

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE

AMANDA KIRKPATRICK #44 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 **August 15, 2016**. 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 was filed.

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

Evidence was presented by the Tippecanoe County Surveyor and 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 August 15, 2016.
- (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 670 lineal feet of open ditch and 10,460 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:  
Remove existing clay and concrete tile and replace with a larger capacity new tile as follows: 3550 lineal feet of 30" diameter tile, 3920 lineal feet of 24" diameter tile, 1600 lineal feet of 18" diameter tile, 950 lineal feet of 15" diameter tile and 440 lineal feet of 12" diameter tile
- (7) There is now **\$3,436.57** owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains **1023.41** acres total.
- (9) Estimated cost of reconstruction is **\$363,555.50**.
- (10) Estimated annual benefits the land drained exceed repair and reconstruction costs.
- (11) A fund for reconstruction and annual maintenance should (~~should not~~) be established.
- (12) In order to provide the necessary reconstruction and maintenance, a **reconstruction** should be established at the annual rate of **\$71.05 per acre** and a **\$50.00 minimum** and the **maintenance** fund re-established at the annual rate of **\$4.00 per acre** with a **\$30.00 minimum** for an eight year collection period.
- (13) The assessment list filed herewith ~~should~~ (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 2017** taxes.

(16) Due to the estimated cost per acre, the necessity of the project, the feasibility of the project, the overall cost of the project, and the availability of funds, this reconstruction project, Reconstruction Financing Assistance as provided for under Resolution 2016-01-DB should be made available to eligible landowners under the conditions set forth in Resolution 2016-01-DB

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

**NOW, THEREFORE, IT IS ORDERED THAT:**

- (1) A reconstruction and maintenance fund be re-established for the Amanda Kirkpatrick #44 Regulated Drain. The reconstruction fund is established at the annual rate of \$71.05 per acre and a \$50.00 minimum and the maintenance fund is re-established at the annual rate of \$4.00 per acre and \$30.00 minimum for an eight (8) <sup>YEAR</sup> period. Maintenance assessments should start AFTER the five (5) year period of reconstruction is complete and paid in full.
- (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 2017 taxes.
- (4) This project is eligible for the Reconstruction Financing Assistance Program created by Drainage Board Resolution 2016-01-DB.

**DATED** at Lafayette, Indiana this 5<sup>th</sup> day of October 2016.

**COUNTY DRAINAGE BOARD:**

Tracy A. Brown  
Tracy Brown, President

Thomas P. Murtaugh  
Thomas P. Murtaugh, Vice President

ABSEOT  
David S. Byers, Member

**ATTEST:**

Brenda Garrison  
Brenda Garrison  
Tippecanoe County Drainage Board Executive Secretary