INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

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STATE OF INDIANA)		BEFORE THE INDIANA DEPARTMENT
)	SS:	OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION)		
IN THE MATTER OF:)		
)		
THE FORMATION OF THE)		CAUSE NO. 92-W-J-765
CROWN HILL REGIONAL SEWER)		
DISTRICT)		

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER OF THE ADMINISTRATIVE LAW JUDGE

1. On November 10, 1992, the Clinton Township Trustee of Vermillion County petitioned the Indiana Department of Environmental Management for an Order establishing a Regional Sewer District to be known as the Crown Hill Regional Sewer District in Clinton Township in Vermillion County.

2. Said Petition complies with the provisions of IC 13-3-2-3.

3. A public hearing was held on March 23, 1993, at the Clinton City Hall, Clinton, Indiana.

4. Notice of said hearing was given by publication in a newspaper of general circulation in Vermillion County for two consecutive weeks prior to said hearing, and by mailing to each eligible entity involved.

5. The proposed name of the District is the Crown Hill Regional Sewer District.

6. The principle office of the proposed District would be c/o Beardsley & Stengel, 320 South Main Street, P. O. Box 307, Clinton, Indiana 47842.

7. The sanitary sewage needs of those residents now residing within such proposed District are currently being met with individual and private septic systems, which are inadequate.

8. Upon formation of such District, it would construct and operate a sanitary sewage system that would collect the sanitary sewage of the residents of such District.

9. Such District is needed to permit the construction of a system to collect and dispose of the sanitary sewage of the residents. The current method of sewage collection and disposal through individual and private septic systems is deteriorating and is creating current and future health problems for the residents of such proposed District.

10. The current method of collection and disposal of the sanitary sewage of the residents of such proposed District is affecting and can affect detrimentally the water quality of the area of the proposed District.

11. The residents of such proposed District currently obtain their water for drinking and other personal uses from individual and private wells which can also be affected detrimentally by continued use of the present method of collection and disposal of the sanitary sewage of the residents of the proposed District.

12. The proposed District would include:

A five acre tract in the northwest corner of the Southeast Quarter of Section Seventeen (17), Township Fourteen (14) North, Range Nine (9) West, more particularly described as follows, to wit: Beginning at a stake in the south right-of-way line of State Road No. 163, as now located, eighty and seventeen hundredths (80.17) feet south and nine hundred seventy-four and thirty-eight hundredths (974.38) feet east of the northwest corner of the said Southeast Quarter of Section Seventeen (17) and run thence south four hundred seventy-seven and sixty-six hundredths (477.66) feet to an iron pipe; thence west four hundred eighty-four and eighty-three hundredths (484.83) feet to an iron pipe in the east right-of-way line of State Road No. 63, as now located; thence in a northeasterly direction along the said east right-of-way line of five hundred eighty-five and one-tenth (585.1) feet to its intersection with the south right-of-way line of said State Road No. 163, thence in a Southeasterly direction along said south right-of-way line three hundred (300) feet, more or less, to the place of beginning, containing five (5) acres, more or less.

A tract of land being part of the Southeast Quarter of Section 17, Township 14 North, Range 9 West of the Second Principal Meridian, Vermillion County, Indiana, more

particularly described, to wit:

Commencing at the Northwest corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West of the Second Principal Meridian; thence South 76 degrees 19 minutes East 1,354.12 feet to a concrete right-of-way marker on the South right of way line of Indiana State Highway 163 and being highway station 294 + 24.9; thence along said South right-of-way 54 degrees 10 minutes East 35.60 feet to a concrete monument with an iron rod at its center being the Northeast corner of a tract of land now or formerly owned by the Public Service of Indiana and a point of beginning of the tract of land herein described, thence South 54 degrees 10 minutes East 638.60 feet to a concrete right-of-way marker on the same South right-of-way line; thence South 54 degrees 10 minutes East 41.40 feet to a set iron rod; thence South 02 degrees 14 minutes West 665.00 feet to a set iron rod; thence North 54 degrees 10 minutes West 680.00 feet to a set iron rod; thence North 02 degrees 14 minutes East 200.67 feet to a concrete monument with an iron rod at its center being the Southeast corner of the same tract of land now or formerly owned by the Public Service of Indiana; thence North 02 degrees 14 minutes East 464.33 feet to the point of beginning. (8.65) acres

A tract of land located in the Southeast Quarter (SE 1/4) of Section 17, Township 14 North, Range 9 West, more particularly described as follows:

Beginning at a point in the South right-of-way line of Indiana State Road No. 163, as now (1980) located, said point being eighty and seventeen hundredths (80.17) feet South and nine hundred seventy-four and thirty-eight hundredths (974.38) feet East of the Northwest corner of the Southeast Quarter (SE 1/4) of Section 17, Township 14 North, Range 9 West; thence South 02 degrees 14' 13" West (adjacent Deed Calls South) for a distance of six hundred seventy-five (675.00) feet to a point; thence East, parallel to the South line of said quarter section for a distance of three hundred ninety-eight (398.00) feet to a point; thence North 02 degrees 14' 13" East for a distance of four hundred sixty-five (465.00) feet to a point in the Southerly right-of-way line of said State Road 163; thence in a Northwesterly direction along the Southerly right-of-way line if said State Road for a distance of four hundred forty-eight and twenty-five hundredths (448.25) feet to the place of beginning, and containing in said tract of ground 5.325 acres, more or less.

A tract of land being part of the Southeast Quarter Section 17, Township 14 North, Range 9 West of the 2nd P.M. Vermillion County Indiana and more particularly described to wit:

Commencing at the Northwest corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; thence South 76 degrees 19 minutes East 1354.12 feet to a concrete right-of-way marker on the South 35 foot right-of-way line of Indiana State Highway 163 at Station 294 + 24.9; thence along and with the South right-of-way line south 54 degrees 10 minutes East 765.60 feet to an iron pin, the place of beginning; South 54 degrees 10 minutes East 277.54 feet along said right-of-way; South 2 degrees 14 minutes West 665 feet; North 54 degrees 10 minutes West 327.54 feet; North 2 degrees 14 minutes East 465 feet; South 87 degrees 46 minutes East 35 feet; North 4 degrees 26 minutes 40 seconds East 172.46 feet to the Place of Beginning and containing 4.00 acres, more or less.

Subject to the following:

1) A Utility Easement to Indiana Bell Telephone Company by an instrument dated April 13th, 1978 and recorded April 19, 1978 in Deed Record 129, Page 342, Records of the Recorder of Vermillion County, Indiana.

2) A reservation of all coal, mineral, oil and gas rights and rights of ingress and egress over the real estate to prospect and remove same.

3) A Storm Sewer Eastment to Wal-Mart Properties, Inc., a Delaware Corporation by an instrument dated July 2, 1986 and recorded July 9, 1986 in Deed Record 143, Page 255 in the Recorder's Office Vermillion County, Indiana.

4) Rights-of-way for drainage, tiles, ditches, feeders and laterals.

5) All easements, restrictions and protective covenants of record.

Commencing at the Southeast corner of the R.E.M.S. Foods, Inc., property and then running in a Southeasterly direction parallel to the line of State Road 163 to County Road 300 East; thence North on County Road 300 East to State Road 163; thence in a Northwesterly direction on State Road 163 to the Northeast corner of the R.E.M.S. Foods, Inc., property; thence Southerly to the place of beginning.

A tract of land in the Northeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana, more particularly described as follows, to wit:

Beginning at a point on the east and west half section line of said Section 17, 669 feet east of the southwest corner of

said Northeast Quarter, said point being the intersection of the east right-of-way line of new State Road No. 63 and the said east and west half section line and running east 1601.7 feet; thence north 60 feet; thence east 400 feet; thence north 1269 feet; thence west 1341 feet; thence north 365 feet, more or less to the east right-of-way line of said State Road No. 63; thence in a southwesterly direction along the said east right-of-way line 1839 feet, more or less to the place of beginning containing 55 acres, more or less.

Subject to any and all reservations, easements and right-of-way grants of record.

EXCEPT FOR THE TRACT HERETOFORE CONVEYED TO PARADISE BOWL, INC.

Commencing at the Southwest corner of the Northeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana. North 88 degrees 04 minutes East, along and with the South line of said Northeast Quarter 965.15 feet to an iron pin. North 18 degrees 04 minutes East 87.67 feet; North 71 degrees 56 minutes West 175.14 feet to the place of beginning. South 17 degrees 40 minutes 47 seconds West 138.49 feet to the North right-of-way line of Indiana State Road #163; thence along said right-of-way, Right on a curve to the left (radius 1467.50 feet) an arc distance of 116.24 feet, with a chord bearing North 83 degrees 09 minutes 18 seconds West 116.21 feet to the East line of the Limited Access Right-of-way of Indiana State Road #163; thence along and with said Limited Access Right-of-way the next 2 courses and distances. North 07 degrees 06 minutes 50 seconds West 104.63 feet to the point 100.00 feet right of Station 883+00; thence Right on a curve Right, (Radius 8490.70 feet) 226.07 feet, with a chord bearing North 17 degrees 40 minutes 47 seconds East 226.06 feet; South 72 degrees 19 minutes 13 seconds East 158.00 feet; South 17 degrees 40 minutes 47 seconds West 160.71 feet; to the place of beginning, and containing 1.090 acres, more or less.

A strip of land in the Southeast Quarter (SE 1/4) of Section 17, Township 14 North, Range 9 West, formerly used as a wagon road from the Indiana State Highway No. 163 to the Crown Hill Mine No. 2, in Clinton Township, Vermillion County, Indiana, and described as follows, to wit: Begin at the Northeast corner of the John and Norma Bonacorsi 0.66 acre tract (Deed Record 96, Page 63, Recorder's Office, Vermillion County, Indiana), said point being 40.98 feet East of the Northwest corner of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 17, Township 14 North, Range 9 West, and run thence East along the East and West Center of said Section 17, 26.87 feet to the Northwest corner of the John and Orma Bonacorsi 2.12 acre tract (Deed Record 97, page 424, Recorder's Office,

Vermillion County, Indiana); thence South along the West line of said tract 260 feet, more or less to the North right-of-way line of Indiana State Road No. 63; thence Northwesterly along said right-of-way line 30 feet, more or less to the Southeast corner of said 0.66 acre tract; thence North along the East line of said tract 248.33 feet, more or less, to the place of beginning, and containing 0.156 acres, more or less. Subject to all coal and mineral rights heretofore excepted from said lands.

Commencing at the Northeast Corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; South 88 Degrees 4 Minutes 30 Sections West along and with the North line said Southeast Quarter 1267.5 feet; South 0 Degrees 14 Minutes 30 Seconds East 73.01 feet; South 54 degrees 44 Minutes 52 Seconds East 212.48 feet to the place of beginning; South 56 degrees 16 Minutes East 180.0 feet; South 33 degrees 42 minutes 22 seconds West 149.55 feet to the North Right-of-way Indiana State Road 163, North 56 degrees 16 minutes West along and with said right-of-way 180.0 feet, North 33 degrees 42 minutes 22 seconds East 149.55 feet to the place of beginning containing 0.618 acres more or less.

Commencing at the northeast corner of the SE 1/4 of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; thence S 88 degrees 04' 30" W along and with the north line of the SE 1/4 of said Section 17 a distance of 966.45 feet to the place of beginning; thence S 37 degrees 27' E. a distance of 1212.76 feet to the north right-of-way line of Indiana State Road No. 163; thence N 56 degrees 16' W along and with the north right-of-way line of said road a distance of 204.62 feet; thence N 37 degrees 27' W a distance of 1066.19 feet to the north line of said SE 1/4; thence N 88 degrees 04' 30" E, a distance of 81.09 feet to the place of beginning and containing 1.726 acres, more or less; and being a part of the same property acquired by the Chicago and Eastern Illinois Railroad Company by deed dated March 18, 1902, recorded in Deed Book 48, page 288, and acquired by the Louisville and Nashville Railroad Company by deed dated June 6, 1969, recorded in Deed Book 110, page 622, as Document No. 1150, and acquired by the Seaboard Coast Line Railroad Company through merger between that company and the Louisville and Nashville Railroad Company, effective December 29, 1982, and name of the surviving company changed to Seaboard System Railroad, Inc. by virtue of name change effective December 29, 1982, both recorded in Inc. Record 5, page 456, Public Records of Vermillion County, Indiana.

Commencing at the Northeast corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; South 88 degrees 4 minutes 30 seconds West along and with the North line said

Southeast Quarter 1267.5 feet to the place of beginning; North 88 degrees 4 minutes 30 seconds East 219.96 feet to the West right-of-way of the C & EI Railroad; thence South 37 degrees 27 minutes East along and with said Railroad Right-of-Way 1066.19 feet to the North right-of-way line, Indiana State Road 163; North 56 degrees 16 minutes West along and with said right-of-way 754.68 feet, North 33 degrees 42 minutes 22 seconds East 149.55 feet, North 56 degrees 16 minutes West 180.0 feet; North 54 degrees 44 minutes 52 seconds West 212.48 feet; North 0 degrees 14 minutes 30 seconds West 73.01 feet to the place of beginning containing 3.511 acres, more or less.

Subject to an easement 4.92 feet wide off the West side, hereby reserved. Also, Grant an Easement for Ingress and Egress over 0.029 as described to wit: Commencing at the Northeast corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; South 88 degrees 4 minutes 30 seconds West along and with North line of said Southeast Quarter 1267.5 feet; South 0 degrees, 14 minutes 30 seconds East 73.01 feet to the place of beginning; thence South 54 degrees 44 minutes 52 seconds East 6.03 feet to the West line of a tract heretofore conveyed by Deed Reed 99, page 244; said point being 16 feet East of the centerline of an 8 foot concrete road running from State Road 163 to Crown Hill Number 2 Mine; South 1 degree 23 minutes East parallel to and 16 feet distant of said centerline 189.53 feet to the North right-of-way line State Road 163; North 55 degrees 58 minutes West along and with said Right-of-Way 10.53 feet; North 0 degrees 14 minutes 30 seconds West 187.06 feet to the place of beginning containing 0.029 acres, more or less.

Part of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana. Commencing at the Northwest corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; thence North 88 degrees 04 minutes, East 965.15 feet to an iron pin, and the place of beginning; thence South 18 degrees 04 minutes, West 20.33 feet, thence left, on a curve to the left (radius 25 feet) 14.87 feet, (with a chord bearing South 01 degree 02 minutes 20 seconds, West 14.64 feet) to the North right-of-way line (35 feet measured perpendicularly to the centerline thereof) of Indiana State Road #163; thence left on a curve to the left 24.41 feet (chord bearing South 43 degrees 57 minutes 40 seconds, East 23.45 feet) to a point 24 feet (measured perpendicularly to the centerline thereof) of Indiana State road #163; thence South 18 degrees 04 minutes, west 24 feet to the centerline of said Indiana State Road #163; thence right on a curve to the left (radius 1432.5 feet) to the North line of said Southeast Quarter; thence North 88 degrees 04 minutes, East to the place of beginning.

Subject to an easement of 35 feet off the south side thereof for Indiana State Road #163

Beginning at a point Six Hundred Forty-nine (649) feet South and Fourteen (14) feet West of the Northeast corner of the Southeast Quarter of Section Seventeen (17), Township Fourteen (14) North, Range Nine (9) West; thence West One Hundred Fifty-seven and ten hundredths (157.10) feet; thence South Four Hundred Sixteen (416) feet to the center of the road; thence in a Southeasterly direction parallel with the center of the road One Hundred Ninety (190) feet so as to be Fourteen (14) feet West of the Section line between Sections Sixteen (16) and Seventeen (17), Township Fourteen North, Range Nine (9) West; thence North Five Hundred eleven and thirty-seven hundredths (511.37) feet to the place of beginning, containing one and sixty-seven hundredths (1.67) _____, more or less.

All coal and other mineral's underlying the above-described real estate are exempt from this deed.

13. There is no outstanding indebtedness currently in the proposed District for the purpose of the constructin of a sanitary sewer system.

14. It is proposed that the Board of Trustees of the District shall consist of seven (7) members to be appointed as follows:

    a. One (1) member appointed by the Mayor of the City of Clinton for an initial term of one (1) year and for four (4) year terms thereafter.

    b. One (1) member appointed by the Vermillion County Commissioners for an initial term of two (2) years, and for four (4) year terms thereafter.

    c. One (1) member appointed by the Vermillion County Council for an initial term of three (3) years, and for four (4) year terms thereafter.

    d. Two (2) members appointed by the Clinton Township Trustee for initial terms of four (4) years and for four (4) year terms thereafter.

    e. Two (2) members appointed by the Clinton Township Advisory Board for initial terms of one (1) year and for four (4) year terms thereafter.

15. That the estimated cost of construction in the District is estimated to be $500,000.00.

16. The District would be eligible to apply for Federal and State grants for construction.

17. The District appears capable of accomplishing the purposes for which it would be formed in an economically feasible manner.

RECOMMENDED ORDER

1. That a Regional Sewer District to be known as the Crown Hill Regional Sewer District be organized as an independent political entity of the State of Indiana as a body corporate and political.

2. That the purpose to be accomplished by said District is the collection and treatment of residential sewage.

3. That the District shall include:

A five acre tract in the northwest corner of the Southeast Quarter of Section Seventeen (17), Township Fourteen (14) North, Range Nine (9) West, more particularly described as follows, to wit: Beginning at a stake in the south right-of-way line of State Road No. 163, as now located, eighty and seventeen hundredths (80.17) feet south and nine hundred seventy-four and thirty-eight hundredths (974.38) feet east of the northwest corner of the said Southeast Quarter of Section Seventeen (17) and run thence south four hundred seventy-seven and sixty-six hundredths (477.66) feet to an iron pipe; thence west four hundred eighty-four and eighty-three hundredths (484.83) feet to an iron pipe in the east right-of-way line of State Road No. 63, as now located; thence in a northeasterly direction along the said east right-of-way line of five hundred eighty-five and one-tenth (585.1) feet to its intersection with the south right-of-way line of said State Road No. 163, thence in a Southeasterly direction along said south right-of-way line three hundred (300) feet, more or less, to the place of beginning, containing five (5) acres, more or less.

A tract of land being part of the Southeast Quarter of Section 17, Township 14 North, Range 9 West of the Second Principal Meridian, Vermillion County, Indiana, more particularly described, to wit:

Commencing at the Northwest corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West of the Second Principal Meridian; thence South 76 degrees 19 minutes East 1,354.12 feet to a concrete right-of-way marker on the South right of way line of Indiana State Highway 163 and being highway station 294 + 24.9; thence along said South right-of-way 54 degrees 10 minutes East 35.60 feet to a concrete monument with an iron rod at its center being the Northeast corner of a tract of land now or formerly owned by the

Public Service of Indiana and a point of beginning of the tract of land herein described, thence South 54 degrees 10 minutes East 638.60 feet to a concrete right-of-way marker on the same South right-of-way line; thence South 54 degrees 10 minutes East 41.40 feet to a set iron rod; thence South 02 degrees 14 minutes West 665.00 feet to a set iron rod; thence North 54 degrees 10 minutes West 680.00 feet to a set iron rod; thence North 02 degrees 14 minutes East 200.67 feet to a concrete monument with an iron rod at its center being the Southeast corner of the same tract of land now or formerly owned by the Public Service of Indiana; thence North 02 degrees 14 minutes East 464.33 feet to the point of beginning. (8.65) acres

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A tract of land being part of the Southeast Quarter Section 17, Township 14 North, Range 9 West of the 2nd P.M. Vermillion County Indiana and more particularly described to wit:

Commencing at the Northwest corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; thence South 76 degrees 19 minutes East 1354.12 feet to a concrete right-of-way marker on the South 35 foot right-of-way line of Indiana State Highway 163 at Station 294 + 24.9; thence along and with the South right-of-way line south 54 degrees 10 minutes East 765.60 feet to an iron pin, the place of beginning; South 54 degrees 10 minutes East 277.54 feet along said right-of-way; South 2 degrees 14 minutes West 665 feet; North 54 degrees 10 minutes West 327.54 feet; North 2

degrees 14 minutes East 465 feet; South 87 degrees 46 minutes East 35 feet; North 4 degrees 26 minutes 40 seconds East 172.46 feet to the Place of Beginning and containing 4.00 acres, more or less.

Subject to the following:

1) A Utility Easement to Indiana Bell Telephone Company by an instrument dated April 13th, 1978 and recorded April 19, 1978 in Deed Record 129, Page 342, Records of the Recorder of Vermillion County, Indiana.

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Commencing at the Southeast corner of the R.E.M.S. Foods, Inc., property and then running in a Southeasterly direction parallel to the line of State Road 163 to County Road 300 East; thence North on County Road 300 East to State Road 163; thence in a Northwesterly direction on State Road 163 to the Northeast corner of the R.E.M.S. Foods, Inc., property; thence Southerly to the place of beginning.

A tract of land in the Northeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana, more particularly described as follows, to wit:

Beginning at a point on the east and west half section line of said Section 17, 669 feet east of the southwest corner of said Northeast Quarter, said point being the intersection of the east right-of-way line of new State Road No. 63 and the said east and west half section line and running east 1601.7 feet; thence north 60 feet; thence east 400 feet; thence north 1269 feet; thence west 1341 feet; thence north 365 feet, more or less to the east right-of-way line of said State Road No. 63; thence in a southwesterly direction along the said east right-of-way line 1839 feet, more or less to the place of beginning containing 55 acres, more or less.

Subject to any and all reservations, easements and right-

of-way grants of record.

EXCEPT FOR THE TRACT HERETOFORE CONVEYED TO PARADISE BOWL, INC.

Commencing at the Southwest corner of the Northeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana. North 88 degrees 04 minutes East, along and with the South line of said Northeast Quarter 965.15 feet to an iron pin. North 18 degrees 04 minutes East 87.67 feet; North 71 degrees 56 minutes West 175.14 feet to the place of beginning. South 17 degrees 40 minutes 47 seconds West 138.49 feet to the North right-of-way line of Indiana State Road #163; thence along said right-of-way, Right on a curve to the left (radius 1467.50 feet) an arc distance of 116.24 feet, with a chord bearing North 83 degrees 09 minutes 18 seconds West 116.21 feet to the East line of the Limited Access Right-of-way of Indiana State Road #163; thence along and with said Limited Access Right-of-way the next 2 courses and distances. North 07 degrees 06 minutes 50 seconds West 104.63 feet to the point 100.00 feet right of Station 883+00; thence Right on a curve Right, (Radius 8490.70 feet) 226.07 feet, with a chord bearing North 17 degrees 40 minutes 47 seconds East 226.06 feet; South 72 degrees 19 minutes 13 seconds East 158.00 feet; South 17 degrees 40 minutes 47 seconds West 160.71 feet; to the place of beginning, and containing 1.090 acres, more or less.

A strip of land in the Southeast Quarter (SE 1/4) of Section 17, Township 14 North, Range 9 West, formerly used as a wagon road from the Indiana State Highway No. 163 to the Crown Hill Mine No. 2, in Clinton Township, Vermillion County, Indiana, and described as follows, to wit: Begin at the Northeast corner of the John and Norma Bonacorsi 0.66 acre tract (Deed Record 96, Page 63, Recorder's Office, Vermillion County, Indiana), said point being 40.98 feet East of the Northwest corner of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 17, Township 14 North, Range 9 West, and run thence East along the East and West Center of said Section 17, 26.87 feet to the Northwest corner of the John and Orma Bonacorsi 2.12 acre tract (Deed Record 97, page 424, Recorder's Office, Vermillion County, Indiana); thence South along the West line of said tract 260 feet, more or less to the North right-of-way line of Indiana State Road No. 63; thence Northwesterly along said right-of-way line 30 feet, more or less to the Southeast corner of said 0.66 acre tract; thence North along the East line of said tract 248.33 feet, more or less, to the place of beginning, and containing 0.156 acres, more or less. Subject to all coal and mineral rights heretofore excepted from said lands.

Commencing at the Northeast Corner of the Southeast Quarter

of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; South 88 Degrees 4 Minutes 30 Sections West along and with the North line said Southeast Quarter 1267.5 feet; South 0 Degrees 14 Minutes 30 Seconds East 73.01 feet; South 54 degrees 44 Minutes 52 Seconds East 212.48 feet to the place of beginning; South 56 degrees 16 Minutes East 180.0 feet; South 33 degrees 42 minutes 22 seconds West 149.55 feet to the North Right-of-way Indiana State Road 163, North 56 degrees 16 minutes West along and with said right-of-way 180.0 feet, North 33 degrees 42 minutes 22 seconds East 149.55 feet to the place of beginning containing 0.618 acres more or less.

Commencing at the northeast corner of the SE 1/4 of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; thence S 88 degrees 04' 30" W along and with the north line of the SE 1/4 of said Section 17 a distance of 966.45 feet to the place of beginning; thence S 37 degrees 27' E. a distance of 1212.76 feet to the north right-of-way line of Indiana State Road No. 163; thence N 56 degrees 16' W along and with the north right-of-way line of said road a distance of 204.62 feet; thence N 37 degrees 27' W a distance of 1066.19 feet to the north line of said SE 1/4; thence N 88 degrees 04' 30" E, a distance of 81.09 feet to the place of beginning and containing 1.726 acres, more or less; and being a part of the same property acquired by the Chicago and Eastern Illinois Railroad Company by deed dated March 18, 1902, recorded in Deed Book 48, page 288, and acquired by the Louisville and Nashville Railroad Company by deed dated June 6, 1969, recorded in Deed Book 110, page 622, as Document No. 1150, and acquired by the Seaboard Coast Line Railroad Company through merger between that company and the Louisville and Nashville Railroad Company, effective December 29, 1982, and name of the surviving company changed to Seaboard System Railroad, Inc. by virtue of name change effective December 29, 1982, both recorded in Inc. Record 5, page 456, Public Records of Vermillion County, Indiana.

Commencing at the Northeast corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; South 88 degrees 4 minutes 30 seconds West along and with the North line said Southeast Quarter 1267.5 feet to the place of beginning; North 88 degrees 4 minutes 30 seconds East 219.96 feet to the West right-of-way of the C & EI Railroad; thence South 37 degrees 27 minutes East along and with said Railroad Right-of-Way 1066.19 feet to the North right-of-way line, Indiana State Road 163; North 56 degrees 16 minutes West along and with said right-of-way 754.68 feet, North 33 degrees 42 minutes 22 seconds East 149.55 feet, North 56 degrees 16 minutes West 180.0 feet; North 54 degrees 44 minutes 52 seconds West 212.48 feet; North 0 degrees 14 minutes 30 seconds West 73.01 feet to the place of beginning

containing 3.511 acres, more or less.

Subject to an easement 4.92 feet wide off the West side, hereby reserved. Also, Grant an Easement for Ingress and Egress over 0.029 as described to wit: Commencing at the Northeast corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; South 88 degrees 4 minutes 30 seconds West along and with North line of said Southeast Quarter 1267.5 feet; South 0 degrees, 14 minutes 30 seconds East 73.01 feet to the place of beginning; thence South 54 degrees 44 minutes 52 seconds East 6.03 feet to the West line of a tract heretofore conveyed by Deed Reed 99, page 244; said point being 16 feet East of the centerline of an 8 foot concrete road running from State Road 163 to Crown Hill Number 2 Mine; South 1 degree 23 minutes East parallel to and 16 feet distant of said centerline 189.53 feet to the North right-of-way line State Road 163; North 55 degrees 58 minutes West along and with said Right-of-Way 10.53 feet; North 0 degrees 14 minutes 30 seconds West 187.06 feet to the place of beginning containing 0.029 acres, more or less.

Part of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana. Commencing at the Northwest corner of the Southeast Quarter of Section 17, Township 14 North, Range 9 West, Clinton Township, Vermillion County, Indiana; thence North 88 degrees 04 minutes, East 965.15 feet to an iron pin, and the place of beginning; thence South 18 degrees 04 minutes, West 20.33 feet, thence left, on a curve to the left (radius 25 feet) 14.87 feet, (with a chord bearing South 01 degree 02 minutes 20 seconds, West 14.64 feet) to the North right-of-way line (35 feet measured perpendicularly to the centerline thereof) of Indiana State Road #163; thence left on a curve to the left 24.41 feet (chord bearing South 43 degrees 57 minutes 40 seconds, East 23.45 feet) to a point 24 feet (measured perpendicularly to the centerline thereof) of Indiana State road #163; thence South 18 degrees 04 minutes, west 24 feet to the centerline of said Indiana State Road #163; thence right on a curve to the left (radius 1432.5 feet) to the North line of said Southeast Quarter; thence North 88 degrees 04 minutes, East to the place of beginning.

Subject to an easement of 35 feet off the south side thereof for Indiana State Road #163

Beginning at a point Six Hundred Forty-nine (649) feet South and Fourteen (14) feet West of the Northeast corner of the Southeast Quarter of Section Seventeen (17), Township Fourteen (14) North, Range Nine (9) West; thence West One Hundred Fifty-seven and ten hundredths (157.10) feet; thence South Four Hundred Sixteen (416) feet to the center of the road; thence in a Southeasterly direction parallel with the

center of the road One Hundred Ninety (190) feet so as to be Fourteen (14) feet West of the Section line between Sections Sixteen (16) and Seventeen (17), Township Fourteen North, Range Nine (9) West; thence North Five Hundred eleven and thirty-seven hundredths (511.37) feet to the place of beginning, containing one and sixty-seven hundredths (1.67) _____, more or less.

All coal and other mineral's underlying the above-described real estate are exempt from this deed.

4. The Board of Trustees of the District shall consist of seven (7) members to be appointed as follows:

   a. One (1) member appointed by the Mayor of the City of Clinton for an initial term of one (1) year and for four (4) year terms thereafter.

   b. One (1) member appointed by the Vermillion County Commissioners for an initial term of two (2) years, and for four (4) year terms thereafter.

   c. One (1) member appointed by the Vermillion County Council for an initial term of three (3) years, and for four (4) year terms thereafter.

   d. Two (2) members appointed by the Clinton Township Trustee for initial terms of four (4) years and for four (4) year terms thereafter.

   e. Two (2) members appointed by the Clinton Township Advisory Board for initial terms of one (1) year and for four (4) year terms thereafter.

5. That the Board of Trustees provide sufficient bond for all officers, trustees or employees who have any power to dispurse 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 three (3), which amount shall be determined annually by the Board of Trustees.

6. That within nine (9) months from the date of this Order, the District shall file with the Commissioner of the Indiana Department of Environmental Management, a detailed plan for the construction and operation of the District's facilities.

Dated: March 24, 1993

James M. Garrettson
Administrative Law Judge

Enclosure

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