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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 | ) | |
| | ) | |
| DAWN LAKES REGIONAL | ) | |
| | ) | |
| SEWER DISTRICT | ) | |

FINDINGS OF FACT AND RECOMMENDED ORDER
OF THE HEARING OFFICER

FINDINGS OF FACT

1. On or about February 4, 2001, the Huntington County Council petitioned the Indiana Department of Environmental Management for an Order establishing a Regional Sewer District to be known as the Dawn Lakes Regional Sewer District in Huntington County.

2. The petition complies with the provisions of IC 13-26-2-3.

3. A public hearing was held on March 27, 2001 in the Huntington Courthouse in Huntington, Indiana.

4. Notice of said hearing was given by publication in newspapers of general circulation in Huntington County in the 1.) Fort Wayne Journal Gazette and 2.) The Harold Press, twice each week for two (2) consecutive weeks prior to hearing. Notice was also given by mail to each eligible entity involved.

5. The proposed name of the District is the Dawn Lakes Regional Sewer District.

6. The principal office of the proposed District shall be 3229 West 915 North, Huntington Indiana 46750. The trustees of the District may relocate the principal office upon written notice to the Indiana Department of Environmental Management.

7. The sanitary sewage needs of those residents now residing within such proposed District are currently being served by a sewer utility, presently owned by Dawn Lakes Estate Home Owners Association Inc.

8. Upon formation, the District will operate the existing system that will collect and treat the

sanitary sewage of the residents of the District.

9. The residents of the proposed District currently obtain their water for drinking and other purposes from private wells.

10. There currently is no outstanding indebtedness in the proposed District for the purpose of collection and treatment of wastewater.

11. A Board of Trustees of three (3) members shall govern the proposed district. The Board of Trustees shall serve three year terms. The three members will be appointed by the Huntington County Board of Commissioners, with terms to be staggered initially as follows: the first member appointed for a one-year term; the second member appointed to a two year term; and the third member appointed to a three-year term.

12. The Annual Sewage Utility Operations Budget is;

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| Salaries: Bookkeeper | $2,560.00 | |
| Testing Fees | $11,746.00 | |
| Chemicals | $3,829.00 | |
| Repairs and Maintenance | $2,800.00 | |
| Sludge Removal | $3,102.00 | |
| Permits | $360.00 | |
| Electricity | $3,248.77 | |
| Insurance | $1,263.00 | |
| Administrative Costs | $692.41 | |
| Total Operating Expenses | | $29,601.18 |
| Total Operating Income (44) users | | $34,320.00 |

13. The current monthly sewage rate is $65.00.

14. The District shall apply for available funding as needed.

15. The sources of funds to provide for the operating and maintenance costs of the District will be derived from monthly sewer user fees.

16. The District appears capable of accomplishing the purposes for which it was formed, in an economically feasible manner, provided it utilizes its public funding options.

17. Parcels of real estate located in Huntington County, Indiana, being known as Lots 1 through 59 of Dawn Lakes Estate, a subdivision recorded on March 13, 1978 in Plat Book L, page 67 in the offices of the Huntington County Recorder (Section 1) and recorded on August 5, 1988 in Plat Book L, page 170 in the offices of the Huntington County Recorder (Section 2), amended and re-recorded on July 19, 1996 in Plat Book M, page 139 in the offices of the Recorder (Section 2).

    Also, the following tracts of real estate as identified by the Huntington County Auditor's Office Parcel Identification Numbering System:

| PARCEL ID | ACREAGE |
|---|---|
| 001-00259-00 | 6.0AC |
| 001-00260-00 | 0.454AC |
| 001-00261-00 | 2.0AC |

## RECOMMENDED ORDER

The Hearing Officer recommends the following:

1. That a Regional Sewer District, to be known as the Dawn Lakes Regional Sewer District, be organized as an independent political entity of the State of Indiana as a body corporate and politic.

2. The purpose to be accomplished by the District is to provide for the collection, treatment, and disposal of sewage inside the District.

3. Parcels of real estate located in Huntington County, Indiana, being known as Lots 1 through 59 of Dawn Lakes Estate, a subdivision recorded on March 13, 1978 in Plat Book L, page 67 in the offices of the Huntington County Recorder (Section 1) and recorded on August 5, 1988 in Plat Book L, page 170 in the offices of the Huntington County Recorder (Section 2), amended and re-recorded on July 19, 1996 in Plat Book M, page 139 in the offices of the Recorder (Section 2).

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| 001-00259-00 | 6.0AC |
| 001-00260-00 | 0.454AC |
| 001-00261-00 | 2.0AC |

4. A Board of Trustees of three (3) members shall govern the proposed district. The Board of Trustees shall serve three-year terms, with such terms to be staggered. The Huntington County Board of Commissioners will appoint the three members.

5. The Board of Trustees shall provide sufficient bond for all officers, trustees or employees who have any power to disburse funds of the District.

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.

7. The District shall apply for all available public funding as needed.

Dated: May 8, 2001 Hearing Officer: Lynne L Newlon