BEFORE THE JOINT DRAINAGE BOARD
BENTON, WARREN AND TIPPECANOE COUNTIES

IN THE MATTER OF THE

MARY MCKINNEY #52 REGULATED DRAIN:

FINDINGS AND ORDER (RECONSTRUCTION AND ANNUAL MAINTENANCE)

This matter came to be heard upon the Reconstruction and Maintenance report and schedule of annual assessments prepared by the Tippecanoe County Surveyor and filed on January 23, 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, Indiana, Review Republican-Warren County, Indiana, Benton Review-Benton County, Indiana, were filed.

Remonstrances ~~were~~ (were not) filed.

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 Joint Drainage 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~~ January 23, 2014, The Report was amended on March 5, 2014 to reflect corrected watershed acreage, thereby reducing the total assessments to $290,797.34.

(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 and Courier- Tippecanoe County, Indiana, Review Republican-Warren County, Indiana, Benton Review-Benton County, Indiana, more than ten (10) days prior to this hearing.

(4) The legal drain consists of 14,900 lineal feet of main tile and 10,718 of branch tile under maintenance.

(5) The present condition of the drain has exceeded its capacity.

(6) The ditch needs the following reconstruction at present:

A parallel system of 4685 lineal feet of 24" diameter tile- 2,425 lineal feet of 18" diameter tile- 4850 lineal feet of 15" diameter tile and 1068 lineal feet of 12" diameter tile.

(7) There is now $20,525.60 owed to the General Drain Fund for past maintenance on this ditch.

(8) The ditch drains 914.838 acres total.

(9) Estimated annual benefits the land drained exceed reconstruction costs.

(10) After reconstruction costs have been paid in full, an annual maintenance assessment should be collected.

(11) In order to provide the necessary reconstruction and annual maintenance, the annual assessment per acre and lot benefited should be as follows:

An assessment of $63.50 per acre and a $50.00 minimum over a five year period is recommended. This will generate $290,797.34 over a five year period. Assuming the reconstruction and improvements are completed and the General Drain Fund has been repaid after the five year period, the Tippecanoe County Surveyor recommends the per acre assessment be lowered to a maintenance rate of $5.00 per acre and a $30.00 minimum, with an 8 year collection total.

(12) The assessment list filed herewith should be amended as follows;

A. Removal of Pin# 120055000109 /State Key# 79-01-34-300-001.000-014: Pt. SW 34-24N-6W 80 acres and A Pt. SW SE 34-24N -6W 0.01acre tract Owned by Martin Ray Opp 15215 County Fleet Court Carmel Indiana 46032, Tract is benefitted by the H.W. Moore tile drain.

B. Removal of Pin#120055000164 / State Key#79-01-34-300-004.000-000: Pt. W W SW 34-24N-6W 2.75 acres Owned by Loy Jerry E & Diana Lynn 2100 Iroquois Trail Lafayette Indiana 47909, tract is not benefitted by drain

C. Removal of Pin# 120055000131 / State Key#79-01-34-300-002.000-014 Pt W W SW 34-24N-6W 2acre tract Owned by Johnson Lois Jean 5336 S 1200E Otterbein Indiana 47970, tract is not benefitted by drain

D. Addition of State Key#86-01-04-100-003.000-007: 87.250 acre tract Owned by Gephart David R. & Dan R.9867 E. State Road 26 Otterbein Indiana 47970 with 22.769 benefitted acres

E. Benefitted acreage of the following tracts identified by the State Key number were reduced as indicated :
   1. Warren County #86-01-04-100-002.000-007 Gephart David R & Kay E. 79.497 previous benefitted acres decreased to 59.026 benefitted acres
   2. Benton County #04-11-33-400-010.000-01 Johnson Lois Jean previous benefitted acres 75.882 decreased to 47.728 benefitted acres

F. Warren County Road Right of Way revisions:
   1. County Road 900S 1.796 benefitted acreage of Right of Way
   2. County Road E 1050N Right of Way benefitted acres decreased from 1.396 benefitted acres to 0.281acres benefitted acres

G. Benton County Road Right of Way Revisions:
   1. County Road 900S benefitted acres increased from 0.237 acres to 0.266 benefitted acres

H. Tippecanoe County Road Right of Ways Revisions:
   1. N County Line Road W benefitted acres decreased from 2.848 acres to 2.618acres

(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 2015** taxes.

NOW, THERFORE, IT IS ORDERED THAT:

(1) A **reconstruction assessment of $63.50 per acre and a $50.00 minimum** over a five year period is established. Assuming the reconstruction and improvements are completed and the General Drain Fund has been repaid **after** the five year period, a **maintenance rate of $5.00 per acre and a $30.00 minimum,** with an **8 year collection total** should be established.

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

(3) The first annual assessment shall be collected with the **May 2015** taxes.

DATED at Lafayette, Indiana this 5th day of March 2014.

JOINT COUNTY DRAINAGE BOARD:

David S. Byers, President

Thomas A Hetrick
Tom Hetrick, Vice President

Steve Burton, Member

ATTEST:

Brenda Garrison
Brenda Garrison
Tippecanoe County Drainage Board Secretary