

STATE OF INDIANA            )                    IN THE MARION COUNTY CIRCUIT COURT  
  ) SS:  
COUNTY OF MARION        )                    CAUSE NO. 49C01-1906-PL-023150

IN THE MATTER OF THE                    )  
  )  
BEN DAVIS CONSERVANCY DISTRICT        )                    **FILED**  
  )  
  )                    March 26, 2021  
  )                    CLERK OF THE COURT  
  )                    MARION COUNTY  
  )                    AW

**ORDER APPROVING AND AUTHORIZING THE  
BEN DAVIS CONSERVANCY DISTRICT  
TO INCREASE FUNDING AMOUNT TO PURCHASE LAND FOR SEWER  
TREATMENT FACILITY AND INCREASE BOND SOLICITATION AMOUNT**

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 Petition to Increase Funding Amount to Purchase Land for Sewer Treatment Facility and Increase Bond Solicitation Amount (“Petition”).

And the Court, having examined the Petition, having reviewed the Court’s prior Order of March 15, 2019 (whereby the Court granted the Ben Davis Conservancy District authority build a sewage treatment facility), having conducted a public hearing on the Petition via Zoom on March 26, 2021 at 1:30 p.m., and having considered the evidence presented and being duly advised, now finds that it is prudent to grant said Petition to authorize the increase in the funding amount for the purchase of land and to increase the bond solicitation amount for the construction of a sewage treatment facility if, after holding a public hearing and considering public comments and concerns, the Board deems it to be necessary and proper and in the best interests of the freeholders of the Ben Davis Conservancy District.

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

1. That notice of this hearing was published at least ten (10) days prior to this hearing in the Indianapolis Star and was also duly posted on the Ben Davis Conservancy District Website. As such, the public has been given notice of these proceedings in accordance with Ind. Code §5-3-1-2.
2. The Ben Davis Conservancy District 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 twenty million dollars (\$20,000,000). The Ben Davis Conservancy District shall comply with all notice and other applicable requirements under Indiana Law regarding the issuance and sale of said bonds, but shall not be required to seek further authorization of this Court regarding the sale or issuance of bonds in an amount not to exceed twenty million dollars (\$20,000,000).
3. The Ben Davis Conservancy District Board is authorized to approve the purchase



of land for the proposed sewer treatment facility in an amount not to exceed two million dollars (\$2,000,000) for all parcels. Further, said the purchase price of said parcels shall comply with Ind. Code §36-1-10.5-6.

4. That the Ben Davis Conservancy District Board is ordered and authorized to take all action to advertise, schedule, and hold a public hearing, to present the engineering reports and accounting projections to the public and the freeholders of the Conservancy regarding the proposed increase in financing of up to twenty million dollars (\$20,000,000) and the increase in the land purchase costs not to exceed two million dollars (\$2,000,000), and after the hearings or continuations thereof, to consider public input and to decide whether it is in the best interest of the freeholders of the Ben Davis Conservancy District to proceed with the construction of a sewage treatment facility at that time.

5. That should the Ben Davis Conservancy District Board, after the public hearing and after considering public comments and concerns, decide to commit to the construction of a sewage treatment facility given the increased financing needed and increased land costs anticipated, the Board may without further authorization or order from this Court:

- (a) Commit to the project and exercise the option with Tibbs Property Investments II, LLC, and any amendments or addendums thereto, for the purchase of 900 S. Tibbs Ave, Indianapolis, Indiana 46241, a copy of which was admitted as Petitioner's Exhibit 2.
- (b) Commit to purchase land at other available locations and to purchase said land in fee simple absolute for a sum not to exceed two million dollars (\$2,000,000) for all parcels purchased.
- (c) File any zoning, variance, or land use petitions necessary for the construction of a sewage treatment facility on any proposed land to be utilized for the sewage treatment facility.
- (d) Commit to plans and specifications of its engineers regarding engineering reports and other engineering plans and specifications.
- (e) Obtain all permits necessary for the construction of the sewage treatment facility.
- (f) Enter into the construction bidding process for construction of the Sewage Treatment Facility and to enter into contracts for the construction of said facility.
- (g) Employ attorneys, specialists, accountants, engineers, bond counsel, environmental specialists, and other specialists familiar with the construction of a sewage treatment facility.
- (h) Enter into agreements with other localities as to eminent domain issues, if

necessary.

(i) To issue revenue bonds from the revenues generated by the Ben Davis Conservancy District.

(j) 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 26, 2021.

*Amber Collins-Gebrehwet*

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Amber Collins-Gebrehwet, Magistrate  
Marion Circuit Court

**DISTRIBUTION:**

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