

WRITTEN REMONSTRANCE AND OBJECTIONS SUMMARY

Below is listed the Signatories of individuals, and those representing companies, who filed written remonstrance and or objections. Additionally broke down by area of watershed where they own the property.

Hamilton County

Walter Shirk
Elizabeth Synowiec

Boone County

None

Clinton County

None

City of Tipton

L. Richard (Dick) Tragesser - Ti-on Restaurant & Bar
Gregory M Sottong - Dejumar Properties LLC
Sonita Grimme
Michael R Netherton
Helen M. Tragesser
Stephen A Ehman
Ben Heffelmire

NOTE: No remonstrance or objections received from any owner who falls in the footprint of the proposed project in the City of Tipton.

Tipton County (Not in City Limits)

Judy Sottong	Ronald Sottong	Gregory M Sottong	Kip Bergman
Short Katrina L	Matthew Leininger	Michael J. Leininger	Mark Tolle
Francis Letsinger	Matt Letsinger	David Gunkel	Jacqueline Schmitt
Dena R. Schmitt	Charles B. Haskett Jr.	Virginia M Baker	George Tebbe
Robert J. Tebbe	Leonard Tebbe	Leona Stout	John R. Funke
Alice E Gray	Phil Overdorf	Richard Overdorf	Andy Overdorf
Donald Heflin	Robert J Lawrence Jr	John M. Cline	Jeffrey Smith
Ryan Campbell	Scott Campbell	Aaron Conaway	Elizabeth Hoop
Jane B Meister	Bruce Schulenburg	David L Boyd	Robert Gunn
Robert Day	Janet S Hinkle	John Hinkle	Neil Planalp
Scot Gasho	Mary Gasho	George N Clark	Erie Stanley Grimme
Anthony P Hoover	Michael D Grimme	Jane Harper	Larry Harper
Brent Snow	John Janson		

Parcel	Owner	Address1	Address2	Legal Desc.	County	Ben Ac
80-06-35-300-023.000-001	Baker, Virginia M	750 W Division Rd		Pt W1/2 SW8.41 Ac35 -22 -4	Tipton	8.41
80-11-28-400-015.020-001	Bergman Land LLC	5380 West SR 28		Pt NE SE10.00 Ac28 -21 -4	Tipton	10.00
80-12-11-100-003.030-003	Bergman Land L.L.C.	5380 West S.t Rd. 28		Pt NW & W1/2 NE22.71Ac11 -21 -3	Tipton	22.71
80-12-11-100-003.050-003	Bergman Land LLC	5380 W SR 28		Pt NW NE.67Ac11 -21 -3	Tipton	0.67
80-11-07-100-002.000-001	Bergman Land, LLC	5380 W. SR 28		NW NE36.42 Ac7 -21 -4	Tipton	36.42
80-11-07-100-003.000-001	Bergman Land, LLC	5380 West 28		Pt NE NE30.00 Ac7 -21 -4	Tipton	30.00
80-11-07-100-003.030-001	Bergman Land, LLC	5380 W. SR 28		Pt NE NE10.00 Ac7 -21 -4	Tipton	10.00
80-11-07-400-010.020-001	Bergman Land, LLC	5380 W. SR 28		Pt SW SE10.426 Ac7 -21 -4	Tipton	10.43
80-11-28-400-015.010-001	Bergman Land, LLC	5380 W. SR 28		Pt NE SE 18.38ac 28-21-4	Tipton	18.38
80-11-28-400-015.040-001	Bergman Land, LLC	5380 W St Rd 28		Pt N1/2 NE SE 28 -21 -4 4.86 Ac	Tipton	4.86
80-12-01-200-009.000-003	Bergman Land, LLC.	5380 West SR. 28		Pt E1/2 W1/285.87 Ac1 -21 -3	Tipton	85.87
80-11-09-100-003.020-001	Boyd, David L.	3016 W 150 S		Pt SE NE4.00 Ac9 -21 -4	Tipton	4.00
80-12-25-300-006.040-003	Campbell Family Limited Partnership I	21557 Shorevista Campbell		Pt SE SW3.97 Ac25 -21 -3	Tipton	3.97
80-05-36-400-006.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		S End W 1/2 SE42.50 Ac36 -22 -3	Tipton	42.50
80-05-36-400-007.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Pt SE SE36.87 Ac36 -22 -3	Tipton	36.87
80-11-05-200-005.000-001	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Pt NW NW50.30 Ac5 -21 -4	Tipton	50.30
80-11-05-300-006.000-001	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Pt SW144.68 Ac5 -21 -4	Tipton	144.68
80-11-05-300-007.020-001	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Pt SE SW5.82 Ac5 -21 -4	Tipton	5.82
80-12-02-100-009.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		SW NE40.00 Ac2 -21 -3	Tipton	40.00
80-12-02-200-006.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Pt NW52.946 Ac2 -21 -3	Tipton	52.95
80-12-02-200-008.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		N1/2 SE NW20.00 Ac2 -21 -3	Tipton	20.00
80-12-02-300-012.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		E Pt W1/2 SW55.00 Ac2 -21 -3	Tipton	55.00
80-12-02-300-012.010-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		W Sd E1/2 SW10.00 Ac2 -21 -3	Tipton	10.00
80-12-02-300-012.020-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		W Pt W1/2 SW25.00 Ac2 -21 -3	Tipton	25.00
80-12-02-300-013.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		E Sd E 1/2 SW70.00 Ac2 -21 -3	Tipton	70.00
80-12-02-400-014.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		W Sd W 1/2 SE34.26 Ac2 -21 -3	Tipton	34.26
80-12-03-300-010.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		S 1/2 W 1/2 SW40.00 Ac3 -21 -3	Tipton	40.00
80-12-03-300-010.010-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Pt N1/2 W1/2 SW32.242 Ac3 -21 -3	Tipton	32.24
80-12-03-300-010.020-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Pt NW1/2 SW1/2 SW 6.278 Ac.3 -21 -3	Tipton	6.27
80-12-03-300-017.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		W 1/2 SE SW20.00 Ac3 -21 -3	Tipton	20.00
80-12-03-400-016.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		E Pt SE40.00 Ac3 -21 -3	Tipton	40.00
80-12-08-100-003.010-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Pt NE103.4 Ac8-21-3	Tipton	103.40
80-12-08-400-004.000-003	Campbell Family Limited Partnership I	21557 Shore Vista Lane		Md Pt147.87 Ac8 -21 -3	Tipton	160.45
80-12-11-100-006.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		N Sd SW NE22.45 Ac11 -21 -3	Tipton	23.25
80-12-11-100-009.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Pt S1/2 NE & Pt SE NW20.88 Ac11 -21 -3	Tipton	20.88
80-12-11-504-006.010-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Dan Hinkle Subdiv11 -21 -3 Lot 1	Tipton	1 Lot
80-12-12-300-011.000-003	Campbell Family Limited Partnership I	21557 Shore Vista Lane		Pt E1/2 SW 68.91 Ac12 -21 -3	Tipton	68.91
80-12-12-400-011.010-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Pt W1/2 SE74.595 Ac12 -21 -3	Tipton	74.60
80-12-12-400-012.000-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Pt E 1/2 SE18.0 Ac12 -21 -3	Tipton	71.44
80-12-25-300-006.030-003	Campbell Family Limited Partnership I	21557 ShoreVista Lane		Pt W Sd SW97.30 Ac25-21-3	Tipton	97.30
80-11-08-400-016.000-001	Campbell Family Limited Partnership II	21557 ShoreVista Lane		S Sd SE73.91 Ac8 -21 -4	Tipton	73.91
80-11-17-200-004.000-001	Campbell Family Limited Partnership II	21557 ShoreVista Lane		Pt Sec367.66 Ac17 -21 -4	Tipton	367.66
80-11-17-300-004.010-001	Campbell Family Limited Partnership II	21557 Shore Vista Lane		Pt SE SW.4917-21-4	Tipton	0.49
80-12-04-100-004.010-003	Campbell Family Limited Partnership II	21557 ShoreVista Lane		S Sd NE10.00 Ac4 -21 -3	Tipton	10.00
80-12-04-400-006.000-003	Campbell Family Limited Partnership II	21557 ShoreVista Lane		Pt SE158.20 Ac4 -21 -3	Tipton	158.20
80-12-26-200-004.000-003	Campbell Family Limited Partnership II	21557 ShoreVista Lane		PT NW160.00 Ac26 -21 -3	Tipton	160.00
80-12-26-400-001.000-003	Campbell Family Limited Partnership II	21557 ShoreVista Lane		S1/2137.013 Ac26 -21 -3	Tipton	305.72
01-01-11-00-00-003.000	Campbell, C Scott Rev Trust	21557 Shore Vista Ln		S11 T20 R3 160.00Ac	Hamilton	90.00
80-12-07-200-008.000-003	Campbell, C Scott, Revocable Trust	21557 ShoreVista Lane		Pt S End NW2.76 Ac7 -21 -3	Tipton	2.76
80-12-07-300-006.000-003	Campbell, C Scott, Revocable Trust	21557 ShoreVista Lane		S End W 1/2110.49 Ac7 -21 -3	Tipton	67.49
80-11-32-100-003.020-001	Campbell, C. Ryan & Conaway, AaronTenants in Common	1375 N 800 W		Pt NE NE36.51 Ac32-21-4	Tipton	36.51
80-12-15-100-004.000-003	Campbell, Julie	906 Prescott Street		E Sd W Sd NE49.75 Ac15 -21 -3	Tipton	49.75

Parcel	Owner	Address1	Address2	Legal Desc.	County	Ben Ac
80-12-15-400-008.000-003	Campbell, Julie	906 Prescott Street		NW SE40.00 Ac15 -21 - 3	Tipton	40.00
80-12-15-400-012.000-003	Campbell, Julie	906 Prescott Street		Pt SW SE37.25 Ac15 -21 - 3	Tipton	37.25
80-12-26-400-001.010-003	Campbell, Ryan	1375 N 800 W		Pt S1/24.46 Ac26 -21 -3	Tipton	4.46
80-10-14-100-010.000-007	Clark, George N & Connie Jo	2105 W 400 S		Pt S1/2 NE76.10 Ac14 -21 -5	Tipton	6.10
80-11-27-100-007.030-001	Clark, George N & Connie Jo	2105 W 400 S		Pt NE5.32 Ac27 -21 -4	Tipton	5.32
80-12-32-100-023.000-003	Clark, George N & Connie Jo	2105 W 400 S		E Pt NE NE18.23 Ac32 -21 -3	Tipton	18.23
80-12-33-200-001.000-003	Clark, George N & Connie Jo	2105 W 400 S		NW NW39.32 Ac33 -21 -3	Tipton	39.32
80-11-25-400-014.000-001	Clark, George Nathan & Connie Jo	2105 W 400 S		Pt SE115.42 Ac25 -21 - 4	Tipton	115.42
80-12-09-100-005.030-003	Cline, John M.	1408 South 900 West		Pt NE0.80 Ac9 -21 -3	Tipton	0.80
80-11-27-100-007.000-001	Day, Robert L & Jayne	2067 W 400 S		Pt E1/2 NE22.80 Ac27 -21 - 4	Tipton	22.80
80-11-27-400-014.010-001	Day, Robert L. & Jayne A.	2067 W 400 S		Pt W1/2 SE1.14 Ac27-21-4	Tipton	1.00
80-11-13-559-074.000-002	Ehman, Stephen A. and/or Theresesa A. Ehman; trustees of the S & T Ehman Revoc	720 Willow Branch		Buttonwood Field, Sec 1 -Pt E Pt 0.23 AcLot 5	Tipton	1 Lot
80-10-08-100-004.000-001	Funke, John R & Barbara F Trs of the John R & Barbara F Funke Revocable Living	1776 E SR 28		Pt NE54.599 Ac8 -21 -5	Tipton	54.60
80-10-08-100-004.010-001	Funke, John R & Barbara F Trs of the John R & Barbara F Funke Revocable Living	1776 E SR 28		Pt NE (N or RR)8-21-599.401	Tipton	99.40
80-10-31-400-016.000-001	Gasho Life Estate, Mary F. et al	5835 South 50 East		Pt N1/2 SW SE19.21 Ac31 -21 -5	Tipton	19.21
80-10-31-400-017.000-001	Gasho, Mary F. L/E fee and simple remainder to Adam R. Gasho	5835 S 50 E		N1/2 SW SE ex Hse M.H. As R Est0.79 Ac31 -21 -5	Tipton	0.79
80-11-32-100-003.000-001	Gasho, Scot	PO Box 129		N1/2 NE3.67 Ac32 -21 -4	Tipton	3.67
80-07-31-300-007.010-001	Gray, Alice E	246 E Division Rd		Pt E1/2 SW2.697 Ac31 -22 -5	Tipton	2.70
80-11-01-400-012.000-001	Grimme, Michael & Renee	796 S Meridian		Pt SE5.00 Ac1 -21 -4	Tipton	5.00
80-10-06-300-008.000-001	Grimme, Michael D & Renee L	796 S Meridian		Pt SW20.41 Ac6 -21 -5	Tipton	20.41
80-11-02-400-007.000-001	Grimme, Michael D.	796 S Meridian Rd		Pt S 1/2 S 1/2 NW SE0.29 Ac2 -21 - 4	Tipton	0.29
80-11-02-511-005.010-001	Grimme, Sonita Jo	1004 N East St		Lincoln Gardens Lot 41	Tipton	1 Lot
80-06-31-100-003.000-001	Gunkel Farms Inc, L & G	T: David Gunkel	644 N 500 W	NE160.00 Ac31 -22 -4	Tipton	160.00
80-06-31-400-005.000-001	Gunkel Farms Inc, L & G	T: David Gunkel	644 N 500 W	W Sd SE60.00 Ac31 -22 -4	Tipton	60.00
80-06-33-400-007.000-001	Gunkel Farms Inc, L & G	T: David Gunkel	644 N 500 W	S1/2 N1/2 SE40.00 Ac33 -22 -4	Tipton	40.00
80-06-33-400-008.000-001	Gunkel Farms Inc, L & G	T: David Gunkel	644 N 500 W	Pt S1/2 SE75.12 Ac33 -22 -4	Tipton	75.12
80-11-04-100-003.000-001	Gunkel Farms Inc, L & G	T: David Gunkel	644 N 500 W	Pt N1/2 NE58.85 Ac4 -21 -4	Tipton	58.85
80-11-04-100-006.000-001	Gunkel Farms Inc, L & G	T: David Gunkel	644 N 500 W	S1/2 NE80.00 Ac4 -21 -4	Tipton	80.00
80-11-04-200-002.000-001	Gunkel Farms Inc, L & G	T: David Gunkel	644 N 500 W	E1/2 NW42.02 Ac4 -21 -4	Tipton	42.02
80-06-31-400-007.000-001	Gunkel, David Kent & Diana L	644 N 500 W		NE SE40.60 Ac31 -22 -4	Tipton	40.60
80-06-31-400-011.000-001	Gunkel, David Kent & Diana L	644 N 500 W		Pt E Sd W1/2 SE10.10 Ac31 -22 -4	Tipton	10.10
80-06-32-300-005.000-001	Gunkel, David Kent & Diana L	644 N 500 W		Pt W1/2 SW78.77 Ac32 -22 -4	Tipton	78.77
80-11-05-200-002.000-001	Gunkel, David Kent & Diana L	644 N 500 W		Pt NE NW28.24 Ac5 -21 -4	Tipton	28.24
80-06-34-200-006.000-001	Gunkel, David Revocable Living Trust & Diane Lombardi Revocable Living Trust	644 N 500 W		S End W1/2 NW10.00 Ac34 -22 -4	Tipton	10.00
80-06-33-400-006.010-001	Gunkel, David Revocable Living TrustLombardi, Diane Revocable Living Trust	644 N. 500 N.		Pt N1/2 N1/2 SE38.40 Ac33 -22 -4	Tipton	38.40
80-11-14-400-033.000-001	Gunn, Robert E & Julie A et al	1615 S Main St		Pt S End W1/2 SE0.845 Ac14 -21 -4	Tipton	0.84
80-11-14-508-032.000-001	Gunn, Robert E & Julie A et al	1615 S Main St		Clarabelle Prifogle Sub Div14 -21 -4	Tipton	0.98
80-10-04-200-002.010-001	Harper, Larry R	285 W 100 N		Pt NE NW35.34 Ac4 -21 - 5	Tipton	35.34
80-10-20-100-004.000-001	Harper, Larry R	285 W 100 N		W 1/2 NE80.00 Ac20 -21 - 5	Tipton	80.00
80-10-20-100-005.000-001	Harper, Larry R	285 W 100 N		NE NE40.00 Ac20 -21 - 5	Tipton	40.00
80-10-20-200-002.000-001	Harper, Larry R	285 W 100 N		E 1/2 NW80.00 Ac20 -21 - 5	Tipton	80.00
80-10-10-300-020.000-007	Harper, Larry R & Jane F	285 W 100 N		Pt SE SW39.00 Ac10 -21 -5	Tipton	39.00
80-10-21-200-006.000-001	Harper, Larry R & Jane M	285 W 100 N		Pt W1/2 NW56.26 Ac21 -21 -5	Tipton	56.26
80-11-01-300-008.000-001	Haskett Jr., Charles B. Etal	711 West 75 South		Pt S1/2 SW76.56 Ac1 -21 -4	Tipton	76.56
80-11-12-200-001.000-001	Haskett Jr., Charles B. Etal	711 West 75 South		Pt NE NW (new survey)4.94 Ac12 -21 -4	Tipton	4.94
80-11-10-500-046.010-002	Heffelmire, Ben H & Karen Lee	445 Wilson St		Hopkins & Jaenichens AddRoosevelt Park Sec 11: 12	Tipton	1 Lot
80-11-21-200-013.000-001	Heffelmire, Ben H & Karen Lee	445 Wilson St		Pt E1/2 NW5.00 Ac21 -21 -4	Tipton	5.00
80-11-01-400-007.000-001	Heflin, Donald L & Anita S	551 S 50 W		NW SE40.00 Ac1 -21 -4	Tipton	40.00
80-12-01-100-007.000-003	Hoop, Elizabeth L Trustee of the	Elizabeth L Hoop Revoc Tr	2139 SE 7 Terrace	Pt NE76.602 Ac1 -21 -3	Tipton	76.60
80-12-01-400-015.000-003	Hoop, Elizabeth L Trustee of the	Elizabeth L Hoop R/T	2139 SE 7 Terrace	Pt N1/2 SE44.00 Ac1 -21 -3	Tipton	44.00
80-11-23-400-015.000-001	Hoover, Anthony P	3880 S 300 W		Pt S1/2 SE39.32 Ac23 -21 -4	Tipton	39.32
80-11-22-200-001.000-001	Hoover, Anthony Paul	3880 S. 300 W		Pt NW93.52 Ac22 -21 - 4	Tipton	93.52

Parcel	Owner	Address1	Address2	Legal Desc.	County	Ben Ac
80-11-21-100-005.000-001	Hoover, Anthony Paul & Shari L	3880 S 300 W		Pt NE8.91 Ac21 -21 -4	Tipton	8.91
80-11-21-400-011.000-001	Hoover, Anthony Paul & Shari Lynn	3880 S 300 W		E1/2 SE80.00 Ac21 -21 -4	Tipton	80.00
80-12-12-400-012.030-003	Janson, John (Campbell objected on mother parcel 80-12-12-400-012.000-003)	21557 Shore Vista Lane	830 West High St, Sou	Pt E 1/2 SE18.0 Ac12 -21 - 3 (Notice showed 71.44Ben)	Tipton	
80-11-24-300-008.010-001	Lawrence, Robert J Jr & Vicki	3720 S 75 W		Pt N1/2 NW SW1.37 Ac24 -21 -4	Tipton	1.37
80-11-16-100-004.000-001	Leininger, Matthew E.	2242 S. 300 W.		S Pt E Sd E1/2 NE38.525 Ac 16 -21 - 4	Tipton	38.52
80-11-15-200-007.000-001	Leininger, Michael J & Matt	c/o Matt Leininger	2242 S 300 W	Pt W1/2 NW5.074 Ac Per Survey15 -21 -4	Tipton	5.07
80-07-33-300-004.000-001	Letsinger, Frances, 1/2 und int & Matthew & Jane Letsinger 1/2 und int	247 E Division Rd		NE SW40.00 Ac33 -22 -5	Tipton	30.00
80-07-33-300-005.000-001	Letsinger, Frances, 1/2 und int & Matthew & Jane Letsinger 1/2 und int	247 E Division Rd		Pt SE SW35.735 Ac33 -22 -5	Tipton	35.73
80-10-05-100-001.000-001	Letsinger, Francis	247 E Division Rd		NE NE37.31 Ac5 -21 - 5	Tipton	37.31
80-07-31-400-009.000-001	Letsinger, Francis E.	247 E Division Rd		SW SE40.00 Ac31 -22 - 5	Tipton	40.00
80-07-32-300-013.000-001	Letsinger, Francis E.	247 E Division Rd		Pt SW SW 32-22-5 54.82 AcPT SE SW 32-22-5 15.28AC per survey	Tipton	70.10
80-10-06-200-002.000-001	Letsinger, Francis E.	247 E Division Rd		E1/2 NW72.00 Ac6 -21 -5	Tipton	72.00
80-10-06-300-005.000-001	Letsinger, Francis E.	247 E Division Rd		N End SW61.67 Ac6 -21 - 5	Tipton	61.67
80-10-05-100-002.000-001	Letsinger, Matthew & Jane Ellen	540 E. Division Rd		Pt NW NE22.87 Ac5 -21 - 5	Tipton	22.87
80-10-05-200-006.000-001	Letsinger, Matthew & Jane Ellen	540 E. Division Rd		Pt E 1/2 NW72.77 Ac5 -21 - 5	Tipton	72.77
80-10-07-100-002.000-001	Letsinger, Matthew & Jane Ellen	540 E. Division Rd		E Pt NE 7-21-5 36.75 AcPT NE 7-21-5 11.70ACPT NE 7-21-5 9.01AC	Tipton	57.46
80-10-08-200-002.010-001	Letsinger, Matthew & Jane Ellen	540 E. Division Rd		Pt NE NW38.22 Ac8-21-5	Tipton	38.22
80-11-32-300-008.000-001	M & R Farms, Inc	5418 S 450 W		Pt SW69.91 Ac32 -21 - 4	Tipton	69.91
80-11-30-400-007.020-001	M & R Farms, Inc.	5418 S 450 W		Pt W1/2 SE76.26 Ac30 -21 -4Acreage change per Assessor	Tipton	77.74
80-11-25-200-001.010-001	Meister, Jane B	5020 S 50 E		Pt E1/2 NW62.01 Ac25 -21 -4	Tipton	62.01
80-10-31-400-012.000-001	Meister, Jane B. Trustee of the L. Meister Decedent's Trust	5020 S 50 E		NW SE 31 -21 -5 37.5 Ac	Tipton	37.50
80-10-31-200-005.010-001	Meister, Jane B. Trustee of the Lester O. Meister and Jane B. Meister Survivor's Tr	5020 S 50 E		Pt N Sd N1/2 NW5.00 Ac31 -21 -5	Tipton	5.00
80-10-30-300-005.000-001	Meister, L O & J B Meister R/T	5020 S 50 E		Pt W1/2 N Sd SW40.05 Ac30 -21 -5	Tipton	46.29
80-10-30-300-008.000-001	Meister, L O & J B Meister R/T, LO Meister & JB Meister Co-T	5020 S 50 E		S Pt S1/2 SW50.00 Ac30 -21 -5	Tipton	50.00
80-10-31-200-005.000-001	Meister, L O & J B Meister R/T, LO Meister & JB Meister Co-T	5020 S 50 E		Pt N Sd N1/2 NW25.00 Ac31 -21 -5	Tipton	25.00
80-11-11-521-045.000-002	Netherton, Michael R	461 N Conde St		Kemps 2ndl: 6 B: 4	Tipton	1 Lot
80-11-29-200-002.010-001	Overdorf, Phil Farms, Inc.	3390 W 450 S		Pt E1/2 NW1.42 Ac29 -21 - 4	Tipton	1.42
80-10-21-100-003.000-007	Overdorf Farms, Phil, Inc	3390 West 450 South		SE NE40.00 Ac21 -21 -5	Tipton	40.00
80-11-21-400-010.000-001	Overdorf Farms, Phil, Inc	3390 W 450 S		W1/2 SE75.85 Ac21 -21 -4	Tipton	75.85
80-11-28-100-004.000-001	Overdorf Farms, Phil, Inc	3390 W 450 S		W End E1/2 NE25.00 Ac28 -21 -4	Tipton	25.00
80-11-28-100-005.000-001	Overdorf Farms, Phil, Inc	3390 W 450 S		E Sd W1/2 NE53.05 Ac28 -21 -4	Tipton	53.05
80-11-28-100-006.000-001	Overdorf Farms, Phil, Inc	3390 W 450 S		Pt E1/2 NE36.541 Ac28 -21 -4	Tipton	36.54
80-11-28-200-001.000-001	Overdorf Farms, Phil, Inc	3390 W 450 S		Pt W1/2 W1/2 NW38.77 Ac28 -21 -4	Tipton	38.77
80-11-28-200-002.000-001	Overdorf Farms, Phil, Inc	3390 W 450 S		Md Pt NW60.00 Ac28 -21 -4	Tipton	60.00
80-11-28-200-003.000-001	Overdorf Farms, Phil, Inc	3390 W 450 S		Wh E Sd E1/2 NW60.00 Ac28 -21 -4	Tipton	60.00
80-11-29-100-003.000-001	Overdorf Farms, Phil, Inc	3390 W 450 S		Pt E1/2 NW & Pt W1/2 NE62.00 Ac29 -21 -4	Tipton	62.00
80-11-29-100-004.000-001	Overdorf Farms, Phil, Inc	3390 W 450 S		E Sd W1/2 NE25.00 Ac29 -21 -4	Tipton	25.00
80-11-29-100-005.000-001	Overdorf Farms, Phil, Inc	3390 W 450 S		E1/2 NE80.00 Ac29 -21 -4	Tipton	80.00
80-11-29-200-002.040-001	Overdorf Farms, Phil, Inc	3434 W 450 S		Pt E1/2 NW26.62 Ac29 -21 -4	Tipton	26.62
80-11-30-200-002.000-001	Overdorf Farms, Phil, Inc	3390 W 450 S		S Sd NW109.00 Ac30 -21 -4	Tipton	109.00
80-11-30-400-007.040-001	Overdorf Farms, Phil, Inc	3390 W 450 S		SE SE40.00 Ac30 -21 -4	Tipton	40.00
80-12-18-100-004.000-003	Overdorf Farms, Phil, Inc	3390 W. 450 S.		NE NE40.00 Ac18 -21 -3	Tipton	40.00
80-12-18-100-005.000-003	Overdorf Farms, Phil, Inc	3390 W. 450 S.		SE NE40.00 Ac18 -21 -3	Tipton	40.00
80-12-18-400-010.000-003	Overdorf Farms, Phil, Inc	3390 W. 450 S.		Pt NE SE38.19 Ac18 -21 -3	Tipton	38.19
80-12-18-400-015.000-003	Overdorf Farms, Phil, Inc	3390 W 450 S		Md Pt SE & Pt SW Cor SE SE17.50 Ac18 -21 -3	Tipton	17.50
80-12-22-100-004.000-003	Overdorf Farms, Phil, Inc	3390 W. 450 S.		Pt E1/2 NW NE7.50 Ac22 -21 -3	Tipton	7.50
80-12-22-100-005.000-003	Overdorf Farms, Phil, Inc	3390 W. 450 S.		Pt E1/2 NE74.93 Ac22 -21 -3	Tipton	74.93
80-12-22-100-009.000-003	Overdorf Farms, Phil, Inc	3390 W. 450 S.		E1/2 SW NE20.00 Ac22 -21 -3	Tipton	20.00
80-12-22-400-016.000-003	Overdorf Farms, Phil, Inc	3390 W 450 S		S Pt N1/2 NE SE8.25 Ac22 -21 -3	Tipton	8.25
80-12-22-400-018.000-003	Overdorf Farms, Phil, Inc	3390 W 450 S		Pt S1/2 NE SE10.00 Ac22 -21 -3	Tipton	10.00
80-12-22-400-023.000-003	Overdorf Farms, Phil, Inc	3390 W 450 S		E Pt SE SE32.00 Ac22 -21 -3	Tipton	32.00
80-12-23-300-007.000-003	Overdorf Farms, Phil, Inc	3390 W. 450 South		Pt S1/2 134.327 Ac 23-21-3	Tipton	136.33

Parcel	Owner	Address1	Address2	Legal Desc.	County	Ben Ac
80-12-23-400-010.000-003	Overdorf Farms, Phil, Inc	3390 W 450 South		Pt S1/21.00 Ac23 -21 -3	Tipton	1.00
80-11-20-400-010.010-001	Overdorf Farms, Phil, Inc.	3390 West 450 South		Pt SW SE27.79 Ac20 -21 - 4	Tipton	27.79
80-11-32-200-001.000-001	Overdorf, Farms, Phil, Inc	3390 W. 450 S.		NW NW38.90 Ac32 -21 - 4	Tipton	38.90
80-11-16-300-011.000-001	Overdorf, Phil Farms, Inc	3390 W 450 S		Pt SW SW7.88 Ac16 -21 - 4	Tipton	7.88
80-11-16-300-011.020-001	Overdorf, Phil Farms, Inc	3390 W 450 S		Pt SW SW29.55 Ac16 -21 - 4	Tipton	29.55
80-10-21-100-002.000-007	Overdorf, Phil Farms, Inc.	3390 West 450 South		Pt NE S 1/313.48 Ac21 -21 -5	Tipton	13.49
80-10-21-100-002.010-007	Overdorf, Phil Farms, Inc.	3390 W 450 S		Pt NE Md 1/313.48 Ac21 -21 -5	Tipton	13.49
80-10-21-100-002.020-007	Overdorf, Phil Farms, Inc.	3390 W 450 S		Pt NE N 1/313.48 Ac21 -21 -5	Tipton	13.49
80-11-29-200-002.020-001	Overdorf, Phil Farms, Inc.	3390 W 450 S		Pt E1/2 NW35.365 Ac29 -21 -4	Tipton	35.37
80-11-13-300-004.000-001	Overdorf, Philip R & Nila D	3390 W 450 S		N1/2 SW79.94 Ac13 -21 -4	Tipton	79.94
80-11-14-400-001.010-001	Overdorf, Philip R & Nila D	3390 W 450 S		Pt N1/2 SE0.50 Ac14 -21 -4	Tipton	0.50
80-12-34-300-007.000-003	Overdorf, Richard A and Jody M	5295 W. 450 S		Pt W1/2 SW58.50 Ac34 -21 -3	Tipton	58.50
80-11-30-400-007.050-001	Overdorf, Richard A & Jody M	5295 W 450 S		Pt W 1/2 SE.78 Ac30-21-4	Tipton	0.78
80-11-30-400-007.060-001	Overdorf, Richard A. & Jody M.	5295 W. 450 S.		Pt E 1/2 SW SE1.48 Ac30-21-4	Tipton	1.48
03-02-06-00-00-007.000	Phil Overdorf Farms Inc	3390 W 450 S		S6 T20 R4 76.70Ac	Hamilton	26.70
80-11-26-503-003.000-001	Planalp, Neil A. & Cheryl L., as trustees of the Neil E. Planalp Living Trust	1427 W 400 S		Pt E1/2 NW NE11.64 Ac26 -21 -4	Tipton	11.64
80-11-26-200-035.000-001	Planalp, Neil E & Cheryl L	Tr of Neil E Planalp Living Tr	1427 W 400 S	Pt E 1/2 NW 26-21-4 28.42ac	Tipton	28.42
80-11-26-200-034.000-001	Planalp, Neil E & Cheryl L, Trs of the Neil E & Cheryl L Planalp Living Trust	1427 W 400 S		Pt E1/2 NW30.00 Ac26 -21 -4	Tipton	30.00
80-11-26-200-033.000-001	Planalp, Neil E Living Trust	1427 W 400 S		Dellinger-Hinkle Estates26 -21 -4 Lot 5	Tipton	1 Lot
80-11-26-400-028.010-001	Planalp, Neil E. & Cheryl L., or their successors in trust, under the Cheryl L. Planalp	1427 W 400 S		Pt S End W1/2 SE3.75 Ac26 -21 -4	Tipton	3.75
80-11-26-100-024.000-001	Planalp, Neil Farms, Inc.	1427 W 400 S		Pt W 1/2 NW NE5.01 Ac26 -21 - 4	Tipton	5.01
80-11-26-200-001.010-001	Planalp, Neil, Farms Inc Etal	Dale Planalp Farms Inc	1427 W 400 S	Pt N Pt W1/2 NW57.42 Ac26 -21 -4	Tipton	57.42
80-10-31-400-015.000-001	Schmitt, Dena R.	3463 W 200 N		W1/2 SE SE20.00 Ac31 -21 -5	Tipton	20.00
80-06-33-100-004.000-001	Schmitt, Jacqueline	%Jason Schmitt	2316 Willis Ct	Pt N End E1/2 NE24.98 Ac33 -22 - 4	Tipton	24.98
80-06-33-100-005.000-001	Schmitt, Jacqueline	%Jason Schmitt	2316 Willis Ct	S End E1/2 NE50.00 Ac33 -22 - 4	Tipton	50.00
80-06-34-200-002.000-001	Schmitt, Jacqueline	%Jason Schmitt	2316 Willis Ct	Pt W1/2 NW56.92 Ac34 -22 -4	Tipton	56.92
80-11-06-400-014.000-001	Schmitt, Jacqueline	%Jason Schmitt	2316 Willis Ct.	NE SE40.00 Ac6 -21 - 4	Tipton	40.00
80-11-06-400-015.000-001	Schmitt, Jacqueline	%Jason Schmitt	2316 Willis Ct.	Pt SE SE38.34 Ac6 -21 - 4	Tipton	38.34
80-11-23-200-001.000-001	Schulenburg, Bruce	2626 W. 300 S.		N1/2 NW 23 -21 -480.00 Ac	Tipton	80.00
07-03-17-00-00-018.001	Shirk, Walter L & Judy L		26960 Startzman Rd	S17 T20 R5 4.00Ac	Hamilton	4.00
80-07-31-300-007.020-001	Short, Andrew C & Katrina L	322 E Division Rd		Pt E1/2 SW1.974 Ac31 -22 -5	Tipton	1.97
80-12-11-400-022.040-003	Smith, Jeffrey L & Tamra S	7077 W St Rd 28		Pt SE SE1.00 Ac11 -21 -3	Tipton	1.00
80-12-12-100-006.010-003	Snow, Brent A & Valerie H	6159 W 100 S		Jackson Acres Subdivision3.02 Ac12 -21 -3 Lot 1	Tipton	3.02
80-11-15-300-017.000-001	Sottong, Gregory M & Kimberly	2697 S 300 W		Pt NW SW5.00 Ac15 -21 -4	Tipton	5.00
80-11-15-300-010.010-001	Sottong, Gregory M. & Kimberly K	2697 South 300 West		Pt NW SW2.85 Ac15 -21 -4	Tipton	2.85
80-11-16-100-004.050-001	Sottong, Gregory M. & Kimberly K.	2697 S 300 W		S Pt E Sd E1/2 NE10 Ac 16 -21 - 4	Tipton	10.00
80-11-15-300-010.000-001	Sottong, Ronald E & Judy K	5117 S St Rd 19		Pt NW SW28.24Ac15 -21 -4	Tipton	29.24
80-11-15-200-007.010-001	Sottong, Ronald E. & Judy K	5117 South SR 19		Pt W1/2 NW27.21Ac Per Survey15-21-4	Tipton	27.21
80-11-16-400-015.000-001	Sottong, Ronald E. & Judy K	5117 South St Rd 19		N1/2 SE SE50.23 Ac16 -21 -4	Tipton	50.23
80-11-35-100-003.000-001	Sottong, Ronald E. & Judy K.	5117 S St. Rd. 19		W Sd W 1/2 NE40.00 Ac35 -21 - 4	Tipton	40.00
80-11-35-100-004.010-001	Sottong, Ronald E. & Judy K.	5117 S St Rd 19		Pt W Sd E Sd NE6.06 Ac35 -21 - 4	Tipton	6.06
80-11-35-100-005.010-001	Sottong, Ronald E. & Judy K.	5117 S St Rd 19		Pt E Sd E 1/2 NE13.18 Ac35 -21 - 4	Tipton	13.18
80-11-36-200-008.000-001	Sottong, Ronald E. & Judy K.	5117 S St Rd 19		Pt W 1/2 NW W of R/R 20.604 Ac36 -21 - 4	Tipton	20.60
80-11-04-200-005.010-001	Stout, Leona C	295 S 400 W		Pt S1/2 NW2.843 Ac4 -21 -4	Tipton	2.84
03-02-01-00-00-005.004	Synowiec, Thomas E & Elizabeth A h&w		8711 E 296th St	S1 T20 R4 1.00Ac	Hamilton	1.00
80-10-06-400-006.000-001	Tebbe Land III, LLCC/O George A. Tebbe & Helen T. Matthews, Managers	464 N. State Rd 19		W1/2 W1/2 SE40.00 Ac6 -21 -5	Tipton	40.00
80-11-01-200-003.000-001	Tebbe Land III, LLCC/O George A. Tebbe & Helen T. Matthews, Managers	464 N. State Rd 19		S1/2 NW 1-21-4 80.00 AC PT N 1/2 SW 1-21-4 74.71ACN 1/2 Nw Frac 1-21	Tipton	161.71
80-11-12-200-002.000-001	Tebbe Land Partnership II, LLC C/O Leonard J. & Leona C. Stout, Managers	464 N. State Rd 19		N1/2 NW59.43 Ac12 -21 - 4	Tipton	59.43
80-06-34-400-016.000-001	Tebbe, A G, Farms, Inc	464 N St Rd 19		Pt SW SE SE 34-22-4 11.00 Ac W SD SW SE 34-22-4 35.05 ACPT SE SE 34-	Tipton	77.29
80-06-35-300-008.000-001	Tebbe, A G, Farms, Inc	464 N St Rd 19		E Pt SW SW17.33 Ac35 -22 - 4SW NW 35-22-4 71.25A	Tipton	83.58
80-06-35-300-020.010-001	Tebbe, A G, Farms, Inc	464 N St Rd 19		SW Cor SW 35-22-4 3.83 ACNW COR SW SW 35-22-4 2.698AC PT NW Cor	Tipton	7.89
80-07-31-100-002.000-001	Tebbe, A G, Farms, Inc	464 N St Rd 19		NW 31-22-5 57.57A N End W 1/2 W 1/2 SW 31-22-5 52.66A S End W 1/2	Tipton	156.66

Parcel	Owner	Address1	Address2	Legal Desc.	County	Ben Ac
80-10-05-100-003.000-001	Tebbe, A G, Farms, Inc	464 N St Rd 19		Pt SE NE37.35 Ac5 -21 -5	Tipton	37.35
80-10-05-200-007.000-001	Tebbe, A G, Farms, Inc	464 N St Rd 19		N End W 1/2 NW36.19 Ac5 -21 - 5and S End W 1/2 NW 5-21-5 40AC	Tipton	76.19
80-10-06-100-004.000-001	Tebbe, A G, Farms, Inc	464 N St Rd 19		Pt E 1/2 NE72.81 Ac6 -21 - 5AND Pt W 1/2 NE 6-21-5 71.43A	Tipton	144.24
80-11-01-400-011.000-001	Tebbe, A G, Farms, Inc	464 N St Rd 19		E 1/2 SE75.00 Ac1 -21 - 4andSW SE 1-21-4 40ACSE NE 1-21-4 40AC	Tipton	155.00
80-11-02-100-002.000-001	Tebbe, A G, Farms, Inc	464 N St Rd 19		Pt E 1/2 NE 2-21-4 56.22ACPT NW NE 2-21-4 12.02ACPT SE & PT NE 2-21-4	Tipton	90.51
80-11-02-400-002.000-001	Tebbe, A G, Farms, Inc	464 N. State Rd. 19		Pt N1/2 SE 2-21-4 23.86ACPT SW NE 2-21-4 12.75 AC	Tipton	36.61
80-11-04-200-005.000-001	Tebbe, A G, Farms, Inc	464 N St Rd 19		Pt S1/2 NW 4-21-4 61.957 AcPT NW NW 4-21-4 31.47ANW SW 4-21-4 4	Tipton	133.43
80-11-06-200-004.010-001	Tebbe, A G, Farms, Inc	464 N St Rd 19		Pt N 1/2 NW45.24 Ac6 -21 - 4	Tipton	45.24
80-11-16-200-005.000-001	Tebbe, A G, Farms, Inc	464 N. St Rd. 19		S Sd NW60.00 Ac16 -21 -4PT N END NW SW 16-21-4 10ACN SD NE SW 16-	Tipton	80.00
80-11-16-300-008.000-001	Tebbe, A G, Farms, Inc	464 N St Rd 19		S Sd NW SW 16-21-4 25.731 ACS SD NE SW 16-21-4 30AC	Tipton	55.73
80-11-02-400-008.000-001	Tebbe, George A & Jamie J	438 S St Rd 19		Pt SE & Pt NE3.352 Ac2 -21 -4	Tipton	3.35
80-11-14-510-012.110-002	Tebbe, George A. & Jamie J.	438 South SR 19		Southwood Addition.17 Ac14 -21 -4 I: 8	Tipton	0.17
80-11-14-510-019.000-002	Tebbe, George A. & Jamie J.	438 S. State Road 19		Southwood Add, Sec 314 -21 -4 I: 18-22 0.92 Ac	Tipton	1 Lot
80-11-01-300-013.000-001	Tebbe, Leonard J Trustee	T: Leonard J Tebbe Revoc Tr	738 W 75 S	Pt N1/2 SW5.29 Ac1 -21 -4	Tipton	5.29
80-10-06-100-004.010-001	Tebbe, Robert J & Zonda M	314 S 100 E		Pt E 1/2 NE2.19 Ac6-21-5	Tipton	2.19
80-11-16-100-003.000-001	Tebbe, Robert J. & Zonda M.	314 S 100 E		W1/2 W1/2 E1/2 NE20.00 Ac16 -21 -4	Tipton	20.00
80-11-01-100-002.000-001	Tebbe, Robert J., Virginia M. Baker, Helen T. Matthews, Leonard J. Tebbe & Georg	c/o: Robert J. Tebbe	314 S 100 E	N1/2 NE Frac57.61 Ac1 -21 -4S SD SW NE 1-21-4 15.43 ACpt SW NE 1-21-4 2	Tipton	52.75
80-10-08-200-001.020-001	Tolle, Mark D & Angela M	1375 S 100 E		Pt SW NW2.854 Ac8 -21 - 5	Tipton	2.85
80-11-10-500-055.010-002	Tragesser, Helen M Revocable Trust	2882 W. 100 N.		RooseveltPark - N Ptl: 145	Tipton	1 Lot
80-11-22-200-002.000-001	Tragesser, Helen M, Trustee	Helen M Tragesser Rev Trust	2882 W 100 N	Pt W1/2 NW24.96 Ac22 -21 -4	Tipton	24.96
80-11-13-200-001.000-001	Tragesser, Helen M. - Trustee of the Helen M Tragesser Revocable Trust U/D/T	2882 W 100 N		Pt W1/2 NW24.81 Ac13 -21 -4	Tipton	24.81
80-11-14-100-001.050-001	Tragesser, Helen M. - Trustee of The Helen M Tragesser Revocable Trust U/D/T	2882 W 100 N		Pt NE (W Sd of RR) NE 1.70 Ac14 -21 -4	Tipton	1.70
80-11-14-400-001.000-001	Tragesser, Helen M. - Trustee of the Helen Tragesser Revocable Trust U/D/T	2882 W 100 N		Pt NE (E of RR) NE1.57 Ac14 -21 -4	Tipton	1.69
80-11-10-500-003.000-002	Tragesser, Helen M. R/T	2882 W 100 N		Roosevelt Parkl:147	Tipton	1 Lot
80-11-10-500-004.010-002	Tragesser, Helen M. R/T	2882 W 100 N		Roosevelt Parkl:146	Tipton	1 Lot
80-06-34-200-001.000-001	Tragesser, Helen M. Revocable Trust, Helen M Tragesser, Trustee	2882 W 100 N		NW Pt NW10.00 Ac.34 -22 - 4	Tipton	10.00
80-11-11-511-041.000-002	Tragesser, L. Richard	1125 N. Main St.		Original 24' E Sd W 1/3 I: 12 B: 7Original W End I:12 B:7Original 24' E SD	Tipton	1 Lot
80-11-11-511-044.000-002	Tragesser, L. Richard	1125 N. Main St.		Orig Md Pt W 1/2 End 1/3I:8,9, 12 B: 7	Tipton	1 Lot
80-11-11-523-008.000-002	Tragesser, L. Richard & Nita L. C: Lisa D. Tragesser	409 Green Street		E H Shirk's 6th - 53' N Sdl: 39	Tipton	1 Lot
80-06-33-200-012.000-001	Winslow, StephanieC: Hinkle, John L. & Janet S.	3713 W 500 N		Pt E1/2 NW35.31 Ac33 -22 -4	Tipton	35.31

Total Objections: 13 lots & 9,653.12

Total Asmt Roll: 3811 lots & 85,341.18

Percentage of Objections: 0.003% lots & 11.31% Ac

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned Brent A. Snow and Valerie H. Snow who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

We as owners received a letter (attached) dated Aug. 18th 2017 that states, that the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Indiana Code 36-9-27-50 specifically states that the surveyor **shall** add the damages to all the lands as determined by the board to the estimated costs and expenses contained in his report and the result constitutes the total estimated cost of the reconstruction. He shall also set forth the amount of each owner's assessment based on the total estimated cost of the reconstruction. The damage assessed to each landowner cannot be \$0.00 when the cost of the reconstruction is ~\$4,700,000. When contemplating the reconstruction of a regulated drain, the surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is the required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and hold a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase in 2014, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. In 2014, we received a notice for the maintenance increase hearing and in that letter it was stated: "The surveyors have estimated that the annual cost of periodically maintaining the entire drain is \$679,451.97." Based on this estimate the maintenance increase was approved in 2014. However the financial ledger shows that in 2015, the total of all Big Cicero Creek claims including maintenance, board stipends and other incidentals was \$449,194.71. This is over \$225,000 less than what the landowners were told was needed to maintain the drain; The 2016 financial ledger shows the total of all Big Cicero Creek claims to \$244,840.00. This number is \$425,000 less than what landowners were told was needed to maintain the drain. As of September, 2017, the county's financial ledger shows that the total of all Big Cicero claims to be ~\$300,000.

This evidence supports the conclusion that it appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds. Further evidence can be found in the surveyor report dated September 17, 2014. (Copy Attached). In this same letter is further evidence that the maintenance increase was not only to be used for "maintenance only as referenced above". But also to fund reconstruction. In this same letter it was recommended to increase the limitation on the fund balance. This cannot be done at the same time as a maintenance increase hearing but must be done in a public hearing as stated in IC 36-9-27-40 as a separate hearing. The hearing that took place on November 19th, 2014 was a hearing to establish an Annual assessment ONLY.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

The use of a percentage of the maintenance funds to pay for a reconstruction project is being

Misapplied in the case of this reconstruction project. 75% of excess maintenance funds can be

used to fund a reconstruction, however a board cannot impose a maintenance increase for the

purpose of intentionally creating excess funds in order to fund a future reconstruction project. I.E. maintenance funds cannot be raised as a plan to use for the cost of a reconstruction. When a drain has been routinely collecting maintenance fees and by happenstance has an excess or surplus of funds and then that drain needs to be reconstructed because it is no longer functioning the way it was intended, then the law allows for 75% of those maintenance funds

to be used toward a reconstruction. Intentionally increasing the maintenance fees in order to

create an excess for the sole purpose of the anticipation of a reconstruction is what appears to

have happened in 2014

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.




Signature

Printed: Brent A. Snow

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14 day of September, 2017.

 #663199
Notary Public

My Commission Expires:

1-26-2023

Copies attached: Hearing notice for Annual assessment for periodic maintenance and Sept. 17, 2014
Surveyors letter for Increase in Maintenance assessment.

OFFICE OF
BIG CICERO CREEK DRAINAGE BOARD
October 17, 2014

Notice of Hearing to Establish Annual Assessments for the Periodic Maintenance of the Big Cicero Creek Drainage Area. (Rate category and assessment increase hearing).

Snow, Brent A & Valerie H
6159 W 100 S
Tipton, IN 46072

You are hereby notified that the maintenance report of the Tipton, Hamilton, Boone & Clinton County Surveyors and the schedule of assessments made by the Big Cicero Creek Drainage Board have been filed and are available for public inspection in the offices of the Tipton, Hamilton, Boone & Clinton County Surveyors.

The Surveyors have estimated that the annual cost of periodically maintaining the entire drain is \$679,451.97. The schedule of assessments shows you are the owner of tracts within the drainage shed. The following is your pro rata share for each tract and the proposed annual assessment for those tracts:

Parcel Number	Legal Description
80-12-12-100-006.010-003	Jackson Acres Subdivision 3.02 Ac 12 -21 -3 Lot 1

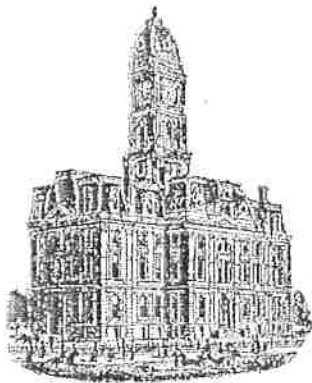
Rate	Acres Benefited	Current Asmt.	Proposed Asmt	% of Total
Residential/Ag	3.02	\$8	\$50	0.0073588718861%

A public hearing will be held by the Big Cicero Creek Drainage Board in the Grand Exhibit Hall of the Tipton County 4-H grounds located at 1200 S Main Street, Tipton, Indiana, at 9:30 A.M. on November 19, 2014 on the Surveyor's maintenance report and the proposed schedule of assessments. The law requires that any objection must be written and filed not less than five (5) days before the above hearing on the ground that benefits assessed are excessive. Written evidence in support of objections may also be filed at the Tipton County Surveyor's Office or by mailing to the address below.

The failure of any owner to file an objection constitutes a waiver of his right to thereafter object on such ground to any final action of the Board. On or before the hearing date the Surveyor or any owner of lands named in the schedule of assessments may cause written evidence to be filed in support of or in rebuttal to any objection filed.

BIG CICERO CREEK DRAINAGE BOARD
c/o Tipton County Surveyor's Office
101 E. Jefferson Street
Tipton, IN 46072

For a copy of the Surveyor's Report to the Drainage Board and a copy of the map, if applicable, please go to www.hamiltoncounty.in.gov/drainageboardnotices.



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 remonstrations 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

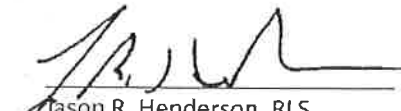
Using the rates the collections by county will be as follows:

	<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

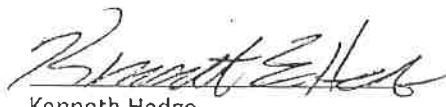
In addition to the above increase in annual assessments it is also recommended that the Board increase the limit on the fund balance as allowed in IC 36-9-27-43. Currently the collections for the fund must stop when the balance in the fund reaches four (4) times the annual assessment. This means the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

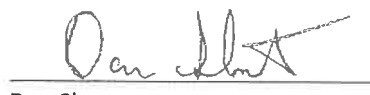
It is recommended by the undersigned that the proposed increase in assessment rates and increase in the limit of the fund balance be set for hearing by the Board. This should be done in 2014 in order to begin the new assessments in 2015.

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/IIm

September 14th, 2017

John M. Cline
1408 South 900 West
Kempton, IN 46049

Big Cicero Creek Joint Drainage Board
101 East Jefferson St.
Tipton, IN 46072

FILED

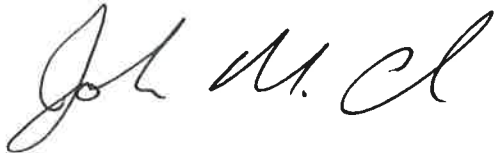
SEP 14 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

Big Cicero Creek Joint Drainage Board,

I am writing this letter as a land owner in remonstrance of the reconstruction of the Big Cicero Creek. I am ecstatic that the board is taking action to mitigate flooding in Tipton, however; feel that this project will do little to ease these flooding conditions in Tipton. The amount of storage it adds will be minutes during flood stage and will reduce flood levels inches in Tipton. I do not think this is the right investment for what the end goal is. I am also against paying for this out of maintenance fees. A 4.6 million dollar project financed for the proposed 40 years at 3% interest comes to 3.3 million paid in interest. This would put the total dollars spent equal to what Burke determined would be the cost of by-passing the creek. By-passing the creek and ensuring a clear flow to the reservoir is what will solve this problem and is what I would like to see us move towards, rather than this plan, at an affordable price to all.

Regards,

A handwritten signature in black ink, appearing to read "John M. Cline". The signature is fluid and cursive, with the first name "John" being more prominent and the last name "Cline" following in a similar style.

John M. Cline

September 13, 2017

Campbell, C. Ryan & Conway, Aaron
Tenants in Common
1375 N 800 W
Tipton, IN 46072

Big Cicero Creek Drainage Board
101 East Jefferson
Tipton, IN 46072

FILED

SEP 14 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

**Remonstrance to Proposed Reconstruction of Big Cicero Creek, with Public Hearing on
September 20, 2017**

Landholders affected by the proposed reconstruction of a drain have the right to file a written remonstrance. I oppose this proposed reconstruction because it is my belief that the costs, damages, and expenses of the proposed reconstruction exceed the reported benefits that will result to the owners in the watershed.

The proposed method of reconstruction is not the best option for improving the watershed. I believe creating a bypass ditch need to be further investigated and evaluated.

I formally object to the plan outlined in the August 18, 2017 letter regarding reconstruction on the Big Cicero Drain. I request that you vote down the plan to reconstruct Cicero Creek until further study of the problem is completed and properly evaluated.

Sincerely,



C. Ryan Campbell



Aaron Conway

September 13, 2017

Acre Ag LLC.
1375 N 800 W
Tipton, IN 46072

Big Cicero Creek Drainage Board
101 East Jefferson
Tipton, IN 46072

FILED

SEP 14 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

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Sincerely,



Aaron Conaway

September 13, 2017

Aaron Conaway
4540 W 300 N
Tipton, IN 46072

Big Cicero Creek Drainage Board
101 East Jefferson
Tipton, IN 46072

FILED

SEP 14 2017

SURVEYOR'S OFFICE
TIPTON COUNTY


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September 20, 2017**

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Sincerely,



Aaron Conaway

September 13, 2017

Acre Ag LLC.
1375 N 800 W
Tipton, IN 46072

Big Cicero Creek Drainage Board
101 East Jefferson
Tipton, IN 46072

FILED

SEP 14 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

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September 20, 2017**

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Sincerely,



Ryan Campbell

September 13, 2017

Ryan Campbell
4739 S 750 W
Tipton, IN 46072

Big Cicero Creek Drainage Board
101 East Jefferson
Tipton, IN 46072

FILED

SEP 14 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

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September 20, 2017**

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Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Campbell", written in a cursive style.

Ryan Campbell

September 13, 2017

Dr. Julie Campbell
906 Prescott
Fort Myers, FL 33908

FILED

SEP 14 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

Big Cicero Creek Drainage Board
101 East Jefferson
Tipton, IN 46072

As a land owner in the Big Cicero Creek watershed, I object to the use of maintenance funds to reconstruct the Big Cicero Creek & specifically the proposed benching project of the Big Cicero Creek.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Campbell". The signature is fluid and cursive, with a small mark to the right that looks like "PC" or "SC".

Scott Campbell

POA for drainage matters in Tipton County for Dr. Julie Campbell

September 12, 2017

Scott Campbell
21557 Shorevista Lane
Noblesville, IN 46062

Big Cicero Creek Drainage Board
101 East Jefferson
Tipton, IN 46072

FILED

SEP 14 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

As you are well aware, I am against the proposed reconstruction because I feel that the expense of the proposed reconstruction exceeds the benefits to the owners in the watershed.

I received a letter dated August 18, 2017 stating that this reconstruction will be paid from the Big Cicero Creek Area Fund. The only fund Big Cicero has is a maintenance fund. The legal notice states that maintenance funds will be allocated to pay for this project. In 2014, the maintenance rates were increased to **maintain** the drain not reconstruct it. I was at that meeting and strongly objected to increasing the rate to \$3.00. Was reconstruction the objective all along; funds raised under the pretense of maintenance, to be used for reconstruction.

I firmly believe that a bypass ditch south of town will provide the best solution to the flooding in Tipton, as well as helping the erosion problem in town along Big Cicero. In my opinion, an 8 foot deep ditch instead of a 16' deep one would be sufficient. It would be more of a wide water way that could be planted in cover crop and would only hold water during a very heavy rain. Scot Gasho had it estimated at a cost of \$10,000,000.

I would like for you to vote down the plan to reconstruct Big Cicero Creek at this time. I would be happy to be a member of a citizen committee with knowledge of the history of the ditch, if you so choose to create one.

Sincerely,



Scott Campbell

September 12, 2017

Campbell Family Limited Partnership 1
21557 Shorevista Lane
Noblesville, IN 46062

Big Cicero Creek Drainage Board
101 East Jefferson
Tipton, IN 46072

FILED

SEP 14 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

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I would like for you to vote down the plan to reconstruct Big Cicero Creek at this time. I would be happy to be a member of a citizen committee with knowledge of the history of the ditch, if you so choose to create one.

CFLP 1 paid \$4050.00 in **maintenance** fees for Big Cicero Creek in 2017, so I feel I have a vested interest in monies spent for this project.

Sincerely,



Scott Campbell

September 12, 2017

Campbell Family Limited Partnership 2
21557 Shorevista Lane
Noblesville, IN 46062

Big Cicero Creek Drainage Board
101 East Jefferson
Tipton, IN 46072

FILED
SEP 14 2017
SURVEYOR'S OFFICE
TIPTON COUNTY

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I would like for you to vote down the plan to reconstruct Big Cicero Creek at this time. I would be happy to be a member of a citizen committee with knowledge of the history of the ditch, if you so choose to create one.

CFLP 2 paid \$1076.00 in **maintenance** fees for Big Cicero Creek in 2017, so I feel I have a vested interest in monies spent for this project.

Sincerely,


Scott Campbell

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Terb Asato

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

FILED

SEP 18 2017

**SURVEYOR'S OFFICE
TIPTON COUNTY**

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: Scot Gasho

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 13 day of September, 2017.



Notary Public

My Commission Expires:

11-26-17

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Sam B. Hunt,
who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
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FILED

SEP 13 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

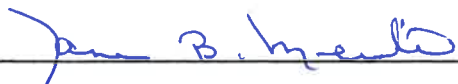
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It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.


For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: Jane B. Meister

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 13 day of September, 2017.



Notary Public

My Commission Expires:

11-26-17

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

FILED
BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

SEP 14 2017

TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

Bruce P. Schulenburg

who hereby files these written objections as follows:

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The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Bruce P. Schlenburg
Signature

Printed: Bruce P. Schlenburg

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14 day of September, 2017.

Heather M Terry #663199
Notary Public

My Commission Expires:

1-26-2023



STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

Janet Thibault

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

FILED

SEP 13 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Janet Hinkle
Signature

Printed: Janet Hinkle

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 13 day of September, 2017.

Jane B. Brinto
Notary Public

My Commission Expires:

11-26-17

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

)
IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, 

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
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- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

FILED

SEP 13 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.


For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: John Hinkle

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 13 day of September, 2017.



Notary Public

My Commission Expires:

11-26-17

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

Mary Jasho

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for

- 1) Cleaning it
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- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

FILED

SEP 13 2017

**SURVEYOR'S OFFICE
TIPTON COUNTY**

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Mary Gasho
Signature

Printed: MARY GASHO

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 13 day of September, 2017.

Sam B. Mendo
Notary Public

My Commission Expires:

11-26-17

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

)
IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

Walter L. Shul

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
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Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

FILED

SEP 13 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

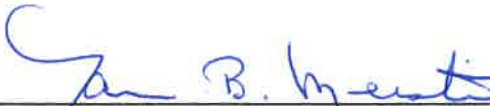
For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: WALTER L. SHIRK

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 13 day of September, 2017.



Notary Public

My Commission Expires:

11-26-17

September 12, 2017

Scot Gasho
PO Box 129
Atlanta, IN 46031

Big Cicero Creek Drainage Board
101 East Jefferson
Tipton, IN 46072

Written Remonstrance to Proposed Reconstruction of Big Cicero Creek:

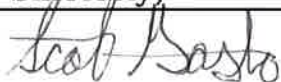
Indiana Code 36-9-27-52 outlines the process for reconstruction of a drain. It allows landholders affected by the proposed reconstruction to file a written remonstrance for specific reasons. I object to this proposed reconstruction because I believe the costs, damages, and expenses of the proposed reconstruction exceed the reported benefits that will result to the owners in the watershed.

I also object to this project because maintenance funds are planned to be used to pay for the project instead of an assessment tagged to each landowner as the code states must happen. I think it is improper and against Indiana Code to raise maintenance fees in anticipation of a reconstruction project and then to use those fees to pay for the reconstruction. No matter what the projected cost of this proposed "shelving project", "erosion control", "2 stage ditching", or whatever it is being called, maintenance monies should not be used, since each of these terms is defined as a Reconstruction.

Additionally, I believe there has not been any effort made to look at other options that may actually benefit the City and its desire to reduce potential flooding along Cicero Creek. Those options include: Looking into replacement of bridge at State Road 19 to accommodate Cicero Creek during flood stage; removing railroad bridge abutment; laying banks back to 3:1 ratio where eroding; looking at going up stream and engineering ways to slow water flow down before reaching the town, whether it be on Cicero Creek or tributaries leading to it; or looking into installing a by-pass ditch around Tipton and purchasing flood ground down-stream.

For all of these reasons, I formally object to the plan outlined in the August 18, 2017 letter I received regarding reconstruction on the Big Cicero Drain. I ask that you consider my remarks and make a decision to table this plan and explore other means of mitigation of flooding in Tipton .

Sincerely,



Scot Gasho

FILED

SEP 13 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

FILED

SEP 14 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned Jane Harper and Larry Harper, who hereby file these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages, and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

We as owners, were shown by letter dated August 18, 2017 and received in the postal mail, that the schedule of assessments and damages to be assessed are \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Indiana Code 36-9-27-50 specifically states that the surveyor **shall** add the damages to all lands as determined by the board to the estimated costs and expenses contained in his report, and the result constitutes the total estimated cost of the reconstruction. He shall also set forth the amount of each owner's assessment based on the total estimated cost of the reconstruction. The damage assessed to each landowner cannot be \$0.00 when the cost of the reconstruction is ~\$4,700,000. When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, ~~advertise that amount fixed on the lands benefited and hold a public hearing with those~~ amounts stated for the landowners. The Board has failed to do this as required by statute.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The legal notice published in the Tipton Tribune states: "Notice is hereby given of the hearing of the Big Cicero Creek Joint Drainage Board on the Big Cicero Creek Reconstruction allocating current and future maintenance assessment." This statement appears to indicate that the hearing is only for the allocation of maintenance funds to use as payment toward a reconstruction that has already been approved.

However, the letters sent to the landowners state it is notice of a hearing of Reconstruction and Schedule of Assessments. It is concerning that the language in the legal notice and the language in the letters sent to landowners is not the same.

The drain (Cicero Creek) was never classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor was there ever any petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) to a drain in need of reconstruction and therefore proceed with a reconstruction hearing.

When the above referenced drain was the subject of a periodic maintenance assessment increase in 2014, the surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per IC 36-9-27-38. In 2014, landowners received a notice for the maintenance increase hearing and in that letter it was stated: "*The Surveyors have estimated that the annual cost of periodically maintaining the entire drain is \$679,451.97.*" Maintaining the drain includes cleaning, spraying, removing obstructions, and making minor repairs.

Based on the surveyors' estimate, the maintenance increase was approved in 2014.

However, the county's financial ledger shows that in 2015, the total of ALL Big Cicero Creek claims including maintenance, board member stipends and other incidentals equals \$449,194.71. This is over \$225,000 LESS than what landowners were told was needed to maintain the drain. The 2016 financial ledger shows the total of ALL Big Cicero claims to be \$244,840.00. This number is over \$425,000 LESS than what landowners were told was needed to maintain the drain. As of September, 2017, the county's financial ledger shows that the total of ALL Big Cicero claims to be ~\$300,000.

There exists no data to concur with the 2014 assertion that \$679,451.97 is needed annually to maintain the drain, yet property owners continue to be assessed an amount that achieves the total requested in 2014.

This evidence supports the conclusion that it appears that the amounts were overstated for the sole purpose of accumulating funds to finance a future reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by IC 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

I.C. 36-9-27-45.5 addresses excess drainage maintenance fund balance and transfer of funds.

It applies when a county surveyor advises the drainage board that in the county surveyor's opinion a maintenance fund has a balance in excess of the amount reasonably needed in that fund for maintenance work in the foreseeable future. It also states that the board may transfer an amount up to a maximum of seventy-five percent (75%) of the money in the maintenance fund to a reconstruction fund that covers the same watershed as the maintenance fund from which the money is transferred.

The use of a percentage of the maintenance funds to pay for a reconstruction project is being misapplied in the case of this reconstruction project. Seventy five percent (75%) of excess maintenance funds can be used to fund a reconstruction, however a board cannot impose a maintenance increase for the purpose of intentionally **creating** excess funds in order to fund a future reconstruction project. That is: Maintenance funds cannot be raised as a *plan* to use for the cost of a reconstruction. When a drain has been routinely collecting maintenance fees and by happenstance has an excess of surplus of funds and then that drain needs to be reconstructed because it is no longer functioning the way it was intended, then the law allows for 75% of those maintenance funds to be used toward a reconstruction. Intentionally increasing the maintenance fees on order to create an excess for the sole purpose of the anticipation of a reconstruction is what appears to have happened in 2014.

It has been reported that the project will be funded by the City of Tipton via a loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this type of action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

It is noted in the Surveyor's report that a two stage ditch will be constructed on both sides of Cicero Creek. Historical records indicate that a particular area on the south side of the creek is the site of a former "dump", and soil borings done in 2008 indicate many large pieces of debris buried within 75 feet from the top of the creek. Carving into that side of the bank could be problematic. Further, spending any amount of money on a project that cannot be proven to be of any significant benefit to the landowners in the watershed is an irresponsible use of public monies.

The proposed project has a limited scope of which the intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For all of these aforementioned reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project and allocation of maintenance funds.

Jane Harper

Signature

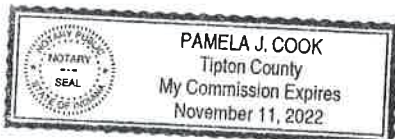
Printed: Jane Harper

Larry Harper

Signature

Printed: Larry Harper

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.



Pamela J. Cook

Notary Public

My Commission Expires:

Printed Heather M. Terry
Resident of Tipton Co, Indiana

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Sonita J Grimmer

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Sonita J Grimme

Signature

Printed: Sonita J Grimme

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 15th day of September, 2017.

Tammy L Creech-Lane

Notary Public

My Commission Expires:

July 22, 2022



FILED

SEP 15 2017

HT
10:35 AM

**SURVEYOR'S OFFICE
TIPTON COUNTY**

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, L. Richard Trager,

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

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When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

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The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

L. Richard Trageser

Signature

Printed: L. RICHARD TRAGESER

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 15th day of September, 2017.

Tammy Creech Lane

Notary Public

My Commission Expires:

July 22, 2022

FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY



STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

who hereby files these written objections as follows:

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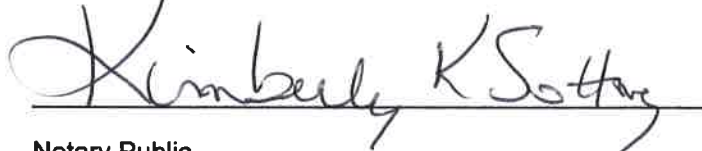
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Signature

Printed:

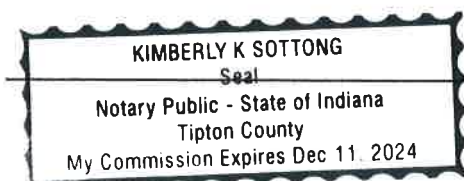


Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 15th day of September, 2017.



Notary Public

My Commission Expires:



FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8:48
JRH

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Bergman Land LLC Kip Bergman,
who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

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For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

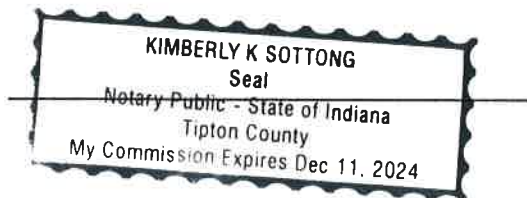
Bergman Land LLC Kip Bergman
Signature

Printed: Bergman Land LLC Kip Bergman

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 15th day of September, 2017.

Kimberly K Sottong
Notary Public

My Commission Expires:



FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8:48
JAL

STATE OF INDIANA)
DRAINAGE BOARD

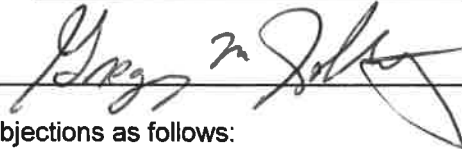
BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

)
IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,



who hereby files these written objections as follows:

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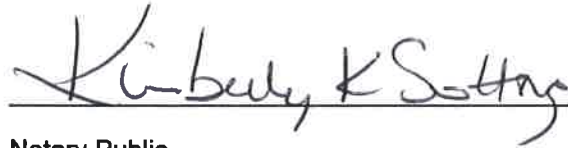
For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

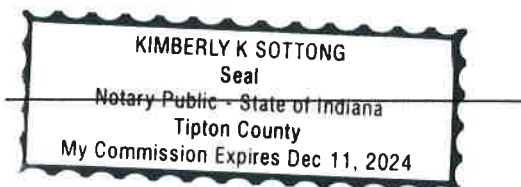
Printed: Gregory M Sottong

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.



Notary Public

My Commission Expires:



FILED

SEP 15 2017

**SURVEYOR'S OFFICE
TIPTON COUNTY**

8:48
JAN 17

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Phil Overdorf

who hereby files these written objections as follows:

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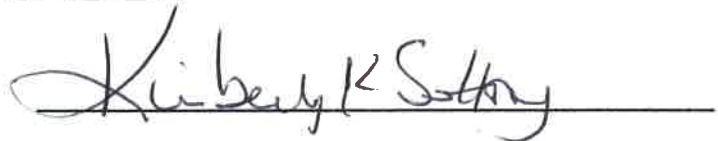
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Signature

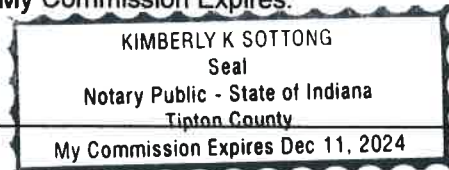
Printed: Phil Overdorf

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.



Notary Public

My Commission Expires:



FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8:48
JOKH

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
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OBJECTIONS & REMONSTRANCE

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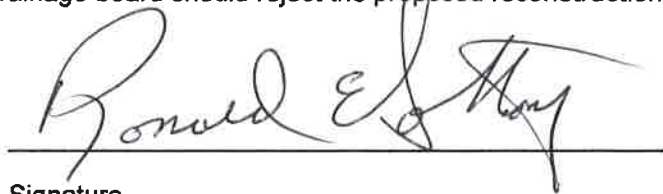
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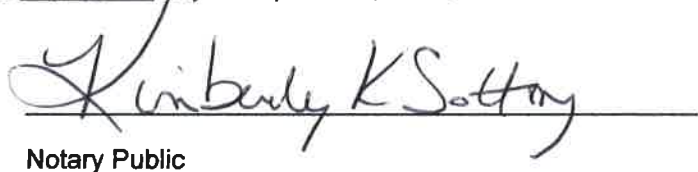
The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

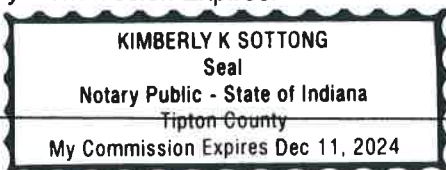

Signature

Printed: RONALD E SOTTONG

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 15th day of September, 2017.


Notary Public

My Commission Expires:



FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8:48
J.R.H.

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

Matthew E. Leininger

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

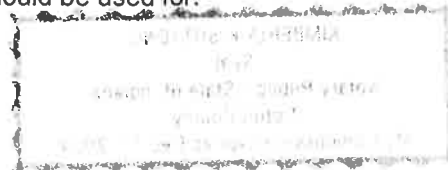
Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.



Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Matthew E. Leininga

Signature

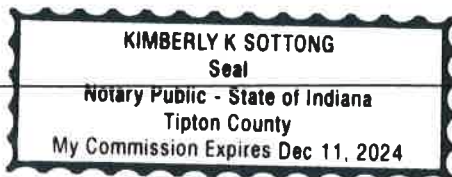
Printed: MATTHEW E. LEININGA

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Kimberly K Sottong

Notary Public

My Commission Expires:



FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8:48
JRH

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Michael J Leininger

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

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For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Michael J. Leininger

Signature

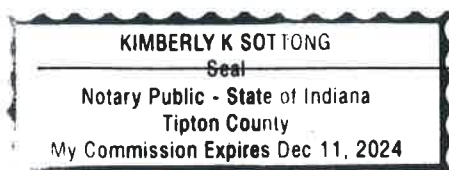
Printed: MICHAEL J. LEININGER

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Kimberly K Sottong

Notary Public

My Commission Expires:



FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8:48
JNH

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:

COUNTY OF TIPTON)
TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Mark Talle

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

1) Cleaning it

- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by [36-9-27-45](#). Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

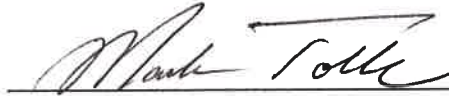
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If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. [36-9-27-94](#). This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly. For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

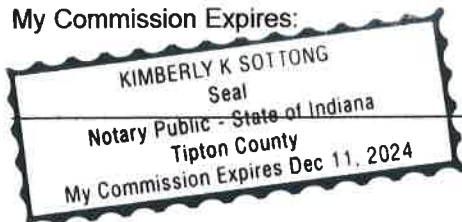
Printed: MARK TOLLE

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 15th day of September, 2017.



Notary Public

My Commission Expires:



FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8-14-18
JN



8:30 am

FILED

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

SEP 15 2017

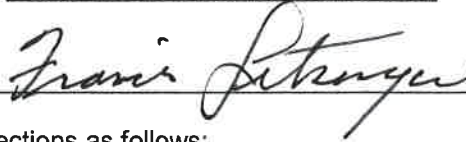
TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,



who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
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For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Francis Letsinger

Signature

Printed: Francis Letsinger

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 15 day of September, 2017.

Kristina L Hinkle

Notary Public

My Commission Expires:

July 24 2024



8:30am

FILED

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

SEP 15 2017

TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

SURVEYOR'S OFFICE
TIPTON COUNTY



OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

Matt Lettinger

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

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- 4) Making minor repairs to it.

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The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Matt Letsinger

Signature

Printed: MATT Letsinger

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 15 day of September, 2017.

Kristina L Hinkle

Notary Public

My Commission Expires:

July 24, 2024



STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

FILED
SEP 15 2017

8:20 am

SURVEYOR'S OFFICE
TIPTON COUNTY

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, David Gunkel

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

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For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

David Gunkel

Signature

Printed: David Gunkel

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Tragesser

Notary Public Helen Tragesser

County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

FILED

SEP 15 2017

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

SURVEYOR'S OFFICE
TIPTON COUNTY

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

8:20 am

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

Jaqueline Schmitt

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

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- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.


The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.


Signature

Printed: Jacqueline Schmitt

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.


Notary Public Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8:20 am

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

DENA R SCHMITT

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

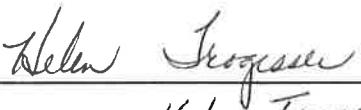
For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: AENA R SCHMITT

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.



Notary Public

Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14- 2024

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

)
IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8:05 AM
HT

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, CHARLES B. HASKETT JR.

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

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- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: Charles B Haskett, Jr

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.



Notary Public

My Commission Expires:

12 March 2022



STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

)
IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8:05 AM
HAT

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

VIRGINIA M. BAKER

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
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Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

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If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.


The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.


Signature

Printed: VIRGINIA M BAKER

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.


Notary Public Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

)
IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8:05 AM
HT

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, 

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

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When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

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The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.


Signature

Printed: Jeff L. Smith

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.


Notary Public Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14 - 2024

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

FILED

SEP 15 2017

8:05 AM
HT

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

Don Heflin

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

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- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

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The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed:

DON L. HEFLIN

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.



Notary Public

Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

)
IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED

SEP 15 2017 8:05 PM

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

Richard A & Judy M Overdorf

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

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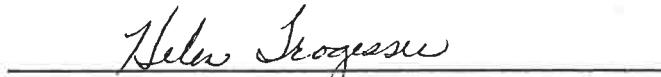
For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: Richard A Overdorf

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.



Notary Public Helen Tragesser

County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

)
IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8:05 AM
47

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,



who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

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When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

by Andy Overholt Pres
Signature

Printed: Andy Overholt

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Tragesser
Notary Public Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

)
IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED

SEP 15 2017

8:05 AM
H7

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, A. G. Tebbe Farms Inc

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

by George A. Tabb, Secy

Signature

Printed: by George A. Tabb, Secy.

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Tragesser

Notary Public Helen Tragesser

County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

TIPTON, INDIANA
FILED

SEP 15 2017

8:05 AM
HT

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Leonard J Tebbe,

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Leonard J. Tebbe

Signature

Printed: Leonard J. Tebbe

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Tragesser

Notary Public Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED

SEP 15 2017

8:05 AM
HT

OBJECTIONS & REMONSTRANCE

SURVEYOR'S OFFICE
TIPTON COUNTY

Now comes the undersigned, Leonard J Tebbe Trustee of Leonard & Tebbe Revocable Trust

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

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The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Leonard J. Tebbe, Trustee

Signature

Printed: Leonard J Tebbe, Trustee

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Tragesser
Notary Public Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

TIPTON, INDIANA
FILED

SEP 15 2017

8:05 PM
HT

OBJECTIONS & REMONSTRANCE

SURVEYOR'S OFFICE
TIPTON COUNTY

Now comes the undersigned, John R. Funke

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
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- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

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The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

John R. Funke
Signature

Printed: John R. Funke

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Traggesser
Notary Public Helen Traggesser
County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

TIPTON, INDIANA
FILED

SEP 15 2017

8:05 AM
#1

OBJECTIONS & REMONSTRANCE

SURVEYOR'S OFFICE
TIPTON COUNTY

Now comes the undersigned, TEBBE LAND I LLC

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

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It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Robert J. Tebbe Mgr.

Signature

Printed: Robert J. Tebbe

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Tragesser
Notary Public Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14 - 2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

TIPTON, INDIANA
FILED

SEP 15 2017

8:05 AM
HT

OBJECTIONS & REMONSTRANCE

SURVEYOR'S OFFICE
TIPTON COUNTY

Now comes the undersigned,



who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

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For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Robert J. Tebbe

Signature

Printed: Robert J. Tebbe

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Trogesser

Notary Public Helen Trogesser

County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED

8:05 AM
HT

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, George Tebbe

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

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For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

George A. Tabbe

Signature

Printed: George A. Tabbe

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helea Progerser

Notary Public

Helea Progerser
County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED

8:05 AM
HT

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, TEBBE LAND LLC II

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

TEBBE LANDS LLC II
by LEONA C. STOUT
Signature

Printed: LEONA C. STOUT

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Tragesser
Notary Public Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED

8:55 AM
HT

OBJECTIONS & REMONSTRANCE

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

Now comes the undersigned, Tabb's Land III LLC

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

TEBBE LAND III LLC

by George A. Tebbe, Co-Manager

Signature

Printed: George A. Tebbe, Co-Manager

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Tragesser

Notary Public Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED
TIPTON, INDIANA

SEP 15 2017 8:05 AM
MT

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, LEONA C. STOUT,

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

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When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: LEONA C. STOUT

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.



Notary Public Helen Tragesser

County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

TIPTON, INDIANA
FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Michael R. Netherton
who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

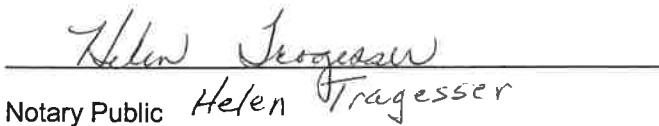
For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: Michael R. Netherton

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.



Notary Public

Helen Tragesser

My Commission Expires:

County of Residence: Tipton

8-14-2024

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

)
IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED

SEP 15 2017

8:05 AM
HT

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

Katrina L Short

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

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When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Katrina L Short

Signature

Printed: Katrina L Short

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Traggesser

Notary Public Helen Traggesser

County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

\$0.50pm
HT

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Alice E. GRAY

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

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The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Alice E. Gray
Signature

Printed: Alice E. GRAY

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Traesser
Notary Public Helen Traesser
County of Residence : Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
DRAINAGE BOARD

BEFORE THE BIG CICERO CREEK JOINT

FILED

SEP 15 2017

8:25 AM
HT

SURVEYOR'S OFFICE
TIPTON COUNTY

) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA

)
IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Robert J. Lawrence JR

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

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The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Robert J. Lawrence Jr

Signature

Printed: ROBERT J. LAWRENCE JR

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Tragesser

Notary Public Helen Tragesser

County of Residence: Tipton

My Commission Expires:

8-14-2024

FILED

SEP 15 2017

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD
SURVEYOR'S OFFICE
TIPTON COUNTY TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

8:20 am

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Elizabeth Hoop

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Elizabeth Hoop
Signature By Greg Schmitt P.O.A

Printed: Elizabeth Hoop
Greg Schmitt P.O.A

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Tragesser
Notary Public Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

TIPTON, INDIANA
FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, *Heidi M. Johnson*

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

8:05 AM
HFT

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It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Helen M. Tragesser
Signature

Printed: Helen M. Tragesser

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Michelle L. Owens
Notary Public

My Commission Expires:

June 14, 2019

FILED

SEP 15 2017

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD
SURVEYOR'S OFFICE
TIPTON COUNTY, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

8:20 am

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

David L. Boyd

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.


For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: David L. Boyd

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.



Notary Public Helen Tragesser
County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

TIPTON, INDIANA

FILED

8:05 AM
HT

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

STEPHEN A. ELMAN

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Stephen D. Ehman

Signature

Printed: Stephen D. Ehman

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helena Trojesaw

Notary Public

County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

FILED

TIPTON, INDIANA

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

8:05 AM
HT

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

George N. Clark

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

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When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.


For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: George N Clark

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.



Notary Public

My Commission Expires:

County of Residence: Tipton

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

FILED
TIPTON, INDIANA

SEP 15 2017

8:05 AM
HT

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Neil PLANALP

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

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Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

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- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Neil E. Planalp

Signature

Printed: Neil PLANALP

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Shawn Trojeasew

Notary Public

County of Residence: Tipton

My Commission Expires:

8-14-2024

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

FILED
TIPTON, INDIANA

SEP 15 2017

8:05 AM
HT

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Anthony P Hoover

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

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For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Anthony P Hoover

Signature

Printed: Anthony P Hoover

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.

Helen Trojesen

Notary Public

My Commission Expires:

County of Residence: Tipton

8-14-2024

9:10 am

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

TIPTON, INDIANA
FILED

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

SEP 15 2017

OBJECTIONS & REMONSTRANCE

SURVEYOR'S OFFICE
TIPTON COUNTY

Now comes the undersigned, Bob Gunn

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

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Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

It has been reported that the project will be funded by the City of Tipton via loan and repaid by the maintenance collections. There is no statutory authorization in the Indiana Drainage Code for this action.

If the Board finds that the amount of a project exceeds the amount that the owners can pay over a five year period, then the only recourse is for the Board to resolve to sell bonds per I.C. 36-9-27-94. This procedure does not appear to have been followed.

The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: 

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this _____ day of September, 2017.

Notary Public

My Commission Expires:

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

FILED
TIPTON, INDIANA

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, Robert Day,

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
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- 4) Making minor repairs to it.

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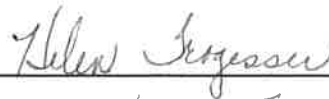
For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: Robert L. Day

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 14th day of September, 2017.



Notary Public

Helen Traeger

My Commission Expires:

County: Tipton

8-14-2024

September 11, 2017

John Janson
830 West High Street
South Hill, Va. 23970
434-953-8794
johnmjanson@gmail.com

FILED
SEP 15 2017
SURVEYOR'S OFFICE
TIPTON COUNTY

9:30 AM
HT

Big Cicero Creek Joint Drainage Board
101 East Jefferson Street
Tipton, Indiana
46072

Re: Written Remonstrance to the Proposed Big Cicero Creek Drain Reconstruction Project in Tipton

Dear Board Members,

On September 17, 2014 Hamilton County Surveyor Kenton Ward sent a letter to the Big Cicero Creek Joint Drainage Board. In it he confirmed that a shelving project through Tipton was "rejected in 2009 at a hearing due to remonstration" and that "the bypass channel was rejected by the Board before a hearing was set." Subsequently the Big Cicero Board increased maintenance assessments under the guise of maintenance expenses but in reality it was done to pay for a "two stage ditch reconstruction" very similar to that which was voted down in 2009.

At Mr. Ward's suggestion, the assessment for maintenance was raised from \$0.90 per acre to \$3.00 per acre with a \$50.00 minimum per parcel for Residential and Agricultural Parcels, \$15.00 per acre for Commercial and Industrial with a \$100.00 minimum, and roads at \$15.00 per acre. The primary intent for this new increase was to fund Christopher Burke Engineering designed reconstruction project, not to fund needed maintenance work. Mr. Ward also suggested an increase in the limit of the fund balance as allowed in IC 36-9-27-43 from four times the estimate of maintenance needs to eight times the annual assessment in order to hoard money, so that "the Board would then be able to utilize maintenance funds to fully pay or partially pay for future reconstruction projects", and that "this would reduce or eliminate assessments for future reconstructions on Big Cicero Creek". In other words, by artificially inflating the maintenance fees under the pretense of maintenance, the money wrongfully collected could then be used for a future reconstruction.

All involved know reconstruction projects require hearings and open debate, maintenance projects do not. The Indiana Code is very clear on how a drain reconstruction is to be paid for, and what the Big Cicero Board is doing does not follow the procedure outlined in Indiana Code.

The notice sent from the Big Cicero Creek Drainage Board regarding this project dated August 18, 2017 states that damages are "zero" and reconstruction and maintenance assessments are unchanged. It states that "Reconstruction to be paid from the Big Cicero Creek Drainage

Area Fund". I assume that means the maintenance fund, which by code, cannot be raised in order to be used to fund a reconstruction project. As a matter of fact, the Big Cicero Board has tried this before, and at that time their attorney Ben Hobbs stated "he did not feel this could be done".

As an owner of property on the watershed, I believe that the Big Cicero Joint Drainage Board should be engaged in trying to correct the creek's propensity to flood in Tipton. It appears the Big Cicero Board has however lost its course, or is perhaps being intentionally misguided. For example, the record setting flood on April 19, 2013 averaged 4,810 Cubic Feet per Second (CFS) for the 24 hour midnight to midnight period at the USGS Gauge in Tipton. If this project had been completed then, how many cubic feet would the new shelf hold? The answer is 14.22 minutes worth of flow out of that 24 hour period. That equals .0099 or .99 percent. The benefit for Tipton is statistically irrelevant. The 17 foot crest that day equals 204 inches. Take that times .0099 and it equals 2.0196 inches. We are being asked to pay on a \$4.6 million note, plus interest for 40 years for a mere lowering of the 100 year flood level by 2 inches. Why would the Big Cicero Board approve such a project when for the same amount of money, or perhaps a bit more, the bypass ditch could solve the Tipton Flooding Problem permanently? If we won't do that, why not just spend a fraction of the cost to reconstruct, or redesign the bottleneck bridges here in town? Wouldn't either of those alternatives make more sense?

It is my opinion that the Big Cicero Shelving Project is just a bunch of busy work that has no appreciable benefit for Tipton. Yet Mayor Havens, in the July 19, 2017 Big Cicero meeting stated, "we need to support them (Big Cicero Board) through hell or high water" and that "we need to move forward with this project ASAP". Why is he "all in" when this project does nothing appreciable to solve the problem of flooding in Tipton?

Individual damages here are *not* "zero", they are huge. Increased maintenance monies cannot be illegally used to pay off a monstrous and unnecessary debt for a project that creates no statistically relevant benefit for Tipton.

Tipton does not need this project. It does however need a new sincere and focused group to form with the intent of solving the flooding problem in Tipton by spending money wisely on a solution that will work, instead of on projects that do no more than benefit those doing the work or granting the approvals.

I therefore formally object to the Big Cicero Joint Drainage Board - Tipton Shelving Project for all of the aforementioned reasons.

With kind regards,



John Janson

FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

September 11, 2017

John Janson
830 West High Street
South Hill, Va. 23970
434-953-8794
johnmjanson@gmail.com

Big Cicero Creek Joint Drainage Board
101 East Jefferson Street
Tipton, Indiana
46072

FILED
SEP 15 2017
SURVEYOR'S OFFICE
TIPTON COUNTY
9:30 AM
TJT

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I therefore formally object to the Big Cicero Joint Drainage Board - Tipton Shelving Project for all of the aforementioned reasons.

With kind regards,

A handwritten signature in dark ink, appearing to read "John Janson", with a stylized, looping flourish at the end.

John Janson

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Certified Mail Fee \$3.35
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$2.75
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postmark
Here

Postage \$0.49

09/11/2017

Total Postage and Fees \$6.59

Sent To
616 CILKAW CIRCLE XINT PLAZA BLDG
Street and Apt. No., or PO Box No.
101 WEST Jefferson St. - 1st Floor
City, State, ZIP+4®
Norton - IN 4672

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

(Expected Delivery Day)
(Thursday 09/14/2017)

Certified 1 \$3.35
(®®USPS Certified Mail #)
(70151520000037498532)

Return Receipt \$2.75
(®®USPS Return Receipt #)
(9590940219606123175210)

Total \$6.59

Debit Card Remit'd \$6.59
(Card Name:Debit Card)
(Account #:XXXXXXXXXX2152)
(Approval #:
(Transaction #:378)
(Receipt #:006032)
(Debit Card Purchase:\$6.59)
(Cash Back:\$0.00)

BRIGHTEN SOMEONE'S MAILBOX. Greeting
cards available for purchase at select
Post Offices.

Text your tracking number to 28777
(2USPS) to get the latest status.
Standard Message and Data rates may
apply. You may also visit USPS.com

How,
PLEASE FILE THIS
ALONG WITH THE PREVIOUS
REMONSTRANCE I SENT
DATED SEPTEMBER 11, 2017,
A COPY OF WHICH IS
ATTACHED.

THANK YOU,
JAN JANSON

434-953-8794

FILED

9:30 AM
HFL

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

TIPTON, INDIANA

OBJECTIONS & REMONSTRANCE

JAN M. JANSON,

who hereby files these written objections as follows:

The proposed reconstruction, as reported by the surveyor, is not practicable and will not adequately drain the entire watershed assessed for maintenance for the drain.

The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

The proposed reconstruction project will not be of public utility to all the area of land assessed as benefited.

The owner is shown by the schedule of assessments and damages to be assessed \$0.00 or 0.00% of the total cost per the notice of public hearing, yet the total estimated cost of the partial reconstruction is over \$4,700,000.00 per the report of the surveyor.

Further, over \$100,000 in engineering expenses for the proposed reconstruction have been incurred and paid out of the maintenance fund of said drain but instead should be paid from the reconstruction and apportioned to the affected lands benefited.

The above drain does not appear to have been classified as in need of Reconstruction as prescribed by I.C. 36-9-27-34 nor does there appear to have been a petition by 10% of the affected landowners requesting that it be reclassified as in need of reconstruction as provided in 36-9-27-35. It does not appear that the long range plan by the Big Cicero Creek Joint Drainage Board exists or was modified before June 1, 2017 to change the classification as in need of periodic maintenance (as determined at the last public hearing) and proceed with reconstruction.

When the above referenced drain was the subject of a periodic maintenance assessment increase, the Surveyor was to determine the assessment amounts based on the estimated annual cost of periodically maintaining the drain as per 36-9-27-38. It appears that the amounts were overstated for the sole purpose of accumulating funds to finance a reconstruction project with maintenance funds.

Drain maintenance funds, per I.C. 36-9-27-34, subsection C. should be used for:

- 1) Cleaning it
- 2) Spraying it
- 3) Removing obstructions from it, and
- 4) Making minor repairs to it.

Using maintenance funds for payments of over \$50,000 made to Reedy Financial does not appear to fall within the guidelines of the proper use of maintenance funds as prescribed by 36-9-27-45. Using maintenance funds for a reconstruction does not fall under the proper use of maintenance funds.

When contemplating the reconstruction of a regulated drain, the Surveyor is charged with estimating the cost of the proposed reconstruction. The Big Cicero Creek Joint Drainage Board is then required to prepare a schedule of assessments and apportion those costs against the tracts of land benefited by the reconstruction as per 36-9-2-50. The Board has prepared a schedule of assessments with zero costs. The Board is required to set forth the amount of each owners total assessment based on the total cost of the reconstruction and assess that amount in amounts that the owners may conveniently pay in installments over a 5 year period, advertise that amount fixed on the lands benefited and holding a public hearing with those amounts stated for the landowners. The Board has failed to do this as required by statute.

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The proposed project has a limited scope that's intended benefits are to the City of Tipton. The assessment of the entire Big Cicero Creek watershed for a partial reconstruction is not substantiated. If the lands in the City of Tipton will have exceptional benefits, those lands should be assessed accordingly.

For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.



Signature

Printed: JOHN M. JANSON

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 13 day of September, 2017.



Notary Public

My Commission Expires: 12/31/2018



FILED

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

STATE OF INDIANA)
DRAINAGE BOARD)
) SS:
COUNTY OF TIPTON)
TIPTON, INDIANA)

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

BEFORE THE BIG CICERO CREEK JOINT

FILED
SEP 15 2017
SURVEYOR'S OFFICE
TIPTON COUNTY

2:00 PM
HT

OBJECTIONS & REMONSTRANCE

Now comes the undersigned, _____,

who hereby files these written objections as follows:

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The costs, damages and expense of the drain will exceed the benefits that will result to the owners of all land assessed as benefited.

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For these reasons, the Big Cicero Creek Joint Drainage board should reject the proposed reconstruction project.

Ben Heffelmire
Signature

Printed: Ben Heffelmire

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 15 day of September, 2017.

Nancy Abernathy
Notary Public

My Commission Expires:

10-28-20

Nancy Abernathy
Notary Public, Tipton County, Indiana
My Commission expires Oct. 28, 2020



2:30pm K&H

STATE OF INDIANA)
) SS:
COUNTY OF TIPTON)

BEFORE THE BIG CICERO CREEK JOINT DRAINAGE BOARD

FILED

TIPTON, INDIANA

IN THE MATTER OF)
THE RECONSTRUCTION)
OF BIG CICERO CREEK)

SEP 15 2017

SURVEYOR'S OFFICE
TIPTON COUNTY

OBJECTIONS & REMONSTRANCE

Now comes the undersigned,

NICHAE GRINME

who hereby files these written objections as follows:

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Signature

Printed: MICHAEL GRIMME

Before me, a notary public, in and for said county and state, personally appeared the above signed and acknowledge the execution of the foregoing this 15th day of September, 2017.



Notary Public

My Commission Expires:

July 22, 2022

