

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE

NATHANIEL W. BOX #12 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 18, 2015. 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 not filed.

A letter of objection was received by Ronald Kerber Belle Terre Farms 3365 Stony Point Rd. Charlottesville Virginia 22911 on October 19, 2015 and made part of the official record.

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 maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on September 18, 2015.
- (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 26.180 feet of open ditch.
- (5) The present condition of the ditch is in need of repair.
- (6) The ditch needs the following maintenance at present: Clearing and dredging of the West Branch
- (7) There is now \$4,419.29 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 3684.52 acres total.
- (9) Estimated annual cost of maintenance is \$14,181.16.
- (10) Estimated annual benefits the land drained exceeds repair and maintenance costs.
- (11) A fund for annual maintenance should (should not) be re-established.
- (12) In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: \$3.75 per acre with a \$20.00 minimum collected over an eight (8) year period.
- (13) The assessment list filed herewith should be *amended as follows:*
The three parcels owned by Michael and Deborah Walpe shall be combined into one parcel for purpose of determining a minimum assessment.
- (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, 2016 taxes.

FINDINGS AND ORDER (ANNUAL MAINTENANCE) CONT:

NOW, THEREFORE, IT IS ORDERED THAT:

- (1) A Maintenance Fund is re-established for the Nathaniel W. Box #12 Regulated Drain at the annual rate of \$3.75 per acre and \$20.00 minimum collected over an eight (8) year period.
- (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, 2016 taxes.

DATED at Lafayette, Indiana this 14th day of November 2015.

COUNTY DRAINAGE BOARD:

ABSTAINED

David S. Byers, President

Tracy A. Brown

Tracy Brown, Vice President

Thomas P. Murtaugh

Thomas P. Murtaugh, Member

Tom Osborn

Tom Osborn, Special Member / Court Appointed

ATTEST:

Brenda Garrison

Brenda Garrison

Tippecanoe County Drainage Board Secretary