

BEFORE THE TRI-COUNTY DRAINAGE BOARD
(Tippecanoe, Montgomery, Clinton Counties)

IN THE MATTER OF THE

**JOHN MCLAUGHLIN TRI COUNTY
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 October 24, 2016. The Certificate of Mailing of notice of time and place of hearing, to all affected landowners was filed. The Montgomery County Surveyor has ratified the report and schedule as prepared by the Tippecanoe County Surveyor.

Notice of publication of time and place of the Tri-County Hearing was placed in the Journal and Courier, Tippecanoe County Indiana, Frankfort Times/Chronicle, Clinton County Indiana, Journal Review, Montgomery County Indiana and filed.

Objections were filed from the following benefitted landowners:

Barry & Barbara Virgin

Ed Gable

Jim & Lisa Cooley Trustees /Cooley Trust

Judith Baker

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 Tri-County 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 Tippecanoe County Surveyor on October 24, 2016 Lafayette Indiana.
- (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 tri-county hearing was given by publication in the Journal and Courier, Tippecanoe County Indiana, Frankfort Times, Clinton County Indiana, Journal Review, Montgomery County Indiana more than ten (10) days prior to this hearing.
- (4) The Montgomery County Surveyor has ratified the report and schedule as prepared by the Tippecanoe County Surveyor.
- (5) The legal drain consists of 12,412 feet of open ditch in Tippecanoe County - 3,511 feet of open ditch in Clinton County - 29,813 feet of open ditch in Montgomery County, Indiana for a tri-county total of 45,736 feet or 8.6 miles of open ditch. The legal drain also consists of 19,730 feet of tile in Tippecanoe County - 7,452 feet of tile in Clinton County and 140 feet of tile in Montgomery County, Indiana for a tri-county total of 27,295 feet or 5.1 miles of various sized tiles.
- (6) The present condition of the open ditch and tiles is inadequate.
- (7) The ditch needs the following maintenance at present:

Cleaning open ditch portion and replacement of various sized tiles throughout the watershed.
- (8) There is now \$4,430.19 owed to the General Drain Fund for past inspections (1980's) on this ditch.
- (9) The tri-county ditch drains 12,044.78 acres total.
- (10) Estimated annual cost of maintenance is \$54,261.46.
- (11) Estimated annual benefits to the land drained exceeds repair and maintenance costs.

- (12) A fund for annual maintenance should (should not) be established.
- (13) In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: \$4.50 per acre and a \$5.00 minimum for an eight (8) year period.
- (14) The assessment list filed herewith should (should not) be amended as follows:
- (15) The assessment list filed herewith (as amended above) is fair and equitable and should be adopted.
- (16) The assessment should be collected starting with the May 10, 2017 taxes.
- (17) Pursuant to IC 36-9-27-14(c), the Tri-County Board hereby directs that the Surveyor of Tippecanoe County shall assist the Montgomery County Surveyor in the performance of the duties to be performed by the Surveyor with respect to periodic maintenance of the John McLaughlin Tri-County Regulated Drain. The Tippecanoe County Surveyor has agreed to perform these functions without compensation other than he receives in the ordinary course of his duties as the Tippecanoe County Surveyor.

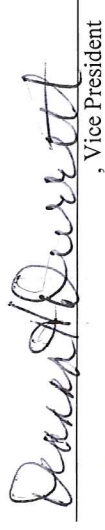
NOW, THEREFORE, IT IS ORDERED THAT:

- (18) A maintenance fund be established for the John McLaughlin Tri-County Regulated Drain at the annual rate of \$4.50 per acre and \$5.00 minimum benefited.
- (19) The Schedule of Assessments filed herewith are adopted and made a part thereof.
- (20) The first annual assessment shall be collected with the May 10, 2017 taxes.

DATED at Lafayette, Indiana this 4th day of January 2017.


TRI-COUNTY DRAINAGE BOARD:


_____, President


_____, Vice President


_____, Member

ATTEST:


Brenda Garrison
Tippecanoe County Drainage Board Secretary