BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE
COX VANDERKLEED #127
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 July 24, 2017. 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 not filed.

No landowners were present.

Evidence was presented by the Tippecanoe County Surveyor.~~and some 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 (maintenance and reconstruction) were filed in the office of the Surveyor on July 24, 2017.

(2) Notice of filing of the reconstruction report, the schedule of assessments - 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 a total of 6469 lineal feet of tile and a total of 750 lineal feet open ditch.

(5) The present condition of the ditch is poor and in need of repair.

(6) The ditch needs the following reconstruction at present: tile replacement /clearing and dredging of open ditch

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

(8) The ditch drains 435.80 acres total.

(9) Estimated total cost of reconstruction is $151,903 and estimated *annual cost* of maintenance is $2,775.44.

(10) Estimated annual benefits the land drained exceeds repair and reconstruction costs.

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

(12) In order to provide the necessary funds for the reconstruction, the annual reconstruction assessment per acre and minimum should be: $70. 00 per acre and a $50.00 minimum for a five (5) year period or until reconstruction is paid in full. In order to provide the necessary funds for maintenance, the annual maintenance per acre and minimum benefited should be: $ 6.25 per acre with a $20.00 minimum for a collection period of eight (8) years after the reconstruction is completed.

(13) The assessment list filed herewith 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, 2018** taxes.

FINDINGS AND ORDER CONTINUED

NOW, THERFORE, IT IS ORDERED THAT:

(1) A reconstruction and maintenance fund is to be established for the **COX VANDERKLEED** Regulated Drain #127. The reconstruction fund is established at the annual rate of $70.00 per acre and a $50.00 minimum and the maintenance fund is established at the annual rate of $6.25 per acre and $20.00 minimum for an eight (8) 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, 2018** taxes.

DATED at Lafayette, Indiana this 11th day of September 2017.

COUNTY DRAINAGE BOARD:

Thomas P. Murtaugh, President

David S. Byers, Vice President

Tracy Brown, Member

ATTEST:

Brenda Garrison
Tippecanoe County Drainage Board Secretary