

TIPPECANOE COUNTY DRAINAGE BOARD

July 13, 2022

**Willowood East Subdivision
New Regulated Drain Hearing**

Those present were:

Tippecanoe County Drainage Board Vice President Thomas P. Murtaugh, member David S. Byers, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Dave Eichelberger from Christopher B. Burke Engineering LLC, and Drainage Board Executive Administrator Ryan Dobner. James Butcher, Surveyor's Office Project Manager, and Spencer Willem, Surveyor's Office Survey/Drainage Coordinator were also in attendance.

Zachariah Beasley, the County Surveyor, opened the meeting and started to read the maintenance report as follows:

"The storm drainage system for the Willowood East subdivision was constructed in the 1980's and is currently in good condition except for the detention basin, which is overgrown with brush. The storm drainage system and its watershed are located in Section 12 of Township 23 North and Range 4 West in the political township of Fairfield, Tippecanoe County, Indiana. It is the judgment of the County Surveyor based on testimony from the benefitted landowners and the Grading and Drainage Plan for the subdivision that the total benefitted watershed area is 26.8 acres. From this day forward there are 1,369 lineal feet of storm sewer pipe from 12" to 36" in diameter and outside the county highway right-of-way, two (2) drainage structures, one (1) detention basin spillway, one (1) detention basin control structure, and one (1) detention basin under maintenance. All storm sewer infrastructure located within the public road right-of-way will remain under the maintenance of the Tippecanoe County Highway Department. Drainage easements dedicated by the final plat of Willowood East subdivision will be utilized for the statutory county regulated drain right-of-entry. It is the judgment of the Tippecanoe County Surveyor that a sum of \$44,851.84 is needed to maintain the existing storm drainage system over a (8) eight-year period. An assessment rate of \$150 per lot over an (8) eight-year period is recommended. This will generate \$45,600.00 over an (8) eight-year period. It is the judgment of the Tippecanoe County Surveyor these rates will ensure that monies will be generated for future storm drainage system maintenance."

The County Surveyor then mentioned that the maintenance estimate, landowner list, and a petition area available for review as well. He mentioned that there were twenty-one different landowners that signed the petition. His office received no negative feedback for this project.

The County Surveyor then opened to questions.

Vice President Murtaugh asked Zachariah if the rest of Willowood is in a different watershed. Zach confirmed the southern portion on Willowood Drive drains to a different area than the area/infrastructure of focus in this project.

David Byers asked if there would be a \$150.00 fee assessed to lot K. Doug Masson confirmed that there will still be a \$150.00 fee for lot K and that ownership does not change for that tract of land.

Don Galema came up to the podium at this time and said the following: "Good morning, my name is Dan Galema. I am here this morning as landowner affected by the storm water drainage system that we are hoping will become a regulated drain of Tippecanoe County. My wife and I are the owners of the 3+ acres which holds the detention pond. Until about an hour ago, we owned lot 55 in Willowood, but that property was sold. I am also the last president of Galema & Strawsma Construction Company being promoted to that position when my father Hugh Galema passed away in November of 2020. Our company developed Willowood East Subdivision and built all but 4 homes in the subdivision. From the time that the system was initially installed Galema & Strawsma has by default assumed the responsibility of repairing any part of the system that might fail, with the exception of the piping under the streets. It is my understanding this much of the total system is already the county's responsibility because the streets have been accepted into county maintenance. With the closure of Galema & Strawsma on December 31, 2021, I initiated the process of petitioning the county to establish the storm water drainage system of Willowood as a regulated drain. I did this because with the closure of our business, it leaves the individual landowners in a potentially bad situation, and unfamiliar territory. As it is right now, if a part of the system would fail the landowners whose property touches the failed pipe would be responsible to its repair. If the landowners are unable/unwilling to make the repair it would cause standing water in yards and streets, which no one would wish for their neighbors. It is my opinion that the yearly fee proposed is a small price to pay for the peace of mind that if there ever is a failure in the system it will be properly repaired by our county employees. I believe this opinion is supported by the number of signed petitions and the fact that no one to my knowledge has filed any objection to the petition. On behalf of the landowners of Willowood East

Subdivision I would request that you as the Tippecanoe County Drainage Board approve this petition and declare our drain system a Regulated Drain of Tippecanoe County. Thank you”.

He also added that the detention pond has been cleared out of brush.

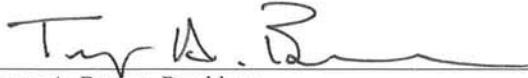
The County Surveyor and Vice President Murtaugh both voiced their praise to Don Galema for bringing his community together and bringing this matter to the county.

Doug Masson now read the Findings and Orders:

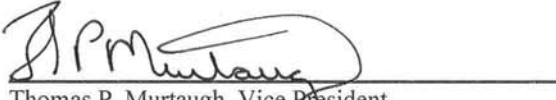
“This matter came to be heard upon the Petition of Landowners filed April 25, 2022, a copy of which is attached hereto and made a part hereof, and the maintenance report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on May 6, 2022. The Certificate of Mailing of notice 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. Objections 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: The Landowner’s Petition requests that a mutual drain be accepted as regulated drain and is made by fewer than all of owners affected by the mutual drain and is, therefore, governed by IC 36-9-27-19. The maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on May 6, 2022. Notice of the hearing on acceptance of the Willowood East Subdivision as a Regulated Drain and 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. 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. The drain consists of 1,369 linear feet of drainage pipe with various diameters outside the county highway right-of-way, two (2) drainage structures, one (1) detention basin spillway, one (1) detention basin control structure, and one (1) detention basin. The owners of more than 50% in acreage of the affected land will be benefitted if the drain is made a regulated drain under this chapter, and the benefit to owners is likely to be greater than the damages to owners by reason of the mutual drain being made a regulated drain; Estimated annual cost of maintenance is \$5,606.48. Estimated benefits to the land from maintenance exceeds repair and maintenance costs. A fund for annual maintenance should be established. The drain will benefit each lot equally. In order to provide the necessary maintenance: a maintenance fund shall be established at the annual rate of one hundred fifty dollars (\$150) per lot for an eight (8) year period as benefited. The assessment list filed herewith (as amended above) is fair and equitable and should be adopted. The assessments should be collected beginning with the May 2023 taxes. now, therefore, it is ordered that the mutual drain of Willowood East is hereby accepted as a County Regulated Drain to be known as the Willowood East #501 Regulated Drain. A maintenance fund be established for the Willowood East #501 Regulated Drain at the annual rate of one hundred fifty dollars (\$150) per lot for an eight (8) year period as benefited. The Schedule of Assessments filed herewith are adopted and made a part thereof. The first annual assessment shall be collected with the May 2023 taxes.”

David Byers made a motion to approve the Findings and Orders as recommended by the Attorney. Vice President Murtaugh seconded the motion. Motion carried.

David Byers made a motion to adjourn. Meeting adjourned.



Tracy A. Brown, President



Thomas P. Murtaugh, Vice President

David S. Byers, Member

Ryan Dobner, Executive Administrator