

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE

CLYMER NORRIS#122 REGULATED DRAIN:

**FINDINGS AND ORDER
(RECONSTRUCTION AND ANNUAL MAINTENANCE)**

This matter came to be heard upon the reconstruction report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on **December 22, 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, Lafayette 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 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 December 22, 2014.
- (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 800 lineal feet of open ditch and 4525 lineal feet of tile.
- (5) The present condition of the ditch is poor and in need of repair.
- (6) The ditch needs the following reconstruction at present:
Tile(s) replacement and open ditch dredging
- (7) There is now \$4,468.75 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 254,964 acres total.
- (9) In lieu of a single lump sum reconstruction assessment, reconstruction costs will be paid from the General Drain Fund and the landowners will be assessed for the reconstruction costs. The General Drain Fund shall be repaid from the Clymer Norris #122 Reconstruction Fund for costs of this reconstruction. A maintenance assessment will be paid by landowners for the Clymer Norris #122 drain after the five (5) year reconstruction period or after the reconstruction is paid in full. The maintenance assessment should be collected for an eight (8) year period.
- (10) Estimated annual benefits to the land drained exceeds repair and reconstruction costs. The affected land will benefit equally from the reconstruction, and none of the land will be damaged by the reconstruction.
- (11) A fund for annual maintenance should (~~be established~~) be established.
- (12) In order to provide the necessary reconstruction and maintenance fund, an assessment of \$72.00 per acre and a \$50.00 minimum for reconstruction over a five (5) year period is recommended. Assuming the reconstruction and the General Drain Improvement Fund has been repaid after the five (5) year period, a maintenance rate of \$8.00 per acre and a \$25.00 minimum within an eight (8) year collection period are recommended. The maintenance rate will not be charged during the reconstruction period.

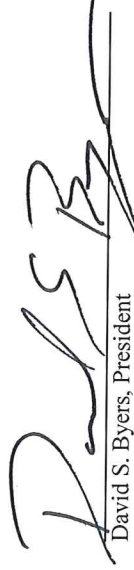
- (13) The assessment list filed herewith ~~is~~ (should not) be amended. ~~as follows:~~
- (14) The assessment list filed herewith (~~is~~) is fair and equitable and should be adopted.
- (15) The assessment should be collected with the May 2016 taxes.

NOW, THEREFORE, IT IS ORDERED THAT:

- (1) A reconstruction and maintenance fund should be established for the Clymer Norris #122 Regulated drain. The reconstruction fund is established at the annual rate of \$72.00 per acre and a \$50.00 minimum and the maintenance fund is established at the annual rate of \$8.00 per acre and \$25.00 minimum for an eight (8) year period. Maintenance assessments should start AFTER the five (5) year period of reconstruction is complete.
- (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 2016** taxes.

DATED at Lafayette, Indiana this 1st day of April 2015.


COUNTY DRAINAGE BOARD:


David S. Byers, President


Tracy Brown, Vice President

ABSENT
Thomas P. Murtaugh, Member

ATTEST:


Brenda Garrison
Tippecanoe County Drainage Board Secretary