

RESOLUTION 2025-DB-R- 01

**RESOLUTION OF THE MADISON COUNTY DRAINAGE BOARD REGARDING
DEVELOPER RESPONSIBILITY FOR DRAINAGE IMPROVEMENTS ASSOCIATED
WITH DEVELOPMENT PROJECTS IN MADISON COUNTY, INDIANA**

WHEREAS, the Madison County Drainage Board (hereinafter "the Board") is established under Indiana Code 36-9-27 and has the duty of managing the construction, reconstruction, and maintenance of regulated drains within Madison County, Indiana, to ensure effective drainage and mitigate flooding risks; and

WHEREAS, the Board has observed an increasing trend wherein developers or landowners plan and construct developments within the county while relying on the county, through the County Surveyor and the Drainage Board, to create, alter, or otherwise improve existing regulated drains to accommodate the drainage needs of such developments; and

WHEREAS, this practice places an undue financial burden on the county and its landowners, as the costs of such drainage improvements are often borne by public funds rather than the parties directly benefiting from the development; and

WHEREAS, the Board finds it equitable and consistent with the principles of responsible land use that developers or landowners undertaking such projects should bear the financial responsibility for drainage improvements necessitated by their developments; and

WHEREAS, the Board, in collaboration with the County Surveyor, possesses the authority and technical expertise to determine the scope and standards of drainage improvements required to protect public health, safety, and welfare, and may engage third-party engineering firms to assist in such determinations as deemed necessary.

NOW, THEREFORE, BE IT RESOLVED by the Madison County Drainage Board as follows:

Developer Responsibility for Costs: Any developer or landowner planning or constructing a development within Madison County that requires the creation, alteration, or improvement of an existing regulated drain shall be solely responsible for funding the full cost of such drainage improvements, including but not limited to design, construction, and related administrative expenses.

Determination of Scope: The scope, design, and specifications of drainage improvements required to accommodate a development shall be determined by the Madison County Drainage Board. The Board shall rely on the technical expertise of the County Surveyor and County Engineer, and, at its discretion or the Surveyor's and Engineer's recommendation, may engage a qualified third-party engineering firm to assess, plan, or oversee the necessary improvements.

Pre-Development Coordination: Developers or landowners must submit drainage plans for review and approval by the Drainage Board prior to commencing construction. Such plans shall demonstrate compliance with county drainage standards and include provisions for funding the identified improvements, as determined by the Board.

Funding Mechanism: The Board may require the developer or landowner to provide payment, establish an escrow account, or enter into a binding agreement to ensure funds are available for the drainage improvements before development permits are issued or construction begins.

County Oversight: The County Surveyor, as the technical advisor to the Board, shall oversee the implementation of drainage improvements to ensure compliance with the Board's directives and applicable county standards. Should a third-party engineering firm be engaged, it shall report to the Surveyor and the Board.

No Public Funds: The county shall not use public funds, including assessments on unrelated properties within a watershed, to subsidize drainage improvements that primarily benefit a specific development, unless such improvements are part of a broader, pre-existing county drainage plan unrelated to the development in question.

Effective Date: This resolution shall take effect immediately upon its adoption by the Madison County Drainage Board and shall apply to all development projects submitted for review on or after said adoption date.

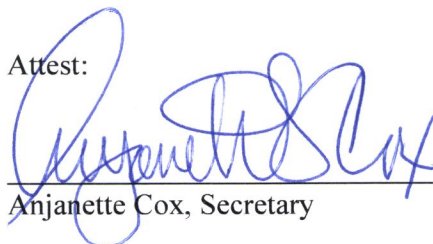
SO RESOLVED THIS 26th DAY OF February, 2025.

Madison County Drainage Board



Brian Bays, Chairman

Attest:



Anjanette Cox, Secretary