

**BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD
IN THE MATTER OF THE ACCEPTANCE, RECONSTRUCTION, AND MAINTENANCE OF THE
JOHN BONE DRAIN**

**FINDINGS AND ORDER
(ACCEPTANCE, RECONSTRUCTION, AND ANNUAL MAINTENANCE)**

This matter came to be heard upon the PETITION TO ACCEPT A MUTUAL DRAIN, RECONSTRUCTION REPORT and SCHEDULE OF ASSESSMENTS prepared by the Tippecanoe County Surveyor and filed on April 18, 2019 regarding the John Bone Drain. 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.

Fred Halsema 6415 Sleeper Rd. Lafayette Indiana 47909
David and Kathy Loser 6780 Sleeper Rd. Lafayette Indiana 47909
David and Rose Loser 6780 Sleeper Rd. Lafayette Indiana 47909
Gary and David Loser 6780 Sleeper Rd. Lafayette Indiana 47909

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) On March 6, 2019, a petition requesting that the John Bone mutual drain be accepted as a County regulated drain was received in the Office of the Tippecanoe County Surveyor.
- (2) The reconstruction report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on April 18, 2019.
- (3) Notice of filing of the 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 newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- (5) The drain consists of 13,271 lineal feet of main and branch tile, and 900 lineal feet of open ditch.
- (6) The owners of more than 50% in acreage of the affected land will be benefitted if the drain is accepted as a regulated drain. The benefit to owners benefitted is likely to be greater than the damages to owners damaged, ~~if any~~; by reason of the mutual drain being made a regulated drain.
- (7) The present condition of the ditch is poor and in need of repair.
- (8) The ditch needs the following reconstruction at present:

Ditch clearing and dredging and tile replacement
- (9) There is now \$3,891.02 owed to the General Drain Fund for investigation and examination of this ditch.
- (10) The ditch drains 660.81 acres total.
- (11) The estimated cost of reconstruction is \$124,836.25 to reconstruct the existing tile drainage system.
- (12) The estimated annual cost of maintenance is \$30,316.00.
- (13) The estimated benefits to the land exceed repair and reconstruction costs.
- (14) A fund for annual maintenance should be established.
- (15) In order to provide the necessary reconstruction funding, the annual assessment per acre and lot benefitted should be \$38.00 with a \$20 minimum over a five (5) year period. In order to provide the necessary maintenance funding, the annual assessment per acre and lot benefitted should be \$5.75 with a \$20.00 minimum for a period of eight (8) years. Maintenance assessments should start AFTER the five (5) year period of reconstruction is complete.
- (16) The assessment list filed herewith should ~~not~~ be amended as follows:
The fund owned by David & Rose Ann Loser (Parcel P) will be damaged in the amount of \$3,886.36 for the present value of trees which will be removed due to reconstruction.

(17) The assessment list filed herewith (as amended above) is fair and equitable and should be adopted.

(18) The assessment should be collected with the May 2020 taxes.


FINDINGS AND ORDER (RECONSTRUCTION AND ANNUAL MAINTENANCE) CONT:

NOW, THEREFORE, IT IS ORDERED THAT:


- (1) The John Bone drain is hereby accepted as a Tippecanoe County regulated drain.
- (2) A reconstruction and maintenance fund is hereby established for the John Bone #129 Regulated Drain. The reconstruction fund is established at the annual rate of \$38.00 per acre and a \$20.00 minimum and the maintenance fund is established at the annual rate of \$5.75 per acre and \$20.00 minimum for a five (5) year period. Maintenance assessments should start AFTER the five (5) year period of reconstruction is complete.
- (3) The Schedule of Assessments filed herewith are adopted and made a part thereof.
- (4) The first annual assessment shall be collected with the May 2020 taxes.

DATED at Lafayette, Indiana this 5th day of June 2019.

COUNTY DRAINAGE BOARD:




Tracy A. Brown, President



Thomas P. Murtaugh, Vice President
ABSENT

David S. Byers, Member

ATTEST:



Brenda Garrison
Tippecanoe County Drainage Board Executive Administrator