

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE

J.B. ANDERSON #02 REGULATED DRAIN:

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 September 19, 2017. 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.

Multiple objections were filed and ^{not}would be made part of the official record.

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 September 19, 2017.
- (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 12,337 lineal feet of open ditch, 11,715 of main tile and 88,520 lineal feet branch tile of various sizes.
- (5) The present condition of the ditch is poor and in need of repair.
- (6) The ditch needs the following maintenance at present:
Clearing, Dredging, channel straightening and bank stabilization
- (7) There is now \$0.00 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 2,808.67 acres total.
- (9) Estimated annual cost of maintenance is \$84,399.86.
- (10) Estimated annual benefits the land drained exceeds repair and maintenance costs.
- (11) A fund for annual maintenance should (should not) be established.
- (12) In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: \$30.00 per acre with a \$5.00 minimum for an eight (8) year collection. After the required eight (8) year collection, the maintenance rate should be lowered to \$10.50 per acre with a \$5.00 minimum.
- (13) The assessment list filed herewith should (not) be amended as follows:
- (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 10, 2018 taxes.

NOW, THEREFORE, IT IS ORDERED THAT:


- (1) A maintenance fund be established for the J.B. Anderson #08 Regulated Drain at the annual rate of \$30.00 per acre and \$5.00 minimum benefited required for an eight (8) year period. After the required eight (8) year collection, the maintenance rate should be lowered to \$10.50 per acre with a \$5.00 minimum.
- (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 10, 2018 taxes.

DATED at Lafayette, Indiana this 1st day of November 2017.

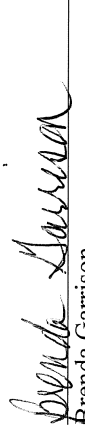
COUNTY DRAINAGE BOARD:


Thomas P. Murtaugh, President


David S. Byers, Vice President


Tracy Brown, Member

ATTEST:


Brenda Garrison
Tippecanoe County Drainage Board Secretary