

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE
ALONZO TAYLOR #77 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 December 3, 2014. 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.

Remonstrances ~~were~~ (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:

- (1) The reconstruction report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on December 3, 2014.
- (2) 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.
- (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 0 feet of open ditch.
- (5) The present condition of the drain is poor and in need of repair.
- (6) The ditch needs the following reconstruction at present:

A new main tile system consisting of 13,341 lineal feet of 18", 15" and 12" diameter tiles is needed. Per agreement the Indiana Department of Transportation (INDOT) will pay the cost for three (3) branch tile lines under State Road 25. The existing (old) line south of Co. Rd. 750 South and three (3) branches are to be vacated.

(7) There is now \$0.00 owed to the General Drain Fund for past maintenance on this ditch.

(8) The ditch drains 434.42 acres total.

(9) The total cost of reconstruction is estimated to be \$152,473.50. In lieu of a single lump sum reconstruction assessment, reconstruction costs will be paid from the General Drain Fund and the landowners will be assessed for the reconstruction costs. The General Drain Fund shall be repaid from the Alonzo Taylor #77 Reconstruction Fund for costs of this reconstruction. Estimated annual cost of reconstruction is \$23,507.07. \$36,000.00 of the estimated total reconstruction cost will be paid by Indiana Department of Transportation (INDOT); leaving a balance of \$116,473.50 to be paid by landowners located within the watershed. Estimated annual cost of maintenance is \$2,600.80.

(10) Estimated annual benefits to the land drained exceeds repair and reconstruction costs. The affected land will benefit equally from the reconstruction, and none of the land will be damaged by the reconstruction.

(11) A fund for annual maintenance should (~~should not~~) be established.

(12) In order to provide the necessary reconstruction and maintenance fund, an assessment of \$54.00 per acre and a \$50.00 minimum for reconstruction over a five (5) year period is recommended. Assuming the reconstruction and the General Drain Improvement Fund has been repaid after the five (5) year period.

maintenance rate of \$3.00 per acre and a \$25.00 minimum within an eight (8) year collection period are recommended.

- (13) The assessment list filed herewith should be amended as follows:
NOT
- (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 2016 taxes.

NOW, THEREFORE, IT IS ORDERED THAT:


- (1) A reconstruction and maintenance fund be re-established for the ALONZO TAYLOR #77 Regulated Drain. The reconstruction fund is established at the annual rate of \$54.00 per acre with a \$50.00 minimum over a five (5) year period. A maintenance rate of \$3.00 per acre and a \$25.00 minimum within an eight (8) year collection period is re-established.
- (2) The Schedule of Assessments filed herewith are adopted and made a part thereof.
- (3) The first annual assessment shall be collected with the May 2016 taxes.

DATED at Lafayette, Indiana this 4th day of March 2015.


COUNTY DRAINAGE BOARD:


David S. Byers, President


Tracy Brown, Vice President


Thomas P. Murtaugh, Member

ATTEST:


Brenda Garrison
Tippecanoe County Drainage Board Secretary