

## HENDRICKS COUNTY DRAINAGE BOARD RESOLUTION 2017-45

WHEREAS, it is the intention of Hendricks County Drainage Board (hereinafter "County") to transfer certain portions of regulated drains which are located within the Town of Avon boundaries (hereinafter "Town") to the Town pursuant to I.C. 36-29-27-20; and

WHEREAS, it is the intention of the Town to accept said transfer of regulated drains from the County; and

WHEREAS, the County currently has jurisdiction over certain regulated drains located in the Town. Said drains are more specifically described in Exhibit "A"; which is hereby incorporated by reference; and

WHEREAS, the Town seeks to regulate, maintain and/or reconstruct these regulated drains that are located in the corporate boundaries of the Town; and

WHEREAS, in order to facilitate the transfer of authority over these regulated drains, the Town is prepared to establish a storm water board and adopt a storm water ordinance; and

WHEREAS, the Town has requested that the County relinquish control over these regulated drains located in the Town and allow the Town, by and through its storm water board to regulate, maintain, and, when necessary, reconstruct these regulated drains; and

WHEREAS, the County finds that it is in the best interests of the County and the citizens of Hendricks County, to relinquish jurisdiction over these regulated drains pursuant to Indiana Code §36-9-27-20; and

WHEREAS, the Parties desire to adopt identical resolutions to determine the terms, conditions, scope, and amount of funds to be distributed. NOW, THEREFORE, THE DRAINAGE BOARD RESOLVES THE FOLLOWING:

IT IS THEREFORE RESOLVED that the Treasurer of Hendricks County will transfer said funds referred to in Exhibit "A", from the corresponding regulated drain accounts of the County to the Town after January 1, 2018 but before April 1, 2018.

BE IT FURTHER RESOLVED that all funds from the corresponding regulated drains will be revised on or before December 31, 2017 based upon the following:

- a. Drains with negative balances which must reimburse the monies owed to the General Drain Improvement Fund;
- b. Drains which must reimburse the County General Fund for Inspector time spent researching or inspecting a situation with the drain:
- c. Drains which require maintenance work to be performed prior to December 31, 2017;
- d. Any additional funds collected as a result of Fall Assessment.

BE IT FURTHER RESOLVED any work on a regulated drain that is deemed both the responsibility of the County and Town shall be divided proportionately based upon the number of parcels affected.

BE IT FURTHER RESOLVED if a regulated drain is subject to a maintenance or reconstruction project, the County and Town shall pay its proportionate share based upon total linear footage of the regulated drain located upstream of project.

BE IT FURTHER RESOLVED each entity will maintain the portion of drain within its corporate boundaries.

BE IT FURTHER RESOLVED if the project is in the county and a reconstruction required, the Drainage Board will follow the requirements of Indiana Code §36-9-27 for a reconstruction which will include assessing the entire contributing watershed to the reconstruction.

BE IT THEREFORE RESOLVED the parties agree to Parcel numbers not area except as noted on Exhibit "A".

BE IT THEREFORE RESOLVED that any dispute which arises between the Town and County shall be determined by binding arbitration in accordance with the terms and conditions of the American Arbitration Association.

SO RESOLVED on the 26th day of September 2017.

HENDRICKS COUNTY DRAIN	)
Matthew D. Whetstone, President	<u></u>
Phyllis A. Palmer, Vice Presid	r L
Bob (seption Bob Gentry, Member Stan Ryland, Member )	and A
Jack Maloney, Member	ATTEST:
	Gary W. Sowers II Secretary
The terms and condition	ns of this Resolution are hereby ACKNOWLEDGED
ACCEPTED, and AGREED to the	is, 2017.
AVON TOWN COUNCIL	
Marcus Turner	
Beverley Austin	,
Greg Zusan	
Aaron Tevebaugh	
Steve Eisenbarth	ATTEST:

## Exhibit A - Avon Regulated Drain Proposed Transfer

Description	459 Alfred Cox	460 Thomas Feeney	471 George Mercer	539 Lucy King	544 Clark Blair	564 Austin Lakes	566 Avon Commerce Park	568 Avon North	569 Avon Square	570 Beechwood Farms	584 Cedar Bend	585 Cedar Mill
Current Drain Balance	\$275,146.51	\$375,863.39	\$106,807.52	\$2,081.82	\$0.00	\$194,153,07	\$20,040.19	\$9,732.79	\$4,501.45	\$22,243.63	-\$5,161.48	\$35,214.83
Current Diam Datanec	Miles of Drain	Miles of Drain		Vacated	Vacated	\$203,921.75						\$45,637.83
Total Parcels on drain	7900	15745	166	4	0	611	19	71	5	37	53	67
Total Tarces on drain	,,,,,					242						4
Town Parcels	5149	7985	87	4	0	240	19	71	5	37	53	0
County Parcels	2751	7760	79	0	0	369	0	00	0	0	0	63
Town Percentage	65.18%	50.71%	52.41%	100.00%	0.00%	39.28%	100.00%	100.00%	100.00%	100.00%	100.00%	0.00%
County Percentage	34.82%	49.29%	47.59%	0.00%	0.00%	60.39%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
Town balance transfer	\$179,332.83	\$190,617.29	\$55,977.44	\$2,081.82	\$0.00	\$86,031.75	\$20,040.19	\$9,732.79	\$4,501.45	\$22,243.63	-\$5,161.48	\$10,423.00
County hold balance	\$95,813.68	\$185,246.10	\$50,830.08	\$0.00	\$0.00	\$117,254.47	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$35,214.83
County note balance	ψ,σ,σ2σ,σσ	<u> </u>		Vacated	Vacated	\$9,768.68		AH 343 47700 10 7770000				\$10,423.00
Description	652 Hollow Brook	661 Ledgewood	680 Minor Plat 555	687 Oak Bend	691 Park Place	697 Pines of Avon	711 Shiloh Crossing	718 Station Hill	720 Stonebridge		723 Stratford of Avon	733 Thornridge
Current Drain Balance	\$112,305.23	-\$40,249.20	-\$1,492.39	\$19,697.20	\$25,911.35	\$81,462.51	\$56,760.02	\$19,390.32	\$35,091.99	\$61,120.46	-\$40,756.81	\$22,301.2
Current Drain Datanet	ψ112,505.25	, <del>, , , , , , , , , , , , , , , , , , </del>		1				\$35,610.32	\$48,650.05			
Total Parcels on drain	255	70	4	181	193	192	20	52	74	110	187	84
Total Larceis on drain		1						1	10			
Town Parcels	255	3	1	181	193	192	20	0	0	110	187	84
County Parcels	0	67	3	0	0	0	0	51	64	0	0	0
Town Percentage	100.00%	4.29%	25.00%	100.00%	100.00%	100.00%	100.00%	0.00%	0.00%	100.00%	100.00%	100.00%
County Percentage	0.00%	95.71%	75.00%	0.00%	0.00%	0.00%	0.00%	100.00%	100.00%	0.00%	0.00%	0.00%
Town balance transfer		-\$1,724.97	-\$373.10	\$19,697.20	\$25,911.35	\$81,462.51	\$56,760.02	\$16,220.00		\$61,120.46		
County hold balance	\$0.00	-\$38,524.23	-\$1,119.29	\$0.00	\$0.00	\$0.00	\$0.00	\$19,390.32	\$35,091.99	<del></del>	\$0.00	\$0.00
County note balance								\$16,220.00	\$13,558.06			
Town Total by Parcel	\$1,472,372.58											
County Total by Parce	\$693,424.58					4.00						

## **Exhibit A - Avon Regulated Drain Proposed Transfer**

591 Cobblestone	600 County	604	608 Crystal	635	640 Harlan	641 Harvest	Sub	
Springs	Line Corner	Creekview	Springs	Glenfield	Bakeries	Ridge	Totals	
\$68,291.12	\$10,807.86	\$4,902.96	\$38,721.07	\$51,054.22	\$69,342.81	\$94,542.45	\$1,378,286.21	
240	4	12	191	72	14	204		
240	4	1	83	72	14	204		
0	0	11	108	0	0	0		
100.00%	100.00%	8.33%	43.46%	100.00%	100.00%	100.00%		
0.00%	0.00%	91.67%	56.54%	0.00%	0.00%	0.00%		
\$68,291.12	\$10,807.86	\$0.00	\$16,826.43	\$51,054.22	\$69,342.81	\$94,542.45	\$886,685.60	
\$0.00	\$0.00	\$4,902.96	\$21,894.64	\$0.00	\$0.00	\$0.00	\$511,156.76	
					5.0			
736 Timber Bend	741 Vista Park	750 Whispering Pines	764 Wynne Farms	498 Charles Hardin	499 JF Lingerman	497 Lingerman - Hardin Account Holding Drain	Sub Totals	
\$60,977.44	-\$9,194.88	\$61,779.11	\$147,229.31	\$65.00	\$0.00	\$125,778.80	\$738,176.73	
267	11	135	305	1	40	827 867 436		
267	11	135	71	1	40	476		
0	0	0	234	0	0	391		
100.00%	100.00%	100.00%	23.28%	100.00%	100.00%	54.90%		
0.00%	0.00%	0.00%	76.72%	0.00%	0.00%	45.10%		
\$60,977.44	-\$9,194.88	\$61,779.11	\$34,273.05	\$65.00	\$0.00	\$71,306.03	\$585,686.98	
\$0.00	\$0.00	\$0.00	\$112,956.26		\$0.00	\$54,472.77	\$182,267.81	
40,00			,	A (************************************		\$2,251.00		