

FAST FACTS

The Drains of Montgomery County

The county's private and public drains include many miles of open ditches and buried drainage tile that increase the productivity of farmland and prevent flooding of roads, residences, businesses, and industrial sites.

Montgomery County is generally flat with large areas of poorly drained soil. Open surface and tiled subsurface drains carry rainwater to natural streams, creeks, rivers, and lakes. Without good drainage, flooding and excessive saturation of land harms agriculture, roadways, utilities and urban areas.

The first drains, dating from the 1800s, were constructed to augment natural drainage and permit land occupancy, farming, and development by early settlers.

Public or regulated drains are not the same as private drains.

A public or regulated drain is a shared resource that benefits more than one landowner and is managed by the county drainage board in accordance with Indiana drainage laws. A private or mutual drain benefits one or more landowners and is not managed by the drainage board.

A landowner may petition the county drainage board to build a new regulated drain or to convert a private drain into a public drain. A majority of landowners in the same drainage area (watershed) have to agree. Landowners agree to county regulation and regular assessment in exchange for increased productivity and value.

An elected county surveyor and a county drainage board are responsible for the oversight, management, and operation of regulated drains.

Indiana Code 36-9-27 defines the roles and responsibilities of the surveyor and the board. The surveyor supervises drainage work, keeps financial records, and submits long range plans to the board. The drainage board approves assessments for drains; resolves landowner problems and disputes; and approves the construction, reconstruction, maintenance, and vacation of drains. The five-member board is comprised of the three county commissioners and two appointed members. The elected surveyor is a non-voting member of the board.

The costs of construction, reconstruction, and maintenance of a regulated drain are borne by landowners of the affected drains rather than by taxpayers in general.

Each landowner pays an assessment into a maintenance fund, a savings account for that individual drain. The fund pays for routine and occasional repair and maintenance. Each landowner's assessment for maintenance is based on his percentage of land in the watershed and the yearly estimated cost of maintenance. When a drain is constructed or when it is reconstructed, processes that are more expensive than the maintenance fund can cover, landowners are notified of a hearing. If the owners of a majority of the land wish to have a drain constructed or reconstructed, a bank loan is secured. Landowners then pay an additional assessment to repay the loan.

Several drainage challenges and opportunities face the county.

Many drains are over 100 years old and are deteriorating due to age and pressure from blockages. Other drains, originally designed for farmland and now in urban areas, are inadequate because parking lots and roofs

have replaced water-absorbing ground.

Land that does not drain well is not attractive to potential residential, commercial, or industrial users. Planning for and managing drainage in urban and rural areas of the county are critical to the county's economic development and agricultural productivity.

FREQUENTLY ASKED QUESTIONS:

Can I build or plant on or near my drain?

The county drainage board controls an "easement" of 75 feet from either side of the top bank of an open drain or from the middle of the tile. Landowners may plant crops or use the land on top of the tile or up to the bank of an open drain. However, they must allow access within the easement if the drain requires repair. Landowners must receive permission from the board to build a permanent structure within the easement.

Why did my assessment change last year?

When the amount in the maintenance fund is not adequate to pay the costs of maintaining the drain, the board notifies landowners of its intent to raise the assessment. After hearing landowner comments, the board may raise the assessment.

The drainage board may temporarily stop assessments if the maintenance fund balance becomes more than four times the yearly assessment. When funds are expended for maintenance in the future, the assessment will resume.

The landowners of some drains have not been assessed for many years. If the board decides to resume assessments in order to make needed repairs, landowners will be notified of a hearing.

When landowners approve the construction or reconstruction of a drain,

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money is borrowed and repaid with interest over a five-year period. The property tax bill will show a separate assessment for this loan.

May I attach my private drain onto a regulated drain?

Yes. However, you must gain permission from the county surveyor who will grant permission if the regulated drain is adequate to handle the additional water flow. If it is not, the request will be denied. If denied, the landowner may petition the county drainage board to reconstruct the drain in order to make it adequate. A fine may be imposed on a landowner who attaches a private drain to a regulated drain without permission.

Will I know when work is to be done on my drain?

Yes. When repairs are minor and the costs can be covered by the drain's maintenance fund, the surveyor will notify the landowner on whose land he intends to work. Other landowners will be notified only if the work will require them to pay an additional assessment.

Will I have a chance to voice my opinions about major expenditures on my drain?

Yes. If the drain requires major reconstruction with a cost that exceeds the amount in the maintenance fund, all landowners on the drain will receive a certified letter from the drainage board notifying them of a hearing on the matter. At that time, the board will receive information from, and preferences of, the landowners. Major reconstruction will not occur without the majority consent of landowners.

In addition, landowners may establish an advisory committee, with the approval of the board, to work with the board to maintain the health of their drain.

May I work on my regulated drain?

Regular maintenance such as brush clearing and spraying is encouraged. Tile repair by a landowner requires proof of insurance and approval of the drainage board. Contact the surveyor or drainage board for details.

How do I report problems or get information about my drain?

A good drainage system in the county depends on a partnership between the landowners, the surveyor, and the drainage board. Landowners are encouraged to report problems, ask questions, voice concerns, or otherwise comment about their drain. Landowners may also request a map of their drain from the surveyor. Communication with the surveyor and board members may occur at regular drainage board meetings, in writing, by phone, or through an advisory committee. The drainage board meets on the first, second, and fourth Tuesdays at 8:00 am in the Courthouse prior to the county commissioner meeting.

- **County Surveyor:**
Larry Utz, 765-361-3234; Assistant Surveyor, Tom Cummins, 765-361-3235; 110 West South Boulevard, Crawfordsville, IN 47933
- **Drainage Board:**
Email: mccommissioners@sbcglobal.net
Phil Bane, 765-275-2270
William McCormick, 765-362-0078
Ed Stephens, 765-362-3396
Deanna Durrett, 765-361-1191
Tom Boots, 765-361-2932
- **Soil and Water Conservation District:**
765-362-1194
- **League of Women Voters:**
PO Box 101, Crawfordsville, IN 47933
Voice Mail: 765-339-6598
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Jesse Snoddy Drain, north of Alamo, 1907, courtesy of Crawfordsville Public Library and Mr. Cecil Dunlap

Fast Facts

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Sponsored By:

Montgomery County Drainage Board

Montgomery County Soil and Water Conservation District



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