BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE

DISMAL CREEK #93 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 October 24, 2017. 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.

Objection letters were filed and are made a part of the official record.

Evidence was presented by the Tippecanoe County Surveyor and some 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 October 24, 2017.

(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 48,126 lineal feet of open ditch and 4811 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:

Clearing, Dredging and Channel Straightening and ongoing spraying

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

(8) The ditch drains 6662.70 acres total.

(9) Estimated annual cost of maintenance is $34,946.05.

(10) Estimated annual benefits the land drained exceeds repair and maintenance costs.

(11) A fund for annual maintenance should ~~(should not)~~ be re-established.

(12) In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: $4.75 per acre and a $20.00 minimum over an eight (8) year collection period.

(13) The assessment list filed herewith should (not) be amended ~~as follows.~~

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

(15) The assessment should be collected with the May 10, 2018 taxes.

FINDINGS AND ORDER (ANNUAL MAINTENANCE) CONT:

NOW, THERFORE, IT IS ORDERED THAT:

(1) A maintenance fund be re-established for the Dismal Creek #93 Regulated Drain at the annual rate of $4.75 per acre and a $20.00 minimum benefited.

(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, 2018 taxes.

DATED at Lafayette, Indiana this 5th day of December 2017.

COUNTY DRAINAGE BOARD:

Thomas P. Murtaugh, President

David S. Byers, Vice President

Tracy Brown, Member

ATTEST:

Brenda Garrison
Tippecanoe County Drainage Board Secretary