

**CERTIFICATE OF ASSESSMENTS  
FOR ANNUAL MAINTENANCE**

The County Drainage Board of:  
Tippecanoe County, Indiana

**IN THE MATTER OF:**  
Assessments for Annual Maintenance of  
The ELIJAH FUGATE #30 Regulated Drain  
in Tippecanoe and Montgomery Counties, Indiana

To the Auditor of Tippecanoe County:

We certify that the schedule of assessments attached hereto has been adopted pursuant to IC 36-9-27-34 and IC 36-9-27-40 to provide funds for annual maintenance of the above named drain; that due notice thereof has been published; that the period of time within which a judicial review may be requested has expired; and, that the order of the Drainage Board fixing the assessment on each tract of land is now final.

The assessments stated in the attached schedule are annual assessments and shall be collected year after year until such assessments are terminated or changed by order of the Drainage Board. One-half of each annual assessment shall be due and payable on or before May 10 and November 10 each year, the first of which semiannual installments shall be due and payable on or before May 10<sup>th</sup> 2015.

All such installments may be paid without interest, but if not paid when due shall be subject to the same rate of penalty applicable to delinquent taxes.


The County Auditor is directed to enter the assessments according to this certification in the Ditch Duplicate of the County for collection by the County Treasurer.

**IN WITNESS WHEREOF, we have set our hands,**

**This 27th day of May 2014.**

Tippecanoe County Drainage Board:

  
\_\_\_\_\_  
David S. Myers, President

  
\_\_\_\_\_  
John Koehel, Vice President

*Absent*  
\_\_\_\_\_  
Thomas P. Murtaugh, member

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE

ELIJAH FUGATE #30 REGULATED DRAIN:

FINDINGS AND ORDER  
(RECONSTRUCTION AND ANNUAL MAINTENANCE)

This matter came to be heard upon the reconstruction report and schedule of assessments with benefits and damages as prepared by the Tippecanoe County Surveyor and filed on **March 20, 2014**. 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, Tippecanoe County Lafayette Indiana and Journal Review, Montgomery County, Crawfordsville Indiana were filed.

Remonstrances 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 Surveyor and the schedules of damages and benefits as determined by the board have been filed and are available for inspection in the office of the surveyor .
- (2) Notice of filing of the reconstruction report and the schedule of assessments with benefits and damages 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 and in the Journal Review newspaper of general circulation in Montgomery County, Indiana more than ten (10) days prior to this hearing.
- (4) The legal drain consists of 1,000 lineal feet of open ditch and 18,710 lineal feet of tile.
- (5) The present condition of the ditch is in need of reconstruction.
- (6) The ditch needs the following reconstruction and maintenance at present:  
New open ditch construction and new tile installation
- (7) There is now \$00.00 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 814.695 acres total. This total includes 68.954 acres located in Montgomery County and 745.741 acres located in Tippecanoe County Indiana.
- (9) Estimated cost of reconstruction is \$102,281.15. Estimated annual cost of maintenance is \$4,788.67.
- (10) Estimated annual benefits the land drains exceed 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 a reconstruction fund should be established at the annual rate of \$25.50 per acre and a \$50.00 minimum and the maintenance fund will stay at the current annual rate of \$5.80 per acre and a \$25.00 minimum for an eight (8) year period.
- (13) The schedule of damages and assessments in the reconstruction are accurate and the Board hereby incorporates them by reference (~~except that, the schedule of damages and assessments should be amended as follows-~~)

(14) The assessment lists filed herewith (~~as amended above~~) is fair and equitable and should be adopted.


(15) The assessments should be collected with the May 2015 taxes.

**NOW, THEREFORE, IT IS ORDERED THAT:**

- (1) A reconstruction and maintenance fund is established for the Elijah Fugate #30 Regulated Drain. The reconstruction fund is established at the annual rate of \$25.50 per acre and a \$50.00 minimum and the maintenance fund will stay at the current annual rate of \$5.80 per acre and \$25.00 minimum for an eight (8) year period. The maintenance fund assessments should start collection after the five (5) year period of reconstruction is complete.
- (2) The schedule of damages and assessments for the reconstruction and annual maintenance filed here (as amended in paragraph 13, above) are adopted and made a part hereof.
- (3) The first annual assessment shall be collected with the May 2015 taxes.

**DATED** at Lafayette, Indiana this 7<sup>th</sup> day of May, 2014.


**TIPPECANOE COUNTY DRAINAGE BOARD:**

  
\_\_\_\_\_  
David S. Byers, President

  
\_\_\_\_\_  
John Cochel, Vice President

  
\_\_\_\_\_  
Thomas P. Murtaugh, Member

**ATTEST:**

  
\_\_\_\_\_  
Brenda Garrison  
Tippecanoe County Drainage Board Secretary