BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE
<u>MARION DUNKIN #25</u> 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 May 7, 2018. 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 was filed.

Objections ~~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 May 7, 2018.

(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 5474 lineal feet of open ditch, 1425 lineal feet of 36-inch diameter tile, 2975 lineal feet of 30-inch diameter tile, 4200 lineal feet of 24-inch diameter tile, 2800 lineal feet of 18-inch diameter tile, and 4210 lineal feet of 15-inch and 12-inch diameter tile for a total of 20,506.46 lineal feet of various tile sizes.

(5) The present condition of the ditch is poor and inadequate.

(6) The ditch needs the following reconstruction at present: Existing clay and concrete tile removed and replaced with new tile.

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

(8) The ditch drains 1627.85 acres total.

(9) Estimated annual cost of maintenance is $6122.84.

(10) Estimated benefits to the land exceed repair and reconstruction costs.

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

(12) In order to provide the necessary reconstruction and maintenance funding, the annual assessment per acre and lot benefited should be: $55.00 per acre and a $25.00 minimum over a five (5) year period is recommended for the reconstruction cost. This will generate $447,978.10 over a five (5) year period. Assuming the reconstruction and improvements are completed, and the General Drain Improvement fund has been paid repaid after the five (5) year period, the maintenance rate should be set at $3.50 per acre and a $20.00 minimum with an eight (8) year collection total.

(13) The assessment list filed herewith ~~should~~ (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, 2019** taxes.

(16) Due to the estimated cost per acre, the necessity of the project, the feasibility of the project, the overall cost of the project, and the availability of funds, this reconstruction project, Reconstruction Financing Assistance as provided for under Resolution 2016-01-DB should be made available to eligible landowners under the conditions set forth in Resolution 2016-01-DB

NOW, THERFORE, IT IS ORDERED THAT:

(1) A reconstruction and maintenance fund be established for the Marion Dunkin #25 Regulated Drain. The reconstruction fund is established at the annual rate of $55.00 per acre and a $25.00 minimum and the maintenance fund is established at the annual rate of $3.50 per acre and $20.00 minimum for an 8-year collection period. Maintenance assessments should start AFTER the five (5) year period of reconstruction is complete.

(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, 2019 taxes.

(4) Due to the estimated cost per acre, the necessity of the project, the feasibility of the project, the overall cost of the project, and the availability of funds, this reconstruction project, Reconstruction Financing Assistance as provided for under Resolution 2016-01-DB should be made available to eligible landowners under the conditions set forth in Resolution 2016-01-DB

DATED at Lafayette, Indiana this 11th day of July 2018.

COUNTY DRAINAGE BOARD:

David S. Byers, President

Tracy A. Brown, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Brenda Garrison
Tippecanoe County Drainage Board Executive Administrator