BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE
HUFFMAN WEIMERT #125 REGULATED DRAIN:

FINDINGS AND ORDER
(RECONSTRUCTION AND MAINTENANCE)

This matter came to be heard upon the reconstruction report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on April 30, 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 (~~were not~~) filed.
Joseph and Judith Rubright 7325 Madison St. P.O. Box 46 Buck Creek Indiana 47924
Brien Loynes 4911 Sherman Street Buck Creek Indiana 47924
Tracy Niccum 7400 North Street and 7403 North Street Buck Creek Indiana 47924

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 Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on April 30, 2018.

(2) Notice of filing of the 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 1920 lineal feet of main tile of various size and one branch of tile totaling 500 feet of 10" diameter for a total of 2420 lineal feet of tile and 0 feet of open ditch under assessment.

(5) The present condition of the tile under the Norfolk and Southern Railroad tracks is brittle and past its intended life cycle.

(6) The tile needs the following reconstruction at present: tile replacement under the Norfolk and Southern Railroad Tracks.

(7) There is now $9,515.50 owed to the General Drain Fund for past maintenance on this ditch.

(8) The ditch drains 76.82 acres total.

(9) Estimated benefits to the land exceed repair and reconstruction costs.

(10) A fund for reconstruction should (should not) be established.

(11) In order to provide the necessary reconstruction funding, the annual assessment per acre and lot benefited should be: $72.00 per acre and a $5.00 minimum over a five (5) year period is recommended. This will generate $27,658.65 over a five (5) year period. Norfolk and Southern Railroad per I.C. 36-9-27-71 is required to pay ½ of the total cost ($47,225) within their Right of Way.

(12) The assessment list filed herewith ~~should~~ (should not) be amended ~~as follows~~:

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

(14) The assessment should be collected with the **May 10, 2019** taxes.

NOW, THERFORE, IT IS ORDERED THAT:

(1) **A reconstruction and maintenance fund be established for the Huffman Weimert #125 Regulated Drain. The reconstruction fund is established at the annual rate of $72.00 per acre and a $5.00 minimum for a five (5) year period.**

(2) **The Schedule of Assessments filed herewith are adopted and made a part thereof.**

(3) **Per I.C. 36-9-27-71 Norfolk and Southern Railroad are required to pay ½ of the total cost within their Right of Way.**

(4) **The first annual assessment shall be collected with the May 10, 2019 taxes.**

DATED at Lafayette, Indiana this 11th day of July 2018.

COUNTY DRAINAGE BOARD:

David S. Byers, President

Tracy A. Brown, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Brenda Garrison
Tippecanoe County Drainage Board Executive Administrator