

IC 36-9-27-37**Vacation of drains; procedure; appeals**

Sec. 37. (a) When instituting proceedings to vacate a regulated drain, the board shall:

- (1) serve a notice of intention to vacate on all owners of affected land;
- (2) fix a date for a hearing;
- (3) receive all objections filed;
- (4) hold the hearing; and
- (5) issue an order vacating or reclassifying the drain.

(b) A board acting under this section shall:

- (1) comply with the applicable provisions of sections 49 through 52 of this chapter; and
- (2) consider section 34(d) of this chapter in determining whether a drain should be vacated.

(c) An owner aggrieved by the final order of the board may obtain judicial review of the order under section 106 of this chapter.

(d) When a drain is vacated, the county treasurer shall transfer all money in that drain's maintenance fund to the general drain improvement fund.

As added by Acts 1981, P.L. 309, SEC. 101. Amended by P.L. 206-1984, SEC. 4.