

**Tippecanoe County Drainage Board**  
**October 5, 2016**  
**Amanda Kirkpatrick #44 Regulated Drain**  
**Reconstruction Hearing Minutes**

**Those present were:**

Tippecanoe County Drainage Board President Tracy Brown, Vice President Thomas P. Murtaugh, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Drainage Board Secretary Brenda Garrison. Evan Warner-G.I.S. Technician and James Butcher-Project Manager, both with the Surveyor Office, were also in attendance. Member David S. Byers was absent.

The President opened the Amanda Kirkpatrick \$44 Regulated Drain Reconstruction Hearing. He referred to the Surveyor for his report. The Surveyor read the following into the record as follows:

Amanda Kirkpatrick Regulated Drain #44 Reconstruction Report dated August 15, 2016 A Petition to Reconstruct the Amanda Kirkpatrick Regulated Drain #44 was approved by the Tippecanoe County Drainage Board and returned to the County Surveyor for a Reconstruction Report February 11, 2015. The Amanda Kirkpatrick Regulated Drain #44 and its watershed are located in Sections 18 and 19 of Township 21 North Range 5 West and Sections 13,14, 23 and 24 of Township 21 North and Range 6 West in the political township of Jackson all being within Tippecanoe County Indiana. The Amanda Kirkpatrick Drain was originally constructed per the Drainage Commissioners Report dated June 13, 1884 as found in the Tippecanoe County Superior Court Records- Box No. 185, Case No. 3456. The present day watershed area is 1023.41 acres. A Maintenance Fund of \$1.00 per acre was established by the Tippecanoe County Drainage Board on the 6<sup>th</sup> day of April, 1972. However on February 2, 2005 the rate was raised 25% to \$1.25 per acre in accordance with I.C. 36-9-27-42. I have personally walked, drove, met with landowners and inspected the Amanda Kirkpatrick drainage system per the request of the landowners who signed the petition. Based on the wishes and needs of the petitioners in this watershed it is my professional judgement that the existing clay and concrete main tile be removed and replaced with a larger capacity new tile. To serve the request of the landowners, 3,550 lineal feet of 30" diameter tile, 3,920 lineal feet of 24" diameter tile, 1,600 lineal feet of 18" diameter tile, 950 lineal feet of 15" diameter tile and 440 lineal feet of 12" diameter tile will be installed combined with other miscellaneous items. It is the professional judgement of the Tippecanoe County Surveyor that a sum of approximately \$363,555.50 is needed to reconstruct and improve the Amanda Kirkpatrick regulated drainage system. After completion of the project there will be 670 lineal feet of open ditch, 10,460 lineal feet of tile under maintenance. An assessment of \$71.05 per acre and a \$50.00 minimum over a five (5) year period is recommended. This will generate \$363,665.60 over a five (5) year period. Assuming the reconstruction and improvements are completed and the general fund has been repaid after the five (5) year period, the Tippecanoe County Surveyor recommends the per acre assessment be lowered to a maintenance rate of \$4.00 per acre and a \$30.00 minimum with an eight (8) year collection total, respectfully submitted by Zach Beasley. He then opened the floor for any questions by the Board or public. He ended by informed the Board that he had previously met with most of the landowners within the watershed regarding the reconstruction.

Larry Gamble- tenant farmer for Stephen McNamara Revocable Trust tract- approached the Board and requested an explanation of the choices one has for the payback on the reconstruction assessment. The attorney stated: The way the statute reads is that you have the choice to pay the entire amount within one (1) year with NO interest. The statute also gives you an option of paying over a five (5) year period with a ten (10) % interest to any remaining balance annually. This is the statutory setup. The Attorney explained there is a "Resolution Establishing a Reconstruction Financing Assistance Program" with landowners in the case of large drain reconstructions. The Commissioners may elect to offer the assistance program with the landowners when the reconstruction cost is too costly to the landowner. The program allows a landowner instead of following one of the statutes options; to sign a contract with the County stating they would pay it back at a five (5) % interest rate annually. He stated "to summarize: this would be the three options available to the landowner being assessed on a drain reconstruction. 1. Pay the assessment outright within one year (cheapest) 2. Pay the assessment over a five (5) year period with a ten (10) % interest annually as statute allows. 3. Sign a contract with the County which includes a five (5) % annual interest rate over a five (5) year period on unpaid balances." Mr. Gamble stated he discussed this with the landowner and noted he felt the drain did need replaced. The Surveyor noted the billing would not go out until the job was completed and he expected billing to go out sometime in the latter half of 2017. Once the bill is mailed once it is received the landowner has twelve months to pay it. He also noted the information of the reconstruction fund availability will be included in the notification of reconstruction assessment due. Responding to Mr. Gamble, the Surveyor stated he always tries to place the

new tile as close to the old tile location whenever possible. However when there is cover issues it must be moved. He thought most of the new tile design was located approximately 20-30 feet from the old tile. The Surveyor stated laterals are hooked up during the process of reconstructions and those that are missed will be hooked up when it is brought to his attention. He encouraged any landowners with drain maps of their tracts to share them when reconstructions are planned and their tract is included as this would assist in the hookup of the tile laterals on their property. However, he noted, it is inevitable that a few laterals are missed during drain reconstructions and they are hooked up once it is known. He also stated a representative from his office is present during reconstructions at least ninety (90) % of the time. Mr. Gamble noted the Surveyor had called Mr. McNamara regarding explaining the need and the fees associated with the reconstruction. There was no other public comment.

Attorney Masson proposed the following "Findings and Order" of the board.

**BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD IN THE MATTER OF THE AMANDA KIRKPATRICK #44 REGULATED DRAIN: FINDINGS AND ORDER (RECONSTRUCTION AND ANNUAL MAINTENANCE)**

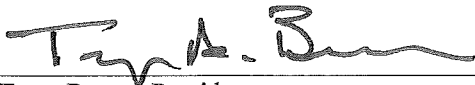
This matter came to be heard upon the reconstruction report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on August 15, 2016. The Certificate of Mailing of notice of time and place of hearing, to all affected landowners was filed. Notice of publication of time and place of hearing in the Journal and Courier, Lafayette Indiana was filed. Remonstrances were not filed. Evidence was presented by the Tippecanoe County Surveyor and landowners affected were present. A list of those present is filed herewith. After consideration of all the evidence, the Board does now FIND THAT: The reconstruction report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on August 15, 2016. Notice of filing of the reconstruction report and the schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing. Notice of the time and place of this hearing was given by publication in the Journal & Courier newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing. The legal drain consists of 670 lineal feet of open ditch and 10,460 lineal feet of tile.

The present condition of the ditch is poor and in need of repair. The ditch needs the following reconstruction at present: Remove existing clay and concrete tile and replace with a larger capacity new tile as follows: 3550 lineal feet of 30" diameter tile, 3920 lineal feet of 24" diameter tile, 1600 lineal feet of 18" diameter tile, 950 lineal feet of 15" diameter tile and 440 lineal feet of 12" diameter tile. There is now \$3,436.57 owed to the General Drain Fund for past maintenance on this ditch. The ditch drains 1023.41 acres total. Estimated cost of reconstruction is \$363,555.50. Estimated annual benefits the land drained exceed repair and reconstruction costs. A fund for reconstruction and annual maintenance should be established. In order to provide the necessary reconstruction and maintenance, a reconstruction should be established at the annual rate of \$71.05 per acre and a \$50.00 minimum and the maintenance fund re-established at the annual rate of \$4.00 per acre with a \$30.00 minimum for an eight year collection period. The assessment list filed herewith should not be amended as follows: The assessment list filed herewith is fair and equitable and should be adopted. The assessment should be collected with the May 2017 taxes. Due to the estimated cost per acre, the necessity of the project, the feasibility of the project, the overall cost of the project, and the availability of funds, this reconstruction project, Reconstruction Financing Assistance as provided for under Resolution 2016-01-DB should be made available to eligible landowners under the conditions set forth in Resolution 2016-01-DB

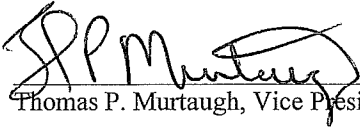
**NOW, THEREFORE, IT IS ORDERED THAT:**

A reconstruction and maintenance fund be re-established for the Amanda Kirkpatrick #44 Regulated Drain. The reconstruction fund is established at the annual rate of \$71.05 per acre and a \$50.00 minimum and the maintenance fund is re-established at the annual rate of \$4.00 per acre and \$30.00 minimum for an eight (8) period. Maintenance assessments should start AFTER the five (5) year period of reconstruction is complete and paid in full. The Schedule of Assessments filed herewith are adopted and made a part thereof. The first annual assessment shall be collected with the May 2017 taxes. This project is eligible for the Reconstruction Financing Assistance Program created by Drainage Board Resolution 2016-01-DB.

Thomas Murtaugh made a motion to establish a reconstruction and maintenance fund for the Amanda Kirkpatrick #44 Regulated Drain as read from the Findings and Order of the Board by the Attorney. Tracy Brown seconded the motion. The motion carried. Thomas Murtaugh made a motion to adjourn. The hearing was adjourned.



Tracy Brown, President



Thomas P. Murtaugh, Vice President



Brenda Garrison, Secretary

**ABSENT**

David S. Byers, Member