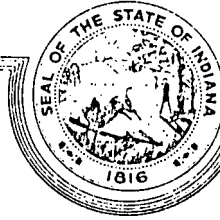


STATE OF INDIANA



INDIANAPOLIS 46206

STREAM POLLUTION CONTROL BOARD

1330 West Michigan Street
633-5467

October 24, 1977

Mr. William N. Salin, Attorney
2120 Fort Wayne National Bank Building
Fort Wayne, IN 46802

Dear Mr. Salin:

Re: Turkey Creek Regional Sewer District
Cause No. B-436.

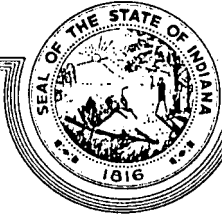
This is to inform you that the Stream Pollution Control Board of the State of Indiana, at its regularly scheduled meeting of October 18, 1977, by motion made, seconded, and unanimously passed, adopted the Findings of Fact and Recommended Order of Robert G. Grant, Hearing Officer, in the above cause as the Final Order of the Board.

A copy of the Final Order is enclosed.

Very truly yours,

Oral H. Hert
Technical Secretary

cc: Hearing Commissioner



STREAM POLLUTION CONTROL BOARD

1330 West Michigan Street
633-5467

IN THE MATTER OF THE PETITION OF THE)
TURKEY CREEK TOWNSHIP, KOSCIUSKO COUNTY,))
INDIANA, FOR THE ORGANIZATION OF A)
REGIONAL SEWER DISTRICT)
PURSUANT TO IC 19-3-1.1)

CAUSE NO. B-436

Upon receipt of the petition of the Turkey Creek Township Advisory Board for the establishment of a regional waste district, pursuant to the provisions of IC 19-3-1.1, the Stream Pollution Control Board of the State of Indiana, pursuant to the provisions of IC 19-3-1.1-5, issued a notice of hearing by publication in The Mail Journal, Syracuse, Indiana, on Wednesday, July 27, 1977, and Wednesday, August 3, 1977.

Hearing was held on August 10, 1977, in the Wawasee High School Auditorium, Syracuse, Indiana, at 7:00 p.m. with Robert G. Grant, Hearing Officer.

The Petitioners were represented by William N. Salin, Attorney at Law, 2120 Fort Wayne National Bank Building, Fort Wayne, Indiana 46802.

FINDINGS OF FACT:

1. That the petition should be accepted.
2. That the Advisory Board of Turkey Creek Township, Kosciusko County, Indiana filed their petition before the Stream Pollution Control Board of the State of Indiana, for an order establishing a regional sewer district pursuant to the provisions of IC 19-3-1.1.
3. That the Stream Pollution Control Board of the State of Indiana, at its meeting on the 21st day of June, 1977, by motion duly made, seconded and unanimously passed, determined that a sufficient petition had been filed in accordance with IC 19-3-1.1, and appointed Robert G. Grant as Hearing officer.
4. That notice of public hearing on said petition was published once each week for two consecutive weeks in the Mail Journal, Syracuse Indiana.
5. That a public hearing on said petition was held on the 10th day of August, 1977, in the Wawasee High School Auditorium, Syracuse, Indiana. That said hearing was held with ten (10) miles of the proposed district.
6. That the proposed name of the regional sewer district is the "Turkey Creek Regional Sewer District" with its principal office to be located in Turkey Creek Township, Kosciusko County, Indiana.

7. That the area to be served by the district contains no political subdivision having the economic capabilities for the collection and disposal of sewage.
8. That the purpose to be accomplished by said district shall be to provide for sewage collection and disposal so as to promote the public health, safety, and welfare of the residents of the proposed district.
9. That there is no outstanding indebtedness for the proposed district.
10. That the economic growth and development of the area of the proposed district is limited due to adequate sewage facilities.
11. That the project appears economically feasible.
12. That the district should include the following described area:

Beginning at the high water mark of Lake Wawasee and the North-South Center-line of Section 17, T34N, R7E (Kosciusko County, Indiana); thence South along said Center-line of Section 17, T34N, R7E, 1250'; thence East and Southeasterly (through Sections 17, 16, and 21), parallel to, and 1000' perpendicular to State Road 13 to the intersection with the East line of Section 21, T34N, R7E (said point approximately 1000' South of N.E. corner of Section 21, T34N, R7E); thence South along the East line of Section 21, T34N, R7E 1000'; thence East 1150'; thence South 2000'; thence East 1450' to the North-South Center-line of Section 22, T34N, R7E (also State Road 13); thence North along half section line 1000'; thence East 2640' to the East line of Section 22, T34N, R7E; thence South along said East line of Section 22, T34N, R7E (County Road 800E) 2240' to the S.E. corner of Section 22, T34N, R7E; thence continuing South 1000' along County Road 800E; thence Southeasterly with its meanders along a county road to intersection with the Center-line of Section 26, T34N, R7E, said intersection is 1000' North of center of Section 26, T34N, R7E (County Road 850E); thence South along County Road 850E to the Northeast corner of the Southwest quarter of Section 35, T34N, R7E; thence West along the North line of the Southwest quarter of Section 35, T34N, R7E, to the Northwest corner of the Southwest quarter of Section 35, T34N, R7E; thence North along the West line of Section 35, T34N, R7E to the Northwest corner of Section 35, T34N, R7E; thence West along the North line of Section 34, T34N, R7E (County Road 900N) to the Northwest corner of the Northeast quarter of Section 34, T34N, R7E; thence South along the West line of the Northeast quarter of Section 34, T34N, R7E (State Road 13) to the Southwest corner of the Northeast quarter of Section 34, T34N, R7E; thence East to the Northwest corner of the Northeast quarter of the Southeast quarter of Section 34, T34N, R7E; thence South to the South line of Section 34, T34N, R7E, thence East along the South line of Sections 34, 35, and 36, T34N, R7E, to the S.E. corner of Section 36, T34N, R7E; thence North along the East line of Sections 36 and 25 (County Line Road) to the

half-section line of Section 25, T34N, R7E, thence West along said half-section line 2640' to a county road; thence in a Northerly direction, with the meanders of said road till said road intersects with the North-South Center-line of Section 25, T34N, R7E (said point being 1000' South of North line of said Section 25, T34N, R7E); thence North along center of Sections 25, 24, and 13, T34N, R7E, to a point 600' South of the North Line of Section 13, T34N, R7E; thence East 2640' to the East line of Section 13, T34N, R7E; thence North 1000' (along County Line Road); thence West and parallel to the South line of Section 12, T34N, R7E, approximately 2800' to a stream; thence Southwesterly with the meanders of stream to the South line of Section 12, T34N, R7E; thence West along the South line of Section 12, T34N, R7E, to a point 1000' East of the West line of Section 12, T34N, R7E; thence North and parallel to West line of Section 12, T34N, R7E to the half-section line of Section 12, T34N, R7E; thence West along half-section line (County Road 1250) of Section 12 and 11 to the intersection with the North R/W line of the B. & O. R.R.; thence in a westerly direction along the North R/W line of said B. & O. R.R. to a point 1320' East of the West line of Section 11, T34N, R7E, (also a Road which bounds the Wawasee Airport); thence North 1500' to the Eli Lilly Road; thence West along the Eli Lilly Road 2100' to a County Road bounding the west side of the Wawasee Airport; thence South along said road to the North R/W line of the B. & O. R.R.; thence Northwesterly along North R/W line of the B. & O. R.R. to the intersection with County Road 675E; thence Northerly along County Road 675E with its meanders through Sections 9 and 4 - T34N - R7E to a point 1000' South of the North line of Section 4, T34N, R7E; thence West and parallel to the North line of said Section 4, T34N, R7E, a distance of approximately 2130' to the intersection of Lake Shore Drive; thence in a Northwesterly direction to a point 3200' West of and 100' South of the N.E. Corner of Section 5, T34N, R7E; thence South (1500') to the high water mark of Syracuse Lake; thence Southeasterly (4600') to the Center-line of the B. & O. R.R.; (said point 850' west of and 700' South of the N.E. Corner of Section 8, T34N, R7E); thence in a Southwesterly direction to an intersection point of County Road 1240 and an unnamed stream; thence Southerly along said stream with its meanders to a point in Lake Wawasee, said point being 400' west of and 600' North of the S.E. corner of Section 8, T34N, R7E; thence South 1200' to a point 400' west of and 600' of South the N.E. corner of Section 17, T34N, R7E; thence Southwesterly across Conklin Bay to the point of beginning.

It should be understood all the above measurements are approximate dimensions as scaled from U.S.G.S. quadrangle sheets.

IT IS THEREFORE ORDERED BY THE STREAM POLLUTION CONTROL BOARD:

1. That a regional waste district, to be known as the Turkey Creek Regional Sewer District, be organized as an independent political entity of the State of Indiana and as a body corporate and political.

2. That the purpose to be accomplished by said district is to provide for the collection and disposal of sewage.
3. That the territory to be included in the district shall include the following described territory:

Beginning at the high water mark of Lake Wawasee and the North-South Center-line of Section 17, T34N, R7E (Kosciusko County, Indiana); thence South along said Center-line of Section 17, T34N, R7E, 1250'; thence East and Southeasterly (through Sections 17, 16, and 21), parallel to, and 1000' perpendicular to State Road 13 to the intersection with the East line of Section 21, T34N, R7E (said point approximately 1000' South of N.E. corner of Section 21, T34N, R7E); thence South along the East line of Section 21, T34N, R7E 1000'; thence East 1150'; thence South 2000'; thence East 1450' to the North-South Center-line of Section 22, T34N, R7E (also State Road 13); thence North along half section line 1000'; thence East 2640' to the East line of Section 22, T34N, R7E; thence South along said East line of Section 22, T34N, R7E (County Road 800E) 2240' to the S.E. corner of Section 22, T34N, R7E; thence continuing South 1000' along County Road 800E; thence Southeasterly with its meanders along a county road to intersection with the Center-line of Section 26, T34N, R7E, said intersection is 1000' North of center of Section 26, T34N, R7E (County Road 850E); thence South along County Road 850E to the Northeast corner of the Southwest quarter of Section 35, T34N, R7E; thence West along the North line of the Southwest quarter of Section 35, T34N, R7E, to the Northwest corner of the Southwest quarter of Section 35, T34N, R7E; thence North along the West line of Section 35, T34N, R7E to the Northwest corner of Section 35, T34N, R7E; thence West along the North line of Section 34, T34N, R7E (County Road 900N) to the Northwest corner of the Northeast quarter of Section 34, T34N, R7E; thence South along the West line of the Northeast quarter of Section 34, T34N, R7E (State Road 13) to the Southwest corner of the Northeast quarter of Section 34, T34N, R7E; thence East to the Northwest corner of the Northeast quarter of the Southeast quarter of Section 34, T34N, R7E; thence South to the South line of Section 34, T34N, R7E, thence East along the South line of Sections 34, 35, and 36, T34N, R7E, to the S.E. corner of Section 36, T34N, R7E; thence North along the East line of Sections 36 and 25 (County Line Road) to the half-section line of Section 25, T34N, R7E, thence West along said half-section line 2640' to a county road; thence in a Northerly direction, with the meanders of said road till said road intersects with the North-South Center-line of Section 25, T34N, R7E (said point being 1000' South of North line of said Section 25, T34N, R7E); thence North along center of Sections 25, 24, and 13, T34N, R7E, to a point 600' South of the North Line of Section 13, T34N, R7E; thence East 2640' to the East line of Section 13, T34N, R7E; thence North 1000' (along County Line Road); thence West and parallel to the South line of Section 12, T34N, R7E, approximately 2800' to a stream; thence

Southwesterly with the meanders of stream to the South line of Section 12, T34N, R7E; thence West along the South line of Section 12, T34N, R7E, to a point 1000' East of the West line of Section 12, T34N, R7E; thence North and parallel to West line of Section 12, T34N, R7E to the half-section line of Section 12, T34N, R7E; thence West along half-section line (County Road 1250) of Section 12 and 11 to the intersection with the North R/W line of the B. & O. R.R.; thence in a westerly direction along the North R/W line of said B. & O. R.R. to a point 1320' East of the West line of Section 11, T34N, R7E, (also a Road which bounds the Wawasee Airport); thence North 1500' to the Eli Lilly Road; thence West along the Eli Lilly Road 2100' to a County Road bounding the west side of the Wawasee Airport; thence South along said road to the North R/W line of the B. & O. R.R.; thence Northwesterly along North R/W line of the B. & O. R.R. to the intersection with County Road 675E; thence Northerly along County Road 675E with its meanders through Sections 9 and 4 - T34N - R7E to a point 1000' South of the North line of Section 4, T34N, R7E; thence West and parallel to the North line of said Section 4, T34N, R7E, a distance of approximately 2130' to the intersection of Lake Shore Drive; thence in a Northwesterly direction to a point 3200' West of and 100' South of the N.E. Corner of Section 5, T34N, R7E; thence South (1500') to the high water mark of Syracuse Lake; thence Southeasterly (4600') to the Center-line of the B. & O. R.R.; (said point 850' west of and 700' South of the N.E. Corner of Section 8, T34N, R7E); thence in a Southwesterly direction to an intersection point of County Road 1240 and an unnamed stream; thence Southerly along said stream with its meanders to a point in Lake Wawasee, said point being 400' west of and 600' North of the S.E. corner of Section 8, T34N, R7E; thence South 1200' to a point 400' west of and 600' of South the N.E. corner of Section 17, T34N, R7E; thence Southwesterly across Conklin Bay to the point of beginning.

It should be understood all the above measurements are approximate dimensions as scaled from U.S.G.S. quadrangle sheets.

4. That the district be governed by a Board of Trustees consisting of seven (7) members. Each board member, so appointed, shall own real estate in the sewage district, but need not be a registered voter nor a resident of the district.

The following duly elected executives shall appoint members to the Board of Trustees as follows:

- A. Two (2) members will be appointed by the Governor of the State of Indiana by virtue of the fact that state lands will be involved in the district, one of the initial appointees will serve a term of two years and one initial appointee will serve a term of three years. Successive of appointees by the Governor will serve four-year terms.

- B. Three members of the Board of Trustees shall be appointed by the Turkey Creek Township Advisory Board; one initial appointee shall be appointed for a term of two years, one initial appointee shall be appointed for a term of three years, and one initial appointee shall be appointed for a term of four years. All successful appointees shall serve a four-year term.
- C. One member of the Board of Trustees shall be appointed by the Township Trustee for a term of four years. Each successive appointee shall serve a four-year term.
- D. One member of the Board of Trustees shall be appointed by the County Commissioners of Kosciusko County for a term of four years. Each successive appointee shall serve a four-year term.

The Executive Officer and/or elective officials required to make appointments to the Board of Trustees, shall do so within fifteen (15) days after the expiration of the term of their respective appointees. In the event that any executive officer, elected official or governing body shall fail to make such appointment within the times specified herein, the trustee holding said appointment shall hold over after the expiration of their terms until their respective successors have been duly appointed and qualified. In the event any person appointed as a member of the Board of Trustees shall fail to qualify or if any member of the Board of Trustees after qualifying shall die, resign or vacate such office, or be removed, a new member shall be selected and appointed to fill such vacancy in the same manner as the member of the Board in respect to whom such vacancy occurs, and members so appointed shall serve the remainder of the vacated term.

- 5. That the Board of Trustees shall provide sufficient bond for all officers, trustees, or employees who have any power to dispense funds of the district. Said bond, as a minimum, shall be in an amount equal to, plus ten percent (10%), of those funds anticipated to be received by the district, divided by six (6), which amount shall be determined annually by the Board of Trustees.
- 6. That within nine (9) months from the date of this Order the Turkey Creek Regional Sewer District shall file, with the Stream Pollution Control Board of the State of Indiana, a detailed plan for the construction and operation of the district's facilities pursuant to the provisions of IC 19-3-1.1-5(a).

Dated this 18th day of October, 1977.

Oral H. Hert

Oral H. Hert
Technical Secretary