

SURVEYOR'S OFFICE
Hamilton County

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September 17, 2014

To: Big Cicero Creek Drainage Board

Re: Increase in Maintenance Assessment

The Big Cicero Creek Drainage Board (The Board) was established in 1991 with its organizational meeting being held on October 23rd of that year. The Board consists of those four counties within the drainage shed, those counties being, Tipton, Hamilton, Clinton and Boone.

On September 24, 1992 a hearing was held for the reconstruction of the drain and to establish an assessment for maintenance. The proposed rate of \$1.00 per acre with a \$10.00 minimum was reduced to \$0.90 per acre with an \$8.00 minimum at the hearing. With these assessment rates the Board collects an annual assessment of \$128,916.31. The breakdown of collections by county is as follows:

| | |
|-----------------|--------------------|
| Tipton County | \$ 94,926.23 |
| Hamilton County | \$ 30,660.04 |
| Boone County | \$ 1,695.04 |
| Clinton County | <u>\$ 1,635.00</u> |
| | \$128,916.31 |

During the past years there have been issues with the drain which the Board has been able to address with maintenance funds available to them. These have included clearing, bank erosion control, removal of obstructions such as fallen trees and spraying for woody growth. In addition the Board has been utilizing maintenance funds for engineering services.

Along with the regular maintenance issues the Board has been involved with the flooding problems experienced by both the City of Tipton and the rural areas within Tipton County. Christopher B. Burke Engineering, LLC (Burke) was retained by the Board to study the flooding problem. After reviewing several possible solutions two were proposed and rejected due to costs. The first was a shelf through the City of Tipton which was rejected at hearing due to remonstration and the second was a bypass channel south of the City of Tipton which was rejected by the Board before a hearing was set.

Burke is also working on other possible solutions to the flooding problems which are outside the conventional thinking when dealing with flooding problems. These could include two staged ditching, creation or restoration of wetland areas, detention areas which could double as recreational areas, cover crops to mention some ideas which have been discussed. These would be located primarily upstream of the City of Tipton, possibly in the tributaries feeding Big Cicero Creek.

Along with the flooding issues Burke is also looking at areas of severe bank erosion in both Tipton and Hamilton Counties. These include the areas of bank near the SR 19 Bypass in Tipton and the area at the confluence of the W. W. Forkner Drain and Big Cicero Creek in Hamilton County. These are but two pending projects needing Board action. There are other areas requiring bank work for the future.

The solutions for solving the flooding issues and the severe bank erosion have outstripped the available maintenance funds. As an example, the estimated cost for the bank repair at the Forkner Drain per the January 16, 2013 minutes is \$520,000.00 to \$600,000.00. These solutions are both costly and necessary. The costs for engineering, land and easement acquisition and construction will either require multiple reconstruction hearings or be deferred until the maintenance fund at its current rate of collection can catch up to the needs. Meanwhile the problems will progress in severity and become more costly when funds are available.

Over the past year the Board has discussed the possibility of increasing the maintenance fund. If the proposed projects mentioned above are to be completed the annual assessments must be increased. These collections have remained at the current level for twenty one years and now are not adequate to keep up with the maintenance needs of the drain.

Upon consideration of the needs of the drain the following rates are being proposed:

Residential/Agricultural Parcels -----\$3.00 per acre with a \$50.00 minimum
 Commercial/Industrial/Institutional Parcels --\$15.00 per acre with a \$100.00 Minimum
 Roads ----- \$15.00 per acre

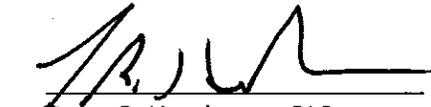
Using the rates the collections by county will be as follows:

| | <u>Parcels</u> | <u>Acres</u> | <u>Lots</u> | <u>Proposed Assessment</u> |
|-----------------|----------------|--------------|-------------|----------------------------|
| Tipton County | 6,692 | 62,123.24 | 3,478 | \$510,999.16 |
| Hamilton County | 2,160 | 19,883.50 | 899 | \$154,907.22 |
| Boone County | 82 | 1,672.00 | 0 | \$ 6,965.10 |
| Clinton* | 73 | 1,708.42 | 0 | \$ 6,580.49 |
| Grand Total | 9,007 | 85,387.16 | 4,377 | \$679,451.97 |

In addition to the above increase in annual assessments it is also recommended that the Board increase the limit on the fund balance as allowed in IC 36-9-27-43. Currently the collections for the fund must stop when the balance in the fund reaches four (4) times the annual assessment. This means the balance in the fund cannot exceed \$515,665.24 based on the current rate of assessment or \$2,717,807.88 based on the proposed rate of assessment. It is recommended that the limitation on the fund balance be increased to eight (8) times the annual assessment as allowed in Section 43 of the Indiana Drainage Code. This would increase the limit on the fund balance to \$1,031,330.48 based on the current rate of assessment or \$5,435,615.76 based on the proposed rate of assessment. With this increase in the available balance in the drain fund the Board would then be able to utilize maintenance funds to fully pay or partially pay for future reconstruction projects. Under IC 36-9-27-45.5 the Board may transfer up to 75% of a maintenance fund to pay for reconstruction projects. This would reduce or eliminate assessments for future reconstructions on Big Cicero Creek.

It is recommended by the undersigned that the proposed increase in assessment rates and increase in the limit of the fund balance be set for hearing by the Board. This should be done in 2014 in order to begin the new assessments in 2015.

Submitted by:



Jason R. Henderson, RLS
Tipton County Surveyor



Kenton C. Ward, CFM
Hamilton County Surveyor



Kenneth Hedge
Boone County Surveyor



Dan Sheets
Clinton County Surveyor

KCW/llm

Big Cicero Creek
Boone Co.

| | | |
|----------------|-------|--------|
| Residential/Ag | 3.00 | 50.00 |
| Commercial | 15.00 | 100.00 |
| Road | 15.00 | |

| Parcel | Owner | Desc | Rate | Ben Ac | CurAsmt | RvsAsmt |
|------------------|--------------------------------------|------------------------------------|----------------|--------|---------|---------|
| 007-05300-01 | Archibald, Stanley & Donna | PT SE SW 24 20 2E 27.70Ac | Residential/Ag | 27.70 | 24.93 | 83.10 |
| 007-08200-00 | Archibald, Stanley & Donna | PT E 1/2 NW 25-20-2E 29.27Ac | Residential/Ag | 29.27 | 26.34 | 87.81 |
| 007-08460-00 | Archibald, Stanley & Donna | PT SW NE 25-20-2E 37.80Ac | Residential/Ag | 37.80 | 34.02 | 113.40 |
| 007-02540-01 | Bacon, Gloria J | PT SE SW 24 20 2E 1.09Ac | Residential/Ag | 1.09 | 8.00 | 50.00 |
| 007-05710-00 | Baird, Jack A | PT W 1/2 NW 24-20-2E 1.00Ac | Residential/Ag | 1.00 | 8.00 | 50.00 |
| 007-08700-00 | Barnes, Douglas L & Jessica L | PT NE 25-20-2E 15.50Ac | Residential/Ag | 15.50 | 13.95 | 50.00 |
| 007-08700-03 | Barnes, Douglas L & Jessica L | PT NE 25-20-2E 4.13Ac | Residential/Ag | 4.13 | 8.00 | 50.00 |
| 007-07500-01 | Barnes, Jeffrey W & Angela M | PT E 1/2 NE 24-20-2E 2.00Ac | Residential/Ag | 2.00 | 8.00 | 50.00 |
| 007-07500-00 | Barnes, Robert W & Sylvia | PT E 1/2 NE 24-20-2E 78.00Ac | Residential/Ag | 78.00 | 70.20 | 234.00 |
| Boone County Hwy | Boone County Highway | Boone County Roads | Road | 10.90 | n/a | 163.50 |
| 007-07270-01 | Boone, Grant A Etal | PT SW NW 24-20-2E 5.12Ac | Residential/Ag | 5.12 | 8.00 | 50.00 |
| 007-06760-00 | Boone, Robert S & Nancy D | PT SE 25-20-2E 3.00Ac | Residential/Ag | 3.00 | 8.00 | 50.00 |
| 007-06770-00 | Boone, Robert S & Nancy D | PT SE 25-20-2E 1.28Ac | Residential/Ag | 1.28 | 8.00 | 50.00 |
| 007-07270-00 | Boone, Robert S & Nancy D | PT SW NW 24-20-2E 33.88Ac | Residential/Ag | 33.88 | 30.50 | 101.64 |
| 007-08640-00 | Boone, Robert S & Nancy D | PT NW SW 13-20-2E 77.70Ac | Residential/Ag | 77.70 | 69.94 | 233.10 |
| 007-08640-01 | Boone, Robert S & Nancy D | PT SW 13-20-2E 1.29Ac | Residential/Ag | 1.29 | 8.00 | 50.00 |
| 007-08460-01 | Coy, Michael K & Janet R | PT SW NE 25-20-2E 2.20Ac | Residential/Ag | 2.20 | 8.00 | 50.00 |
| 007-08150-00 | Davidson, Michael A & Paula J | PT SE 25-20-2E 1.00Ac | Residential/Ag | 1.00 | 8.00 | 50.00 |
| 007-03730-00 | Dotson, Larry E & Sharon A | PT NE 25-20-2E 2.00Ac | Residential/Ag | 2.00 | 8.00 | 50.00 |
| 007-02510-00 | Doty, Eddie Lee & Karen | PT NE SW 24-20-2E 20.00Ac | Residential/Ag | 20.00 | 18.00 | 60.00 |
| 007-03930-00 | Dunn, Joseph E & Judith A | PT E 1/2 NE 25-20-2E 10.00Ac | Residential/Ag | 10.00 | 9.00 | 50.00 |
| 007-03940-00 | Dunn, Joseph E & Judith A | PT NE 25-20-2E 5.00Ac | Residential/Ag | 5.00 | 8.00 | 50.00 |
| 007-03950-00 | Dunn, Joseph E & Judith A | PT NE 25-20-2E 15.00Ac | Residential/Ag | 15.00 | 13.50 | 50.00 |
| 007-02010-00 | Durbin, Julie & Barbara Graves | PT SE NE 25-20-2E 1.00Ac | Residential/Ag | 1.00 | 8.00 | 50.00 |
| 007-00490-01 | Durbin, Richard E | PT E 1/2 NE 25-20-2E 15.34Ac | Residential/Ag | 15.34 | 13.81 | 50.00 |
| 007-02030-00 | Durbin, Ruth Ann | PT NE 25-20-2E 1.00Ac | Residential/Ag | 1.00 | 8.00 | 50.00 |
| 007-06430-00 | Emry, Kenneth E & Candace C | PT SE 25-20-2E 0.58Ac | Residential/Ag | 0.58 | 8.00 | 50.00 |
| 007-02520-00 | Fleming, Tara J & Cayenne L Foutch | PT SE SE 24-20-2E 20.00Ac | Residential/Ag | 20.00 | 18.00 | 60.00 |
| 007-02530-00 | Foutch, Cayenne L & Tara J Fleming | PT SE SE 24-20-2E 20.00Ac | Residential/Ag | 20.00 | 18.00 | 60.00 |
| 007-02540-00 | Foutch, Cayenne L & Tara J Fleming | PT SE SW 24-20-2E 5.91Ac | Residential/Ag | 5.91 | 8.00 | 50.00 |
| 007-02870-00 | Glunt, Barbara E | PT S 1/2 SE 13-20-2E 40.42Ac | Residential/Ag | 40.42 | 36.38 | 121.26 |
| 007-02890-00 | Glunt, Charles C & Lisa A | PT NW NE 24-20-2E 20.00Ac | Residential/Ag | 20.00 | 18.00 | 60.00 |
| 007-02900-00 | Glunt, David B | PT SE 13-20-2E 30.66Ac | Residential/Ag | 30.66 | 27.60 | 91.98 |
| 007-02900-01 | Glunt, Michael W & Virginia L | PT SE 13-20-2E 10.00Ac | Residential/Ag | 10.00 | 9.00 | 50.00 |
| 007-03110-00 | Griffin, Catherine M | PT SE 25-20-2E 1.00Ac | Residential/Ag | 1.00 | 8.00 | 50.00 |
| 007-03140-00 | Grinstead, Barton R | PT N 1/2 SE 14-20-2E 77.41Ac | Residential/Ag | 77.41 | 69.66 | 232.23 |
| 007-05190-00 | Grinstead, Joshua & Rebecca | PT SE 25-20-2E 1.00Ac | Residential/Ag | 1.00 | 8.00 | 50.00 |
| 007-03240-00 | Hash, LaQuota Ann | PT SE 25-20-2E 1.00Ac | Residential/Ag | 1.00 | 8.00 | 50.00 |
| 007-05580-00 | Hasketf, Jewell A | PT E 1/2 E 1/2 NW 24-20-2E 40.00Ac | Residential/Ag | 40.00 | 36.00 | 120.00 |
| 007-03580-00 | Hiatt, Jacob A | PT SW SE 24-20-2E 13.34Ac | Residential/Ag | 13.34 | 12.01 | 50.00 |
| 007-02860-00 | Hobson, Christine G & David A | PT SE 13-20-2E 81.01Ac | Residential/Ag | 81.09 | 72.98 | 243.27 |
| 007-00490-00 | Hunt Real Estate LLC | PT E 1/2 NE 25-20-2E 32.66Ac | Residential/Ag | 32.66 | 29.40 | 97.98 |
| 007-01990-00 | Hunt, Duan E & Dana J | PT NE SE 24-20-2E 2.50Ac | Residential/Ag | 2.50 | 8.00 | 50.00 |
| State Highway | Indiana Dept. of Transportation | SR 38 in Boone County | Road | 8.20 | n/a | 123.00 |
| 007-02850-00 | Kendall, Dianne | PT S 1/2 SW 13-20-2E 80.51Ac | Residential/Ag | 80.00 | 72.00 | 240.00 |
| 007-01700-01 | King, Monty A & Janet K | PT NW SE 24-20-2E 10.42Ac | Residential/Ag | 10.42 | 9.38 | 50.00 |
| 007-03150-00 | Kouns, David A. | PT NW 23-20-2E 160.00 Ac | Residential/Ag | 160.00 | 144.00 | 480.00 |
| 007-08270-00 | Lambert, Robert M & Jacquelyn S | PT NE 25-20-2E 3.36Ac | Residential/Ag | 3.36 | 8.00 | 50.00 |
| 007-00700-01 | Landes, Robert E & Kathleen S Eells | PT NW NW 24-20-2E 3.74Ac | Residential/Ag | 3.74 | 8.00 | 50.00 |
| 007-07260-00 | Lauterbach, Edward S & Karen G | PT W 1/2 SW 24-20-2E 1.62Ac | Residential/Ag | 1.62 | 8.00 | 50.00 |
| 007-01990-01 | Law Legacy Farms LLC | PT NE SE 24-20-2E 38.22Ac | Residential/Ag | 38.22 | 34.40 | 114.66 |
| 007-08710-01 | Law Legacy Farms LLC | PT SW SE 24-20-2E 9.75Ac | Residential/Ag | 9.75 | 8.78 | 50.00 |
| 007-08710-02 | Law Legacy Farms LLC | PT SW SE 24-20-2E 6.25Ac | Residential/Ag | 6.25 | 8.00 | 50.00 |
| 007-05570-01 | Noe, Cynthia B | PT NW NE 24-20-2E 2.00Ac | Residential/Ag | 2.00 | 8.00 | 50.00 |
| 007-00700-00 | Noe, Doyle E & Geneva M | PT NW NW 24-20-2E 36.26Ac | Residential/Ag | 36.26 | 32.64 | 108.78 |
| 007-05570-00 | Noe, Doyle E & Geneva M | PT NW NE 24-20-2E 18.00Ac | Residential/Ag | 18.00 | 16.20 | 54.00 |
| 007-05590-00 | Noe, Doyle E & Geneva M | SW SE 14-20-2E 20.00Ac | Residential/Ag | 20.00 | 18.00 | 60.00 |
| 007-05600-00 | Noe, Kenneth E & Lynn A | PT NE SW 24-20-2E 3.41Ac | Residential/Ag | 3.41 | 8.00 | 50.00 |
| 007-05600-01 | Noe, Kenneth E & Lynn A | PT NE SW 24-20-2E 6.59Ac | Residential/Ag | 6.59 | 8.00 | 50.00 |
| 007-06080-00 | Pettit, James L & Carolyn A | PT SE 25-20-2E 5.72Ac | Residential/Ag | 5.72 | 8.00 | 50.00 |
| 007-06080-01 | Pettit, James M & Debra J | PT SE 25-20-2E 1.15Ac | Residential/Ag | 1.15 | 8.00 | 50.00 |
| 007-06340-00 | Quick, Louis M Etal | PT SW SE 24-20-2E 6.66Ac | Residential/Ag | 6.66 | 8.00 | 50.00 |

| Parcel | Owner | Desc | Rate | Ben Ac | CurAsmt | RvsAsmt |
|-------------------|-------------------------------------|---------------------------------|----------------|---------|---------|---------|
| 007-08640-02 | Randall, Nathan A & Leah R | PT NW SW 13-20-2E 1.02Ac | Residential/Ag | 1.02 | 8.00 | 50.00 |
| 007-06560-00 | Revis, Peggi L & Ronald W Roeder Jr | PT NE SW 24-20-2E 10.00Ac | Residential/Ag | 10.00 | 9.00 | 50.00 |
| 007-06570-00 | Rohrer, Betty D Trust | E 1/2 NE 23-20-2E 79.17Ac | Residential/Ag | 79.17 | 71.26 | 237.51 |
| 007-05300-00 | Rowland, Marilyn & Sara Rowland | PT SE SW 24-20-2E 5.30Ac | Residential/Ag | 5.30 | 8.00 | 50.00 |
| 007-08940-00 | Scott, Renea Nadene | E 1/2 NE 23-20-2E 0.83Ac | Residential/Ag | 0.83 | 8.00 | 50.00 |
| 007-08910-00 | Shore, Jerry L & Jan Ella Jt Rev TR | W 1/2 SW SE 14-20-2E 20.00Ac | Residential/Ag | 20.00 | 18.00 | 60.00 |
| 007-08920-00 | Shore, Jerry L & Jan Ella Jt Rev TR | W 1/2 E 1/2 NW 24-20-2E 40.00Ac | Residential/Ag | 40.00 | 36.00 | 120.00 |
| 007-03140-01 | Smith, Martin K | PT N 1/2 SE 14-20-2E 2.59Ac | Residential/Ag | 2.59 | 8.00 | 50.00 |
| 007-07260-01 | Stahl, John Fred | PT W 1/2 24-20-2E 78.38Ac | Residential/Ag | 78.38 | 70.54 | 235.14 |
| 007-01700-00 | Stern, Connie | PT NW SE 24-20-2E 29.58Ac | Residential/Ag | 29.58 | 26.62 | 88.74 |
| 007-07510-00 | Stern, Connie | PT SW NE 24-20-2E 40.00Ac | Residential/Ag | 40.00 | 36.00 | 120.00 |
| 007-01680-00 | Stoops, Chuck | PT NW NE 23-20-2E 20.00Ac | Residential/Ag | 20.00 | 18.00 | 60.00 |
| 007-07520-00 | Stoops, Chuck | PT SW NE 23-20-2E 40.00Ac | Residential/Ag | 40.00 | 36.00 | 120.00 |
| 007-08190-00 | Stoops, Chuck | PT NW NE 23-20-2E 20.00Ac | Residential/Ag | 20.00 | 18.00 | 60.00 |
| 007-08470-00 | Walton, Colleen K | PT NE 25-20-2E 2.14Ac | Residential/Ag | 2.14 | 8.00 | 50.00 |
| 007-08700-01 | Walton, Colleen K | PT NW NE 25-20-2E 2.87Ac | Residential/Ag | 2.87 | 8.00 | 50.00 |
| 007-08700-02 | Walton, Colleen K | PT NE 25-20-2E 10.00Ac | Residential/Ag | 10.00 | 9.00 | 50.00 |
| 007-06720-00 | Wood, Darryl & Monica | PT NE SE 25-20-2E 5.00Ac | Residential/Ag | 5.00 | 8.00 | 50.00 |
| 007-01120-00 | Wright, Debra D & Denise A Wiand | PT SE SE 14-20-2E 40.00Ac | Residential/Ag | 40.00 | 36.00 | 120.00 |
| 007-08710-00 | Zickmund, Larry | PT SW SE 24-20-2E 4.00Ac | Residential/Ag | 4.00 | 8.00 | 50.00 |
| Boone Parcels: 82 | | | Zero Lots | 1672.00 | 1695.04 | 6965.10 |