STATE OF INDIANA

INDIANAPOLIS 46206

1330 West Michigan Street
633-5467

STREAM POLLUTION CONTROL BOARD

FINAL ORDER AND DETERMINATION
OF THE STREAM POLLUTION CONTROL BOARD
OF THE STATE OF INDIANA

IN THE MATTER OF THE PETITION OF THE ADAMS)
TOWNSHIP TRUSTEE, ALLEN COUNTY, INDIANA, FOR)
THE ORGANIZATION OF A REGIONAL WATER AND) CAUSE NO. B-236
SEWER DISTRICT PURSUANT TO IC 1971, 19-3-1.1)

Upon receipt of the petition of the Adams Township Trustee, Allen County, Indiana, for the establishment of a regional water and sewer district pursuant to IC 1971, 19-3-1.1, the Stream Pollution Control Board of the State of Indiana, pursuant to the provisions of IC 1971, 19-3-1.1-5, issued notice of hearing, by publication in the Fort Wayne News-Sentinel, Fort Wayne, Indiana, on Wednesday, March 6, 1974, and Wednesday, March 13, 1974, to be held at 7:30 P.M., EST, on March 27, 1974, in Fort Wayne, Indiana.

The petitioner, the Trustee of Adams Township, Allen County, Indiana, was represented by Hugo Martz, LSO Attorney, Fort Wayne, Indiana.

SUMMARY OF TESTIMONY

Arthur Blaising, a resident of Riverhaven and President of Riverhaven Community Association, testified that it was essential that a regional water and sewer district be formed. He said his residential septic system does not work when the ground is wet. Additionally, many wells in the area have gone dry and residents have had to carry water in buckets to their houses. He also stated that some septic systems seemed to work satisfactorily but that they discharged into open ditches. The local board of health has not always been able to determine where these discharges come from. He stated that Riverhaven has had difficulty obtaining assistance from Allen County and that Riverhaven was locally known as the "Allen County Orphan."

Rufus Barnes, a resident of Riverhaven, stated that there was a definite need for both sewers and a water system.

Ralph Dunn, Sanitary Engineer on the Allen County Board of Health, testified as to the need for a sewer and water system in Riverhaven. He stated the area is heavily built up with mostly small lots of about 50' x 150' size in the 7,000 to 8,000 square foot range. These small lots are too small for

properly working septic systems but that most residents have septic systems. The drainage problems in certain areas aggravate the conditions caused by small lot size. He further stated that Fort Wayne water and sewer lines lie near the Riverhaven area to the south and that the area only has to reach out to connect to them.

Ben Hassoun, of the Fort Wayne-Allen County Board of Health, stated that he was very familiar with the problems of Riverhaven. He said that private septic systems are not a solution to the problems in Riverhaven and that their construction only delayed the real solution which was a sewer system. He stated that the health problems were obvious in that pollution and waste from the ditches drain directly into the Maumee River. He further stated that private residential wells in the area do not meet the Allen County standards because of the lack of separation of wells and septic systems. He stated that if a sewer system was constructed in the area, an Allen County ordinance would make connection to it mandatory and would prohibit residents from using septic systems.

Austin Winchester, a 25-year resident of Riverhaven, testified that there was a need for a regional water and sewer district because hardly any of the private septic systems worked properly. He and his neighbors are in favor of a regional district but he expressed some concern over the individual costs that might be imposed.

Hugo Martz, Fort Wayne LSO Attorney, testified as to estimated costs and possible sources of funding. He said that he had no figures or commitments on grants or loans as yet. He stated that if the district was formed it might be possible to obtain a grant from the Environmental Protection Agency but that formation of the area as a district would be a necessary first step. He discussed the possibility of grants from the Department of Housing and Urban Development and that bonding might be a source of funding. He stated that one of the Fort Wayne banks had expressed an interest in the bonding method and that direct borrowing was another funding alternative. He stated that although there were no commitments on funding yet, this is common for many communities and it would be discriminatory to treat Riverhaven differently because of the lack of funding commitment.

Lelah Battson, a 35-year resident, testified as to the need for a water and sewer system and that she was in favor of the proposed district.

Phyllis Gasper, a 20-year resident, testified that her septic system did not work in the spring wet weather. She said that she had to install a new well two years ago because the old well went dry and that a neighbor's well has recently gone dry. Her new well now appears close to going dry and she and her neighbors are in favor of the proposed district.

Gloria Wilson, the Associate Director of Child Care of Allen County, indicated that she was concerned with the welfare of children in the Riverhaven area. She stated that the county was interested in establishing a Day Care Center in Riverhaven but that it could not be licensed unless a water and sewer system were installed.

Donald Bowers testified that the lack of a sewer and water system was an economic drawback to the future growth and development of the area.

Many other residents of the area testified as to the inadequacies of the present septic systems and wells. All residents who testified were in favor of the proposed district and expressed their willingness to pay the costs imposed on them if they were able. No one who testified at the public hearing was opposed to the formation of the district.

FINDINGS OF FACT

1. That the Adams Township Trustee, Allen County, Indiana, has filed his petition before the Stream Pollution Control Board of the State of Indiana, for an order establishing a regional water and sewer district pursuant to the provisions of IC 1971, 19-3-1.1 (Acts of 1972, PL 150, as amended by the Acts of 1973, PL 195).

2. That the Stream Pollution Control Board of the State of Indiana, at its meeting on February 19, 1974, by motion duly made, seconded and unanimously passed, determined that a sufficient petition had been filed in accordance with IC 1971, 19-3-1.1, and appointed William C. Vaughn III as Hearing Officer.

3. That notice of public hearing on said petition was published once each week for two consecutive weeks in the Fort Wayne News-Sentinel, Fort Wayne, Indiana, on Wednesday, March 6, 1974, and Wednesday, March 13, 1974. Proofs of said publication are attached hereto and made a part hereof.

4. That a public hearing on said petition was held on March 27, 1974, at 7:30 P.M., EST, in the Riverhaven Community Center, 6330 Prize Avenue, Fort Wayne, Indiana. That said hearing was held within the proposed district.

5. That the recommended name of the proposed district is the Riverhaven Regional Water and Sewer District with its principal office in Fort Wayne, Indiana.

6. That the area to be served by said district contains no political subdivisions having legal authority or capability to provide for the collection, treatment and disposal of sewage.

7. That the purpose to be accomplished by said district is to provide for the collection, treatment and disposal of sewage and to provide potable water to the proposed district so as to improve health, safety and welfare.

8. That poor drainage conditions and small lot sizes cause private septic systems to fail and many times results in raw sewage in open ditches which eventually flows into the Maumee River.

9. That private wells in the proposed district are, in many cases, inadequate, that wells have been going dry and the nearness of wells to septic systems poses a health hazard.

10. That there is no outstanding indebtedness in the proposed area for the purpose proposed.

11. That the proposed project appears economically feasible if methods of funding can be obtained for initial construction.

12. That the territory to be included in the district is as described in the petition and the included map.

IT IS THEREFORE ORDERED BY THE STREAM POLLUTION CONTROL BOARD OF THE STATE OF INDIANA:

1. That a regional water and sewage district, to be known as the Riverhaven Regional Water and 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, treatment and disposal of sewage and to provide potable water to the proposed district so as to improve health, safety and welfare.

3. That the district shall include the territory described in the petition known as Riverhaven, Allen County, Indiana.

4. That the district be governed by a seven-member Board of Trustees to be appointed, and for terms, as follows:

   (a) One member to be appointed by the Mayor of Fort Wayne for an initial term of one (1) year, thereafter for a term of four (4) years.

   (b) One member to be appointed by the County Council of Allen County for an initial term of two (2) years, thereafter for a term of four (4) years.

   (c) One member to be appointed by the County Commissioners of Allen County for an initial term of three (3) years, thereafter for a term of four (4) years.

   (d) Four members, who shall be residents of Riverhaven, to be appointed by the Adams Township Trustee after recommendation by the Riverhaven Community Association, for a term of four (4) years.

5. That the Board of Trustees shall provide sufficient bond for all officers, trustees or employees having power to dispense funds which shall, as a minimum, be in an amount equal to, plus 10 percent of, those funds received by the district during a fiscal year.

6. That six months from date of this order, the Riverhaven Regional Water and 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 IC 1971, 19-3-1.1-5(a).

Dated at Indianapolis, Indiana, this 16th day of April, 1974.

ATTEST:

Oral H. Hert

Oral H. Hert, Technical Secretary
Stream Pollution Control Board
of the State of Indiana

6-4-79

STATE OF INDIANA

STREAM POLLUTION CONTROL BOARD

INDIANAPOLIS 46206

1330 West Michigan Street

RETURN RECEIPT

IN THE MATTER OF THE PETITION OF THE BOARD OF COMMISSIONERS OF ALLEN COUNTY FOR THE ORGANIZATION OF A REGIONAL SEWAGE DISTRICT TO BE KNOWN AS THE ALLEN COUNTY REGIONAL SEWAGE DISTRICT	BEFORE THE STREAM POLLUTION CONTROL BOARD OF THE STATE OF INDIANA CAUSE NO. B-422

NOTICE OF INTENT TO CORRECT FINAL ORDER

TO: Mr. Donald B. Steininger
Attorney at Law
Allen County Regional Sewage District
City-County Building, Room 200
Fort Wayne, IN 46802

Mr. William Sweet
One West Main Street
Fort Wayne, IN 46802

Please be notified that it has come to my attention that there was a clerical error in the wording of the Final Order issued in this Cause on February 1, 1979.

The following underlined wording was inadvertently dropped from Sec. 4. A.:

"A. Three (3) voting members shall be appointed by the Allen County Board of Commissioners for a three-year term and with the initial appointments staggered so as an appointment will be annual thereafter; two voting members shall be appointed by the Mayor of the City of Fort Wayne, each for a four-year term, and with one initial appointment for a term of two years, one voting member shall be a member or designee from the Allen County Council who shall be appointed for a two-year term; one voting member shall be a member or designee from the Fort Wayne-Allen County Board of Health who shall be appointed for a two-year term; the term of any voting member shall expire on the first day of January in the year in which the term is to expire."

Please also be notified that the matter of correcting the error will be considered at the next regularly scheduled meeting of the Indiana Stream Pollution Control Board of June 19, 1979, to be held in Room A-419, Indiana State Board of Health Building, 1330 West Michigan Street, Indianapolis, Indiana. This office can be consulted prior to the Board meeting date for the time when the matter will appear on the agenda.

Dated at Indianapolis, Indiana, this 4th day of June, 1979.

Oral H. Hert
Technical Secretary

cc: Mr. Robert G. Grant, Hearing Officer
Mr. Thomas E. Ruzzo
Mr. Henry P. Wehrenberg
Mr. Joe N. VanValer
Mr. Sam Fogel
Mr. Terry Cornelius

RBG file

STATE OF INDIANA

STREAM POLLUTION CONTROL BOARD

INDIANAPOLIS 46206

1330 West Michigan Street

RETURN RECEIPT

IN THE MATTER OF THE PETITION OF THE BOARD OF COMMISSIONERS OF ALLEN COUNTY FOR THE ORGANIZATION OF A REGIONAL SEWAGE DISTRICT TO BE KNOWN AS THE ALLEN COUNTY REGIONAL SEWAGE DISTRICT	))))))	BEFORE THE STREAM POLLUTION CONTROL BOARD OF THE STATE OF INDIANA CAUSE NO. B-422

NOTICE OF CORRECTED FINAL ORDER

To: Mr. William Sweet
One West Main Street
Fort Wayne, IN 46802

Mr. Donald B. Steininger
Attorney at Law
Allen County Regional Sewage District
City-County Building, Room 200
Fort Wayne, IN 46802

Please be notified that the Stream Pollution Control Board of the State of Indiana, at its regularly scheduled meeting of June 19, 1979, corrected the Final Order issued in this Cause on January 16, 1979, pursuant to the Notice of Intent to Correct Final Order issued on June 4, 1979.

A copy of the corrected Final Order is enclosed.

Dated at Indianapolis, Indiana, this 5th day of July, 1979.

Oral H. Hert

Oral H. Hert
Technical Secretary

cc: Mr. Robert Grant, Hearing Officer
Mr. Thomas E. Ruzzo
Mr. Henry P. Wehrenberg
Mr. Joe N. VanValer
Mr. Sam Fogel
Mr. Terry Cornelius

1-16-79

IN THE MATTER OF THE PETITION OF THE BOARD OF COMMISSIONERS OF ALLEN COUNTY, INDIANA, FOR THE ORGANIZATION OF A REGIONAL SEWER DISTRICT, PURSUANT TO IC 19-3-1.1, TO BE KNOWN AS THE "ALLEN COUNTY REGIONAL SEWER DISTRICT"	)))))))	BEFORE THE STREAM POLLUTION CONTROL BOARD OF THE STATE OF INDIANA CAUSE NO. B-422

FINAL ORDER

1. That a Regional Sewer District to be known as the "Allen County 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 included in the district will consist of all of Allen County, Indiana, except the following described areas:

   A. Territories currently being serviced by the following:

      (1) The city sewer utility of the City of Fort Wayne. Provided, however, that it is understood and intended that the boundry of the Allen County Regional Sewer District will, in the future, automatically be changed to exclude, as to any area within the district which is at that time not actually served by the district or any area not under contract for construction of sewers or for any area for which the sale of bonds have not been authorized by the proper body of the district for the construction of sewers, (a) any area annexed to the City of Fort Wayne, or (b) any area subsequently serviced by the City Sewer Utility of the City of Fort Wayne; and, provided, further, it is understood and intended that the boundry of the Allen County Regional Sewer District may be changed upon the petition and agreement of the City of Fort Wayne, Indiana, and/or City Sewer Utility of the City of Fort Wayne, Indiana, to exclude areas that are then served by the district, upon the execution of an agreement agreeing to assume any and all charges, liabilities, or indebtedness created by virtue of contracts or bonds for that construction or financing of sewers serving that area.

      (2) The New Haven municipal sewage works provided, however, that it is understood and intended that the boundry of the Allen County Regional Sewer District will, in the future, automatically be changed to exclude, as to any area within the district which is at that time not actually served by the district or any area not under contract for

construction of sewers or for any area for which the sale of bonds have not been authorized by the proper body of the district for the construction of sewers, (a) any area finally annexed to the City of New Haven, or (b) any area subsequently serviced by the New Haven municipal sewage works; and, provided, further, it is understood and intended that the boundry of the Allen County Regional Sewer District may be changed upon the petition and the agreement of the City of New Haven, Indiana, and/or the New Haven municipal sewage works, to exclude areas that are then served by the district, upon the execution of an agreement agreeing to assume any and all charges, liabilities, or indebtedness created by virtue of contracts or bonds for the construction or financing of sewers serving that area.

(3) Sewage utility of the City of Woodburn.

(4) Sewage utility of the Town of Grabill, provided, however, that it is understood and intended that the boundry of the Allen County Regional Sewer District will, in the future, automatically be changed to exclude, as to any area within the district which is at that time not actually served by the district or any area not under contract for construction of sewers or for any area for which the sale of bonds have not been authorized by the proper body of the district for the construction of sewers, (a) any area finally annexed to the Town of Grabill, or (b) any area subsequently served by the sewage utility of the Town of Grabill; and provided, further, that it is understood and intended that the boundry of the Allen County Regional Sewer District may be changed upon the petition and agreement of the Town of Grabill, Indiana, and/or the sewage utility of the Town of Grabill, to exclude areas that are then served by the district, upon the execution of an agreement agreeing to assume any and all charges, liabilities or indebtedness created by virtue of contracts or bonds for the construction or financing of sewers serving that area.

(5) The sewage utility of the Town of Huntertown.

(6) Sewage utility of the Town of Monroeville.

B. The territories previously approved by the Indiana Stream Pollution Control Board as planning areas or boundaries for:

(1) Leo-Cedarville Regional Sewer District.

(2) Maysville Regional Sewer District.

(3) Riverhaven Regional Sewer District.

C. Those areas reserved pursuant to a Certificate of Territorial Authority issued by the Indiana Public Service Commission for Diversified Utilities, Inc.; Sewage Utilities of Indiana, Inc.; Clearwater Utilities, Inc.; and Maplewood Park Utilities, Inc.

D. Provided, however, that it is understood and intended that the boundary of the Allen County Regional Sewer District will, in the future, automatically be changed to exclude, as to any area within the district which is at that time not actually served by the district or any area not under contract for construction of sewers or for any area for which the sale of bonds has not been authorized by the proper body of the district or the construction of sewers, upon the petition of the owner of any real estate within the district, which petition includes an agreement by any sewage treatment facility which has been excluded from the Allen County Regional Sewer District accepting the sewage generated, or to be generated, from such area.

4. That the district be governed by a Board of Trustees consisting of seven voting members, each of whom shall be a registered voter in Allen County, and four non-voting, ex-officio members and all as follows:

A. Three (3) voting members shall be appointed by the Allen County Board of Commissioners for a three-year term and with the initial appointments staggered so as an appointment will be annual thereafter; two voting members shall be appointed by the Mayor of the City of Fort Wayne, each for a four-year term, and with one initial appointment for a term of two-years, one voting member shall be a member or designee from the two-year term; one voting member shall be a member or designee from the Fort Wayne-Allen County Board of Health who shall be appointed for a two-year term; the term of any voting member shall expire on the first day of January in the year in which the term is to expire.

Allen County Council who shall be appointed for a

B. Trustees appointed by the Board of Commissioners shall each be a freeholder and resident within the district and one shall be appointed from each of the Commissioners' districts in Allen County.

C. The non-voting ex-officio members shall be considered technical advisors to the Board of Trustees and shall be the Allen County Surveyor for his elected term of office; and three others, the Chief Engineer of the Fort Wayne Water Pollution Control Engineering Department, a designee from the Fort Wayne-Allen County Board of Health, and a designee or member from the Allen County Plan Commission, all of whom shall serve at the pleasure of the designating Board or Commission.

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 of, those funds anticipated to be received by the district during the fiscal year of the district, divided by six (6), which amounts shall be determined annually by the Board of Trustees.

6. That, within nine (9) months from the date of this Order, the Allen County 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 at Indianapolis, Indiana, this 16th day of January, 1979.

Oral H. Hert

Oral H. Hert
Technical Secretary

dj/T2
1/23/79

STATE OF INDIANA

STREAM POLLUTION CONTROL BOARD

INDIANAPOLIS 46206

1330 West Michigan Street

WATER OFFICE ... 2:25 PM '01

February 1, 1979

VIA CERTIFIED MAIL

STATE OF INDIANA)		BEFORE THE STREAM POLLUTION CONTROL
)	SS:	BOARD OF THE STATE OF INDIANA
COUNTY OF MARION)		

IN THE MATTER OF THE BOARD OF)		
COMMISSIONERS OF ALLEN COUNTY, INDIANA,)		
FOR THE ORGANIZATION OF A REGIONAL)		CAUSE NO. B-422
SEWER DISTRICT PURSUANT TO IC 19-3-1.1)		
TO BE KNOWN AS THE "ALLEN COUNTY)		
REGIONAL SEWER DISTRICT")		

FINAL ORDER

Mr. William Sweet
One West Main Street
Fort Wayne, IN 46802

Dear Mr. Sweet:

This is to advise you that the Stream Pollution Control Board of the State of Indiana, at its regularly scheduled meeting of January 16, 1979, by motion duly made, seconded and unanimously passed, adopted the Findings of Fact and Recommendations of Robert G. Grant, Hearing Officer, in the above cause, except that portion relating to inclusion of certain investor-owned utilities which previously filed objections. A copy of the Board's Final Order is enclosed.

Very truly yours,

Oral H. Hert

Oral H. Hert
Technical Secretary

RGrant/ds
Enclosure
cc: Mr. Thomas K. Ruzzo
Mr. Henry P. Wehrenberg
Mr. Joe N. VanVuler
Mr. Sam Fogel
Mr. Terry Cornelius

STATE OF INDIANA

STREAM POLLUTION CONTROL BOARD

INDIANAPOLIS 46206

1330 West Michigan Street

IN THE MATTER OF THE PETITION OF THE BOARD OF COMMISSIONERS OF ALLEN COUNTY, INDIANA, FOR THE ORGANIZATION OF A REGIONAL SEWER DISTRICT, PURSUANT TO IC 19-3-1.1, TO BE KNOWN AS THE "ALLEN COUNTY REGIONAL SEWER DISTRICT"	BEFORE THE STREAM POLLUTION CONTROL BOARD OF THE STATE OF INDIANA CAUSE NO. B-422

CORRECTED FINAL ORDER

1. That a Regional Sewer District to be known as the "Allen County 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 included in the district will consist of all of Allen County, Indiana, except the following described areas:

   A. Territories currently being serviced by the following:

      (1) The city sewer utility of the City of Fort Wayne. Provided, however, that it is understood and intended that the boundary of the Allen County Regional Sewer District will, in the future, automatically be changed to exclude, as to any area within the district which is at that time not actually served by the district or any area not under contract for construction of sewers or for any area for which the sale of bonds have not been authorized by the proper body of the district for the construction of sewers, (a) any area annexed to the City of Fort Wayne, or (b) any area subsequently serviced by the City Sewer Utility of the City of Fort Wayne; and, provided, further, it is understood and intended that the boundary of the Allen County Regional Sewer District may be changed upon the petition and agreement of the City of Fort Wayne, Indiana, and/or City Sewer Utility of the City of Fort Wayne, Indiana, to exclude areas that are then served by the district, upon the execution of an agreement agreeing to assume any and all charges, liabilities, or indebtedness created by virtue of contracts or bonds for that construction or financing of sewers serving that area.

(2) The New Haven municipal sewage works provided, however, that it is understood and intended that the boundary of the Allen County Regional Sewer District will, in the future, automatically be changed to exclude, as to any area within the district which is at the time not actually served by the district or any area not under contract for construction of sewers or for any area for which the sale of bonds have not been authorized by the proper body of the district for the construction of sewers, (a) any area finally annexed to the City of New Haven, or (b) any area subsequently serviced by the New Haven municipal sewage works; and, provided, further, it is understood and intended that the boundary of the Allen County Regional Sewer District may be changed upon the petition and the agreement of the City of New Haven, Indiana, and/or the New Haven municipal sewage works, to exclude areas that are then served by the district, upon the execution of an agreement agreeing to assume any and all charges, liabilities, or indebtedness created by virtue of contracts or bonds for the construction or financing of sewers serving that area.

(3) Sewage utility of the City of Woodburn.

(4) Sewage utility of the Town of Grabill, provided, however, that it is understood and intended that the boundary of the Allen County Regional Sewer District will, in the future, automatically be changed to exclude, as to any area within the district which is at that time not actually served by the district or any area not under contract for construction of sewers or for any area for which the sale of bonds have not been authorized by the proper body of the district for the construction of sewers, (a) any area finally annexed to the Town of Grabill, or (b) any area subsequently served by the sewage utility of the Town of Grabill; and provided, further, that it is understood and intended that the boundary of the Allen County Regional Sewer District may be changed upon the petition and agreement of the Town of Grabill, Indiana, and/or the sewage utility of the Town of Grabill, to exclude areas that are then served by the district, upon the execution of an agreement agreeing to assume any and all charges, liabilities, or indebtedness created by virtue of contracts or bonds for the construction or financing of sewers serving that area.

(5) The sewage utility of the Town of Huntertown.

(6) Sewage utility of the Town of Monroeville.

B. The territories previously approved by the Indiana Stream Pollution Control Board as planning areas or boundaries for:

(1) Leo-Cedarville Regional Sewer District.

(2) Maysville Regional Sewer District.

(3) Riverhaven Regional Sewer District.

C. Those areas reserved pursuant to a Certificate of Territorial Authority issued by the Indiana Public Service Commission for Diversified Utilities, Inc.; Sewage Utilities of Indiana, Inc.; Clearwater Utilities, Inc.; and Maplewood Park Utilities, Inc.

D. Provided, however, that it is understood and intended that the boundary of the Allen County Regional Sewer District will, in the future, automatically be changed to exclude, as to any area within the district which is at that time not actually served by the district or any area not under contract for construction of sewers or for any area for which the sale of bonds has not been authorized by the proper body of the district or the construction of sewers, upon the petition of the owner of any real estate within the district, which petition includes an agreement by any sewage treatment facility which has been excluded from the Allen County Regional Sewer District accepting the sewage generated, or to be generated, from such area.

4. That the district be governed by a Board of Trustees consisting of seven voting members, each of whom shall be a registered voter in Allen County, and four non-voting, ex-officio members and all as follows:

A. Three (3) voting members shall be appointed by the Allen County Board of Commissioners for a three-year term and with the initial appointments staggered so as an appointment will be annual thereafter; two voting members shall be appointed by the Mayor of the City of Fort Wayne, each for a four-year term, and with one initial appointment for a term of two years, one voting member shall be a member or designee from the Allen County Council who shall be appointed for a two-year term; one voting member shall be a member or designee from the Fort Wayne-Allen County Board of Health who shall be appointed for a two-year term; the term of any voting member shall expire on the first day of January in the year in which the term is to expire.

B. Trustees appointed by the Board of Commissioners shall each be a freeholder and resident within the district and one shall be appointed from each of the Commissioners' districts in Allen County.

C. The non-voting ex-officio members shall be considered technical advisors to the Board of Trustees and shall be the Allen County Surveyor for his elected term of office; and three others, the Chief Engineer of the Fort Wayne Water Pollution Control Engineering Department, a designee from the Fort Wayne-Allen County Board of Health, and a designee or member from the Allen County Plan Commission, all of whom shall serve at the pleasure of the designating Board or Commission.

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 of, those funds anticipated to be received by the district during the fiscal year of the district, divided by six (6), which amounts shall be determined annually by the Board of Trustees.

6. That, within nine (9) months from the date of this Order, the Allen County 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 at Indianapolis, Indiana, this 3rd day of July, 1979.

Oral H. Hert

Oral H. Hert
Technical Secretary