

MORGAN COUNTY DRAINAGE BOARD

*Public Reconstruction Hearing for Hilldale Cemetery Ditch Regulated Drain*

*October 12, 2023  
8:30 A.M.*

Drainage Board members present were: Bryan Collier, Don Adams (arrived for the final voting) and Kenny Hale. Also present were Terry Brock, Surveyor, Jim Wisco, Attorney, Joe Miller with Banning Engineering and Kerstin Woodard, Recording Secretary.

Call to Order

-Determination of a Quorum-*Quorum was present*

-Pledge of Allegiance

-Approval of the Agenda-*Mr. Hale made a motion to approve the agenda for the Public Reconstruction Hearing for Hilldale Cemetery Ditch Regulated Drain. Mr. Collier seconded the motion, motion carried 2-0.*

New Business

Mr. Collier opened the Public Reconstruction Hearing for Hilldale Cemetery Ditch Regulated Drain.

The Reading of the Surveyor's Report by Mr. Brock. (see page 112, Drainage Book 2)

The Reading of the Finding of Facts by Mr. Wisco. (see page 113-115, Drainage Book 2)

Mr. Miller, with Banning Engineering, summarized the Engineer's Report. Mr. Miller stated that the proposed reconstruction site extends from Mahalassville Road to Artesian Avenue, about 3,300 linear feet. The existing condition of Hilldale Cemetery Ditch is about a 4-5-foot bottom width, close to 6 feet in some spots, with 1-1 ½ foot side slopes. The capacity of the ditch is about half of what the Mahalassville culvert is presently, leading to the risk of back up. Through the course of the reconstruction a two-stage ditch is proposed which will take the top of bank 15-20 feet additionally landward away from the ditch. The bottom of the ditch will 6-feet with a shelf and 3-1 slopes on each side, allowing mowing to occur a little more readily. The project itself would add approximately 11-acre feet of flood plain storage in the area to help reduce flooding risks. The added capacity of the two-stage ditch makes the Mahalassville culvert capacity before it is over the top of the road bringing the ditch up to that capacity and functions in unison with the culvert. This also allows the ditch to get down to grade at Artesian about a foot to 1 ½ feet lower than what is presently available. The construction estimate is 1.28 million.

Mr. Brock stated that the easement is not being extended.

Mr. Miller stated the two-stage ditch has multiple benefits, it allows flood waters to stay in the ditch as opposed to coming out allowing storage that adds capacity, from a flow standpoint. From an environmental standpoint it allows the ditch to function as a flood plain. That second stage will get water very frequently and it will allow the ditch to need maintained less frequently. It is a maintenance benefit as well as a flood reduction benefit.

Mr. Brock asked to have a copy of the timeline of the Reconstruction entered into the minutes (see page 116, Drainage Book 2). Mr. Hale made a motion to enter the presented timeline into the minutes, Mr. Collier seconded the motion. Motion carried 2-0.

Mr. Collier stated that there is a 1.28 million-dollar Readi Grant covering the Reconstruction, had it not been available he would have anticipated a lot of opposition being present at the hearing. There are many landowners within the Hilldale Watershed, with several owning more than one parcel, which could have led to roughly a \$ 2,500 assessment. Mr. Collier stated that Morgan is starting to get pressure to build, which means a lot more runoff with no where to go. Fortunately, obtaining the Readi Grant has removed a financial burden from the landowners and Mr. Collier is hopeful that by addressing the needed reconstruction now flooding will not continue to be an issue.

Mr. Collier opened the floor to those in favor of the Reconstruction-*no one signed up to speak.*

Mr. Collier opened the floor to those in opposition of the reconstruction-*one person signed up to speak- Dwayne Leonard, 2185 Cramertown Loop, Martinsville.*

Mr. Leonard addressed the Board, expressing concerns over loss of ground and the compaction that would be caused by the heavy equipment used during the Reconstruction, leading to loss of several years of crops.

No other speakers came forward, Mr. Hale Made a motion to close the public hearing. Mr. Adams seconded the motion, motion carried 3-0.

-Board Discussion

Mr. Hale stated that he is a big proponent for the two-stage ditch as he has seen the flooding that occurs. Mr. Hale expressed his understanding about the fear of compaction during the Reconstruction, but in the long run it will be beneficial for not only the Leonard's, but it is also what is best for the County.

Mr. Adams stated that with the work planned starting in February, compaction should not be a huge issue, but suggested that, after work is complete, the County should follow up with breaking the soil up to alleviate the compaction. Mr. Adams agreed that the Reconstruction has to occur in order to help with the continued growth of Martinsville.

Hilldale Cemetery Ditch was originally dug in 1891, Mr. Brock can find no evidence of the ditch ever being reconstructed, only maintained. Mr. Brock stated that the ditch was originally designed for farmlands; now half of the watershed is impervious area. With the planned addition of 280 homes in Hanna Farms, an additional 100+ homes to be built in Indian Creek Village, and the possible development of the Schwab's 90 acres, Hilldale Cemetery Ditch is not able to currently handle the added water and will lead to flooding.

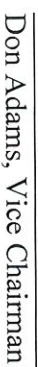
Mr. Hale made a motion to approve the Reconstruction of Hilldale Cemetery Ditch. Mr. Adams seconded the motion, motion carried 3-0.


Adjournment

Mr. Hale made a motion to adjourn, Mr. Adams seconded the motion. Motion carried 3-0.

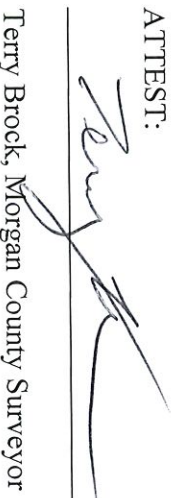
MORGAN COUNTY DRAINAGE BOARD

  
Bryan Collier, Chairman

  
Don Adams, Vice Chairman

  
Kenny Hale, Member

ATTEST:

  
Terry Brock, Morgan County Surveyor



# Morgan County Surveyor's Office

*Terry Brock, Surveyor*

180 South Main Street, Suite 010  
Martinsville, IN 46151  
morgancounty.in.gov/surveyor



Phone: 765-342-1064  
E-mail: [tbrock@morgancounty.in.gov](mailto:tbrock@morgancounty.in.gov)

August 7, 2023

TO: Morgan County Drainage Board

RE: Surveyor's Report for Hilldale Cemetery Ditch Regulated Drain Reconstruction

This project is to be paid for by a Read Grant through the State, which was received March of 2023 for 1.28 million dollars. In order to facilitate site improvements, the proposal is to reconstruct the existing drain per construction plans by Banning Engineering.

The original Hilldale Cemetery Ditch Regulated Drain was established April 27, 1891. The Hilldale Cemetery Ditch Regulated Drain is located in Washington Township of Morgan County and runs along the center of Section 10, Township 11 North, Range 1 East and the North West quarter of Section 15, Township 11 North, Range 1 East.

The project, per Banning Engineering plans, will begin at the culvert under Mahalasyville Road at Station 0+00 and runs to the bridge underneath Artesian Avenue at Station 33+45.81. The reconstruction may involve over excavation of the banks as shown on Banning Engineering's plans. The reconstruction length of the Hilldale Cemetery Ditch Regulated Drain is 3,345.81 feet of open drain.

Per the plans by Banning Engineering, the existing drain will be reconstructed within the project site effecting parcels 55-13-10-200-004.000-023 and 55-13-10-400-001.000-023 owned by Schwab Family Associates LP., parcel 55-13-10-300-002.001-021 owned by Indian Creek Homes LLC., and parcels 55-13-10-300-004.001-023, 55-13-10-300-004.000-020, 55-13-10-300-005.000-020, 55-13-10-400-003.000-020 owned by James D. and Eva K. Leonard Family Trust.

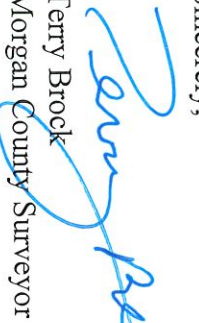
The estimated cost for the reconstruction of the drain is 1.28 million dollars, the percentage of cost per parcel is 0.0% and the annual one-time assessment per parcel is 0.0 dollars.

This project meets the criteria for the reconstruction of a regulated drain as laid out in IC 36-9-27-52.5.

I recommend the Board set a hearing for this proposed drain reconstruction on October 12, 2023.

Plans are located in the Morgan County Surveyor's Office for review.

Sincerely,

  
Terry Brock  
Morgan County Surveyor

**MORGAN COUNTY DRAINAGE BOARD**  
**MORGAN COUNTY, INDIANA**

**Findings of Fact**  
**Reconstruction of the Hilldale Cemetery Ditch Regulated Drain**

WHEREAS, the Morgan County Drainage Board (“Drainage Board”) is established by I.C. § 36-9-27-4 and has jurisdiction over all regulated drains in Morgan County, Indiana (“County”), which includes the authority to construct, reconstruct, and maintain public drains in order to alleviate problems associated with flooding, wetlands, and other accumulated surface water, as promulgated by, I.C. § 36-9-27 *et. seq.*; and,

WHEREAS, in accordance with I.C. § 36-9-27-29, the Morgan County Surveyor (“Surveyor”) is the technical authority on the construction, reconstruction, and maintenance of all regulated drains or proposed regulated drains in the County, and is charged with investigating, evaluating, and surveying all regulated drains or proposed regulated drains, preparing all reports, plans, profiles, and specifications necessary or incident to any proposed construction, reconstruction, or maintenance of regulated drains, and supervising all construction, reconstruction, and maintenance work performed under I.C. § 36-9-27; and,

WHEREAS, the original Hilldale Cemetery Ditch Regulated Drain was established April 27, 1891 and is located in Washington Township of Morgan County and runs along the center of Section 10, Township 11 North, Range 1 East and the North West quarter of Section 15, Township 11 North, Range 1 East; and,

WHEREAS, at the regular meeting of the Drainage Board conducted on December 5, 2022, the Surveyor addressed issues concerning the current capacity of the Hilldale Cemetery Ditch Regulated Drain, and a motion was unanimously approved to proceed with reconstruction of the same in order to increase its capacity; and,



**MORGAN COUNTY DRAINAGE BOARD**  
**MORGAN COUNTY, INDIANA**

**Findings of Fact**

**Reconstruction of the Hilldale Cemetery Ditch Regulated Drain**

**WHEREAS**, the Morgan County Drainage Board (“Drainage Board”) is established by I.C. § 36-9-27-4 and has jurisdiction over all regulated drains in Morgan County, Indiana (“County”), which includes the authority to construct, reconstruct, and maintain public drains in order to alleviate problems associated with flooding, wetlands, and other accumulated surface water, as promulgated by, I.C. § 36-9-27 *et. seq.*; and,

**WHEREAS**, in accordance with I.C. § 36-9-27-29, the Morgan County Surveyor (“Surveyor”) is the technical authority on the construction, reconstruction, and maintenance of all regulated drains or proposed regulated drains in the County, and is charged with investigating, evaluating, and surveying all regulated drains or proposed regulated drains, preparing all reports, plans, profiles, and specifications necessary or incident to any proposed construction, reconstruction, or maintenance of regulated drains, and supervising all construction, reconstruction, and maintenance work performed under I.C. § 36-9-27; and,

**WHEREAS**, the original Hilldale Cemetery Ditch Regulated Drain was established April 27, 1891 and is located in Washington Township of Morgan County and runs along the center of Section 10, Township 11 North, Range 1 East and the North West quarter of Section 15, Township 11 North, Range 1 East; and,

**WHEREAS**, at the regular meeting of the Drainage Board conducted on December 5, 2022, the Surveyor addressed issues concerning the current capacity of the Hilldale Cemetery Ditch Regulated Drain, and a motion was unanimously approved to proceed with reconstruction of the same in order to increase its capacity; and,

**WHEREAS**, at the regular meeting of the Drainage Board conducted on August 7, 2023, the Surveyor presented his report for reconstruction of the Hilldale Cemetery Ditch Regulated Drain, which includes surveys, maps, profile plans, and specifications, an estimated cost of the reconstruction, and a list of all effected property owners, in compliance with I.C. § 36-9-27-49; and,

**WHEREAS**, the Surveyor has also consulted with the Drainage Board concerning the preparation of a schedule of assessments, determining the amount of damages sustained by owners, setting forth each landowner's assessment for the reconstruction, and setting forth each landowner's annual assessment for maintenance, in compliance with I.C. § 36-9-27-49; and,

**WHEREAS**, the reconstruction will be paid for by a Read Grant through the State of Indiana, which was received in March of 2023 in the sum of One Million Two Hundred Eighty Thousand Dollars (\$1,280,000.00); and,

**WHEREAS**, as a result of the above-referenced Read Grant, there will be no additional assessment or burden to landowners; and,

**WHEREAS**, this project meets the criteria for the reconstruction of a regulated drain as laid out in I.C. § 36-9-27-52.5, I.C. § 36-9-27 *et seq.*; and,

**WHEREAS**, the notice requirements for this project have been completed in accordance with I.C. § 36-9-27 *et seq.*; and,

**WHEREAS**, the Drainage Board has followed the procedure established by I.C. § 36-9-27 *et seq.* and given due consideration to the necessity of the project, its effect on landowners, and other information as required by statute and as relevant in its determination; and,

**WHEREAS**, the Drainage Board held a public hearing on October 12, 2023, and at such time landowners and members of the public were given the opportunity to address the project and speak favorably as to the same or in opposition thereto; and,

**WHEREAS**, given the foregoing, the Drainage Board finds that the benefits of completing this project are numerous and substantiate an overall benefit to effected landowners and the general public that greatly exceeds any detrimental effect, and thus believes the same should be approved and completed.

**THEREFORE BE IT RESOLVED**, by the Morgan County Drainage Board that it hereby **APPROVES** of the **RECONSTRUCTION OF THE HILLDALE CEMETERY DITCH REGULATED DRAIN**, in accordance with the recommendation of the Morgan County Surveyor and with the plans and reports tendered therewith.

**MORGAN COUNTY DRAINAGE BOARD**

  
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BRYAN COLLIER

  
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KENNY HALE

  
\_\_\_\_\_  
DON ADAMS

  
\_\_\_\_\_  
TERRY BROCK  
MORGAN COUNTY SURVEYOR



# Morgan County Drainage Board

*180 South Main Street ~ Suite 010  
Martinsville, IN 46151*

Phone: 765-342-1064

Bryan Collier, Chairman  
Don Adams, Vice Chairman  
Kenny Hale, Member



[tbrock@morgancounty.in.gov](mailto:tbrock@morgancounty.in.gov)

## Hilldale Cemetery Ditch Reconstruction

- Burke Engineering-Drainage Study
  - August 16, 2021
- Banning Engineering-
  - October 18, 2022
- Patriot-Geotechnical Engineering Exploration
  - November 16, 2022
- Drainage Board Approved Beginning the Reconstruction Process
  - December 5, 2022
- Submittal Sent for the Readi Grant
  - February 2023
- Approved for Readi Grant
  - March 7, 2023
- Received and Signed Plans from Banning Engineering, Project # 22426
  - August 3, 2023
- Drainage Board Accepted Banning Engineering's Surveyor Report
  - August 7, 2023
- Drainage Board Set Hearing Date of October 12, 2023
  - September 5, 2023
- Notices Mailed to Land Owners within Hilldale Cemetery Ditch Watershed with Five-day Return
  - September 5, 2023
- Public Notice Posted in the Reporter Times and the Hoosiertimes.com
  - October 4, 2023