

RESOLUTION 2004 - 09**RESOLUTION TO APPROVE AGREEMENT WITH
THE CITY OF LAPORTE FOR
CONSTRUCTION OF LARGER SEWER LINE**

WHEREAS, the City of LaPorte will construct an eight (8) inch sewer line on 18th Street ending near its intersection with State Road 39; and

WHEREAS, due to septic problems at the LaPorte County Fairgrounds, future construction of a new county facility for Solid Waste and County Extension Offices and for future economically development in the Pinola area, there is a need to provide waste water facilities; and

WHEREAS, LaPorte County does not have its own waste water treatment facility; and

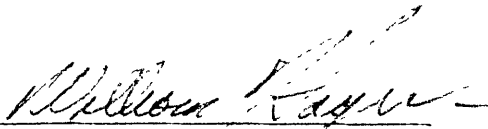
WHEREAS, the City of LaPorte will increase the size of the sewer line to be installed 18th Street to 24 inches to allow future tie-in by LaPorte County; and

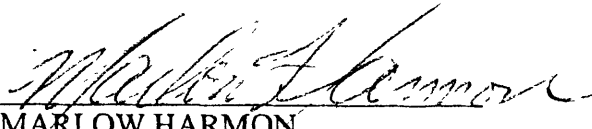
WHEREAS, LaPorte County will enter into an agreement with the City of LaPorte to pay the cost of the increase in size of the sewer line.

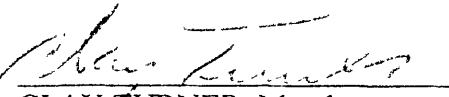
NOW THEREFORE BE IT RESOLVED BY THE LAPORTE COUNTY BOARD OF COMMISSIONERS that:

1. That the agreement for the construction of a sewer line with the City of LaPorte allowing for the increase in size be entered into.
2. That pursuant to such agreement, LaPorte County will pay to the City of LaPorte the sum of Eighty Two Thousand Dollars (\$82,000.00) to allow for the construction of the increased size of the sewer line for future use and accommodation and tie-in by LaPorte County.

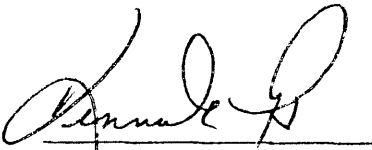
DATED THIS 24 day of June, 2004.


BILL HAGER, President


MARLOW HARMON,
Vice President


CLAY TURNER, Member

ATTEST


KEN LAYTON, Auditor

**AGREEMENT FOR CONSTRUCTION OF
SANITARY SEWER TRUNK LINE**

THIS AGREEMENT (hereinafter referred to as "Agreement") entered into this _____ day of _____, 2004, by and between the **City of La Porte, Indiana**, a municipal corporation of the State of Indiana (hereinafter referred to as "City") and the **Board of Commissioners of the County of La Porte, Indiana** (hereinafter referred to "County"), WITNESSETH:

WHEREAS, the City has a wastewater treatment plant and sanitary sewer system for gathering and treating wastewater in and around the City of La Porte, with sufficient capacity to accept additional wastewater for treatment from areas under the jurisdiction of the Board of Commissioners of the County, and,

WHEREAS, the County does not have a wastewater treatment plant or sanitary sewer system, and desires to provide for sanitary sewer service to certain areas under its jurisdiction in the vicinity of the La Porte County Fairgrounds near the intersection of State Road 2 West and Zigler Road, in La Porte County; and,

WHEREAS, the City has entered into a contract to construct a sanitary sewer extension to serve to a residential development to be constructed at the northeast corner of the intersection of State Road 39 and West 18th Street in the City of La Porte, which sewer extension will terminate at or near the westerly corporate limits of the City of La Porte on West 18th Street; and,

WHEREAS, the City's Engineering Department has determined that the needs of the residential development to be constructed at the above-described location can adequately be served by an 8-inch diameter sanitary sewer line; and,

WHEREAS, the County has requested the City to consider installing a 24-inch diameter sanitary sewer line, in lieu of an eight inch diameter sanitary sewer line as described above, in order to make available a sanitary sewer line at the intersection of State Road 39 and West 18th Street, capable of serving as a connection point for a sanitary sewer line to be constructed by the County to serve the County property described above; and,

WHEREAS, in order to induce the City to construct a sanitary sewer extension with greater capacity than that required to serve the residential real estate development described above, the County is willing to contribute funds to compensate for the increased cost arising from construction of a sewer line with sufficient capacity to accept wastewater from a sanitary sewer to be constructed by the County; and,

WHEREAS, the parties have reached an agreement for construction of a sanitary

sewer extension as described and for payment of compensation by the County to the City for construction and wish to reduce their agreement to writing.

NOW, THEREFORE, in consideration of the mutual covenants herein exchanged, the parties agree as follows:

1. The City agrees to extend the sanitary sewer system served by its wastewater treatment plant by installing a 24-inch diameter sanitary sewer extension in the right-of-way of West 18th Street extending to the easterly right-of-way line of State Road 39 at its intersection with West 18th Street in the City of La Porte, to serve as a point of connection for a sanitary sewer line, to be constructed by the County, as described in this Agreement.
2. The County agrees to pay the City of La Porte, the sum of \$82,000.00 to compensate the City for the increased cost of construction attributable to the enlargement of its planned sewer extension to a 24-inch diameter, rather than an 8-inch diameter, as described above.
3. The compensation called for in Paragraph 2 above, shall be payable to the City of La Porte, not later than ten (10) days following the awarding by the Board of Public Works and Safety of the City of La Porte, Indiana, of a contract for construction of the sanitary sewer extension described above.
4. The County shall have the right to construct a sanitary sewer line extending from the point of connection at West 18th Street and State Road 39 to the La Porte County Fairgrounds to serve said Fairgrounds, as well as the premises known as the La Porte County Home, located on the South Side of State Road 2 West, and the real estate located at the northeast corner of the intersection of Zigler Road and State Road 2 West upon which the County contemplates the construction of a building for use by, the La Porte County Solid Waste District; and to connect said sewer line to the City's sanitary sewer system at the intersection of State Road 39 North and West 18th Street, subject, however, to the negotiation and execution of a mutually acceptable Wastewater Conveyance and Treatment Agreement between the City of La Porte and the Board of Commissioners of La Porte County, Indiana, defining the terms and conditions for acceptance and treatment of sewage, the volume of wastewater to be accepted, and payment for treatment of wastewater flow.
5. This Agreement, as well as any subsequent Wastewater Conveyance and Treatment Agreement, shall be subject to approval by the Board of Public Works and Safety and the Common Council of the City of La Porte, Indiana, the Board of Commissioners of La Porte County, Indiana, and all regulatory agencies having jurisdiction

DATED THIS _____ day of _____, 2004.

**BOARD OF PUBLIC WORKS
AND SAFETY
CITY OF LA PORTE, INDIANA:**

Leigh E. Morris, Mayor

Richard Schmitt

Marilyn Poag

**BOARD OF COMMISSIONERS
COUNTY OF LA PORTE, INDIANA:**

William Hager

Marlow Harmon

Clay Turner



SCHOOOF, SZILAGYI & DAVIS
ATTORNEYS AT LAW

Gary J. Schoof
Robert C. Szilagyi

Gary D. Davis
3340 Monroe St.
Suite #1
LaPorte, IN 46350
(219) 326-7777
(219) 325-0304 Fax

ssd.law@verizon.net

June 11, 2004

LaPorte County Commissioners
813 Lincolnway
Third Floor
LaPorte, IN 46350

RE RESOLUTION

Dear Commissioners:


This is a resolution for you to consider if you don't want to have the Fire Protection District pending any longer. Since the Petition is based on numerous landowners, it would be impossible to dismiss the Petition on the authority of anyone in particular unless all the individuals who have signed the Petition or a majority of them would agree to its dismissal. Since there have been negotiations, it is my understanding that the matter is resolved and this is one way of clearing up the agenda to have the Petition removed.

In the alternative, the Petition can just stay without any actions being taken. The decision to deny the Petition would mean that it cannot be re-filed for two years. I will leave the choice up to you as to what you want to do at this point. I'm of the opinion right now that the dismissal is not of any consequence since negotiations have yielded satisfactory results. If you have any questions, let me know.

Sincerely,

SCHOOOF, SZILAGYI & DAVIS

By:


Robert C. Szilagyi

RCS/dd
Enclosure

RECEIVED

JUN 15 2004

LAPORTE COUNTY
BOARD OF COMMISSIONERS

RESOLUTION DENYING FIRE DISTRICT

WHEREAS, a Petition was filed to establish the Center Township Fire Protection District; and

WHEREAS, a public hearing was conducted regarding such Petition; and

WHEREAS, all parties have presented evidence pursuant to statute.

NOW THEREFORE BE IT RESOLVED BY THE LAPORTE COUNTY BOARD OF COMMISSIONERS that:

1. As a matter of public policy the petition to establish the Center Township Fire Protection District is hereby denied because the Petitioners have not shown that the cost of the District would be less than the benefits derived. The new District would be required to purchase new equipment, obtain building space and incur other expenses in its establishment, all which would be at more cost than maintaining a current active department as part of Center Township.

DATED this _____ day of _____, 2004.

BILL HAGER, President

MARLOW HARMON,
Vice President

CLAY TURNER, Member

ATTEST

KEN LAYTON, Auditor

RECEIVED AND FILED BY THE
CLERK OF THE BOARD OF COMMISSIONERS
LAPORTE COUNTY, INDIANA
DATE _____

ATTEST:

LAPORTE COUNTY, INDIANA