FRANCIS H. LUEKEN, JR.

LAW OFFICE

223 W. 10th St. • P.O. Box 206
Ferdinand, Indiana 47532-0206

Phone & FAX (812) 367-1096

OFFICE OF WATER MANAGEMENT
MAY 21 5 00 PM '01

May 18, 2001

Ms. Lynne Newlon
Ind. Deptartment of Environmental Management
P.O. Box 6015
Indianpolis, IN 46206-6015

Re: Fulda Regional Sewer District

Dear Ms. Newlon:

Please find enclosed the petition of the Harrison Township Trustee and Board to form the Fulda Regional Sewer Disctrict, with Exhibits A, B, and C attached. Also enclosed is the Affidavit of Government Entity Notification and written appointment of me by the Spencer County Council as its representative regarding the petition.

The two weekly newspapers are:
Spencer County Leader, P.O. Box 206, 218 E Medcalf St., Dale, IN 47523
Phone: 812-937-2100
Spencer County Journal-Democrat, 541 Main St., Rockport, IN 47635
Phone: 812-649-9196

I will be working on the list of freeholders within the proposed district next week. Should nou find any other items which need attention, please let me know so we can keep the process moving forward.

Sincerely yours,

Francis H. Lueken Jr.

Francis H. Lueken Jr.
Attorney for Harrison Township

CC: Beverly Mehling
Fulda Sewer Committee

EXHIBIT
STATE'S
2

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
STATE OF INDIANA

IN THE MATTER OF THE PETITION)
OF HARRISON TOWNSHIP, SPENCER)
COUNTY, INDIANA, TO FORM A)
REGIONAL SEWER DISTRICT)
PURSUANT TO IC 13-26)

BEFORE THE COMMISSIONER,
IDEM, STATE OF INDIANA

OFFICE OF WATER MANAGEMENT
MAY 21 5 00 PM '01

PETITION

Harrison Township, Spencer County, by its Trustee and its Board, tenders its Petition to the Commissioner, Indiana Department of Environmental Management (IDEM), pursuant to IC 13-26, for an order directing that a regional sewer district be organized as an independent political entity of the State of Indiana, and as a body corporate and politic. In support of this Petition, petitioner alleges:

1. The proposed name of the regional sewer district shall be the "Fulda Regional Sewer District" of Spencer County.

2. This Petition has been approved by the Harrison Township Board as required by IC 13-26-2-2.

3. The Petition has also been approved by the Spencer County Council inasmuch as it may be an "eligible entity" within the meaning of IC 13-26-2-2 and IC 13-11-2-62 and -86. A copy of the Resolution of the Spencer County Council approving this formation of the District is attached as Exhibit A to this Petition. There are no other political subdivisions in the proposed district.

4. There is no state park or recreation area, forest land or a reservoir nor any land owned by the Indiana Department of Natural Resources or any other state agency in the proposed District.

5. The principal office of the district shall be located at the Village Hut, in the unincorporated community of Fulda, Spencer County, Indiana, which has a mailing address of 15707 N State Road 545, P.O. Box 46, Fulda, Indiana, 47536.

6. The need for the proposed district has long been recognized by residents and businesses in the area, by the Spencer County Commissioners, the Petitioner herein and the public generally for the reason that sanitary sewage disposal is provided in the area by each homeowner or business through an on-site septic tank, many of which leak, have failed or will fail. The absence of public sanitary sewer service has contributed to suppression of development and environmental contamination in the proposed District, as documented by testing of water samples collected by the Spencer County Sanitarian from streams in the community.

7. The purpose to be accomplished by the formation of the District is the reduction of pollution of the environment by elimination of inadequate septic systems and the construction of a sanitary sewer collection system and appropriate treatment of collected sewage.

8. Creation of the district will be conducive to the public health, safety, convenience and welfare of the residents of the District for the following reasons:

(A) No sanitary sewer system exists in the proposed District.

(B) Sewage collection, disposal and treatment in the proposed District is currently being provided by individual septic tanks or other on-site systems at each residence or place of business. Those on-site systems which have failed or are failing are contributing to the pollution of the environment in the proposed District and create a hazard to the health, welfare and safety of the residents of the proposed District. In many instances replacement of the failed or failing septic tanks or other on-site systems is not feasible due to the cost, condition of the soil or parcel size.

(C) There is no publicly or privately owned treatment works in the proposed District for treatment of sanitary sewage which inhibits the ability of the residents to alleviate environmental concerns created by failed and failing septic systems.

9. There is no outstanding indebtedness for the purpose proposed in the proposed district. The absence of a sanitary sewer system hinders commercial growth in the proposed District, which contains a restaurant and tavern, church, industrial sawmill, convenience store, and large community center serving several counties. The proposed District has available all other necessary utility services for development of the real estate except sanitary sewers. It is on a public water system with Patoka Lake Regional Water. Further, the absence of sanitary sewers has limited residential growth in the proposed District because the requirements of Spencer County and the Indiana Department of Health, as they apply to septic tanks and other on-site systems, prohibit construction of economically viable residential subdivisions.

10. The territory to be included in the District is only a portion of, but all located within, Harrison Township, Spencer County, Indiana, and is more particularly detailed on the map attached to this Petition as Exhibit B detailing the District's boundaries.

11. The number, manner of selection and terms of the Board of Trustees of the District is recommended as follows:

(A) The District Board shall be five (5) Trustees.

(B) The initial Board shall be appointed as follows:

Five (5) members shall be appointed by the Harrison Township Board. Such Trustees' terms shall be until January 1, 2003, or until their successor is appointed.

(C) Thereafter, the Board of Trustees shall be selected by appointment as follows:

1. Two (2) members shall be appointed by the Harrison Township Board for a term of three (3) years.

2. Two (2) members shall be appointed by the Harrison Township Board for a term of two (2) years.

3. One (1) member shall be appointed by the Harrison Township Board for a term of one (1) year.

Upon the expiration of the above appointments, all appointments by the appointing bodies shall be for terms of three (3) years.

Upon a vacancy on the Board of Trustees, for any reason, the appointing authority for that Trustee shall appoint a replacement Trustee to complete the term of the Trustee who vacated his office.

12. The plan for financing the cost of operations of the District until it is in receipt of revenue from its operations or proceeds from the sale of bonds includes a forgivable loan from the State Revolving Fund, funding from Spencer County revenue sources, and private contributions.

13. The estimates of the cost of accomplishing the purpose of the District, of operating and maintaining the works, the source of funding of such costs and estimates of rates and charges required for the district have been prepared by Bernardin Lochmueller & Associates, Inc., 6200 Vogel Road, Evansville, IN 47715, (812) 479-6200. Copies of the study, recommendation and conclusion of that firm are attached hereto as Exhibit C.

14. A copy of this Petition has been filed in the office of the Board of Commissioners of Spencer County, Indiana, the office of the Trustee of Harrison Township, Spencer County, Board of Trustees of North Spencer School Corporation, and the Board of Trustees of the Lincoln Heritage Public Library, 106 N. Wallace Street, Dale, IN 47523, who are the executives of the only governmental entities having territory within the proposed district, on the date of filing herein. A copy of this Petition has also been filed with the Town Councils of Dale, Ferdinand, Troy and Santa Claus, but none of which is within the proposed District. A copy of this Petition has also been filed with St. Meinrad Archabbey, which has agreed to provide sewage treatment service to the District.

15. The designated representative for the petitioner is Francis H. Lueken, Jr., Attorney at Law, 223 W 10th Street, P.O. Box 206, Ferdinand, Indiana 47532, Telephone No. (812) 367-1096, Fax No. 812-367-1096, Attorney No. 8938-19.

WHEREFORE, Petitioners request:

1. That a public hearing be conducted on this Petition by IDEM after the giving of the proper notice thereof;

2. That the relief requested in the Petition be granted by the Commissioner; and

3. That the Commissioner issue her order creating the "Fulda Regional Sewer District" of Spencer County.

Submitted this 14 day of May, 2001.

TOWNSHIP TRUSTEE OF HARRISON TOWNSHIP
SPENCER COUNTY, INDIANA

Beverly Mehling

Counsel for Petitioner:

Francis H. Lueken, Jr.

Francis H. Lueken, Jr. #8908-19
Lueken Law Office
223 W. 10th St., P.O. Box 206
Ferdinand, IN 47532
Telephone and Fax (812) 367-1096

The above Petition to form a sewer district in Harrison Township, Spencer County, Indiana, is APPROVED by the Harrison Township Board this 14 day of May, 2001.

TOWNSHIP BOARD OF HARRISON TOWNSHIP,
SPENCER COUNTY, INDIANA

Eugene F Peters

Cornelius Collignon

David J. Kress

Exhibit A

OFFICE OF WATER MANAGEMENT
MAY 21 5 00 PM '01

SPENCER COUNTY COUNCIL

Resolution 2001- 10

WHEREAS, the Harrison Township Trustee and Harrison Township Board have petitioned the Commissioner, Indiana Department of Environmental Management, for an order directing that the Fulda Regional Sewer District be formed;

NOW, Therefore, be it resolved by the Spencer County Council that it approves the formation of the Fulda Regional Sewer District.

Adopted this 15 day of May, 2001.

SPENCER COUNTY COUNCIL

Bill Spaethe

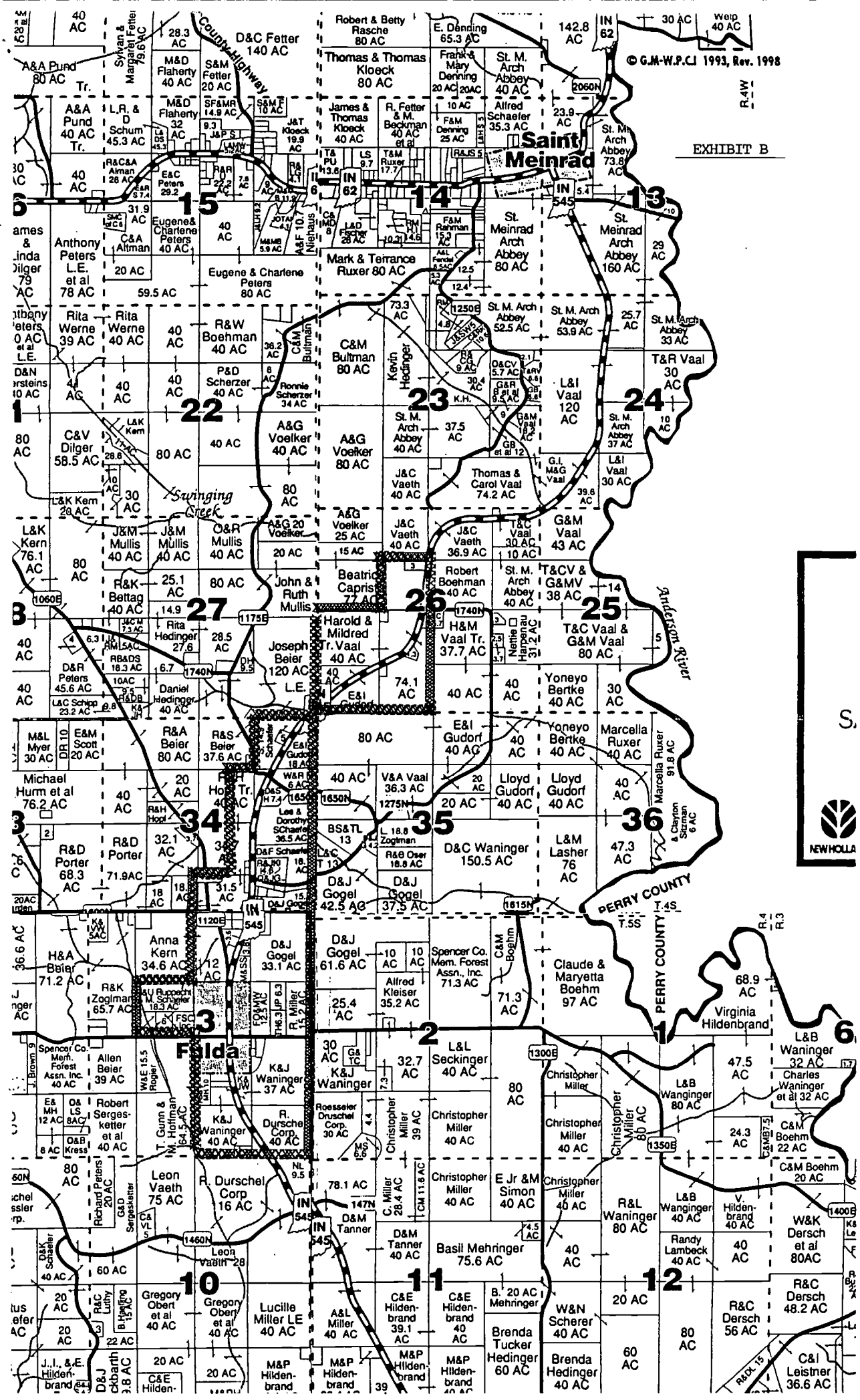
Jack L. Kay

James L. Ebert

Charles W. McCutcheon

ATTEST:

SPENCER COUNTY AUDITOR


© G.M-W.P.C.I 1993, Rev. 1998
EXHIBIT B
Saint Meinrad
Swinging Creek
Anderson River
PERRY COUNTY
Fulda
County Highway
D&C Fetter 140 AC
Thomas & Thomas Kloeck 80 AC
Frank & Mary Denning 20 AC 20AC
St. M. Arch Abbey 40 AC
Alfred Schaefer 35.3 AC
St. M. Arch Abbey 73.8 AC
St. M. Arch Abbey 160 AC
St. Meinrad Arch Abbey 80 AC
St. M. Arch Abbey 52.5 AC
St. M. Arch Abbey 53.9 AC
St. M. Arch Abbey 33 AC
T&R Vaal 30 AC
L&I Vaal 120 AC
St. M. Arch Abbey 37 AC
L&I Vaal 30 AC
G&M Vaal 43 AC
T&CV & G&MV 38 AC
T&C Vaal & G&M Vaal 80 AC
Yoneyo Bertke 40 AC
Marcella Ruxer 40 AC
Lloyd Gudorf 40 AC
D&C Waninger 150.5 AC
L&M Lasher 76 AC
47.3 AC
Claude & Maryetta Boehm 97 AC
Virginia Hildenbrand 68.9 AC
L&B Waninger 32 AC
Charles Waninger et al 32 AC
L&B Wanginger 80 AC
47.5 AC
C&M Boehm 22 AC
C&M Boehm 20 AC
W&K Dersch et al 80AC
R&C Dersch 48.2 AC
R&C Dersch 56 AC
C&I Leistner 36.6 AC
R&L Waninger 80 AC
Randy Lambeck 40 AC
Basil Mehringer 75.6 AC
Christopher Miller 40 AC
Christopher Miller 80 AC
E Jr & M Simon 40 AC
Brenda Tucker Hedinger 60 AC
Brenda Hedinger 40 AC
W&N Scherer 40 AC
Spencer Co. Mem. Forest Assn., Inc. 71.3 AC
Spencer Co. Mem. Forest Assn. Inc. 40 AC
Roesseler Druschel Corp. 30 AC
R. Durschel Corp 16 AC
R. Durschel Corp. 40 AC
K&J Waninger 37 AC
K&J Waninger 40 AC
K&J Waninger
D&J Gogel 61.6 AC
D&J Gogel 33.1 AC
D&J Gogel 42.5 AC
D&J Gogel 37.5 AC
D&M Tanner 40 AC
D&M Tanner
Leon Vaeth 75 AC
Leon Vaeth 28
Gregory Obert et al 40 AC
Lucille Miller LE 40 AC
A&L Miller 40 AC
C&E Hilden-brand 39.1 AC
C&E Hilden-brand 40 AC
M&P Hilden-brand
Alfred Kleiser 35.2 AC
Allen Beier 39 AC
Robert Sergeskett er et al 40 AC
Anna Kern 34.6 AC
R&K Zoglman 65.7 AC
H&A Beier 71.2 AC
R&D Porter 68.3 AC
R&D Porter 71.9AC
R&D Porter 32.1 AC
Michael Hurm et al 76.2 AC
M&L Myer 30 AC
E&M Scott 20 AC
R&A Beier 80 AC
R&S Beier 37.6 AC
Joseph Beier 120 AC L.E.
Daniel Hedinger 40 AC
Rita Hedinger 27.6
28.5 AC
D&R Peters 45.6 AC
L&C Schipp 23.2 AC
R&K Bettag 40 AC
25.1 AC
80 AC
John & Ruth Mullis
Harold & Mildred Jr. Vaal 40 AC
Beatrice Capriss 77 AC
Robert Boehman 40 AC
H&M Vaal Tr. 37.7 AC
74.1 AC
40 AC
E&I Gudorf 40 AC
E&I Gudorf 18 AC
80 AC
V&A Vaal 36.3 AC
20 AC
Lloyd Gudorf 40 AC
Lloyd Gudorf 40 AC
Marcella Ruxer 91.8 AC
Nettie Harpenau 31.2 AC
J&C Vaeth 40 AC
J&C Vaeth 36.9 AC
J&C Vaeth 40 AC
A&G Voelker 25 AC
A&G Voelker 40 AC
A&G Voelker 80 AC
A&G 20 Voelker
C&M Bultman 80 AC
C&M Bultman
Kevin Hedinger
Ronnie Scherzer 34 AC
P&D Scherzer 40 AC
R&W Boehman 40 AC
Rita Werne 40 AC
Rita Werne 39 AC
Mark & Terrance Ruxer 80 AC
Eugene & Charlene Peters 80 AC
Eugene& Charlene Peters 40 AC
Anthony Peters L.E. et al 78 AC
C&A Altman
C&V Dilger 58.5 AC
L&K Kern 76.1 AC
L&K Kern 20 AC
J&M Mullis 40 AC
J&M Mullis 40 AC
O&R Mullis 40 AC
R&K Bettag 40 AC
James & Thomas Kloeck 40 AC
R. Fetter & M. Beckman 40 AC et al
F&M Denning 25 AC
T&M Ruxer 17.7
L&D Fischer 28 AC
F&M Rahman 15.9 AC
A&L Fendel 8.5AC
Robert & Betty Rasche 80 AC
E. Denning 65.3 AC
142.8 AC
Weip 40 AC
30 AC
23.9 AC
25.7 AC
29 AC
10 AC
39.6 AC
73.3 AC
37.5 AC
30.4 AC
59.5 AC
20 AC
31.9 AC
40 AC
80 AC
A&A Pund 80 AC Tr.
A&A Pund 40 AC Tr.
L.R. & D Schum 45.3 AC
M&D Flaherty 40 AC
M&D Flaherty 32 AC
S&M Fetter 20 AC
Sylvan & Margaret Fetter 79.6 AC
28.3 AC
S&M 10 AC
SF&MR 14.9 AC
J&T Kloeck 19.9 AC
J&P S 5
R&C&A Alman 28 AC
E&C Peters 29.2
R&R 22.2 AC
7.8 AC
R&L 4.1
T&P U 13.6
LS 9.7
R&JS 5
R&M 5.4
Saint Meinrad
EXHIBIT B
IN 62
IN 545
2060N
1250E
1740N
1175E
1060E
1650N
1275N
1615N
1120E
1460N
1300E
1350E
1400E
147N
1740N
1650N
1615N
1120E
1460N
1300E
1350E
1400E
R.4W
R.4
R.3
T.4S
T.5S
NEW HOLLA

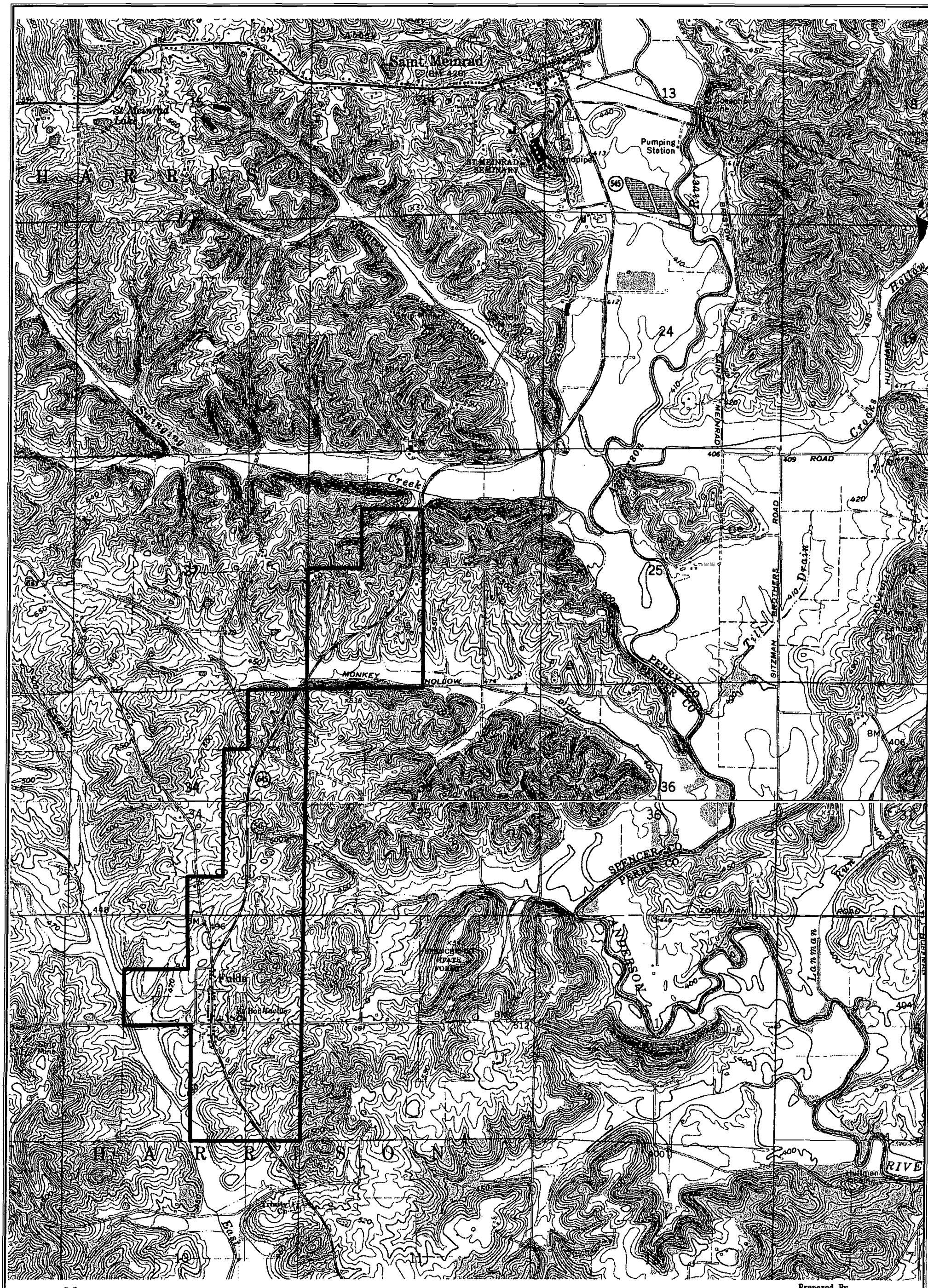


Exhibit "B"
District Boundary

Prepared By
BERNARDIN LOCHMUELLER & ASSOC., INC.
Planners · Engineers · Surveyors
6200 Vogel Road
Evansville, IN 47715 (812)479-6200

Supplement to Exhibit B - Map

HARRISION TOWNSHIP - SPENCER COUNTY

Territory included in the Fulda Regional Sewer District boundary

TOWNSHIP 5 SOUTH, RANGE 4 WEST

Section 3 - East ½
SE ¼ of NW ¼

TOWNSHIP 4 SOUTH, RANGE 4 WEST

Section 34 - East ½ of SE ¼
East ½ of NE ¼
SW ¼ of SE ¼
E ½ of NW ¼ of SE ¼
E ½ of SW ¼ of NE ¼

Section 26 - SW ¼
SE ¼ of NW ¼

Exhibit C

BERNARDIN • LOCHMUELLER & ASSOCIATES, INC.

6200 Vogel Road · Evansville, Indiana 47715-4006 · www.blainc.com
Phone 812.479.6200 · Toll Free 800.423.7411 · Fax 812.479.6262

One Source for a World of Solutions

May 16, 2001

Francis Lueken
223 W. 10th St.
P.O. Box 206
Ferdinand, IN 47532

RE: Fulda Wastewater Project
BLA Project # 101-0058-00P

Dear Francis,

For you inclusion in the petition for the Fulda Regional Sewer District, I am providing the following preliminary cost estimates based on information from the Spencer County Regional Watershed Protection Utility Feasibility Study and input from the Fulda Wastewater Committee.

Preliminary Cost Estimates	
Legal Fees:	$ 15,000.00
Preliminary Engineering:	$ 20,000.00
Engineering:	$ 200,000.00
Land, Structures, ROW, Easements:	$ 200,000.00
Construction, Demolition, Equipment:	$ 768,000.00
Contingencies:	$ 112,000.00
Total Project Costs:	$ 1,315,000.00

Depending on the option selected in the Preliminary Engineering Report and funding sources secured,* the monthly rate per household could range from over $200 to approximately $65.

Sincerely,
BERNARDIN, LOCHMUELLER & ASSOCIATES

Jason A. DuPont

Jason DuPont
Project Engineer

* including loan from State Revolving Fund and grant from Supplemental Drinking Water and Wastewater Assistance Fund