

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE

TRAIN COE#18 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 September 5, 2011.
Certificate of mailing of notice of time and place of hearing, to all affected landowners filed. Notice of publication of time and place of hearing in the Journal & Courier and Lafayette Leader of Lafayette Indiana were filed.

Remonstrances were 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 maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on September 5, 2011.
- (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, The Lafayette Leader, newspapers of general circulation in Tippecanoe Indiana more than ten (10) days prior to this hearing.
- (4) The legal drain consists of 18,752 lineal feet of open ditch and 9660 lineal feet of tile.
- (5) The present condition of the ditch is poor and in need of repair.
- (6) The ditch needs the following maintenance at present:
The open ditch should be cleared and dredged to provide positive drainage and periodic repair of the tiled system.
- (7) There is now \$40,036.64 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 1606.67 acres total.
- (9) Estimated annual cost of maintenance is \$13,049.34.
- (10) Estimated annual benefits the land drained exceed the repair and maintenance costs.
- (11) A fund for annual maintenance should be established.
- (12) In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: \$7.00 per acre with a \$50.00 minimum to be collected for an eight (8) year period.
- (13) The assessment list filed herewith should (not) be amended:
- (14) The assessment list filed herewith is fair and equitable and should be adopted.
- (15) The assessment should be collected with the May 2012 taxes.

FINDINGS AND ORDER (ANNUAL MAINTENANCE) CONT:

NOW, THEREFORE, IT IS ORDERED THAT:

- (1) A maintenance fund be established for the Train Coe #18 Regulated Drain at the annual rate of \$6.00 per acre and a \$50.00 minimum per tract for benefited landowners within the watershed.
- (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 2012 taxes.

DATED at Lafayette, Indiana this 2nd day of November 2011.

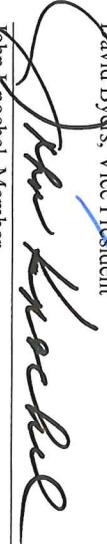
COUNTY DRAINAGE BOARD:



Thomas P. Murtaugh, President



David Byers, Vice President



John Knochel, Member

ATTEST:



Brenda Garrison
Tippecanoe County Drainage Board