CARSON LLP

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The Harrison
301 W. Jefferson Boulevard, Suite 200
Fort Wayne, IN 46802

December 5, 2018

Lance Myers
Operations Section Chief
IDEM Office of Water Quality
100 N. Senate Avenue
Indianapolis, IN 46204

RE: Release/Abandonment of Certain Territory of Allen County Regional Water & Sewer District

Dear Mr. Myers:

Enclosed please find an original and one (1) copy of a Petition Requesting Approval to Release and Abandon Territory Pursuant to Ind. Code §13-26-1-2 and For Modification of the Order Governing the Allen County Regional Water and Sewer District (the "Petition") for filing to release a certain area to the Leo-Cedarville RSD.

As you can see from the Resolution of the Leo-Cedarville attached to the Petition, the Leo-Cedarville RSD has accepted this territory.

Please let me know if you need anything further.

Respectfully,

CARSON LLP

Vincent J. Heiny

VJH/cw
cc: Chris Nusbaum
Enclosures

STATE OF INDIANA	)	BEFORE THE INDIANA DEPARTMENT
	) SS:	OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION	)	

IN THE MATTER OF:	)
THE MODIFICATION OF THE	)
ALLEN COUNY REGIONAL	)
WATER & SEWER DISTRICT	)

PETITION REQUESTING APPROVAL TO RELEASE AND ABANDON TERRITORY PURSUANT TO IND. CODE §13-26-1-2 AND FOR MODIFICATION OF THE ORDER GOVERNING THE ALLEN COUNTY REGIONAL WATER & SEWER DISTRICT

The Allen County Regional Water & Sewer District, by counsel, Petitions the Indiana Department of Environmental Management as follows:

1. As an eligible entity under Ind. Code §13-11-2-62 and for the purposes of Ind. Code §13-26-8 et seq., the Allen County Regional Water & Sewer District ("the "District"), has applied to include certain territory of the District in the Leo-Cedarville Regional Sewer District, which said application has been approved.

2. The Allen County Regional Water & Sewer District, by counsel, hereby submits this Petition Requesting Approval to Release and Abandon certain Territory Pursuant to Ind. Code §13-26-1-2 and for Modification of the Order Governing the District (the "Petition").

3. Pursuant to Ind. Code §13-26-1-2, on November 14, 2018, upon motion duly made, seconded, and unanimously carried, the District board of trustees voted to Release and Abandon certain territory of the District so that this specifically Released and Abandoned Territory could be included in the territory of the Leo-Cedarville Regional Sewer District, all as set forth in the Signed Application of The District For Inclusion of Territory attached hereto as Exhibit A. Accordingly, counsel for the District is filing this Petition with the Indiana Department of Environmental Management ("IDEM" or the "Department") requesting the Department's approval of the District's releasing and abandoning that certain territory.

4. The territory which the District proposes to Release and Abandon has been accepted for inclusion in the territory of the Leo-Cedarville Regional Sewer District as set forth in the Resolution dated November 15, 2018, a copy which is attached hereto as Exhibit B.

5. The District may as an eligible entity under Ind. Code §13-11-2-62 and for the purposes of Ind. Code §13-26-8 et seq., apply to other regional districts to include the District's territory in another regional district subject to Ind. Code §13-26 et seq.

6. So that the District may Release and Abandon certain territory, the District proposes that the Final Order forming the District be amended to exclude the area described on the attached Exhibit "C".

RECOMMENDED ORDER

The District Proposes the following:

That the territory of the District exclude that certain real estate described on Exhibit C attached hereto.

That the territory of the Leo-Cedarville Regional Sewer District be amended to include that certain real estate described on Exhibit C.

Such other relief as may be necessary or appropriate.

Respectfully Submitted,

CARSON LLP

BY _____ 12/18/2018

Vincent J. Heiny, #7683-02
302 W. Jefferson Blvd., Suite 200
Fort Wayne, IN 46802
T: (260) 423-9411
F: (260) 423-4329
Attorney for Allen County Regional Water & Sewer District

APPLICATION FOR INCLUSION OF TERRITORY IN THE LEO-CEDARVILLE REGIONAL SEWER DISTRICT

Comes now, the Allen County Regional Water & Sewer District, by its undersigned Board of Trustees, (the "Board") an eligible entity under I.C. 13-11-2-62 and for the purposes of IC 13-26-8 et seq., and hereby applies to the Leo-Cedarville Regional Sewer District ("District") to include territory in the District not currently included. In support of the application, the Board states as follows:

1. The territory to be included in the District is described on the attached Exhibit "A", which is hereby made a part of this application.

2. It is necessary to include the territory in the District because the territory is developed and does not have adequate sewage treatment capacity.

3. Inclusion of the territory will be conducive to the public health, safety, convenience, and welfare.

4. It will be practical and feasible for the territory to be included in the District.

ALLEN COUNTY REGIONAL WATER & SEWER DISTRICT
BOARD OF TRUSTEES

Absent
ERIC T. ZEHR

MATTHEW WIRTZ

JUSTIN BRUGGER

WIN ROOD

JAMES ORR

KEVIN MCDERMIT

ATTEST

~~M.J. KLINKER~~, Trustee & Secretary
WM R ROOD — TREASURER

EXHIBIT "A"

TRACT I **Parcel No.: 02-03-03-376-002.001-042 and 02-03-03-376-002.000**

A tract of land located in the Southwest Quarter of Section 3, T32N, R13E, in Allen County, the State of Indiana, more fully described as follows:

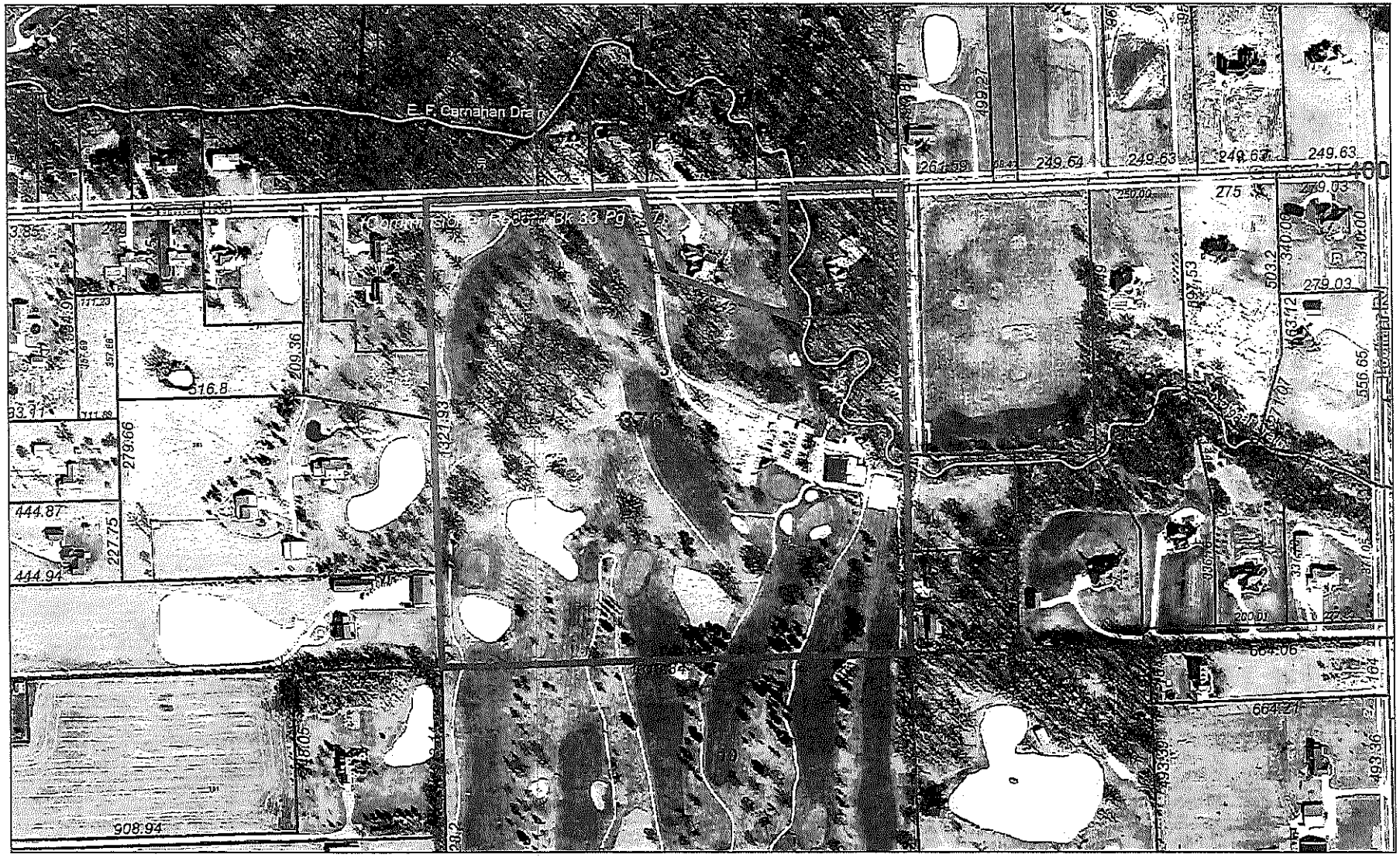
BEGINNING at a #4 Rebar stake situated in the Southeast corner of said Southwest Quarter; Thence South 88 Degrees 24 Minutes 52 Seconds West (Indiana State Plane Coordinate System East Zone-GPS Grid Basis of Bearings), a distance of 1318.84 feet along the South line of said Section 3; Thence North 01 Degrees 12 Minutes 42 Seconds West, a distance of 1321.93 feet along the East line of the tracts of land conveyed to Stuart and Tamra Stier (Document No. 960065372), to Kenneth R. and Therese M. Miller (Document No. 850026347), to Bucket List, LLC (Document No. 2008004361), and to Dorsey L. and Tamara B. Roth (Document No. 980043632) to a Marker Spike with tag (FIRM 0042) in the centerline of Garman Road; Thence North 88 Degrees 19 Minutes 29 Seconds East, a distance of 602.74 feet along the centerline of Garman Road to a Marker Spike with tag (FIRM 0042) in the Northwest corner of the tract of land described in the conveyance to Richard J. Daring in Allen County Document No. 2007035646; Thence South 15 Degrees 07 Minutes 05 Seconds East, a distance of 234.70 feet along the Westerly line of said Daring tract to a #5 Rebar stake in the Southwest corner thereof; Thence South 70 Degrees 56 Minutes 19 Seconds East, a distance of 378.42 feet along the South line of said Daring tract to a Rebar stake with cap (FIRM 0042) in the Southeast corner thereof (also being the Southwest corner of the tract of land described in the conveyance to David P. and Cheryl D. Gilbert in Allen County Document No. 910008220); Thence North 88 Degrees 10 Minutes 17 Seconds East, a distance of 228.45 feet along the South line of said Gilbert tract to a Rebar stake with cap (FIRM 0042) in the Southeast corner thereof; Thence North 01 Degrees 17 Minutes 03 Seconds West, a distance of 361.65 feet along the East line of said Gilbert tract to a Marker Spike with tag (FIRM 0042) in the Northeast corner thereof; Thence North 88 Degrees 19 Minutes 29 Seconds East, a distance of 72.71 feet along the centerline of Garman Road to Marker Spike with tag (FIRM 0042); Thence South 01 Degrees 23 Minutes 08 Seconds East, a distance of 1323.97 feet along the East line of said Southwest Quarter to the **POINT OF BEGINNING**, said tract containing 35.542 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record.

TRACT II **Parcel No.: 02-03-03-377-001.000-042**

Part of the southeast quarter of the southwest quarter of Section 3, Township 32 North, Range 13 East, in Allen County, Indiana in particular described as follows, to-wit:

Commencing on the north line of the southeast quarter of the southwest quarter of said Section 3 at a point situated 75.0 feet west of an iron pin found defining the northeast corner thereof; thence westerly along said north line, being also the center line of a public road known as the Garman Road, a distance of 249.0 feet; thence southerly by a deflection left of 89 degrees 16 minutes 30 seconds, a distance of 235.1 feet; thence southeasterly by a deflection left of 9 degrees 42 minutes 30 seconds, a distance of 128.6 feet; thence easterly and parallel. with the north line of the southeast quarter of the southwest quarter of said Section 3, a distance of 228.45 feet to a point situated 75.0 feet west of the east line of said southeast quarter of the southwest quarter; thence north and parallel with said east line, by a deflection left of 89 degrees 27 minutes 20, seconds a distance of 362.1 feet to the point of beginning, containing 2.04 Acres of land, more or less.

To Be Added to Leo-Cedarville



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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North American Datum 1983
State Plane Coordinate System, Indiana East

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Date: 11/2/2018 1" = 375'

RESOLUTION NO. LCRSD 05-2018

RESOLUTION OF THE BOARD OF TRUSTEES OF THE LEO-CEDARVILLE REGIONAL SEWER DISTRICT AUTHORIZING THE INCLUSION OF TERRITORY TO BE SERVED BY THE DISTRICT

WHEREAS, the Allen County Regional Water & Sewer District, by its Board of Trustees have filed an application for Inclusion of Territory (the "Application") of certain property currently included in their territory to be included in the Leo-Cedarville Regional Sewer District ("District") with the expectation that the District will provide sanitary sewage treatment services to such area to be included in the District's territory. A copy of the Application is attached hereto as Exhibit 1; and

WHEREAS, the area designated in the Application to be included in the District is more particularly described in the Exhibit A attached to the Application (the "Territory"); and

WHEREAS, the Board of Trustees of the District has determined that it would be in the best interests of the District to provide sanitary sewage treatment services to the residents of the Territory.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Leo-Cedarville Regional Sewer District:

1. The Board authorizes the inclusion of the Territory in the District.

2. The Board authorizes its President, Phil Wagler and Director of Operations and Maintenance, Brad P. Carnes, to notify the Indiana Department of Environmental Management ("IDEM") for the inclusion of the territory in the District pursuant to I.C. 13-26-8-2 and to deliver all necessary documentation to IDEM regarding the same.

RESOLUTION NO. LCRSD 05-2018

ALL OF WHICH IS DULY RESOLVED THIS 15th DAY OF November 2018, BY A VOTE OF 4 FOR, 0 AGAINST, AND 0 ABSTAIN.

LEO-CEDARVILLE REGIONAL
SEWER DISTRICT
BOARD OF TRUSTEES

~~DAVID E. JONES~~
Tom Morrical

RICK NEFF

MATTHEW WIRTZ

PHIL WAGLER

ROB HARRIS

ATTEST

BRAD P. CARNES

EXHIBIT "A"

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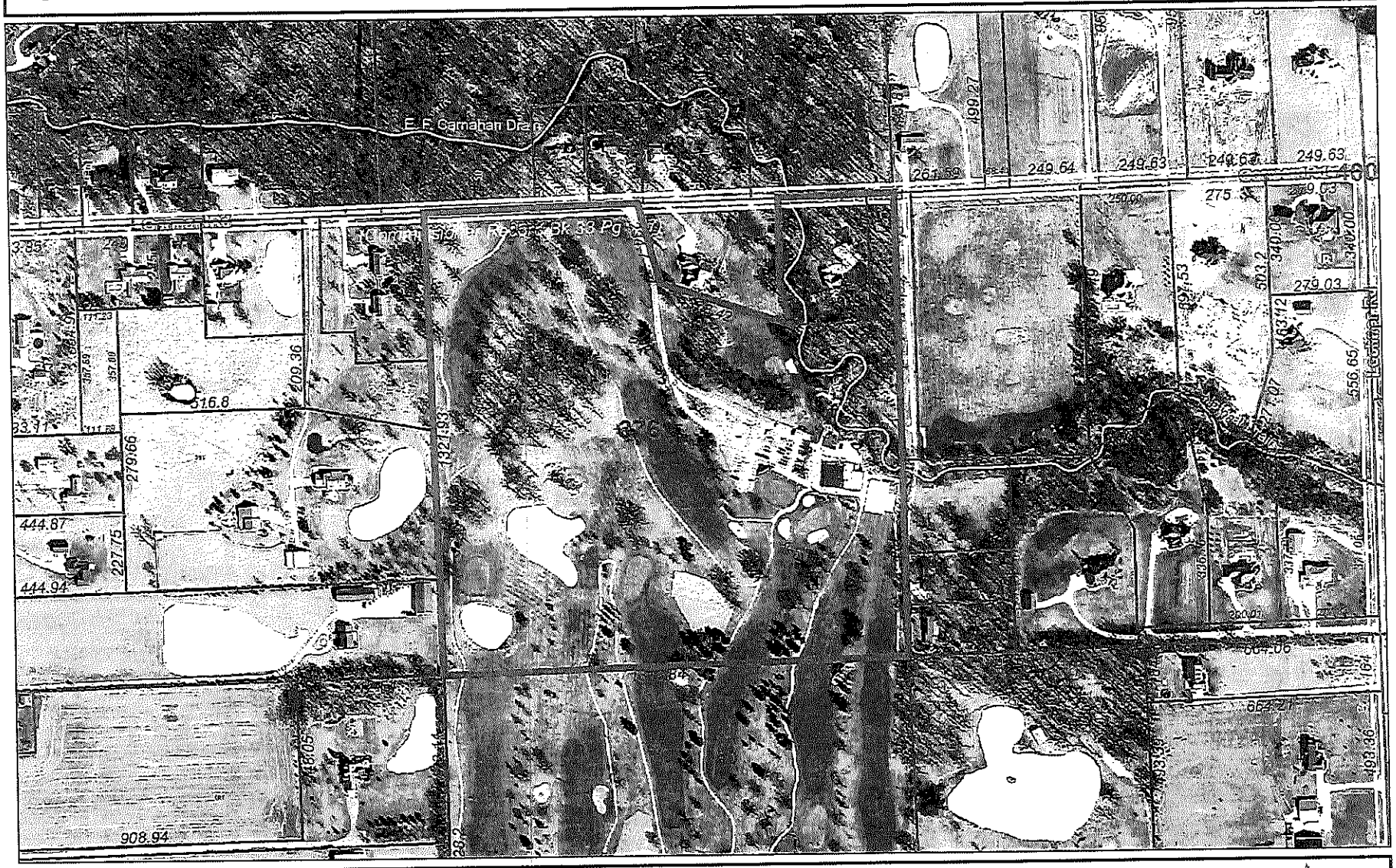

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