGULATED DRAIN EXTENTIONS:**

Along with the classification list, I also recommend that the following drains be extended in length to the indicated receiving streams or County boundaries.

Thorpe Creek & Underwood Drains to Geist Reservoir  
Obrien & Craig Drains to White River  
Lynnwood Drains to White River  
Shoemaker & Krause Drains to White River  
Shyrock, Kepner & Cornthwaite Drains to White River  
Schneider Pierce Drains to White River  
William Locke as Stony Creek to White River  
Harriet Sheward Drains to White River  
Rebecca Roberts Drain to White River  
Lincoln Smith Drain to White River  
Albert Shaw Drain to Boone County line  
Long Branch (J.W. Brendel) Drain to Boone County line  
Timber Heights Drain to Carmel Creek

Fertig/Hawkins Drain as Carmel Creek Drain to Marion Co. line  
Home Place/Ream Creek Drains to Marion Co. line  
Richard Moffitt Drain to Carmel Creek  
Ed Waltz/Bear Slide Creek to Morse Reservoir  
J.H. Leap Drain to Morse Reservoir  
John Owens Drain to Morse Reservoir  
Clara Gintert Drain to White River  
Henry Gunn Drain to White River  
Symons Ditch as Little Cicero Creek to Morse Reservoir  
Wilson-Nagle Drain to Big Cicero Creek  
Ehman-Raquet Drains to Little Cicero Creek  
William Baker/Baker Jones drains to Hinkle Creek  
Jacob Yansel Drains to Hinkle Creek  
George Booth, Pebble Brook, Beals & Cox, Ellis Barker,  
Bliss Johnson, Mill Creek as Sly Run Drains to White River  
Stuart Rawlings Drain to Little Eagle Creek  
Alva Osborn as Little Eagle Creek to Boone County line  
William Lock as Stony Creek to Madison County line  
Frank Huffman Drain to William Locke

I believe that as the Stormwater Phase II Program progresses in Hamilton County that the above extension will become important. Doing so will allow the Drainage Board better control of the stream not only hydraulically but more importantly in regards to water quality.

#### **DRAINAGE SHEDS:**

I recommend the Board continue the creation of larger drainage sheds. By the identification of the main receiving stream and the inclusion of a single rate schedule which blankets the entire drainage shed, main and the various smaller drains which enter into it, will have long range benefits. These are as follows:

1. Reduce the number of funds to be managed. At this time the Board has 351 drain funds for maintenance. As an example, if the Mud Creek/Sand Creek basin is created, 23 smaller funds would be included within the drain.
2. Reduce the need for the creation of future funds.
3. Eliminate the problem of the smaller sheds, which cannot generate enough funds for maintenance, of being in the red and having to borrow from GDIF.
4. Reduce the number of multiple assessments on single tracts. This is important if the drain billing is to be done on the individual property tax bill in the future.
5. Perhaps if the number of funds are reduced and become more manageable from an accounting perspective, the Treasurer would add interest to the maintenance funds. Doing so should eliminate a complaint from the landowners that have been heard by the Board and myself many times in the past. This would also help the funds financially and provide better service to the landowners within the drainage sheds. However, this could be negated if the Board were to be able to utilize the General Drain Improvement Fund interest for Phase II Funding.

In the future the Board may wish to collect on the maintenance funds until the fund reaches eight (8) times the annual assessment instead of four (4) times the annual assessment which is currently done. This is allowed under IC 36-9-27-43. This will increase the available balance in the drain funds. The Board would then be able to utilize maintenance funds to partially pay for reconstruction projects. Under IC 36-9-27-45.5, the Board may transfer up to 75% of a maintenance fund to pay for reconstruction projects. This could reduce, or eliminate, the assessments for future reconstructions.

**IC 36-9-27-43**

**OMMISSION OF ANNUAL ASSESSMENT:**

- a. If in any year a maintenance fund established under Section 44 of this chapter has an unencumbered balance equal to or greater than four (4) times the estimated annual cost of periodically maintaining the drain for which the fund was established, the annual assessment for the maintenance of that drain may be omitted for that year.
- b. The County Drainage Board may collect the drain assessment even though the unencumbered balance of the maintenance fund is equal to or greater than four (4) times the estimated annual cost of periodic maintenance of the drain for which the fund was established if the Drainage Board does the following.
  1. Conducts a public hearing in accordance with Section 40 of this chapter.
  2. At the public hearing estimates what the unencumbered balance of the maintenance fund would be, as a multiple of the estimated annual cost of periodic maintenance of the drain, after the collection of the total amount that the Board intends to collect in assessments. However, the annual assessment for the maintenance of the drain shall be omitted if, according to the estimate of the Board, the collection of the intended total amount of assessments would increase the unencumbered balance of the maintenance fund to equal or exceed eight (8) times the estimated annual cost of periodic maintenance of the drain for which the fund was established.

As added by Acts 1981, P.L. 309, Sec.101. Amended by P.L.276-2001, Sec.13.

**IC 36-9-27-45.5**

**EXCESS DRAINAGE MAINTENANCE FUND BALANCE; TRANSFER OF FUNDS:**

- a. This section applies when a county surveyor advises the drainage board that in the county surveyor's opinion a maintenance fund has a balance in excess of the amount reasonably needed in that fund for maintenance work in the foreseeable future.
- b. The board may transfer an amount up to a maximum of seventy-five percent (75%) of the money in the maintenance fund to a reconstruction fund that covers the same watershed as the maintenance fund from which the money is transferred.

As added by P.L.154-1993, Sec.6.

**ASSESSMENT INCREASES:**

In 2005 the Board began increasing maintenance assessments for drains throughout the county to a standard set of rates. The rates are as follows:

1. Maintenance assessment for roads and streets set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts set at a minimum of \$2.00 per acre with a \$15.00 minimum per tract.
3. Maintenance assessment for non-platted residential tracts be set at a minimum of \$2.00 per acre with a \$15.00 minimum per tract.

4. Maintenance assessment for commercial, institutional and multi-family residential tracts be set at a minimum of \$10.00 per acre with a \$75.00 minimum per tract.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by a city or town) set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$5.00 per acre with a \$35.00 minimum per tract.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at a minimum of \$65.00 per lot/minimum. Common areas within the regulated drain subdivision shall be set at a minimum of \$10.00 per acre with a \$65.00 minimum per tract.

I recommend the Board continue this process until all rates are adjusted to the above levels. At sometime in the future rates should be increased. This increase can be at a given time period such as every 2, 5 or 10 years so as to keep up with the increasing costs of materials. This can be done at given percentages such as 5, 10 or 15% on a regular basis. The Board could also utilize IC 36-9-27-42 whereby the Board can increase the maintenance assessment for a drain up to 25% without hearing. A listing of the current drain assessments with balances are included in this report.

**IC 36-9-27-42**

**INCREASES AND DECREASES IN ASSESSMENTS FOR PERIODIC MAINTENANCE OF DRAINS; PROCEDURE:**

- a. The board may at any time increase or decrease the amount annually assessed for periodic maintenance of a regulated drain if the board finds that the county surveyor's estimate of the cost of maintaining the drain was insufficient or excessive.
- b. The board may decrease the amount annually assessed without notice to the affected owners if the percentage of benefit assigned to all tracts of land affected is not changed from that originally determined by the board.
- c. The board may increase the amount annually assessed once without notice to the affected owners if:
  1. the percentage of benefit assigned to all tracts of land affected is not changed from that originally determined by the board; and
  2. the increase does not exceed twenty-five percent (25%) of the amount initially established.
- d. If the board:
  1. finds that the percentage of benefit assigned to any particular tract or tracts of land should be increased due to a change in land use or for any other reason; or
  2. proposes an increase or decrease that would affect all of the lands assessed for the maintenance of the drain and that is not exempted from the giving of notice under subsection (b) or (c); the board shall mail a notice to the owner or owners of the land. The notice must state the proposed change in the assessment, and specify a date, time, and place, not less than ten (10) days after the notice is mailed, when the board will hear objections to the change. An owner may file written objections to the proposed change on or before the date of the hearing. At the hearing, the board shall consider all objections and evidence filed and shall enter an order as justice may require. The board

shall mail a copy of its order to the owner or owners affected. If an owner does not request judicial review of the order under section 106 of this chapter within twenty (20) days after his receipt of the copy of the order, the order becomes conclusive.

- e. A joint board that includes three (3) or more counties in a drainage basin that exceeds one hundred thousand (100,000) acres shall publish notice in accordance with IC 5-3-1 instead of mailing notice to the owner or owners of land as required by subsection (d).

*As added by Acts 1981, P.L.309, SEC.101. Amended by Acts 1981, P.L.317, SEC.25; P.L.370-1983, SEC.2.*

### **DRAINS IN RIGHT OF WAY:**

Recently it has come to the forefront that when the regulated drain parallels the roadway that problems are beginning. This is particularly true in urbanizing areas. The following areas should be considered for reconstruction in the future. This could be done by developers as development occurs or thru the regular reconstruction process.

#### **ADAMS TOWNSHIP**

1. Thomas Pierce # 255— approximately 1,300 feet east of Jerkwater Road on 281st Street
2. J M Endicott # 266 --- approximately 1,300 feet east of Ditch Road on 296th Street
3. J M Endicott # 266 --- approximately 630 feet south of 296<sup>th</sup> Street on Six Points Road
4. Mary Parks # 287 --- east and west of Dunbar Road along the south side of 276th Street
5. George Symonds # 283 --- approximately 520 feet south of 256th on west side of Six Points Road
6. Pearson Drain ---approximately 450 feet north of 236th Street on east side of Ham./ Boone Co. line
7. Pearson Drain --- approximately 2,900 feet south of 236th Street on west side of Ham. / Boone Co. line

#### **JACKSON TOWNSHIP**

8. W P Bennett Drain --- approximately 200 feet east of US-31 on south side of 266th Street
9. W P Bennett Drain --- approximately 2,700 feet east of US-31 on south side of 266th Street
10. W P Bennett Drain --- approximately 2,200 feet south of 276th Street along north side of Salem Road.
11. W P Bennett Drain --- approximately 730 feet west of Salem Road along south side of 276th street
12. Hunter Snowburger Drain --- approximately 300 feet south of 296th Street along east side of DeVaney Road
13. Lewis Wright Drain --- approximately 230 feet west of Edmondson Road along south side of 296th Street
14. H A McMullen # 118 --- along Millersburg Road at 281st Street
15. Big Cicero Creek # 249 --- along west side of Crooked Creek Road north of new bridge north of 266th Street
16. Mary Nagle # 140 --- approximately 100 feet south of 231st Street along west side of Toll Gate Road
17. Charles Caylor # 204 --- approximately 1,000 feet north of 256th Street along east side of Lacy Road
18. Jonas Rogers # 84 --- approximately 3,200 feet east of ST RD 213 along the south side of 296th Street
19. F Beeson Drain --- approximately 75 feet south of 291st Street along west side of Carpenter Road
20. F Beeson Drain --- approximately 1,700 feet south of 291<sup>st</sup> Street on west side of Carpenter Road

#### **WHITE RIVER TOWNSHIP**

21. Duck Creek --- approximately 600 feet west of ST RD 37 along Duck Creek Ave.
22. Duck Creek --- north and south of 276th street along Duck Creek Ave.

**WASHINGTON TOWNSHIP**

- 23. Kreager Hinshaw # 108 --- approximately 1,200 feet north of 206th street on east side of Ham. / Boone Co. line
- 24. Cove Horney # 36 --- approximately 700 feet west of Springmill Road on south side of 193rd Street
- 25. Issac Jones Drain --- approximately 900 feet east of Oak Ridge Road along north side of 206th Street
- 26. Wheeler & Beals Drain --- along the east side of Flippens Road at 191st Street
- 27. Wheeler & Beals Drain --- along Grassy Branch Road at 186th Street
- 28. Gardner & Johnson Drain --- approximately 1,900 feet north of ST RD 32 along the west side of Joliet Road
- 29. Gardner & Johnson Drain --- approximately 2,000 feet south of ST RD 32 along the east side of Joliet Road
- 30. Osborne Collins Drain --- approximately 1,300 feet west of Springmill Road on north side of 156th Street
- 31. U G Mitchner # 275 --- approximately 550 feet north of 146th Street on east side of Gray Road

**NOBLESVILLE TOWNSHIP**

- 32. Wheeler & Wheeler Drain # 25 --- approximately 350 feet north of Greenfield Ave. on east side of Cumberland Road
- 33. Schneider-Pierce # 100 --- approximately 1,700 feet west of Creek Road on north side of 206th Street

**WAYNE TOWNSHIP**

- 34. Frank Huffman # 190 --- approximately 650 feet north of 211th Street on east side of Cyntheanne Road
- 35. John Underwood # 59 --- along the south side of 146th Street at Atlantic Road

**CLAY TOWNSHIP**

- 36. Stultz & Almond # 45 --- approximately 1,200 feet west of Ditch Road on south side of 136th Street
- 37. Moffitt-Williamson # 177 --- along north side of 106th Street between Stratford Place and Haverstick Road

**DELAWARE TOWNSHIP**

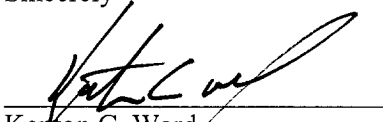
- 38. R J Craig # 38 --- approximately 1,000 feet east of Hague Road on south side of 106th Street

**FALL CREEK TOWNSHIP**

- 39. Sand Creek Drain -- approximately 300 feet west of Marilyn Road on north side of 136th Street
- 40. John Underwood # 59 -- approximately 1,400 feet east of Cyntheanne Road on north side of 136th street
- 41. Thorpe Creek --- North and south of 136th Street west of Atlantic Road

The following pages are documentation for each drain listed on the classification list. Also attached are maps for each drain classified.

Sincerely

  
\_\_\_\_\_  
Kerton C. Ward  
Hamilton County Surveyor