

LAKELAND REGIONAL SEWER DISTRICT

ORDINANCE NO. 2016-01

**AN ORDINANCE DESCRIBING THE DISTRICT'S POLICY
AND PLAN FOR ASSISTING EXCLUDED PROPERTIES**

WHEREAS, the Lakeland Regional Sewer District, hereinafter the "District", a regional sewer district organized and authorized to operate under the laws of the State of Indiana, began contacting property owners within the District on or about June 20, 2011 to acquire easements to facilitate the construction of a waste water collection system (the "System") and the property owner's connection thereto; and

WHEREAS, the District applied for and received funding from the Federal Government to construct the System as well as provide grinder facilities (and associated equipment), provide connections from main lines to grinder facilities and provide other miscellaneous items ("Included Property Owner's Facilities")(any reference herein to the System encompasses Included Property Owner's Facilities) on behalf of all property owners who executed the appropriate lateral line easement and related documents on or about July 1, 2014 ("Included Property Owner(s)"); and

WHEREAS, Included Property Owners are only required to pay for the cost associated with the connection of their Dwelling Unit to the System and the associated electrical connection thereof (as well as miscellaneous inspections and other costs under the District's Rate Ordinance)("Owner's Costs");

WHEREAS, there is no funding available for property owners who refused or for a variety of reasons did not execute the necessary documentation on or before July of 2014 to receive the Included Property Owner's Facilities ("Excluded Property Owner(s)"); and

WHEREAS, Excluded Property Owners who continue to refuse to connect to the System (either by rejecting the program offered herein or refusing to connection outside the program) will be required to connect to the System in accordance with I.C. 13-26-5-2; and

WHEREAS, Excluded Property Owners will be required to pay the entire cost of their connections as there is no funding available and the Federal Government will not provide any additional funding for their connections; and

WHEREAS, the Board wishes to attempt to assist the Excluded Property Owners by offering this voluntary program to facilitate a cost effective connection by harnessing the mobilization of the current project to construct the System;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE LAKELAND REGIONAL SEWER DISTRICT AS FOLLOWS:

1. Unless the context specifically indicates otherwise, terms used in this Ordinance shall have the same meaning as those terms are defined in the District use ordinance and the District rate ordinance currently in effect. Terms used in this Ordinance but not defined in the District use ordinance or the District rate ordinance currently in effect shall have the same meaning as those terms are found in I.C. 13-11-2 or, if not found in I.C. 13-11-2, as those terms are commonly used by persons engaged in the construction, operation, and management of sanitary sewer collection, transmission and treatment systems.

2. Construction of the System was awarded in accordance with IC 36-1-1 et. seq. (and this ordinance is intended to comply with the same) in four different contracts to three different contractors. The District will contact all Excluded Property Owners that it is aware of, via letter, informing them of the connection opportunity outlined in this Ordinance. If the property owners so chooses, he/she/it may pay the District's engineering firm (through the District) for plans to connect to the System ("Plans"). Plans will not be ordered until said payment is made. The payment for Plans must be made on or before February 15, 2016 in order to take advantage of this opportunity. Once the Plans are prepared, the District will request the applicable contractor (the contractor providing services in the area of each Excluded Property Owner) to supply a proposal to construct grinder facilities (and associated equipment), provide connections from main-lines to grinder facilities and provide other miscellaneous items (other than Owner's Costs) necessary to connect all Excluded Property Owner's, known to the District at the time this ordinance is drafted, Dwelling Unit(s) to the System in accordance with the Plans ("Excluded Property Owner's Facilities"). This proposal will be presented to the Excluded Property Owner. It is anticipated (but not certain) that this proposal will be far less expensive than waiting until the completion of the System (to connect) due to the contractors' current mobilization for the construction of the System. The Excluded Property Owner will also be responsible for the Owner's Costs.

3. If an Excluded Property Owner accepts the proposal and deposits the full amount due to the contractor for the construction of the Excluded Property Owner's Facilities with the District within 30 days of receiving the proposal, the District will authorize a change order (to be paid for by the Excluded Property Owner) and facilitate that contract and the Excluded Property Owner's inclusion in the System. Acceptance of this proposal, and the opportunity provided hereunder, is completely voluntary and the Excluded Property Owner is not required to accept any such proposal. The Excluded Property Owner may procure any means of connection he/she/it deems appropriate. However, if the Excluded Property Owner does not timely accept the proposal hereunder or fails to connect to the system by other means, the District will pursue a forced connection in accordance with Item 4. below.

4. In the event that an Excluded Property Owner (or any property owner who later becomes known to the District ("Additional Owner")) fails or declines to connect to the System upon completion of the System:

- a. The District shall require the Excluded Property Owner and/or Additional Owner to connect their property, and the Dwelling Unit, to the District's System;
- b. The District shall use all legal means available under state and local law

to ensure that the Excluded Property Owner and/or Additional Owner connects their property (and Dwelling Unit) to the District's System; and

c. The Excluded Property Owner and/or Additional Owner shall bear all costs of connecting the property and Dwelling Unit to the System, including, but not limited to, the costs of purchasing all equipment necessary to connect the property to the System, the costs of installing said equipment and connecting their property to the System. In addition the Excluded Property Owner and/or Additional Owner shall pay the costs of properly operating, maintaining, and replacing said equipment ("Maintenance") thereafter. The District also shall bill and collect charges from the Excluded Property Owner and/or Additional Owner who fails or declines to connect to the System pursuant to state and local law.

5. It will be necessary for Excluded Property Owner to provide the appropriate access to contractor to perform any and all work. Provided however, the District after connection to the System by the Excluded Property Owner and/or Additional Owner either by way of the process provided in Item 3., Item 4, or by other means, will pay for and provide Maintenance provided he/she/it executes all necessary easements and other documents required to transfer equipment ownership associated with Excluded Property Owner's Facilities and granting the access rights necessary (via easement) for the District to service and maintain the Excluded Property Owner's Facilities (and those of Additional Owners) as provided for in the Districts Rate and Use Ordinance.

6. The District is simply serving to facilitate and assist the Excluded Property Owner in obtaining the required connection in what is estimated to be the most cost effective manner. Excluded Property Owners are free to contract with any contractor they desire in order to connect to the System and they are in no way bound or required to use the contractors associated with the installation and construction of the System. The District shall not expend any District funds in association with the Excluded Property Owner's connection to the System nor shall the District charge any fee associated with this ordinance other than rates and charges already provided for under properly adopted ordinances of the District.

[Signatures follow on next page.]

2016. ALL OF WHICH IS DULY ORDAINED THIS 7TH DAY OF JANUARY,

LAKELAND REGIONAL
SEWER DISTRICT
BOARD OF TRUSTEES

James P. Stoney

[Signature]

Paul L. [Signature]

[Signature]

Robert J. Mancini

Attest:

