

STATE OF INDIANA) BEFORE THE BIG CICERO CREEK DRAINAGE BOARD
)SS:
COUNTY OF TIPTON)

TIPTON, INDIANA

IN THE MATTER OF BIG CICERO CREEK)

FILED

REGULATED OPEN DRAIN RECONSTRUCTION)

JUL 28 1992

AND MAINTENANCE)

**SURVEYOR'S OFFICE
TIPTON COUNTY**

WRITTEN FINDINGS

The Big Cicero Creek Drainage Board having been established for Big Cicero Creek Regulated Open Drain pursuant to I.C. 36-9-27-14 (2); having held its public hearing on the Report of Bradley A. Rayl, Surveyor of the Project, on July 14, 1992 and July 28, 1992; and the Secretary of the Big Cicero Creek Drainage Board having filed with the Board the affidavit of mailing of notices and proof of publication for the subject hearing, the Big Cicero Creek Drainage Board now finds that notice was properly given and that it has jurisdiction of all matters herein.

And the said Big Cicero Creek Drainage Board having examined the Surveyor's Report for Reconstruction and Maintenance and Schedules of Assessments and considered the remonstrances and objections to the said Surveyor's Report and Schedules of Assessments and Damages filed by: Ruth Ann Durbin, David B. & Michael W. Glunt, Eleanor Glunt, William C. & Eleanor B. Glunt and Betty Rohrer from Boone County; David B. Glunt, Betty C. Lindemayer, Gladys M. Mathews and Homer G. Wright of Clinton County; Raymond M. Adler, David E. & Colleen M. Adcock, Hilda B. Barker, Donald Dale & Sandra M. Beam, Beck's Superior Hybrids, Woodrow W. & June E. Bennett, Clark W. & Eva Mae Biddle, Velma Biddle, J. Lowell & Ruth Brehm, James L. & Joan Carson, Timothy A. & Cynthia E. Chenoweth, Lloyd C. & Arnold L. & Phillip A. Cole, William C. Jr. & Barbara Cook; William C. Cook Jr. for the Town of Arcadia, Jack & Lavon Couden, Jimmy L. & Alice M. Couden, Judith K. Cummins, Rice H. & Mary M. Davis, Harold & Nancy Dent, Harold R. & Eva M. Dent, James Frederick & Florence Marie Durr, Paul & Jeanne Endicott, Charlie & Orabelle Giddings, Joanna Rutledge, David B. & Michael W. Glunt, David B. Glunt, George F. & Alidabelle Glunt, Gerald D. & Patricia F. Griffen, Patricia F. Griffen, Hamilton Heights School, Dallis F. & Alice M. Harrison, Terry Dean Harrison, John A. & Sylvia K. Hartley, Sylvia K. Hartley, Ingeburg Hathaway, David L. & Diana S. Haworth, Robert E. Hayes, Tamara L. Henderson, Paul & Alberta Hiatt, William C. & Mariam Hillock, William & Mary Jane Hilton, Gladys Hinesley, Victoria Hope, Victoria Hope for Mt. Pleasant Cemetery, Unnamed Cemeteries & the Jackson Township Fire Station, Virginia House, Max Lloyd Hunter, Harold & Donna Isenhower, Evelyn Jean James, James Hubert & Judith Johnson, Paul H. & Ruby Johnson, Bradford G. & Frances R. Jones, Sandra M. Jones, Melcum & Marcella B. Kimsey, Ronald & Brenda J. Kline, John S. & Sharon K. Knapp, Howard E. Jr. & Sandra L. LaShure, Gloria D. Lake, John J. Lake, Robert Eller & Margaret M. Landes, Lenore & David Lark, Otis E. & Maryellen Legg, Raymond E. & Kathryn Louise Leonard, Richard M. S. & Grace Lewis, Library Board-L. Whitkamper & Shristy Murray, Gerald C. Lindemayer, Sally Lindemayer, Thomas E. & Lee Ann Lockwood, Ira R. & Mary F. McBride, Jerry Joe & Mary E. McFall, Kathleen E. McGuffey (John Peachy), Gary L. & Shirley E. Mendenhall, George S. & Bettie A. Miller, Celeste I. Nevitt, Julia K. Nevitt, Hubert B. & Pauline Nighthenhelsner, John David & Mildred O'Bryhim, George K. & Lisa Olson, Agnes A. & Walther H. Ortel, Raymond F. Overdorf, Robert C. & Gertrude C. Overdorf, Charles H. & June H. Parnell, John E. & Susan D. Phifer, Brenda J. Plass, William A. & Brenda J. Plass, Dennis Ray & Rhonda L. Prince,

Elizabeth & Russell Rainwater, Edward & Ida Juanita Rednour, Hurel D. & Vonda L. Rednour, Sterling & Gloria Jean Reed, Glenn V. & Wonetta L. Ridge, James Dale & Virginia Ridge, Floyd G. & Helen F. Robison, Jack Keith & Linda J. Roudebush, Gene & Alice Rulon, Gene Rulon, Mitchell L. & Melanie A. Russell, Mitchell Lee Russell, Joanna M. Rutledge, Michael L. Rutledge, L. Dean & Mary Naomi Sanders, Darrell W. & Joanna M. Scott, Daniel E. & Bette J. Shields, Glen L. & Sharon S. Shrock, Otis W. & Helen A. Small, Charles Daniel & Ivagene Smeltzer, Ken Smeltzer for Arcadia Church of Brethren, Sandra K. Smith, Ruth H. Snyder, Ricky W. Sowers, H. Clyde Thralls, Betty Thurston, Paul A. Tragesser, Wallace Farms, Inc., Marion W. & Ruth M. Wallace, Robert G. Waltz & James C. Terry, Robert G. & Laura J. Waltz, Robert G. Waltz, James A. & Eddie L. Watterson, Patricia C. Weaver Tr., Mildred Whisler, Patrick D. & Paula Jean Wolf, Milton & Anita Worley and Rex E. & Linda J. Yeary of Hamilton County; and Eldon & Agnes B. Allen, Eugene C. Altherr, Ardella Mae Anderson, Marshall E. Andich, Stephen L. & Nancy D. Bayer, Ernest B. Bergman, William E. & Paula S. Brewer, Margery C. & Clayton Briggs Jr., Charles S. & Patricia A. Burden, Richard Allen & Mary Ruth Cole, George W. & Patricia L. Compton, Robert R. & Marthat Coppack, Richard Alan & Carol Elaine Crownover, Rodney Leon & Todd Leon Cunningham, Michale D. & Mary Lou Davis, Aubrey C. & Ann L. Day, Kenneth Dickover, Kenneth & Mary & Allen & Karen Dickover, Kenneth & Mary Dickover, Kenneth & Mary Life Estate & Linda D. Dickover, Dennis L. & Virginia L. Downhower, Kenneth Ralph & Deborah Ehman, First Baptist Church Board of Trustees, Sandra K. Fratus, Donald M. & Phyllis M. Frawley, George F. & Alidabelle Glunt, Michael W. & Virginia L. Glunt, Rosanna Grayson, Ted L. & Rosanna S. Grayson, Grayson-Shoe Farm Partnership, Clarence & Mary E. Hampton, Harry J. & Jewel W. Harper, Jewel W. Harper, Clarissa H. Hartzog, Dale L. & Violet Hensley, Patricia Herniak, Carol Y. Hunter Revocable Trust, Lee W. & Carol Y. Hunter, Lee W. & Carol Y. Hunter, Lee W. Hunter Revocable Trust, Lee W. Hunter Revocable Trust, Lee W. & Carol Y. Hunter, James E. & Mildred Jean Kendall, Millard & Madelyn Kendall, Fred G. II & Karen E. King, Albert Harry & Viola Koker, Emilette I. Lane, James F. & Judith M. Leffler, Clarence C. & Eva Ley, Clarence Phillip & Janice E. Ley, Dale A. & Jennifer K. McDaniel, Walter & Sylvia Menchhofer, Charles E. & Dorothy Merrill, Harry L. & Mildred E. Miller, Perry & Harry L. Miller, Perry W. & Donald E. Miller, Perry W. Miller, Howard Mitchell, Larry A. & Judy A. Mundell, Ronald B. & Linda L. Oyler, Juanita J. Pickett, Harold E. & Alice L. Planck Revocable Living Trust, James Aubrey & Eileen Pore, Jack R. & Barbara B. Ramsay, Richard A. & Carol A. Rosi, David K. Schulenburg Et al, Melvin Paul & Dorothy Mae Schulenburg, Cecil S. & Marie B. Scott, Thomas Michael & Kathy Ann Scott, Sloan Farms, Inc., Mary Margaret Smith, Robert N. & Virginia L. Smith, Robert N. Smith, Virginia L. Smith, Carl M. & Gwendolyn F. Stilwell, Eldred W. & Helen Stout, Freda Pauline Stoup, Ellsworth E. & Margie Thorp, Saraellen Veon Trustee, James D. Walker, Lewis Walker, Alvin A. & Eleanor M. Wallace, Ralph E. Watson, Mildred Whisler and Ruth Wimer of Tipton County.

The Board further having considered the amended report of the Surveyor, which amended report in the words and figures following, to-wit:

(H.I.)

By polling of the Board, the vote on the question of will the costs, damages and expenses of the proposed reconstruction be less than the benefits accruing to the owners of land benefited by the reconstruction was as follows:

Tipton County, Carl Colbert, Yes
Hamilton County, William Karns, No
Clinton County, Ellsworth Biesecker, Yes
Boone County, Thelma Theobald, Yes

By polling of the Board, the vote on the question of will the Board adopt the amended report of the Surveyor and amended schedule of assessments and damages, including annual assessments for periodic maintenance as amended be approved, the vote was as follows:

Tipton County, Carl Colbert, Yes
Hamilton County, William Karns, No
Clinton County, Ellsworth Biesecker, Yes
Boone County, Thelma Theobald, Yes

The Board having considered all of the evidence and being duly advised in the premises now finds as follows:

1. That the reconstruction of Big Cicero Creek Regulated Open Drain as amended and reported and proposed by Bradley A. Rayl, Surveyor of the Project, is practicable and will adequately drain the lands of the owners affected;
2. That the costs, damages and expenses of the proposed amended improvement will be less than the benefits of which will accrue to the owners of lands benefited thereby;
3. That the proposed amended improvement will be of public utility and benefit;
4. That the Surveyor's Amended Final Report and Proposed Revised Reconstruction Schedule of Assessments and Damages and the Proposed Revised Maintenance Schedule of Assessments, as revised by the Big Cicero Creek Drainage Board, are equitable and proper and should be adopted and approved, with the following modifications as determined by the Board:

- a) That the Reconstruction per acre rate be reduced to \$7.50 and the Reconstruction Minimum be reduced to \$30.00
- b) That the Maintenance per acre rate be reduced to \$0.90 and the Maintenance Minimum be reduced to \$8.00

IT IS THEREFORE ORDERED THAT the Reconstruction Report as amended of Bradley A. Rayl, Surveyor of the Project, be and hereby is approved and adopted by the Board.

IT IS FURTHER ORDERED that the objections and remonstrances to the project, heretofore filed, are hereby denied except as modified by the amended Surveyor's Report and amended Schedules of Assessments and Damages.

IT IS FURTHER ORDERED THAT these findings are filed and maintained in the office of the Tipton County Surveyor for the Big Cicero Creek Drainage Board for public inspection and that notice thereof as required by law, be given by publication by the Secretary of the Big Cicero Creek Drainage Board.

DATED THIS 28 DAY OF July, 1992.

BIG CICERO CREEK DRAINAGE BOARD

Carl R. Colbert
Carl R. Colbert, President
Tipton County Member

William Karns
William Karns, Vice-President
Hamilton County Member

Thelma Theobald
Thelma Theobald, Member
Boone County Member

Ellsworth Biesecker
Ellsworth Biesecker, Member
Clinton County Member

Attest:

Emily J. Wilson
Emily J. Wilson, Secretary