BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE

MARY MCBETH #128 BI-COUNTY 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 August 20, 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 and the Journal Review of Montgomery County, Indiana were filed.

Objections were ([redacted]) filed.
William Matthys 11958 North 400 West Romney Indiana 47981

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:

(1) The maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on August 20, 2018.

(2) 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.

(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 2250 feet of open ditch and 10,060 lineal feet of tile.

(5) The present condition of the ditch is <u>in need of repair</u>.

(6) The ditch needs the following maintenance at present: Approximately 1300 feet of tile replacement and the conversion of 2550 feet of tile to open ditch

(7) There is now $0.00 owed to the General Drain Fund for past maintenance on this ditch.

(8) The ditch drains 1526.06 acres total.

(9) Estimated annual cost of maintenance is $10,034.14

(10) Estimated benefits to the land exceed repair and maintenance costs.

(11) A fund for annual maintenance should ([redacted]) be established.

(12) In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: $6.50 per acre and a $20.00 minimum over an 8-year collection period.

(13) The assessment list filed herewith should [redacted] be amended as follows:

(14) The assessment list filed herewith [redacted] is fair and equitable and should be adopted.

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

(16) Montgomery County waived their right to the drain maintenance proceeding in accordance with I.C. 36-9-27-14 (d).

FINDINGS AND ORDER (ANNUAL MAINTENANCE) CONT:

NOW, THERFORE, IT IS ORDERED THAT:

(1) A maintenance fund be established for the **MARY MCBETH #128 Bi-County Regulated Drain** at the annual rate of **$6.50 per acre** and **$20.00 minimum.**

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

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

DATED at Lafayette, Indiana this 3rd day of **October 2019**.

COUNTY DRAINAGE BOARD:

Absent
David S. Byers, President

Tracy A. Brown, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Brenda Garrison
Tippecanoe County Drainage Board Executive Administrator