STATE OF INDIANA)
) SS:
COUNTIES OF ALLEN)
AND WELLS)

ALLEN COUNTY REGIONAL
SEWER DISTRICT

RESOLUTION FOR DELETION OF AREA

WHEREAS, the unincorporated Town of Zanesville previously requested that the Allen County Regional Sewer District include that territory described on Exhibit A attached hereto as a part of the territory of the Allen County Regional Sewer District, and said request was previously granted; and

WHEREAS, the unincorporated Town of Zanesville has now incorporated, and the incorporated Town of Zanesville has requested that the territory described on Exhibit A be deleted from and as a part of the territory of the Allen County Regional Sewer District, and both the incorporated Town of Zanesville and the Allen County Regional Sewer District believe it will be conducive to the public health, safety, convenience, and welfare that the territory described on Exhibit A be deleted as a part of the Allen County Regional Sewer District's territory;

Upon motion duly made and seconded, **BE IT RESOLVED** that the territory described on Exhibit A be and the same is hereby deleted as a part of the territory of the Allen County Regional Sewer District.

Dated: 7-28-, 1992.

BOARD OF TRUSTEES OF THE ALLEN COUNTY REGIONAL SEWER DISTRICT

By: _____
Orrin Sessions, Trustee

By: _____
Kathy Meeks, Trustee

By: _____
Paul Brumbaugh, Trustee

By: _____
James Vinson, Trustee

By: _____

By: _____

37982.vjh/sm

EXHIBIT "A"

Part of the Southeast Quarter of Section 33 and part of the South One Half of Section 34, all within Township 29 North, Range 11 East of the Second Principal Meridian Allen County, Indiana, described as follows:

Starting at the Southwest corner of the Southwest Quarter of said Section 34, which shall be the place of beginning; thence Easterly on the South line of the Southwest Quarter of said Section 34 to the Southwest corner of the Southeast Quarter of said Section 34; thence Easterly 277.0 feet on the South line of said Southeast Quarter to the Southeast corner of a tract described to "LaMaster", document number 87-022830 of the records of Allen County, Indiana; thence Northerly 420.8 feet on the East line of said "LaMaster" tract to the Northeast corner thereof; thence Westerly 277.0 feet on the North line of said "LaMaster" tract to the East line of said Southwest Quarter; thence Northerly on the East line of said Southwest Quarter to the Northeast corner of the South One Half of said Southwest Quarter; thence Westerly on the North line of the South One Half of said Southwest Quarter to the Southeast corner of a tract described to "Habegger", doument number 84-029827 of the records of Allen County, Indiana; thence Northerly 295.0 feet on the East line of said "Habegger" tract to the Northeast corner thereof; thence Westerly 330.5 feet on the North line of said "Habegger" tract to the Southeast Corner of a tract described to "Eash" document number 84-027531 of the records of Allen County, Indiana, thence Northerly 340.0 feet on the East line of said "Eash" tract to the Northeast corner thereof; thence Westerly 200.0 feet on the North line of said "Eash" tract to the center of the Indianapolis Road (former Indiana State Road Number 3); thence Southwesterly 406.0 feet on the center of said Road to the West line of said Southwest Quarter; thence Northerly on the West line of said Southwest Quarter to the Westerly right-of-way line of said Road, being also the East line of a tract described to "Sheley" deed record book 469 page 2 of the records of Allen County, Indiana; thence Northeasterly 172.5 feet on the Westerly right-of-way line of said Road; thence North 32 degrees 51 minutes West (an assumed bearing from said "Sheley" deed) 99.5 feet; thence North 80 degrees 39 minutes West 34.3 feet to the East line of the Southeast Quarter of said Section 33; thence South 41 degrees 15 minutes West 528.5 feet; thence South 52 degrees 27 minutes West 341.5 feet to the North line of the South One Half of said Southeast Quarter being also the North line of a tract described to "Frick" document number 71-17010 of the records of Allen County, Indiana; thence Westerly on the North line of the South One Half of said Southeast Quarter to the Northwest Corner of said "Frick" tract; thence Southerly on the West line of said "Frick" tract to the South line of said Southeast Quarter; thence Easterly on the South line of said Southeast Quarter to the place of beginning.

Subject to the right-of-way of the County Line Road, the Feichner Road, and the Indianapolis Road.

AND

Also, the Northwest Quarter of Section 3, Township 28 North, Range 11 East, of the Second Principal Meridian, Union Township, Wells County, Indiana. Also: Part of Section 4, Township 28 North, Range 11 East, of the Second Principal Meridian, Union Township, Wells County, Indiana, described as follows:

Starting at the Northeast corner of the Northeast Quarter of said Section 4, which shall be the place of beginning; thence South 00 degrees 00 minutes 47 seconds West, (an assumed bearing) 1983.78 feet on the East line of said Northeast Quarter to the center of a Legal Open Drain known as the "Eight Mile Ditch"; thence Southwesterly and Westerly 3800 feet in said Legal Open Drain to the Southeast corner of a tract described to "Martin" deed record 114 page 512 of the records of Wells County, Indiana, being also the center of the "Marzane" Road; thence North 71 degrees 17 minutes 44 seconds West 816.4 feet on the Southline of said "Martin" tract, in said Legal Open Drain to the Southwest corner of said "Martin" tract; thence North 00 degrees 18 minutes 29 seconds West 467.32 feet on the West line of said "Martin" tract to the Southwest corner of the Northwest Quarter of said Secion 4; thence South 88 degrees 47 minutes 11 seconds East 518.94 feet on the South line of said Northwest Quarter to the Southwest corner of a tract described to "Martin" deed record 102 page 902 of the records of Wells County, Indiana; thence North 00 degrees 41 minutes 47 seconds West 689 feet to the Southwest corner of a tract described to "Norris" deed record 104 page 257 of the records of Wells County, Indiana; thence North 00 degrees 16 minutes 47 seconds West, 210.9 feet on the West line of said "Norris" tract, parallel with the West line of said Northeast Quarter, to the Northwest corner thereof; thence South 86 degrees 38 minutes 47 seconds East 632 feet on the North line of said "Norris" tract to the West line of said Northeast Quarter; thence North 00 degrees 16 minutes 47 seconds West 1612.59 feet on the West line of said Northeast Quarter to the Northwest corner thereof; thence South 89 degrees 45 minutes 18 seconds East 2657.22 feet on the North line of said Northeast Quarter to the Southeast corner of Section 33, Township 29 North, Range 11 East of the Second Principal Meridian Allen County, Indiana; thence South 89 degrees 53 minutes 47 seconds East 13.66 feet on the North line of said Northeast Quarter to the place of beginning.

Subject to the right-of-way of County Roads Numbered 300 West, 1200 North and Marzane Road, also subject to the right-of-way of a Legal Open Drain known as the Eight Mile Ditch.

LAUTZENHEISER,
MYERS &
HOLDMAN

LAWYERS

MICHAEL W. LAUTZENHEISER, SR.
RICK M. MYERS
TRAVIS L. HOLDMAN

June 29, 1992

Mr. Vincent J. Heiny
Attorney at Law
444 Main Street
Fort Wayne, IN 46802

RE: ZANESVILLE and ALLEN COUNTY SEWER DISTRICT

Dear Mr. Heiny:

I am the attorney for the newly incorporated Town of Zanesville. As you may remember, Zanesville was made a part of the Allen County Sewer District before its incorporation. This was done so that there was an existing legal entity to pursue grants on behalf of Zanesville. No grants were ever secured, and the Zanesville sewer project has not progressed.

Therefore, this spring the Town incorporated in an effort to further the sewer project. In order to avoid any problems, the Town now requests that they be formally removed from the Allen County Sewer District. As legal counsel for the Sewer District, please advise me as to the process for removal of Zanesville from the District. I need to forward proof of our removal from the District with the IDEM as soon as possible. Zanesville can then solicit grants and loans for the sewer project in its own name.

I trust that the removal of the Town from the Sewer District will cause no problems and that removal can be accomplished expeditiously. I will be available to assist in any fashion with the removal. Therefore, please contact me if there are any anticipated questions or concerns. Your prompt attention as to this matter will be greatly appreciated by the people of Zanesville.

Very truly yours,

LAUTZENHEISER, MYERS & HOLDMAN

Michael W. Lautzenheiser, Sr.
Attorney License 8709-90

MWL:ap

cc: Melba Edwards
Jim Vinson
Gary Radtke

325 S. MAIN ST., P.O. BOX 471 • BLUFFTON, IN 46714 • (219) 824-4049 • FAX: (219) 824-4551
180 MORSE ST., P.O. BOX 372 • MARKLE, IN 46770 • (219) 758-2101

Staff Comm. (8162)
Dept. of Environmental Mgmt.
Commissioner's Office
AUG 17 1992

HALLER & COLVIN

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MARK E. GIA QUINTA
GEORGE SISTEVARIS
CYNTHIA ROCKWELL

AUG 17 10 29 AM '92
OFFICE OF WATER MANAGEMENT

August 12, 1992

Commissioner, Indiana Dept. of
Environmental Management
105 S. Meridian St.
P.O. Box 6015
Indianapolis, IN 46206-6015

Re: Allen County Regional Sewer District
Deletion of Zanesville area

I am enclosing the original of a Resolution duly adopted by the Allen County Regional Sewer District deleting an area commonly known as Zanesville from the Allen County Regional Sewer District's territorial authority. You will note that I.C. § 13-3-2-9 provides that a regional sewer district may, after motion by its Board, file a petition with the Indiana Department of Environmental Management requesting the Department to increase or add to its purpose or modify its plans or abandon or surrender all or part of its purposes or plans. The enclosed Resolution deleting the Zanesville area is submitted to the Department pursuant to that statute, and you should note that the unincorporated area of Zanesville specifically has requested that it be deleted from the Allen County Regional Sewer District's territorial authority.

I am enclosing a copy of a letter from the attorney for the town of Zanesville dated June 29, 1992, specifically requesting deletion.

I will need written confirmation of your receipt of this Resolution and its approval deleting the town of Zanesville from the territorial authority of the Allen County Regional Sewer District, and this is needed as soon as possible.

Thank you for your assistance.

Very truly yours,

HALLER & COLVIN

Vincent J. Heiny

VJH/sm
Enclosures
cc: Michael W. Lautzenheiser, Sr., Esq.

38263.1

State Form 4336

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

INDIANAPOLIS

OFFICE MEMORANDUM

DATE: November 30, 1992

TO: Kathy Prosser

THRU: Stan Rorick
Janet Coney

FROM: Kyle Endris
OLC

SUBJECT: Allen County Area Regional Sewer District
modification of plan

Attached, please find an Order modifying Allen County's regional sewer district plan.

The petition was reviewed by Gary Newcomer, R&QC, and Arnie Viere, drinking water, who found no territorial or authority conflicts regarding the modification. Similarly, I have reviewed the petition for compliance with Ind.Code 13-3-2-9 and found the regional sewer district to have followed the applicable statutory procedures.

Conclusion: no detrimental impacts were ascertained for the petition to modify.

If you have any questions, please do not hesitate to contact me. Kyle 2-8517.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Kathy Prosser
Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF THE)
PETITION OF ALLEN COUNTY)
REGIONAL SEWER DISTRICT FOR)
DELETION OF THE TOWN OF)
ZANESVILLE FROM ITS)
TERRITORY)

ORDER GRANTING MODIFICATION OF
ALLEN COUNTY REGIONAL SEWER DISTRICT

That the Order dated December 12, 1978, under Cause No. B-422, as amended April 19, 1989, be amended further as follows:

1. That the Town of Zanesville be deleted from the territory of Allen County Regional Sewer District.

2. That in all other respects, Allen County Regional Sewer District will remain subject to the terms of the original Order entered on December 12, 1978.

Dated at Indianapolis, Indiana, this 15 day of Oct, 1992.

Kathy Prosser
Technical Secretary