

The following ordinance was passed by the Georgetown Town Council on September _____, 2011, after being introduced at a meeting of the Town Council on September 12, 2011.

TOWN of GEORGETOWN, IN

Ordinance # G-11-10

**AN ORDINANCE AUTHORIZING THE
CONSTRUCTION OF SEWER WORKS AND
COMPLYING WITH THE PROVISIONS OF IC 36-9-23-10**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF GEORGETOWN, INDIANA THAT:

WHEREAS, the Town of Georgetown (hereinafter “Georgetown”) is responsible for the health, safety and welfare of its residents; and,

WHEREAS, Georgetown currently contracts with the City of New Albany, Indiana, for treatment of sewage, for certain customers along sewer lines in the area situated southeast of the Georgetown’s east lift station, which is located near the intersection of Indiana State Road 64 and Old Georgetown Road (such area referred to herein as the “Southeast Quadrant”); and

WHEREAS, Georgetown is obligated, pursuant to contractual agreements with the City of New Albany, to modify the Southeast Quadrant sewer lines to direct sewer to the newly constructed Georgetown Wastewater Reclamation Facility; and

WHEREAS, the Georgetown Town Council (hereinafter “Council”) has adopted ordinances providing for the creation and existence of a board, being the Council, to control municipally owned utilities according to IC 8-1.5-3 and as contemplated in IC 36-9-23; and,

NOW THEREFORE, BE IT ORDAINED:

1. AUTHORIZATION

This ordinance of Georgetown is enacted to comply with the requirements of IC 36-9-23-10 in order to authorize and commence the process of construction, acquisition, and financing of sewage works.

2. BRIEF GENERAL DESCRIPTION

The description of the sewage works to be constructed is as follows:

The reversal of sewer lines in the southeast quadrant, including the reduction of size of lines and modifications of pumps and lift stations to redirect sewage to Georgetown’s Waste

Water Reclamation Facility. The sewer modifications are to be constructed on easements and within state and county rights of way according to permits and authorizations from Floyd County and the State of Indiana, running eastward along old Georgetown Road, southward on Yenowine Lane, eastward along Corydon Ridge Road, crossing State Road 62, and running easterly through existing easements, and running eastward along Corydon Pike and Old Corydon Road.

Plans and specifications for this sewage treatment plant have been prepared by Town Heritage Engineering and Capitol Engineering. All plans and specifications have been prepared and filed pursuant to IC 36-9-23-10(1).

3. COST OF WORKS.

Town Engineers, Heritage Engineering, have set forth the following estimated costs for completion of the sewer works in the Southeast Quadrant are set forth in the following amounts:

- | | |
|---|-------------|
| 1) Cost of constructing sewer works: | \$724,500 |
| - Includes engineering expenses, including expenses for plans, specifications, and surveys. | |
| 2) expenses for estimates of cost and of revenues | \$0.00 |
| 3) Cost of property | \$0.00 |
| 4) Interest on bonds: | |
| A. Before and during the construction: | \$9,000.00 |
| B. Twenty-four (24) months after completion of the construction: | \$36,000.00 |
| 5) Administrative expenses: | \$10,000.00 |
| 6) Legal expenses (including bond counsel, town attorney, real estate counsel and special litigation expenses): | \$50,000.00 |
| 7) incidental expenses including accounting | \$8,500.00 |

These cost estimates contemplate only the costs described under IC 36-9-23-10(2) and IC 36-9-23-11.

4. ORDER FOR CONSTRUCTION OF SEWAGE WORKS

The Georgetown Town Council hereby orders the construction of a sewer works in the Southeast Quadrant. This order is in accordance with IC 36-9-23-10. All previous ordinances concerning the construction, acquisition, and purchase of sewage works or any required element thereof are herein incorporated by reference to the extent they do not contradict this order, as if they were set forth herein. All previous orders, work change directives, permit applications (Including Indiana Department of Environmental Management permit #20007, contracts, and other activities are hereby approved and incorporated into this order to the extent that they pertain to the construction, acquisition, and/or approval of activities required or intended to further the construction and/or operation of a sewage works in the Southeast Quadrant. The construction of the contemplated sewer plant is to be overseen by the Council having the power to enter into contracts for the construction, and oversee the construction and operation of the proposed sewer works as set forth in IC 36-9-23-6.

5. ESTIMATED FEES FOR THE CLASSES OF USERS OF PROPERTY

It is estimated that the construction of this sewage treatment plant shall not cause fees to rise from current rates as set by current Georgetown Ordinance #G-11-06 and incorporated by reference as if set forth herein. And that no fee increases shall occur on the basis of the construction of these works.

6. ORDER APPROVING THE ISSUANCE OF BONDS

The Council may adopt ordinances ordering the issuance of bond anticipation notes and revenue bonds as contemplated and authorized by IC 36-9-23-10 et seq if it decides to pay for cost of the anticipated works and other incidental costs as contemplated in IC 36-9-23-10 et seq.

Optional construction techniques for the project and financing through funds on hand will result in substantial costs, including interest and bond related expenses. In such event, the remaining unpaid project cost will be approximately \$649,000.00. Accordingly, the works may be paid for, without the issuance of bonds or bond anticipation notes, as provided below.

If the project is financed with funds on hand, the following amounts will be required to be utilized from the accounts listed below, with additional appropriations for 2011 as noted below to be adopted by a separate appropriation ordinance:

	Amount Requested	Additional Appropriation
Waste Water Operating	\$200,000.00	\$0.00
Waste Water Improvement	\$144,075.00	\$0.00
Gaming	\$78,000.00	\$51,079.00
EDIT	\$83,000.00	\$74,010.00
Rainy Day	\$56,000.00	\$36,000.00
General Fund	\$76,925.00	\$76,925.00
CCI	\$11,000.00	\$5,143.00
TOTAL	<u>\$649,000.00</u>	

7. NON EXCLUSIVITY OF THIS ORDER AND ORDINANCE

This Ordinance is for the construction of sewage works in the Southeast Quadrant. This Ordinance is valid irrespective of all other Ordinances. However, this Ordinance does not abrogate or repeal any other Ordinance of the Town of Georgetown. Further, the authority and power of this Ordinance shall remain in full force and effect, unless repealed, even though certain provisions in this Ordinance may be mutually exclusive in their ability to be performed with provisions of another Ordinance. No provision or grant of authority in this Ordinance shall fail for any reason, save Constitutional or statutory preemption; or repeal by the Council.

8. MISCELLANEOUS

Should any portion of this ordinance be found invalid or unconstitutional, the remaining parts of this ordinance shall be severable and shall continue in full force and effect.

Appeals from this ordinance may be taken according to IC 36-9-23-12.

So ORDAINED by the Town Council of the Town of Georgetown, Indiana, this 22nd day of September 2011.



BILLY STEWART, PRESIDENT



MIKE MILLS, MEMBER



AARON STRIEGEL, MEMBER




EVERETT PULLEN, MEMBER



KARLA PERKINS, MEMBER

ATTEST:



DOUGLAS COOK, CLERK/TREASURER