

Kenton C. Ward, CFM
Surveyor of Hamilton County
Phone (317) 776-8495
Fax (317) 776-9628

Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

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

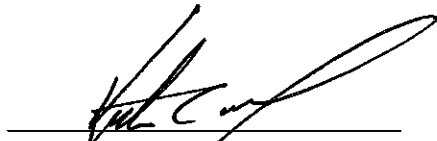
In addition to the above increase in annual assessments it is also recommended that the Board increase the limit on the fund balance as allowed in IC 36-9-27-43. Currently the collections for the fund must stop when the balance in the fund reaches four (4) times the annual assessment. This means the 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.

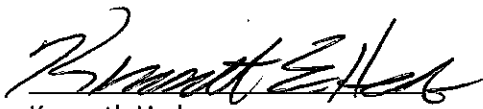
Submitted by:




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 Clinton Co.			Rate	Minimum		
		Residential/Ag	3.00	50.00		
		Commercial	15.00	100.00		
		Road	15.00			
Parcel	Owner	Desc	Rate	Ben Ac	CurAsmt	RvdAsmt
12-16-02-400-005.000-017	American Fletcher National	011-01002-00 N SW SE S2 T20N R2E 20A 90	Residential/Ag	6.97	8.00	50.00
12-16-11-200-001.000-017	Barnett, Patricia Ann	011-16015-00 N END W NE 11-20-2E 36.25A	Residential/Ag	22.39	20.15	67.17
12-12-36-200-002.000-017	Barnett, Richard K	011-02009-00 S NW NE 20A 8903	Residential/Ag	4.53	8.00	50.00
12-12-36-200-006.000-017	Barnett, Richard K	011-02008-00 E NE EX 1 A S36 T21N R2E 79A	Residential/Ag	78.95	71.06	236.85
12-12-36-200-007.000-017	Barnett, Richard K	011-02010-00 PT NE NE 1A 8734	Residential/Ag	1.00	8.00	50.00
12-16-11-200-004.000-017	Barnett, Richard K	011-09003-00 PT NW NE 17A 8760	Residential/Ag	17.00	15.30	51.00
12-16-01-200-006.000-017	Bonecutter, Eugene V	011-02021-00 S END W E NE 8.0A 8971	Residential/Ag	8.00	8.00	50.00
12-16-01-400-002.000-017	Bonecutter, Eugene V	011-02022-00 NE NE SE 20A	Residential/Ag	20.00	18.00	60.00
12-16-02-400-008.000-017	Bonecutter, Eugene V	011-23055-00 PT SE SE SE 7.24A 8621-A	Residential/Ag	7.24	8.00	50.00
12-16-12-300-006.000-017	Bonecutter, Eugene V	011-02026-00 NE SW 40A 8833-B	Residential/Ag	40.00	36.00	120.00
12-16-12-300-001.000-017	Bonecutter, Eugene V, Rev	011-02027-00 NW SW 40A 8835	Residential/Ag	40.00	36.00	120.00
12-12-25-400-003.000-017	Burgan, Connie J & Jarrett V	011-27012-00 N NE SE 20A 8615	Residential/Ag	19.99	17.99	59.97
12-12-25-400-004.000-017	Burgan, Connie J & Jarrett V	011-27010-00 PT SE 18.40A 9051-A1	Residential/Ag	18.38	16.54	55.14
12-12-25-200-009.001-017	Burgan, Connie J & Wm R 8	011-27013-00 PT NE 3.021A 8614-A	Residential/Ag	2.59	8.00	50.00
12-12-25-200-008.000-017	Burgan, Phil O & Connie J	011-27008-00 PT S NE FR 27 A. 8950-B	Residential/Ag	22.19	19.97	66.57
Clinton County Roads	Clinton Co. Highway Dept.	Clinton Co S1,2,11,12,13,14 T20 R2	Roads	31.68	n/a	475.20
12-16-02-400-006.000-017	Butcher, Mary D	011-16014-00 S SW SE 20A 8925	Residential/Ag	20.00	18.00	60.00
12-16-01-400-004.000-017	DB Holding Co LLC	011-02029-00 S SE SE 20A 8899	Residential/Ag	20.00	18.00	60.00
12-16-12-200-001.000-017	DB Holding Co LLC	011-14001-00 W NE 80A 8547	Residential/Ag	80.00	72.00	240.00
12-16-12-200-002.000-017	DB Holding Co LLC	011-02030-00 W NE NE 23.33A 8546	Residential/Ag	23.33	21.00	69.99
12-16-12-200-003.000-017	DB Holding Co LLC	011-02028-00 E NE NE 16.66A 8548	Residential/Ag	16.59	14.93	50.00
12-16-02-400-009.000-017	Dorsey, Lisa J	011-23056-00 PT SE SE 0.76A 8621-B	Residential/Ag	0.76	8.00	50.00
12-16-12-400-006.000-017	Forbush, Morgan J	011-02069-01 E SE 12-20-2E 25.00A 8586-A1-	Residential/Ag	25.00	22.50	75.00
12-16-12-400-003.000-017	Forbush, Tammy L & Morga	011-02068-00 E SE 19.18A 8586-B1	Residential/Ag	19.15	17.24	57.45
12-16-12-400-005.000-017	Forbush, Tammy L & Morga	011-02069-00 E S 34.82A 8586-A1-A	Residential/Ag	16.54	14.88	50.00
12-16-12-400-005.000-017	Forbush, Tammy L & Morga	011-02069-00 E S 34.82A 8586-A1-A	Residential/Ag	18.24	16.42	54.72
12-16-12-400-004.000-017	Forbush, William & Tammy	011-02068-01 PT E SE 12-20-2E 1.00 ACRES	Residential/Ag	0.99	8.00	50.00
12-16-13-200-003.000-017	Garrod, Brenda Marie	011-13003-01 PT W 1/2 NE 13-20-2E 3.50A 8E	Residential/Ag	3.50	8.00	50.00
12-16-13-200-006.000-017	Gatewood, Aaron & Debra	011-02067-00 PT E 1/2 NE 13-20-2E 2.64A 87;	Residential/Ag	2.64	8.00	50.00
12-16-01-400-003.001-017	Gillim, Sarah	011-07015-01 N END E SE EX 20 A N END S1 T	Residential/Ag	20.00	18.00	60.00
12-16-13-200-007.000-017	Glunt, Barbara E	011-02067-01 PT E 1/2 NE 73.655A 8721-B	Residential/Ag	73.51	66.15	220.53
12-16-12-100-001.000-017	Goodnight, Raymond E	011-03001-00 PT NW NW 1A 9060	Residential/Ag	1.00	8.00	50.00
12-16-12-100-002.000-017	Goodnight, Raymond E	011-07012-01 NE NW 62.30A 8843-44-45-87;	Residential/Ag	63.30	56.97	189.90
12-16-12-100-003.000-017	Goodnight, Raymond E	011-07013-00 NE NW 30.00A 8709-10-884;	Residential/Ag	30.00	27.00	90.00
12-16-12-100-004.000-017	Goodnight, Raymond E	011-07012-00 NE NW 66.779A 8843-44-45-8	Residential/Ag	66.78	60.10	200.34
12-12-36-200-003.000-017	Hills Baptist Church & Cem	011-28001-00 CEMETERY 3.01A 8875-D	Residential/Ag	3.01	8.00	50.00
12-12-36-200-004.000-017	Hills Baptist Church	011-28003-00 PT SW NE 1.50A 8875-C	Residential/Ag	1.21	8.00	50.00
12-16-01-300-003.000-017	Johnson, Matthew A.	011-10015-00 PT OFF NE SW 1.03A 8562-1	Residential/Ag	1.03	8.00	50.00
12-16-01-300-004.000-017	Johnson, Matthew A.	011-07017-00 PT SW SW 38.72A 8562-A	Residential/Ag	38.72	34.85	116.16
12-16-01-300-006.000-017	Johnson, Matthew A.	011-07014-00 SE SW 40A 8704	Residential/Ag	40.00	36.00	120.00
12-16-02-400-007.000-017	Johnson, Matthew A.	011-02005-00 PT SE SE 26A 8529	Residential/Ag	26.00	23.40	78.00
12-16-02-400-010.000-017	Johnson, Matthew A.	011-02007-00 E SE SE 5.88A 8523	Residential/Ag	5.88	8.00	50.00
12-16-13-200-005.000-017	Johnson, Roland & Linda	011-02067-02 OFF PT E 1/2 NE 13-20-2E 4.88	Residential/Ag	4.88	8.00	50.00
12-16-12-300-007.000-017	Jones, Earl F & Phyllis	011-13001-00 E SW 40A 8833-A	Residential/Ag	1.69	8.00	50.00
12-16-12-300-007.000-017	Jones, Earl F & Phyllis	011-13001-00 E SW 40A 8833-A	Residential/Ag	38.31	34.48	114.93
12-16-12-400-002.000-017	Jones, Earl F & Phyllis	011-13002-00 SW SE 40A 8834	Residential/Ag	21.08	18.97	63.24
12-16-12-400-002.000-017	Jones, Earl F & Phyllis	011-13002-00 SW SE 40A 8834	Residential/Ag	18.92	17.03	56.76
12-16-13-200-004.000-017	Jones, Earl F & Phyllis	011-13003-00 PT W NE 56.50A 8836-A	Residential/Ag	56.38	50.74	169.14
12-16-11-200-005.000-017	Lamb Farms Inc	011-11042-57 NE NE 40A 8781	Residential/Ag	40.00	36.00	120.00
12-16-11-200-006.000-017	Lamb Farms Inc	011-11042-55 SE NE 40A 8779	Residential/Ag	40.00	36.00	120.00
12-12-25-400-001.000-017	Law Brothers Family Farms	011-12010-31 PT SE 33.89A 8612-B-8907-89;	Residential/Ag	5.14	8.00	50.00
12-12-25-400-005.000-017	Law Brothers Family Farms	011-02015-00 PT SE 26A 8524	Residential/Ag	25.99	23.39	77.97
12-16-13-100-003.000-017	McNutt, Dustin J & McGloin,	011-04003-60 PT E NW E 13-20N-2E. 1.685A 8	Residential/Ag	1.69	8.00	50.00
12-16-01-400-001.000-017	Merrill, Maxine	011-02049-00 W SE 80A 8564	Residential/Ag	80.00	72.00	240.00
12-12-36-200-005.000-017	Murphy Family	011-27046-00 PT SW NE 36.25A 8875-A & 887	Residential/Ag	2.04	8.00	50.00
12-16-01-400-003.000-017	Roche, Kevin M & Madeline	011-07015-00 N END E SE EX 20 A N END 20,	Residential/Ag	20.00	18.00	60.00

Parcel	Owner	Desc	Rate	Ben Ac	CurAsmt	RvdAsmt
12-16-12-400-001.000-017	Shoe, Ferrel & Frances K	011-19024-00 NW SE 40A 8992	Residential/Ag	40.00	36.00	120.00
12-12-25-400-006.000-017	Shuck, Phyllis A	011-19063-00 PT SE 39.50A 8745	Residential/Ag	39.50	35.55	118.50
12-12-25-400-007.000-017	Shuck, Phyllis A	011-19064-00 SE COR SE 3A 8746	Residential/Ag	3.00	8.00	50.00
12-16-13-100-004.000-017	Stahl, Neil	011-19071-00 E SIDE NE NW 10A 8737	Residential/Ag	8.51	8.00	50.00
12-16-13-100-004.000-017	Stahl, Neil	011-19071-00 E SIDE NE NW 10A 8737	Residential/Ag	1.49	8.00	50.00
12-16-13-100-005.000-017	Stahl, Neil	011-19072-00 E NW EX 10A E SD 68.315A 885	Residential/Ag	63.25	56.93	189.75
12-16-13-100-005.000-017	Stahl, Neil	011-19072-00 E NW EX 10A E SD 68.315A 885	Residential/Ag	4.96	8.00	50.00
12-16-13-200-001.000-017	Stahl, Neil	011-19070-00 W SIDE NW NE 10A 8736	Residential/Ag	10.00	9.00	50.00
12-16-13-200-002.000-017	Stahl, Neil	011-19073-00 PT W NE 10A 8857	Residential/Ag	9.96	8.96	50.00
12-16-01-200-007.000-017	TCB Farms, Inc.	011-13005-00 E E NE S1 T20N R2E. 35A 8642	Residential/Ag	2.94	8.00	50.00
12-16-12-200-004.000-017	Wright, Homer G	011-23054-00 SE NE S12 T20N R2E. 40A 8878	Residential/Ag	39.94	35.95	119.82
12-16-12-300-002.000-017	Yeager, Connie J & Dean M	011-12011-57 PT SW SW 38.60332A 8587-A1	Residential/Ag	33.50	30.15	100.50
12-16-13-100-001.000-017	Yeager, Connie J & Dean M	011-19086-00 NW NW 40A 8507	Residential/Ag	25.31	22.78	75.93
12-16-13-100-001.000-017	Yeager, Connie J & Dean M	011-19086-00 NW NW 40A 8507	Residential/Ag	4.50	8.00	50.00
12-16-13-100-002.000-017	Yeager, Connie J & Dean M	011-19085-00 SW NW 40A 8506	Residential/Ag	39.99	35.99	119.97
12-16-14-200-004.000-017	Yeager, Dean M & Connie J	011-07000-40 NE 14-20N-2E. 53.33A 8796	Residential/Ag	14.03	12.63	50.00
12-16-14-200-005.000-017	Yeager, Dean M & Connie J	011-07000-30 S SIDE NE S14 T20N R2E. 53.33A	Residential/Ag	53.33	48.00	159.99
Clinton Parcels: 73			Zero Lots	1708.42	\$ 1,635.00	\$ 6,580.49