



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.

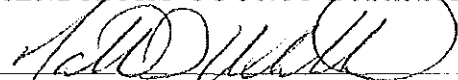
BE IT FURTHER RESOLVED if the project is in the county and a reconstruction required, the Drainage Board will follow the requirements of Indiana Code §36-9-27 for a reconstruction which will include assessing the entire contributing watershed to the reconstruction.

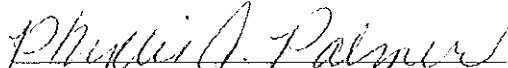
BE IT THEREFORE RESOLVED the parties agree to Parcel numbers not area except as noted on Exhibit "A".

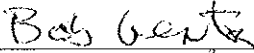
BE IT THEREFORE RESOLVED that any dispute which arises between the Town and County shall be determined by binding arbitration in accordance with the terms and conditions of the American Arbitration Association.

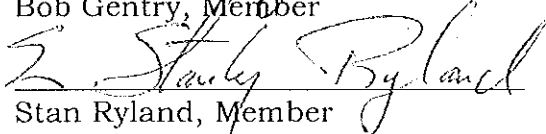
SO RESOLVED on the 26th day of September 2017.

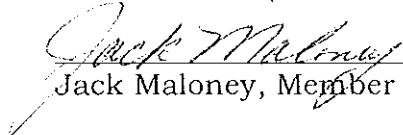
HENDRICKS COUNTY DRAINAGE BOARD

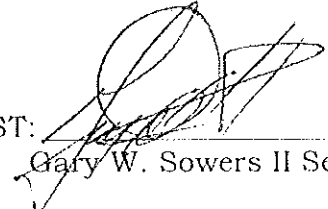
  
Matthew D. Whetstone, President

  
Phyllis A. Palmer, Vice President

  
Bob Gentry, Member

  
Stan Ryland, Member

  
Jack Maloney, Member

ATTEST:   
Gary W. Sowers II Secretary

The terms and conditions of this Resolution are hereby ACKNOWLEDGED, ACCEPTED, and AGREED to this \_\_\_\_ day of \_\_\_\_\_, 2017.

AVON TOWN COUNCIL

\_\_\_\_\_  
Marcus Turner

\_\_\_\_\_  
Beverley Austin

\_\_\_\_\_  
Greg Zusan

\_\_\_\_\_  
Aaron Tevebaugh

\_\_\_\_\_  
Steve Eisenbarth

ATTEST: 