

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE

LEADER NEWTON REGULATED DRAIN #115:

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 February 6, 2013.

Certificate of mailing of notice of time and place of hearing to all affected landowners was filed. Proof of publication of notice of the time and place of hearing in the Lafayette Journal and Courier newspaper was filed.

Remonstrances  (were not) filed.

Evidence was presented by the Tippecanoe County Surveyor  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 February 6, 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 Lafayette Journal & Courier, a newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- (4) The regulated drain consists of approximately 9,475 feet of main tile ranging in size from 14 inch to 24 inch, and approximately 11,450 feet of tile laterals ranging in size from 6 inch to 10 inch.
- (5) The present condition of the regulated drain is in need of maintenance.
- (6) The regulated drain needs the following maintenance at present: tile replacement
- (7) There is now \$87,424.68 owed to the General Drain Fund for past maintenance on this regulated drain.
- (8) The regulated drain drains 1197.89 acres total, 37.56 acres of which are within Montgomery County.
- (9) Montgomery County Drainage Board waived its right to be represented at the March 13, 2013 Joint Drainage Board Hearing regarding the maintenance project pursuant to written waiver dated February 4, 2013.
- (10) The estimated annual cost of maintenance of the regulated drain is approximately \$16,983.00.
- (11) The estimated annual benefits to the land drained exceed the overall cost of the project.
- (12) A fund for annual maintenance  has been established for Leader Newton #115 Regulated Saint Drain.
- (13) In order to provide the necessary funds for annual maintenance of the Leader Newton Regulated Drain #115, an annual assessment per acre and lot benefited should be established in the amount of \$14.00 per acre per year over an eight-year period. This will generate \$135,869.76 over an eight year period. Assuming the needed maintenance and improvements are completed at the end of eight years, then the per acre assessment would be lowered to \$6.25 per acre, subject to a \$50.00 minimum assessment.
- (14) The assessment list filed herewith  (should not) be amended .

(15) The assessment list filed herewith (~~is~~) is fair and equitable and should be adopted.

(16) The assessment should be collected with the ~~taxes~~ taxes. MAY 2014

NOW, THEREFORE, IT IS ORDERED THAT:

(1) ~~A~~ maintenance ~~rate~~ <sup>THE RATE</sup> for the Leader Newton Joint Regulated Drain ~~#115~~ at the annual rate of \$14.00 per acre with a \$50.00 minimum assessment over an eight year period. Assuming the needed maintenance and improvements are completed at that time the per acre assessment would be lowered to \$6.25 per acre with a \$50.00 minimum assessment.


^ Shall be imposed at

(2) The Schedule of Assessments filed herewith are adopted and made a part thereof.

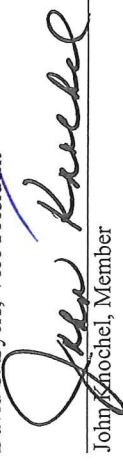
(3) The first annual assessment shall be collected with the ~~November 2013~~ May 2014 taxes.

DATED at Lafayette, Indiana this 13<sup>th</sup> day of MARCH 2013.


TIPPECANOE COUNTY DRAINAGE BOARD:

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
John Roche, Member

ATTEST:

  
Brenda Garrison  
Tippecanoe County Drainage Board