

failed 2-15-08
Passed 2-4-08

TOWN of GEORGETOWN, IN.

Ordinance # G-08-07

**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, which contract shall soon expire and/or cause substantial rate increases and penalties for the continued treatment of sewage, which will be overly burdensome upon the individual rate payers of Georgetown and Georgetown as a municipality; and,

WHEREAS, the Georgetown Council (hereinafter "Council") town has adopted Ordinance #G-06-21, reaffirmed and readopted in Ordinance #G-08-07, which ordinances provide for the creation and existence of a board to control municipally owned utilities (Municipal Works Board) according to IC 8-1.5-3 and as contemplated in IC 36-9-23; and,

WHEREAS, the Council, after all proper consideration and review, has determined that Georgetown and its residents shall face economic hardship if dedicated sewage treatment facilities for Georgetown are not constructed.

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:

A waste water treatment plant for sewage treatment purposes to be constructed along Georgetown Creek to provide a local wastewater facility for the town. The Plant is to be constructed on a tract of real property owned by the Town of Georgetown in Floyd County, Indiana. Such tract being twenty-three and three tenths (23.3) acres, more or less, and located between US Interstate 64 and Old Georgetown Road and has sometimes been referred to as the

O'Brien site. The sewage treatment capacity of the plant is expected to be 350,000 gallons per day, or .35 million gallons per day (.35 mgd). The footprint of the plant is expected to be one and a half acres, more or less.

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 a sewer plant at this location in following amounts:

1) Cost of constructing sewer works:	\$1,941,897.84
- Includes engineering expenses, including expenses for plans, specifications, and surveys.	
2) Cost of monthly operation	\$15,000.00
3) Cost of property	\$360,000.00 (already paid)
4) Interest on bonds:	
A. Before and during the construction:	\$60,000.00
B. Twenty-four (24) months after completion of the construction:	\$125,000.00
5) Administrative expenses:	\$10,000.00
6) Legal expenses (including bond counsel, town attorney, real estate counsel and special litigation expenses):	\$50,000.00

..... 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 sewage treatment plant, also called a wastewater treatment plant, to be constructed on the aforementioned property. 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 #18413), 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 treatment plant on the above reference site. The construction of the contemplated sewer plant is to be overseen by the Georgetown Municipal Works Board as created in Georgetown Ordinance #G-06-21 and reaffirmed in Georgetown Ordinance #G-08- 07. The Municipal Works Board 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 Georgetown Ordinance #G-06-24 and incorporated by reference as if set forth herein. And that no fee increases shall occur on the basis of the construction of this plant.

6. ORDER APPROVING THE ISSUANCE OF BONDS

The Council has previously adopted ordinances ordering the issuance of revenue bonds as contemplated and authorized by IC 36-9-23-10 et seq. The Council hereby approves and re-affirms all previous actions and ordinances regarding the issuance of revenue bonds in the amount necessary to pay for the cost of the anticipated works and other incidental costs as contemplated in IC 36-9-23-10 et seq.

7. NON EXCLUSIVITY OF THIS ORDER AND ORDINANCE

This Ordinance is for the construction of a sewage treatment plant at the above contemplated facility. 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 Georgetown Town Council.

8. SEVERABILITY

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.

Adopted by the Town Council of the town of Georgetown, Indiana, this 4 day of Feb, 2008.

YEA

Ernest Dull
[Signature]
[Signature]

NAY

[Signature]
[Signature]
[Signature]

ATTEST:

Douglas Cook
Douglas Cook, Georgetown Clerk/Treasurer