

STATE OF INDIANA

SS:

COUNTY OF MARION

BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF: THE
MODIFICATION OF THE TURKEY
CREEK REGIONAL SEWER DISTRICT

**NOTIFICATION OF APPROVAL OF APPLICATION FOR INCLUSION OF
ADDITIONAL TERRITORY IN THE TURKEY CREEK REGIONAL SEWER
DISTRICT PURSUANT TO IND. CODE § 13-26-8-2
AND PETITION REQUESTING MODIFICATION OF THE ORDER GOVERNING
THE TURKEY CREEK REGIONAL SEWER DISTRICT
PURSUANT TO IND. CODE § 13-26-1-2**

As an eligible entity under IND. CODE § 13-11-2-62 and for the purposes of IND. CODE § 13-26-8 et seq., Kosciusko County, Indiana, by and through its Board of Commissioners, ("the County") has applied to include territory (not currently included) ("the Application") in the Turkey Creek Regional Sewer District ("the "District"), which said application has been approved, and now the District, by counsel, hereby submits this Notification of the Application pursuant to IND. CODE § 13-26-8-2 and Petition Requesting Modification of the Order Governing the District pursuant to IND. CODE § 13-26-1-2 (the "Petition").

1. Pursuant to IND. CODE § 13-26-1-2 and § 13-26-8-2, on May 18, 2022, upon motion duly made, seconded, and unanimously carried, the District board of trustees resolved to notify the Indiana Department of Environmental Management ("IDEM" or the "Department") of the inclusion of the additional territory in the District and to deliver all necessary documentation to the Department regarding the same.

2. The County 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 regional districts to include territory in a regional district subject to IND. CODE § 13-26 et seq.

3. The Final Order forming the District, dated October 18, 1977, by the Stream Pollution Control Board of the State of Indiana (the predecessor manager of the National Pollutant Discharge Elimination System now managed by the Indiana Department of Environmental Management) provided the territory to of the District would consist of certain areas in Kosciusko County, Indiana, generally surrounding Lake Wawasee and other connected lakes as more particularly described in that Final Order.

4. So that it is clear what the Territory of the district consists of, the District proposes that the Final Order forming the District (as amended from time to time) be amended to include

that the territory of the District includes the area described on the attached Exhibit "A" which is also a part of the Application and the Resolution accepting the Application by the District

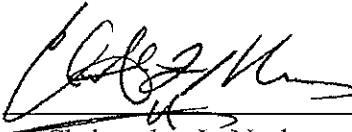
RECOMMENDED ORDER

The District proposes the following:

In addition to the territory already included in previous orders, the territory of the District is hereby modified to include the area described on the attached Exhibit "A", (the "Addition Territory"). Provided, however, District that the district shall not have "forced connection" authority pursuant to IC 13-26-5-2 (8) for any property located in the Additional Territory.

Respectfully Submitted,

CARSON LLP

BY 

Christopher L. Nusbaum, Attorney No. 30066-02

302 W. Jefferson Blvd., Suite 200

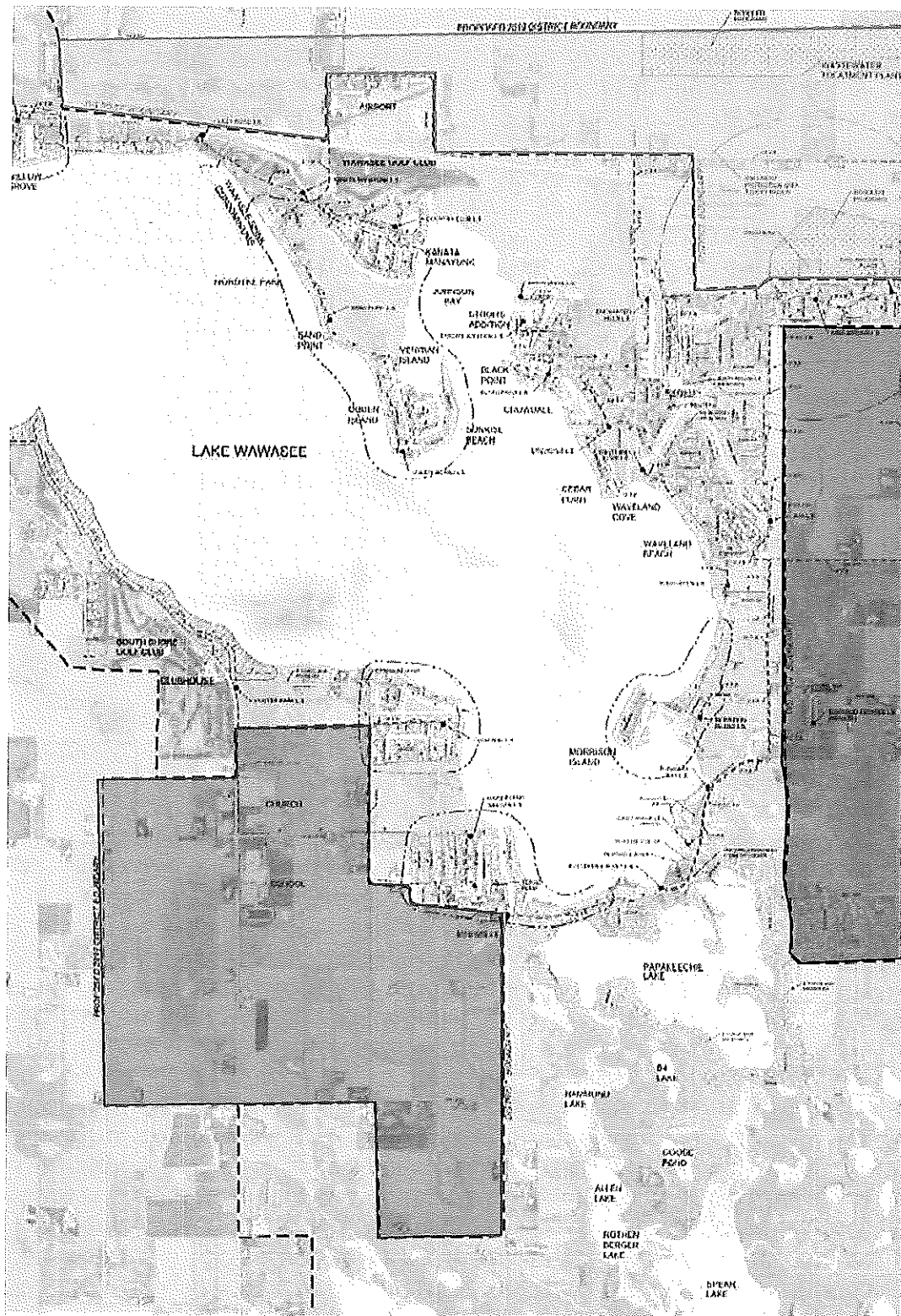
Fort Wayne, IN 46802

T: (260) 423-9411

F: (260) 423-4329

Attorney for Turkey Creek Regional Sewer District

EXHIBIT "A"



North Additional Territory 

South Additional Territory 

East Additional Territory 

EXHIBIT "A"

Key Numbers of North Additional Territory



007-725003-20; 007-702011-20; 007-727010-38; 007-703000-40; 007-727009-45; 007-727012-50;
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Key Numbers of South Additional Territory



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EXHIBIT "A"

Key Numbers of East Additional Territory



007-707003-40; 007-707003-30; 007-707003-35; 007-707024-20; 007-707024-16; 007-726007-54;
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RESOLUTION NO. TCRSD 2020-0

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
TURKEY CREEK REGIONAL SEWER DISTRICT AUTHORIZING THE
INCLUSION OF TERRITORY TO BE SERVED BY THE DISTRICT**

WHEREAS, Kosciusko County Indiana, by its Board of Commissioners has filed an application for Inclusion of Territory (the "Application") of a certain property currently included in their territory to be included in the Turkey Creek Regional Sewer District ("District"). 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 "Additional Territory"); and

WHEREAS, the Board of Trustees of the District has determined that it would be in the best interests of the District to include the Territory in the District.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Turkey Creek Regional Sewer District:

1. The Board authorizes the inclusion of the Territory in the District.
2. The Board authorizes its President, James Boone, Director of Operations and Maintenance, Timothy Woodward and/or its attorney Carson LLP, 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.
3. Provided however, pursuant to the Application, the District agrees that it will not use its "forced connection" authority pursuant to IC 13-26-5-2 (8) for any property located in the Additional Territory .

RESOLUTION NO. TCRSD 2020-0

ALL OF WHICH IS DULY RESOLVED THIS 18th DAY OF Ma 2020,
BY A VOTE OF 0 FOR, 0 AGAINST, AND 0 ABSTAIN.

TURKEY CREEK REGIONAL
SEWER DISTRICT
BOARD OF TRUSTEES

DocuSigned by:

Bob Durnford

FFF5DB187EDB4A5...

DocuSigned by:

Dan Mikolajczak

E71EA18EBF4945C...

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DONALD E DENITT

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James H. Z...

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ATTEST

DocuSigned by:

Daniel Boone

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DocuSigned by:

Daniel Boone

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DocuSigned by:

Keith Ort

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Exhibit
"1"

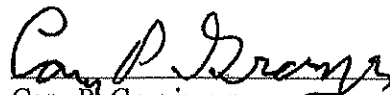
APPLICATION FOR INCLUSION OF TERRITORY IN THE
TURKEY CREEK REGIONAL SEWER DISTRICT

Comes now, Kosciusko County Indiana, by its undersigned Board of Commissioners, (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 Turkey Creek 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 (the "Addition Territory").
2. It is necessary to include the territory in the District.
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.
5. Provided however, the Board is making such application with the understanding that the District will not use its "forced connection" authority pursuant to IC 13-26-5-2 (8) for any property located in the Additional Territory and that any resolution of the District agreeing to include the Additional Territory shall contain this limitation.

KOSCIUSKO COUNTY BOARD OF
COMMISSIONERS


Bradford Jackson


Cary P. Groninger

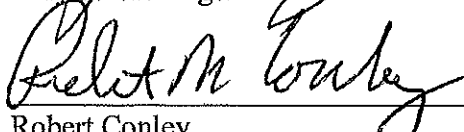

Robert Conley

EXHIBIT "A"

Key Numbers of North Additional Territory



007-725003-20; 007-702011-20; 007-727010-38; 007-703000-40; 007-727009-45; 007-727012-50;
007-713013-60; 007-713013-70; 007-713013-80; 007-708011-60; 007-725003-70; 007-720013-80;
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007-712024-64

EXHIBIT "A"

Key Numbers of East Additional Territory



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007-727007-67

STATE OF INDIANA)
)
COUNTY OF MARION)

**BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**PETITION TO UPDATE THE TURKEY CREEK)
REGIONAL SEWER DISTRICT'S TERRITORY)
AND LIMIT THE DISTRICT'S POWERS)
REGARDING THAT TERRITORY)**

**ORDER MODIFYING THE FINAL ORDER ESTBLISHING THE
TURKEY CREEK REGIONAL SEWER DISTRICT TO UPDATE THE
DISTRICT'S TERRITORY DESCRIPTION AND TO LIMIT THE
DISTRICT'S POWERS REGARDING THAT TERRITORY**

The Turkey Creek Regional Sewer District ("District") was established by a Final Order of the Stream Pollution Control Board of the State of Indiana on October 18, 1977, which provided that the territory of the District would consist of certain areas of Kosciusko County described in that order.

On May 26, 2020, the Turkey Creek Regional Sewage District submitted to the Indiana Department of Environmental Management ("IDEM") a notice of approval of inclusion of additional territory in the District by resolution under IC 13-26-8-2 and a petition to modify the District's purpose under IC 13-26-1-2 to limit the powers of the District in that territory.

WHEREAS:

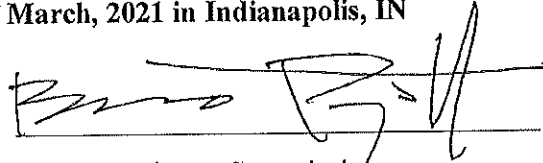
1. The District has submitted resolutions indicating the addition of territory by application of eligible entity according to IC 13-26-8-1 and 2.
2. IDEM recognizes that the territory has been added by operation of law under IC 13-26-8-2.
3. The District proposes that the Final Order forming the District be amended to include the additional territory described in Exhibit "A" of the attached Petition and Resolutions.
4. As a condition of adding the territory the RSD has agreed to and petitioned IDEM that its power be restricted from requiring forced sewer connections within the additional territory.
5. The District does not seek to modify the Formation Order in any other aspect.

The Commissioner of IDEM now orders that the Final Order dated October 18, 1977 be amended to include the additional territory in its territory description and the purpose of the District be modified such that the District may not use its statutory power to require connection to the District's sewer system under IC 13-26-5-2(8) for any property in that territory. In all other respects the Final Order shall remain the same.

Pursuant to IC 4-21.5-3-5(f) and IC 4-21.5-3-2(e), this Order becomes effective eighteen (18) days after its service by mail. This Order may be challenged by filing a petition for administrative review with the Office of Environmental Adjudication according to the procedures set forth in IC 4-21.5-3-7 and 315 IAC 1-3-2. A petition for administrative review must meet the requirements found in IC 4-21.5-

3-7(a) and be filed with the Indiana Office of Environmental Adjudication within eighteen (18) days of the Order's service by mail.

IT IS SO ORDERED this 3rd day of March, 2021 in Indianapolis, IN

A handwritten signature in black ink, appearing to read 'Bruno L. Pigott', written over a horizontal line.

Bruno L. Pigott, Commissioner
Indiana Department of Environmental Management