

**TIPPECANOE COUNTY DRAINAGE BOARD**

**February 7, 2018**

**Drainage Board Hearing Minutes  
Julius Berlowitz Regulated Drain #08**

**Those present were:**

Tippecanoe County Drainage Board President David Byers, Vice President Tracy Brown, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC and Drainage Board Executive Administrator Brenda Garrison. Evan Warner-G.I.S. Technician and James Butcher-Project Manager, both with the Surveyor Office, were also in attendance. Member Thomas P. Murtaugh was absent.

President Byers referred to the Surveyor for his report. Surveyor Beasley presented the following report to the Board. Maintenance Report Julius Berlowitz #08 Regulated Drain Tippecanoe County Drainage Board October 20, 2017. The Julius Berlowitz (aka Berlovitz) Regulated Drain #08 was originally established and built through the Tippecanoe County Circuit Court, Cause No. 2185 in 1928. The drain and its watershed are located in Sections 29, 30, 31 and 32 of Township 23 North and Range 3 West in the political township of Perry, and Sections 25 and 36 of Township 23 North and Range 4 West in the political township of Fairfield all being within Tippecanoe County, Indiana. The Julius Berlowitz Drain Maintenance Fund was established by the Tippecanoe County Drainage Board on the 1<sup>st</sup> day of June 1971. The rate was set at \$0.50/acre and in July of 1978 another hearing was held and the rate was raised to \$1.25/acre. On January 8<sup>th</sup> of 2003 the rate was raised by 25% pursuant to I.C. 36-9-27-42 to the current rate of \$1.56/acre. Since 1978 the drain has changed status from an agricultural drain to an urban drain due to the development pressure within the watershed. Urban land as defined by I.C. 36-9-27-2 is land used or will in the reasonably foreseeable future be used generally for commercial, industrial, large estate, higher density residential or similar purposes. Much of the main tile as listed in the 1978 maintenance report has been removed and replaced with larger capacity pipe. Regional detention has also been added for development storm water runoff detention and conveyance at controlled release rates to protect against onsite and downstream flooding. From this day forward there are 1013 lineal feet of open ditch, and 4193 lineal feet of main tile remaining, and 22,614 lineal feet of branch tile and 24,349 lineal feet of regional detention pond perimeters to be maintained by the maintenance fund. The watershed contains 1920.04 acres. It is the professional judgement of the Tippecanoe County Surveyor that a sum of \$108,322.50 is needed to maintain this county regulated drainage system. Pursuant to I.C. 36-9-27-69.3, an assessment of \$3.00 per acre and a \$8.50 minimum over an eight (8) year period is recommended. This will generate \$109,246.40 over an eight (8) year period. It is the professional opinion of the Tippecanoe County Surveyor this rate increase will ensure monies are available for ongoing tile repair, clearing, dredging, mowing and spraying of the drainage system. Respectfully submitted Zach Beasley. President Byers asked for public comment. There was no public comment. President Byers referred to Attorney Masson for the Findings and Order of the Board.

Attorney Masson read the following into the record. Before the Tippecanoe County Drainage Board In the matter of the Julius Berlowitz #08 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 20, 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 were filed. Objections were filed by the following landowners: Janet L. Jones 5408 Wilmington Circle Laf. In. 47905, Brian Bratcher 5508 N. Bluegrass Circle Laf. In. 47905, Ed Uerkwitz 495 S 675 East Laf. In. 47905, Christine Kreighbaum 5650 N. Bluegrass Circle Laf. In. 47905. Evidence was presented by the Tippecanoe County Surveyor and many of those landowners affected were present. A list of those present is filed herewith. After consideration of all the evidence, the Board does now find that: The maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on October 20, 2017. 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. 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

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more than ten (10) days prior to this hearing. The legal drain consists of 1,013 lineal feet of open ditch, 4,193 lineal feet of main tile, 22,614 lineal feet of branch tile and 24,349 lineal feet of regional detention pond perimeters to be maintained by this fund. The present condition of the ditch is in need of repair. The ditch needs the following maintenance at present: periodic mowing, spraying and tile repair. There is now \$333.00 owed to the General Drain Fund for past maintenance on this ditch. The ditch drains 1,920.04 acres total.

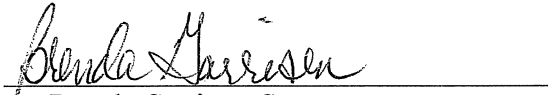
Estimated annual cost of maintenance is \$13,540.31. Estimated annual benefits to the land drained exceeds repair and maintenance costs. A fund for annual maintenance should be re-established. In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: \$3.00 per acre with an \$8.50 minimum over an 8-year collection period. The assessment list filed herewith should not be amended as follows: The assessment list filed herewith is fair and equitable and should be adopted. The assessment should be collected with the May 10, 2018 taxes. Now, therefore it is ordered that: A maintenance fund be re-established for the Julius Berlowitz #08 Regulated Drain at the annual rate of \$3.00 per acre and an \$8.50 minimum over an 8-year collection period benefited. The Schedule of Assessments filed herewith are adopted and made a part thereof. The first annual assessment shall be collected with the May 10, 2018 taxes. Tracy Brown made a motion to approve the Findings and Order as presented by the Attorney. David Byers seconded the motion. Motion carried.


**Public Comment**

As there was no public comment, Tracy Brown made a motion to adjourn. The meeting was adjourned.

  
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David S. Byers, President

  
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Tracy A. Brown, Vice President

  
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Brenda Garrison, Secretary

  
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Thomas P. Murtaugh, Member