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MORGAN COUNTY DRAINAGE BOARD

**August 15, 2016
6:00 P.M.**

Drainage Board members present were: Norman Voyles, Brian Goss, and Don Adams. Also present were Terry Brock (Surveyor), Bill Dials (Stormwater Coordinator), Deb Verley (Administrative Assistant), and Rod Bray, County Attorney.

Request to Encroach

Robert Sheeks, 1045 Center Street in Martinsville, stated that he wanted to build a garage. The previous owner (Pursell) was granted permission to encroach on the Sartor Ditch right of way to build a garage, but the garage was not built. Mr. Sheeks stated that he would be agreeable to the same terms that were approved in 2013. Mr. Brock handed out a copy of the agreement and the minutes of the 2013 meeting. The original garage burned. Mr. Brock stated that 24'8" X 26'8" were the dimensions that were approved in 2013. Mr. Sheeks stated that he would like to build a 24' X 24' garage. Rod Bray stated that the Paragraph 2 of the original agreement states that the homeowner has permission to encroach as long as the homeowner maintains the garage and the consent would terminate upon removal or destruction of the garage. Paragraph 4 states that if in any point in time the garage interferes with the county's use of the easement, the garage can be taken down at the owner's expense. Terry Brock stated that they clean the ditch from the opposite side because it is easier to get in without powerlines in the way. Mr. Sheeks stated that he planned on building a pole barn type garage with a gravel floor.

Norman Voyles stated that the March 4, 2013 minutes state that the encroachment was approved as long as there was a hold harmless agreement.

Mr. Bray stated that there should be a new agreement between the Drainage Board and Mr. Sheeks. Mr. Adams asked that the garage be staked out and Mr. Brock approve it before construction begins. Don Adams stated that it doesn't seem like it will be a problem, but if it is, then it will be at Mr. Sheeks expense. Mr. Sheeks stated that is why he wanted to construct the garage out of panels, so it will be easier to remove.

Terry Brock stated that there is normally a \$250 fee for an encroachment; the board approved a \$150 fee for Mr. Pursell. Terry Brock stated that this would adequately cover the expenses.

Mr. Brock asked if there was anyone who would like to speak. There was no response.

Don Adams made a motion to approve the encroachment with a similar agreement as in 2013 and a \$150 fee. Motion seconded by Brian Goss. Rod Bray stated that the agreement will run with the land and bind all successors and assigns. Motion carried 3-0. Norman Voyles stated that he was reluctant to vote for it because it should have expired when the previous owner didn't build the garage after obtaining approval.

Joint Drainage Board Appointment

Norman Voyles stated that they have had a Joint Drainage Board with Hendricks County in the past and it is time to meet again. Terry Brock stated that both Don Adams and Brian Goss were previously appointed to the joint board. Norman Voyles nominated Don Adams and Brian Goss as appointments to the Joint Drainage Board. Nomination seconded by Brian Goss. Motion carried 3-0.

Adjournment

Brian Goss made a motion to adjourn the meeting. Motion seconded by Don Adams. Motion carried 3-0.

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Norman Voyles, Commissioner



Brian Goss, Commissioner



Don Adams, Commissioner

ATTEST:



Terry Brock, Morgan County Surveyor