

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE

JOHN L. HENGST DRAIN #117:

FINDINGS AND ORDER FOR 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 April 18, 2011.

Certificate of mailing with notice of time and place of hearing to all affected landowners was filed. Notice of publication of time and place of hearing in the Lafayette Journal & Courier, Lafayette Leader were filed.

Remonstrances were 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 April 18, 2011.
- (2) The Petition for Establishment of the John L. Hengst Drain as a regulated drain was filed November 30, 2010 and thereafter referred to the Tippecanoe County Surveyor for a report.
- (3) 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.
- (4) Notice of the time and place of this hearing was given by publication in the Journal & Courier and The Lafayette Leader newspapers of general circulation in Tippecanoe County, Lafayette Indiana more than ten (10) days prior to this hearing.
- (5) The legal drain consists of 200.00 feet of open ditch.
- (6) The legal drain consists of 9100 lineal feet of main tile and 2815 lineal feet of branch tile.
- (7) The present condition of the ditch is poor and in need of repair.
- (8) The ditch needs the following maintenance at present:
Replace 2800 lineal feet of 18"(inch) tile and clearing.
- (9) There is now \$2626.16 owed to the General Drain Fund for past maintenance on this ditch.
- (10) The ditch drains 449.60 acres total.
- (11) Estimated annual benefits to the land drained exceed repairs and maintenance costs and consists of general tile replacement.
- (12) A fund for annual maintenance should be established.
- (13) In order to provide the necessary maintenance fund, a reconstruction assessment of \$26.00 per Acre and a \$150.00 minimum over a five year period is recommended. This will generate \$12,832.50 per year and a total of \$64,164.00 over a five year period. Assuming the reconstruction and improvements are complete and the General Drain Fund has been repaid after the five year period, the Tippecanoe County Surveyor recommends the per acre assessment be lowered to a maintenance rate of \$12.00 per acre with a \$75.00 minimum.
- (14) The assessment list filed herewith should not be amended.

- (15) The assessment list filed herewith is fair and equitable and should be adopted.
- (16) The assessment should be collected starting with the **May 2012** taxes.


**FINDINGS AND ORDER FOR RECONSTRUCTION AND ANNUAL MAINTENANCE
CONTINUED:**

NOW, THEREFORE, IT IS ORDERED THAT:


- (1) The John L. Hengst a Regulated Drain under the provisions of Indiana Code 36-9-27, et seq.
- (2) In order to provide the necessary maintenance fund, a reconstruction assessment of \$26.00 per Acre and a \$150.00 minimum over a five year period is recommended. This will generate \$12,832.50 per year and a total of \$64,164.00 over a five year period. Assuming the reconstruction and improvements are complete and the General Drain Fund has been repaid after the five year period, the Tippecanoe County Surveyor recommends the per acre assessment be lowered to a maintenance rate of \$12.00 per acre with a \$75.00 minimum.
- (3) The Schedule of Assessments filed herewith is adopted and made a part thereof.
- (4) The first annual assessment shall be collected with the **May 2012** taxes.

DATED at Lafayette, Indiana this 1st day of June 2011.


TIPPECANOE COUNTY DRAINAGE BOARD:



Thomas P. Murtaugh, President




David Byer, Vice President



John Grochel, Member

ATTEST:



Brenda Garrison
Tippecanoe County Drainage Board