

TIPPECANOE COUNTY DRAINAGE BOARD
January 9, 2019
Marion Dunkin #25 Regulated Drain Hearing Minutes

Those present were:

Tippecanoe County Drainage Board President Tracy A. Brown, Vice President Thomas P. Murtaugh, member David S. Byers, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, and Drainage Board Executive Administrator Brenda Garrison. James Butcher, Surveyor Office Project Manager and Tim Walters, Surveyor's office GIS Technician were also in attendance.

Marion Dunkin #25 Regulated Drain Reconstruction Amendment of Assessments

Tracy Brown opened the Hearing for the Marion Dunkin#25 Regulated Drain Amendment to the Reconstruction Assessments. He referred to the Surveyor for his report. The Surveyor read his report as follows:

Marion Dunkin Regulated Drain #25 Amended Reconstruction Report dated November 29, 2018

The original Marion Dunkin Regulated Drain #25 Reconstruction Report was filed on May 7, 2018. The original estimate for the proposed reconstruction as indicated in the May 7, 2018 Reconstruction Report is \$439,444.50 and the Drainage Board approved assessment to land is \$55.00 per acre and a \$25.00 minimum, for a five-year period generating \$447,978.10 after the five-year collection period. After receiving bids, the Drainage Board awarded the project to the lowest bidder Ag Drainage Inc. (ADI) which happened to be much lower than the Surveyor's original estimate. Therefore after 95% completion of the project, the Surveyor recommends adjusting the landowner assessment to reflect the lower project cost.

The adjusted estimate is \$308,000.00. This number includes the bid price, additional work to date, and adds the maintenance fund 8-year total. There will be additional work in the spring, such as repairing missed laterals for example that at this time is impossible to quantify. Therefore, the Surveyor has added the maintenance fund 8-year total as a buffer for this current unknown. An adjusted assessment of \$38.00 per acre and a \$25.00 minimum over a 5-year period is recommended. This will generate \$309,911.00 over a five (5) year period. The previously approved maintenance rate of \$3.50 per acre and a \$20.00 minimum with an 8-year collection total of \$48,982.72 will remain. Respectfully Submitted Zach Beasley, Tippecanoe County Surveyor. There were no questions from the Board. Responding to Dean Craig Landowner in attendance inquiry, the Surveyor noted any laterals which were not hooked up had to be confirmed that they were indeed covered under the maintenance fund. The tile laterals indicated on the watershed map as part of the tile(s) assessed in this watershed are the laterals covered under the maintenance fund. There is a branch in the northeast portion of the parcel which was under maintenance and could be replaced with funds from the drain act. He stated there very well could be laterals on Mr. Craig's parcel which were not covered under the fund and would be privately maintained. The Surveyor noted his field staff would return in the spring and connect the laterals under maintenance which were missed during the reconstruction.

The Surveyor referred to the Board.

Tracy Brown referred to Attorney Masson to state the Marion Dunkin #25 Regulated Drain Amended Findings and Orders of the Board as follows: Before the Tippecanoe County Drainage Board In the Matter of the Marion Dunkin #25 Regulated Drain Amended Findings and Order (Reconstruction and Maintenance) This matter came to be heard due to the amended reconstruction report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on November 29, 2018. 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. 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 original reconstruction report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on May 7, 2018. The amended reconstruction report was filed on November 29, 2018. The overall reconstruction costs should be reduced from the \$447,978.10 originally estimated to \$308,000 with landowner assessments lowered accordingly.
- (2) Notice of filing of the amended 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.
- (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 5,474 lineal feet of open ditch, 1,425 lineal feet of 36-inch diameter tile, 2,975 lineal feet of 30-inch diameter tile, 4,200 lineal feet of 24-inch diameter tile, 2,800 lineal feet of 18-inch diameter tile, and 4,210 lineal feet of 15-inch and 12-inch diameter tile for a total of 20,506.46 lineal feet of various tile sizes.
- (5) Reconstruction has been substantially completed and since the July 9, 2018 hearing the present condition of the ditch is now in good repair.
- (6) The ditch needs the following reconstruction at present: Missed laterals need connected to main and final grading of soil - both remain to be completed.
- (7) There is now \$0.00 owed to the General Drain Fund for past maintenance on this ditch.

- (8) The ditch drains 1,627.85 acres total.
- (9) Estimated annual cost of maintenance is \$6,122.84.
- (10) Estimated benefits to the land exceed repair and reconstruction costs.
- (11) A fund for reconstruction and annual maintenance was established July 11, 2018 and should be amended.
- (12) In order to provide the necessary reconstruction and maintenance funding, the annual assessment per acre and lot benefited should be amended to: \$38.00 per acre and a \$25.00 minimum over a five (5) year period is recommended for the reconstruction cost. This will generate \$309,911.00 over a five (5) year period. Assuming the reconstruction and improvements are completed, and the General Drain Improvement fund has been repaid after the five (5) year period, the maintenance rate should be set at \$3.50 per acre and a \$20.00 minimum with an eight (8) year collection total.
- (13) The assessment list filed herewith should be amended as stated above.
- (14) The amended assessment list filed herewith is fair and equitable and should be adopted and supersedes the list adopted on July 9, 2018.
- (15) The assessment should be collected with the May 10, 2019 taxes.
- (16) Due to the estimated cost per acre, the necessity of the project, the feasibility of the project, the overall cost of the project, and the availability of funds, this reconstruction project, Reconstruction Financing Assistance as provided for under Resolution 2016-01-DB should be made available to eligible landowners under the conditions set forth in Resolution 2016-01-DB
- (17) The amended Schedule of Assessments filed herewith are adopted and made a part hereof. This Amended Schedule supersedes the schedule adopted on July 9, 2018.

Now therefore it is ordered that:

- (1) A reconstruction and maintenance fund be re-established for the Marion Dunkin #25 Regulated Drain. The reconstruction fund is re-established at the annual rate of \$38.00 per acre and a \$25.00 minimum and the maintenance fund is established at the annual rate of \$3.50 per acre and \$20.00 minimum for an 8-year collection period. Maintenance assessments should start AFTER the five (5) year period of reconstruction is complete.
- (2) The Amended Schedule of Assessments filed herewith are adopted and made a part hereof. This Amended Schedule supersedes the schedule adopted on July 9, 2018.
- (3) The first annual assessment shall be collected with the May 10, 2019 taxes.
- (4) Due to the estimated cost per acre, the necessity of the project, the feasibility of the project, the overall cost of the project, and the availability of funds, this reconstruction project, Reconstruction Financing Assistance as provided for under Resolution 2016-01-DB should be made available to eligible landowners under the conditions set forth in Resolution 2016-01-DB

DATED at Lafayette, Indiana this 9th day of January 2019

Thomas Murtaugh made a motion to amend the assessments as stated. David Byers seconded the motion. Motion carried. David Byers made a motion to adjourn. The Hearing was adjourned.

Tracy Brown, President

Thomas Murtaugh, Vice President

Brenda Garrison, Executive Administrator

David Byers, Member