

**WHITLEY COUNTY DRAINAGE BOARD**

**AGREEMENT FOR ADVANCE PAYMENT FOR RECONSTRUCTION WORK**

WHEREAS, the undersigned ("Landowner") is the owner of land affected by a regulated drain known as the Drain, # (the "Drain"), which is subject to the jurisdiction of the Whitley County Drainage Board (the "Drainage Board") pursuant to the Indiana drainage laws; and

WHEREAS, this Agreement pertains to a proposed project for the reconstruction of the Drain (the "Proposed Reconstruction"). The nature and location of the Proposed Reconstruction is described as follows:

(attach additional pages if necessary); and

WHEREAS, [check one:]

- the Proposed Reconstruction is under consideration by the Drainage Board
- it is anticipated that the Proposed Reconstruction will be considered by the Drainage Board
- the Proposed Reconstruction has been approved by the Drainage Board

WHEREAS, Landowner desires that the Drainage Board approve the Proposed Reconstruction and/or expedite the commencement of the work; and

WHEREAS, Landowner recognizes that the ability of the Drainage Board to finance the Proposed Reconstruction and other drainage projects is limited by the availability of funds in the county's General Drain Improvement fund; and

WHEREAS, Landowner is entering into this Agreement with the knowledge and expectation that the Drainage Board should and will rely on this Agreement in its consideration of the classification of the Drain and/or the referral and/or approval of the Proposed Reconstruction and/or the acceptance of bids and awarding of contract(s) for the Proposed Reconstruction;

NOW, THEREFORE, Landowner promises and agrees as follows:

1. If the Proposed Reconstruction has been (or is hereafter) approved by the Drainage Board, Landowner hereby agrees to pay an advance payment as provided in this Agreement (the "Advance Payment").
2. The Advance Payment shall be payable upon the Drainage Board's acceptance of any bid for work on the Proposed Reconstruction. The Advance Payment shall be delivered to the Whitley County Surveyor's office. The check shall be payable to the Whitley County Treasurer with the memo portion of the check referencing the name and number of the Drain.
3. The Advance Payment shall be equal to 85 percent of the Landowner's share of the total contracted amount (i.e., 85 percent of the Landowner's anticipated assessment for the reconstruction) as determined by the Whitley County Surveyor's office.
4. The Advance Payment shall be credited towards the amount of Landowner's assessment for the reconstruction and the remaining balance of Landowner's assessment shall be paid in the same manner as other reconstruction assessments are paid.

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5. Any portion of the Advance Payment which is not used for Landowner's share of the costs for the reconstruction shall be refunded to Landowner.

6. Although it is intended that the Drainage Board may rely on this Agreement, the Drainage Board is not bound to approve the Proposed Reconstruction. The approval of the Proposed Reconstruction is subject to the requirements of the Indiana drainage laws.

In witness whereof, the undersigned Landowner has signed this Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 200 .

LANDOWNER:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed/Typed Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)