

ORDINANCE NO. G-14-06

AN ORDINANCE ESTABLISHING EXCLUSIVE JURISDICTION TO PROVIDE SEWER SERVICE WITHIN REGULATED TERRITORY

Declaration of Purpose

WHEREAS, the City of New Albany owns, operates, and maintains, sewer lines, lift stations and plant under a Certificate of Territorial Authority (“CTA”) to provided service for the citizens of New Albany and various customers outside the corporate boundary limits.

WHEREAS, upon recommendation of the Sewer Utility based upon recent Indiana Court of Appeals ruling it is proper to establish exclusive jurisdiction to service the area and boundary within four (4) miles outside the corporate boundaries (“regulated territory”), as permitted by State Code, that it not be serviced by a Certificate of Territorial Authority (“CTA”) from the State of Indiana, and specifically recognizing the territory’s agreed upon in the “Georgetown-New Albany Agreed Sewer Regulatory Boundary Map” with the Town of Georgetown (attached hereto).

WHEREAS, Indiana Code 36-9-2-18 specifically grants a municipality the power to exercise such rights in the regulated territory upon establishing and passing of an ordinance.

WHEREAS, the City of New Albany Sewer Utility is servicing individuals already within the new proposed regulated territory.

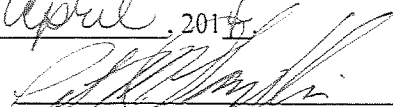
WHEREAS, the passing of this ordinance will give clear guidance and boundaries for customers and providers of sewer services in the regulated territory without the need for future litigation; and will limit the unrestrained ability of other entities and/or utilities to build sewer plants and provide sewer services in the regulated territory.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA: That Section 51.007 is added to the City Code of Ordinances and shall read as follows:

That the City of New Albany under Indiana Code 36-9-2 et. seq. (as may be amended) and specifically under 36-9-2-16, 17, and 18 (as may be amended), establishes a regulated territory for exclusive sewer service and jurisdiction over the area four (4) miles outside the corporate boundaries, except as outlined in the “Georgetown-New Albany Agreed Sewer Regulatory Boundary Map” with the Town of Georgetown (attached hereto and incorporated by reference herein), moreover exempting those other facilities that have a Certificate of Territorial Authority (“CTA”) which have been duly authorized by the State of Indiana and its agencies. When development

occurs within the City of New Albany's area of the "Georgetown-New Albany Agreed Sewer Regulatory Boundary Map" and the developer or potential customer provides financial documentation, which compares the cost of connecting to the Town of Georgetown and the City of New Albany, the City of New Albany may release and permit the connection to the Town of Georgetown when it is more economically feasible to do so after examining the costs and options available.

ADOPTED THIS 7th DAY OF April, 2014.

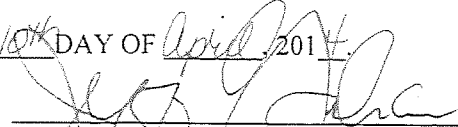

PAT MCLAUGHLIN, PRESIDENT
COMMON COUNCIL, NEW ALBANY

ATTEST: Vicki Glotzbach
VICKI GLOTZBACH, CITY CLERK

PRESENTED BY ME TO THE MAYOR THIS 8th DAY OF April 2014.
TIME: 10:00 a.m.

Vicki Glotzbach
VICKI GLOTZBACH, CITY CLERK

ACCEPTED AND APPROVED THIS 10th DAY OF April, 2014.


JEFF M. GAHAN, MAYOR
CITY OF NEW ALBANY, INDIANA

ATTEST: Vicki Glotzbach
VICKI GLOTZBACH, CITY CLERK



GEORGETOWN-NEW ALBANY AGREED SEWER REGULATORY BOUNDARY MAP

- Legend**
- Proposed Sewer Line
 - Existing Sewer Line
 - Proposed Sewer Regulatory Boundary
 - Existing Sewer Regulatory Boundary
 - Proposed Sewer Regulatory Boundary
 - Existing Sewer Regulatory Boundary
 - Proposed Sewer Regulatory Boundary
 - Existing Sewer Regulatory Boundary



(11)

City of
GEORGETOWN
INDIANA

