



June 20, 1996

Rocky Ripple Town Board  
508 West 54th Street  
Rocky Ripple, IN 46208

To the Town Board members and Residents of Rocky Ripple:

The Rocky Ripple Town Board and some residents of Rocky Ripple have suggested that the City of Indianapolis is responsible for maintaining the existing levee located adjacent to the White River in the Town of Rocky Ripple. Historically, the City has not recognized a responsibility to maintain the levee. However, because of recent requests from residents and Town Board members for maintenance of this levee, our City legal division began researching and evaluating the City's statutory responsibility to maintain the levee. This evaluation is now complete and the findings are summarized below:

1. Although several annual reports prepared by the Board of Flood Control Commissioners (now the Board of Capital Asset Management) in the late 1950s state in part that the Board "is charged with the responsibility of operating, maintaining and repairing all existing flood control structures", the 1937 statute which created the Board states that the Board has the "power" to "construct and maintain levees, dikes, retaining walls," and other improvements to prevent damage through floods. The current statutory language is nearly identical to that put in place in 1937.
2. The existing easement documents for the property south of the Rocky Ripple Town Hall and along the White River state that the City of Indianapolis has the right to enter the specified area for construction, maintenance and repair purposes.
3. Various documents refer to a Works Progress Administration Agreement. City staff and the Army Corps of Engineers have researched available records in an effort to locate this document; however, to date, it has not been found.
4. The Town of Rocky Ripple owns the levee north of the town hall while the remainder of the property to the south is privately owned. The City does not own property in Rocky Ripple where the existing levee is located.

In summary, based on the information we have reviewed to date, the City of Indianapolis is not responsible for maintaining the levee in Rocky Ripple. However, due to concerns raised by the citizens of Rocky Ripple and the Town Board, the City is willing to take over the responsibility for maintenance of the levee along the White River within the town limits of Rocky Ripple, under the following conditions:

1. All real estate located under and along the existing levee must be granted in fee simple to the City of Indianapolis. The area of the grant would be similar to that of the existing easement area, south of the town hall, and the entire area owned in fee simple by the Town of Rocky Ripple north of the town hall.

2. The City would maintain the levee in the same manner as other flood control facilities it currently owns.
3. Access to the fee simple area would be restricted to the City, its authorized agents and private property owners. There would be *no* access allowed to the public.
4. Existing property owners would have use of the real estate, provided all uses were limited to temporary structures. No permanent structures would be allowed on the levee. This limitation would allow the City to access and maintain the levee as it deems necessary.
4. Trees and existing structures built into the levee would be subject to removal.
5. All property must be granted to the City at no charge.
6. The City would prepare all necessary paperwork for the easement acquisition at no expense to the current property owners.

DCAM staff will ask the Board of Capital Asset Management to ratify the DCAM staff's recommendation not to construct the levee and flood wall in Rocky Ripple as proposed by the City and the U.S. Army Corps of Engineers. Additionally, the Board will be asked to make a finding regarding the City's maintenance responsibilities for the levee in Rocky Ripple. The Board will vote on June 26, 1996. The Board meeting will be held at 3:00 p.m. in the Public Assembly Room on the second floor of the City County Building.