

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE

JAMES S. KELLERMAN #42 REGULATED DRAIN:

FINDINGS AND ORDER (ANNUAL MAINTENANCE)
RE-ESTABLISHING A NEW MAINTENANCE RATE

This matter came to be heard upon the maintenance report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on October 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 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 maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on October 22, 2014.
- (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 30 lineal feet of open ditch and 13,215 lineal feet of tile main and 1,250 lineal feet of branch tile historically known as Branch # 2 of the J.H. Skinner Ditch.
- (5) The present condition of the tile ditch is fair with periodic maintenance required.
- (6) The ditch needs the following maintenance at present:
Periodic tile hole maintenance
- (7) There is now \$5,763.20 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 544.984 acres total.
- (9) Estimated annual cost of maintenance is \$2,960.93.
- (10) Estimated annual benefits the land drained exceeds repair and maintenance costs.
- (11) A fund for annual maintenance should be re-established.
- (12) In order to provide the necessary maintenance fund, the annual assessment per acre benefited should be re-established as: \$5.50 per acre and a \$25.00 minimum over 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 starting with the May 2015 taxes.

FINDINGS AND ORDER (ANNUAL MAINTENANCE) CONT:

NOW, THEREFORE, IT IS ORDERED THAT:

- (1) A maintenance fund be re-established for the James S. Kellerman Regulated Drain #42 at the annual rate of \$5.50 per acre and \$25.00 minimum benefited over an eight (8) year period.
- (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 2015 taxes.

DATED at Lafayette, Indiana this 10th day of **December 2014**


COUNTY DRAINAGE BOARD:


David S. Byers, President


John Knoedel, Vice President

Absent
Thomas P. Murtaugh, Member

ATTEST:


Brenda Garfison
Tippecanoe County Drainage Board Secretary