

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION COUNTY CIRCUIT COURT
CAUSE NO. 0000006448

IN THE MATTER OF THE)
)
BEN DAVIS CONSERVANCY DISTRICT)

FILED
March 15, 2019
Myra R. Eldridge
CLERK OF THE COURT
MARION COUNTY
BR

**ORDER APPROVING AND AUTHORIZING THE
BEN DAVIS CONSERVANCY DISTRICT
TO TAKE PRELIMINARY STEPS TO SECURE FUNDING
FOR A PROPOSED SEWAGE TREATMENT FACILITY
AT MARKET RATES**

Come now the Directors of the Ben Davis Conservancy District, by counsel, and petition the Court for a public hearing on the Ben Davis Conservancy District's Second Amended Petition for Authority to Take Preliminary Steps to Secure Funding for a Proposed Sewage Treatment Facility at Market Rates.

And the Court, having examined the petition and having conducted a public hearing and having considered the evidence presented and being duly advised, now finds that it is prudent to authorize the construction of a sewage treatment facility if, after holding public hearings, the Board deems it to be necessary and proper and in the best interests of the freeholders of the Conservancy.

It is, therefore, ORDERED, ADJUDGED, AND DECREED as follows:

1. The Conservancy Board is authorized to proceed with bond solicitations at the time they deem it appropriate and to take all other proper steps to finance the proposed facility in a sum not to exceed \$15,000,000.
2. That the Board is ordered and authorized to take all action to advertise, schedule, and hold public hearings, to present the engineering reports and accounting projections to the public and the freeholders of the Conservancy, and after the hearings or continuations thereof, to consider public input and to decide whether to proceed with the construction of a sewage treatment facility at that time.
3. That should the Conservancy Board after the public hearings decide to commit to the construction of a sewage treatment facility, the Board may without further authorization or order from this Court:
 - (a) Commit to the project and exercise the options with the Town of Speedway for the lease of 6 acres of land as described in the Option Agreement with the Town of Speedway executed on March 13, 2018.



- (b) Commit to purchase land at other available locations and to purchase said land in fee simple absolute for a sum not to exceed \$1,000,000.
- (c) Commit to plans and specifications of its engineers regarding engineering reports and other engineering plans and specifications.
- (d) Obtain all permits necessary for the construction of the sewage treatment facility.
- (e) Enter into the construction bidding process for construction of the Sewage Treatment Facility and to enter into contracts for the construction of said facility.
- (f) Employ attorneys, specialists, accountants, engineers, bond counsel, environmental specialists, and other specialists familiar with the construction of a sewage treatment facility.
- (g) Enter into agreements with other localities as to eminent domain issues.
- (h) To issue revenue bonds from the revenues generated by the Conservancy.
- (i) To do all things necessary and proper for the construction of a sewage treatment facility all without further authorization of this Court.

All of which is ordered March 15, 2019.

Recommended for Approval

Amber Collins-Gebrehiwet

Amber Collins-Gebrehiwet

Magistrate, MARION COUNTY CIRCUIT COURT

Approved and Ordered

Sheryl Lynch

BR

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