

RESOLUTION NO. R-04-10

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF NEW ALBANY, INDIANA RELATED TO WASTEWATER TRANSPORTATION, TREATMENT, AND DISPOSAL SERVICES FOR THE TOWN OF GEORGETOWN, INDIANA

WHEREAS, by the provisions of IC 8-1.5-2-3, a municipality may own and operate a wastewater collection, treatment and/or disposal system; and

WHEREAS, the City of New Albany, Indiana ("New Albany") owns and operates a municipal sanitary sewer collection and treatment system that provides service to customers inside and outside the corporate limits of New Albany; and

WHEREAS, the Town of Georgetown, Indiana ("Georgetown") owns and operates a municipal sanitary sewer collection system that provides service to customers inside and outside the corporate limits of Georgetown; and

WHEREAS, Georgetown obtains wastewater treatment, transportation and disposal services from New Albany pursuant to an Interlocal Agreement dated August 11, 1992; and

WHEREAS, certain disputes have arisen between Georgetown and New Albany regarding the interpretation of and effect of the provisions of said agreement; and

WHEREAS, said disputes resulted in the filing of a Complaint by New Albany and a Counterclaim by Georgetown in the Floyd Circuit Court under Cause No. 22C01-9908-CP-338; and

WHEREAS, New Albany and Georgetown have reached agreement through mediation fully settling and compromising all claims of all parties in the above-referenced litigation, which agreement provides in pertinent part that New Albany and Georgetown will supersede and replace the Interlocal Agreement dated August 12, 1992, with a new contractual agreement between the parties incorporating the material terms agreed to at mediation in effort to avoid subsequent disputes; and

WHEREAS, in conformity with the agreements made at mediation, a new agreement, entitled "AGREEMENT FOR WASTEWATER TREATMENT, TRANSPORTATION, AND DISPOSAL SERVICES" has been drafted to replace the Interlocal Agreement dated August 12, 1992; and

WHEREAS, the Georgetown Town Council desires to approve the AGREEMENT FOR WASTEWATER TREATMENT, TRANSPORTATION, AND DISPOSAL SERVICES substantially in the form as presented to the Town Council in a public meeting on December 9, 2004; and

WHEREAS, the AGREEMENT FOR WASTEWATER TREATMENT, TRANSPORTATION, AND DISPOSAL SERVICES requires the payment of certain funds by Georgetown to New Albany; and

WHEREAS, Georgetown may seek to obtain the funds to be paid to New Albany pursuant to the AGREEMENT FOR WASTEWATER TREATMENT, TRANSPORTATION, AND DISPOSAL SERVICES from the Indiana State Revolving Fund ("SRF"); and

WHEREAS, the SRF has informed Georgetown that the AGREEMENT FOR WASTEWATER TREATMENT, TRANSPORTATION, AND DISPOSAL SERVICES must be submitted and approved by SRF prior to the execution of said agreement by either Georgetown or New Albany; and

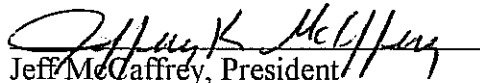
WHEREAS, the Georgetown Town Council desires to approve the AGREEMENT FOR WASTEWATER TREATMENT, TRANSPORTATION, AND DISPOSAL SERVICES prior to the submission of the agreement to the SRF and prior to the execution of the agreement by either Georgetown or New Albany; and

NOW THEREFORE BE IT RESOLVED that the agreement entitled "AGREEMENT FOR WASTEWATER TREATMENT, TRANSPORTATION, AND DISPOSAL SERVICES," prepared following and pursuant to the agreements reached at the mediation conducted on September 22, 2004, in Cause No. 22C01-9908-CP-338 is hereby approved by the Georgetown Town Council in the form presented.

NOW THEREFORE BE IT RESOLVED that said agreement entitled "AGREEMENT FOR WASTEWATER TREATMENT, TRANSPORTATION AND DISPOSAL SERVICES" is incorporated herein by reference as if repeated herein verbatim.

SO RESOLVED THIS 9TH DAY OF DECEMBER, 2004.

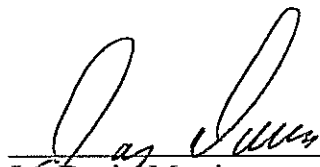
TOWN COUNCIL OF THE TOWN OF
GEORGETOWN, INDIANA


Jeff McCaffrey, President

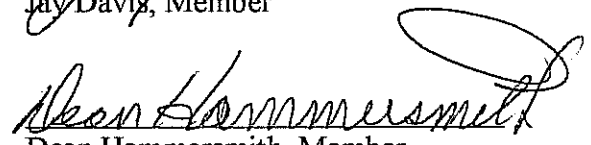
Gary Smith, Vice-President


Chris Carter, Member

Chris Carter,

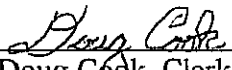


Jay Davis, Member



Dean Hammersmith, Member

ATTEST:



Doug Cook, Clerk-Treasurer