

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE

JOHN MCFARLAND REGULATED DRAIN #51:

FINDINGS AND ORDER (ANNUAL MAINTENANCE)

This matter came to be heard upon the maintenance report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on May 3, 2013. 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 were filed.

Written objections were filed, read aloud and made part of these proceedings.

Evidence was presented by the Tippecanoe County Surveyor and many of those landowners affected were present. A list of those present is filed herewith.

After consideration of all the evidence, the Board does now FIND THAT:

- (1) The maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on May 3, 2013.
- (2) Notice of filing of the maintenance 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.
- (3) 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.
- (4) The legal drain consists of approximately 6,200 lineal feet of open ditch and 36,559 lineal feet of tile. There is approximately 3200 lineal feet of surface channel which overlays the western tile main which begins at CR 600N and continues south downstream and ends at the headwall, but is not part of the regulated drain or maintained as a part of the regulated drain.
- (5) The present condition of the ditch is poor and in need of maintenance.
- (6) The ditch needs the following maintenance at present:
Clearing, dredging and some tile replacement
- (7) There is now \$0.00 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains approximately 3736.85 acres total.
- (9) Estimated annual cost of maintenance is \$10,250.00.
- (10) Estimated annual benefits the land drained exceeds repair and maintenance costs.
- (11) A fund for annual maintenance should be established.
- (12) In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: \$3.00 per acre with a \$20.00 minimum charge over an 8 year period.
- (13) The assessment list filed herewith should be amended to the extent required to reflect the rate of \$3.00 per acre.
- (14) The assessment list filed herewith as amended above is fair and equitable and should be adopted.
- (15) The assessment should be collected with the May 2014 taxes.

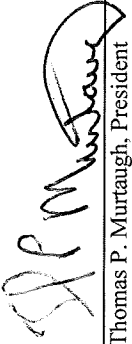
FINDINGS AND ORDER (ANNUAL MAINTENANCE) CONT:

NOW, THEREFORE, IT IS ORDERED THAT:

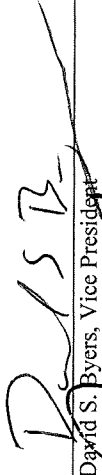
- (1) A maintenance fund be established for the John McFarland #51 Regulated Drain at the annual rate of \$3.00 per acre with a \$20.00 minimum fee over an 8 year period.
- (2) The Schedule of Assessments filed herewith and as amended to reflect the rate of \$3.00 per acre is adopted and made a part thereof.
- (3) The first annual assessment shall be collected with the May 2014 taxes.

DATED at Lafayette, Indiana this 5th day of June, 2013.

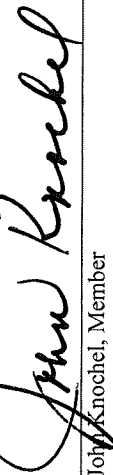
COUNTY DRAINAGE BOARD:



Thomas P. Murtaugh, President

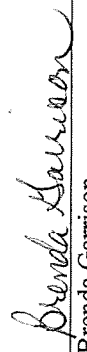


David S. Byers, Vice President



John Knochel, Member

ATTEST:



Brenda Garrison
Tippecanoe County Drainage Board