

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)
)
PETITION OF KOSCIUSKO COUNTY, INDIANA)
FOR AN ORDER ESTABLISHING THE TIPPE-)
CANOE AND CHAPMAN REGIONAL SEWER)
DISTRICT PURSUANT TO IC § 13-26)

**ORDER ADOPTING THE FINDINGS OF FACT AND RECOMMENDED
ORDER OF THE HEARING OFFICER FOR THE ESTABLISHMENT OF
THE TIPPECANOE AND CHAPMAN REGIONAL SEWER DISTRICT**

Upon the conclusion by the Indiana Department of Environmental Management (IDEM) that a sufficient petition has been filed in accordance with IC 13-26 for the establishment of the Tippecanoe and Chapman Regional Sewer District (Tippecanoe and Chapman RSD) and after the holding of a public hearing by the department, the Commissioner has received the "FINDINGS OF FACT AND RECOMMENDED ORDER OF THE HEARING OFFICER", attached to this order and consisting of seven (7) pages.

Having reviewed the "FINDINGS OF FACT AND RECOMMENDED ORDER OF THE HEARING OFFICER" regarding the establishment of the Tippecanoe and Chapman RSD, the Commissioner now determines that the establishment of the Tippecanoe and Chapman RSD complies with the conditions of IC 13-26 for the establishment of a district and appears capable of accomplishing the purposes of the district in an economically feasible manner.

The Commissioner of IDEM hereby adopts and approves the "FINDINGS OF FACT AND RECOMMENDED ORDER OF THE HEARING OFFICER", which is attached to and incorporated into this order.

IT IS NOW ORDERED BY THE COMMISSIONER that the Tippecanoe and Chapman Regional Sewer District be established as an independent municipal corporation in Kosciusko County, Indiana according to the findings and recommendations in the "FINDINGS OF FACT AND RECOMMENDED ORDER OF THE HEARING OFFICER"

Pursuant to IC 13-26-2-11, this order is subject to judicial review as provided in IC 4-21.5-5-5. Pursuant to IC 4-21.5-5-5, a Petition for judicial review of this order is timely only if it is filed with a civil court of competent jurisdiction within thirty (30) days after the date notice of the order is served.

IT IS SO ORDERED this 5 day of December 2019 in Indianapolis, IN



Bruno L. Pigott, Commissioner
Indiana Department of Environmental Management

STATE OF INDIANA)
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COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)
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PETITION OF KOSCIUSKO COUNTY, INDIANA)
FOR AN ORDER ESTABLISHING THE TIPPE-)
CANOE AND CHAPMAN REGIONAL SEWER)
DISTRICT PURSUANT TO IC § 13-26)

**FINDINGS OF FACT AND RECOMMENDED
ORDER OF THE HEARING OFFICER**

FINDINGS OF FACT

The hearing officer, on behalf of the Indiana Department of Environmental Management (IDEM), having reviewed the petition to establish the Tippecanoe and Chapman Regional Sewer District (Tippecanoe and Chapman RSD) and conducted a public hearing, makes the following findings of fact:

1. On December 27, 2018, the Kosciusko County Council and the Kosciusko County Commissioners petitioned the Commissioner of IDEM for an order to establish a regional sewer district in Kosciusko County. Final amendments to the petition were submitted by the petitioner on March 28, 2019, as permitted by IC 13-26-2-4
2. The petition complies with the provisions of IC 13-26 as to form and content.
3. The proposed name of the district is the Tippecanoe and Chapman Regional Sewer District.
4. The proposed principal office of the district is located at the Kosciusko County Commissioners Office, which has a mailing address of 100 W. Center Street, Warsaw, Indiana 46580.
5. A public hearing on the establishment of the district was held on June 26, 2019, in the North Webster Community Center, 301 N. Main Street, North Webster, Indiana 46555.
6. Notice of the public hearing was posted on the IDEM Public Notices webpage from May 23, 2019 through June 23, 2019. Notice of the hearing was also posted by publication in the following newspapers of general circulation: (1) Times-Union and (2) Tribune-News newspapers.

7. The proposed Tippecanoe and Chapman RSD territory is situated so that the public health, safety, convenience, and welfare will be promoted by the establishment of the territory as a single district. The proposed boundary for the Tippecanoe and Chapman RSD is as follows:

That part of Section 1, 11, 12, 13, and 14, Township 33 North, Range 6 East, Plain Township, Kosciusko County, Indiana and that part of Sections 6, 7, 8, 9, 16, 17, and 18, Township 33 North, Range 7 East, Tippecanoe Township, Kosciusko County, Indiana, being more particularly described as follows:

Beginning at the northwest corner of the Southwest Quarter of said Section 6; thence along the northerly boundary of parcel #43-08-06-400-073.000-023 (and being a part of the Tippecanoe Lake Country Club) the following four courses easterly, northerly, easterly, and northerly to the north line of said parcel; thence continuing east, along said north line, to the northeast corner of said parcel; thence south, along the east line of said parcel (also being the east line of the Tippecanoe Lake Country Club), to the northeast corner of Replat Number 1 of Ravina Park subdivision; thence west and southwest, along the northerly and westerly line of Replat Number 1 of Ravina Park subdivision, to the southwest corner of Lot 396, Ravina Park subdivision; thence southerly and southeasterly, along the centerline of Kalorama Road, to the south line of said Section 6; thence east, along the north line of parcel #43-08-07-400-404.000-023, to the northeast corner of said parcel; thence southwesterly, along the southeast line of said parcel and said line extended, to the easterly line of First Addition to Kalorama Park subdivision; thence southeasterly, along the easterly line of the First, Second, and Third Additions to Kalorama Park, to the centerline of Kalorama Road; thence southeasterly, along the centerline of Kalorama Road to the angle point where the road heads due east, also being the point where Kalorama Road becomes East 650 North road; thence east, along the centerline of East 650 North road, to the centerline of EMS T46 Lane; thence south, along the centerline of EMS T46 Lane, to the north line extended of parcel #43-08-07-200-934.000-023; thence easterly along the northerly lines of said parcel #43-08-07-200-934.000-023, to the northeast corner of said parcel; thence southerly along the east line of parcel #43-08-07-200-934.000-023 and said line extended to the centerline of EMS T46 Lane (the north loop); thence easterly along the centerline of EMS T46 Lane to the northwest corner of Section Number 2, Mineral Springs subdivision; thence northeasterly along the northerly line of Section Number 2, Mineral Springs subdivision, and said line extended to the centerline of EMS T47 Lane; thence north, along the centerline of EMS T47 lane, to the centerline of East 650 North road; thence east, along the centerline of East 650 North road, to the northwest corner of parcel #43-08-08-300-016.000-023; thence south, along the west line of parcel #43-08-08-300-016.000-023, to the southwest corner of parcel #43-08-08-300-016.000-023; thence southeast, along the south line of parcel #43-08-08-300-016.000-023, to the northwest corner of parcel #43-08-08-200-116.000-023; thence east, to the northeast corner of parcel #43-08-08-200-116.000-023; thence southeasterly, along the east line of parcel #43-08-08-200-116.000-023, to the southeast corner of parcel #43-08-08-200-116.000-023; thence east, along the north line of parcel #43-08-08-200-149.000-023 and the north line of parcel #43-08-08-200-148.000-023, to the southwest corner of parcel #43-08-08-200-132.000-023; thence north, along the west line of parcel #43-08-08-200-132.000-023 and the west line of

parcel #43-08-08-200-101.000-023, to the northwest corner of parcel #43-08-08-200-101.000-023; thence east, along the north line of parcel #43-08-08-200-101.000-023, to the centerline of EMS T49 Lane; thence north, along the centerline of EMS T49 Lane and said line extended, to the centerline of East 650 North road; thence east, along the centerline of East 650 North road, to the east line extended of Beavers Landing subdivision; thence south, along said east line extended and the east line of Beavers Landing subdivision, to the northerly edge of water of James Lake; thence meandering easterly and southeasterly, along the northerly edge of water of James Lake, to the southwest corner of Long's Park subdivision; thence northeasterly, along the west line of Long's Park subdivision and the west line of Long's First Addition to Long's Park subdivision, to the northwest corner of Long's First Addition to Long's Park subdivision; thence southeasterly and easterly, along the northerly line of Long's First Addition to Long's Park subdivision and said line extended, to the west line of parcel #43-08-09-300-107.000-023; thence meandering northerly, northwesterly, northerly, and northeasterly along the westerly line of parcel #43-08-09-300-107.000-023 to the northwest corner of parcel #43-08-09-300-107.000-023; thence east, along the north line of parcel #43-08-09-300-107.000-023 to a corner of C-14 said parcel; thence north, along a west line of parcel #43-08-09-300-107.000-023 and said west line extended to the centerline of East 650 North road; thence east, along the centerline of East 650 North road to the northeast corner of parcel #43-08-09-300-005.000-023; thence south, along the east line of parcel #43-08-09-300-005.000-023 to the southeast corner of said parcel; thence east, along the north line of parcel #43-08-09-300-145.000-023, to the northeast corner of said parcel; thence south, along the east line of parcel #43-08-09-300-145.000-023, to the centerline of EMS T1 Lane; thence east, along the centerline of EMS T1 Lane, to the centerline of North 675 East road; thence south, along the centerline of North 675 East road, to the centerline of Tippecanoe River; thence meandering westerly, along the centerline of said Tippecanoe River, to the west line of the Southeast Quarter of said Section 16; thence south, along the west line of the Southeast Quarter of said Section 16, to the north line of Sawgrass Estates, Section 2 subdivision; thence west, along the north line of Sawgrass Estates, Section 2 subdivision and the north line of Sawgrass Estates, Section I subdivision, to the northwest corner of Sawgrass Estates, Section 1 subdivision; thence south, along the west line of Sawgrass Estates, Section 1 subdivision and the west line of Replat of Lots 1 and 2 Sawgrass Estates, Section I and said line extended to the centerline of East 500 North road; thence west, along the centerline of East 500 North road, to the southwest corner of Lakeside Development subdivision; thence north, along the west line of said Lakeside Development subdivision and said line extended, to the southerly edge of water of James Lake; thence meandering northerly, along the southerly and westerly edge of water of James Lake, to the channel connecting James Lake with Tippecanoe Lake; thence westerly, along the southerly edge of water of said channel to the southerly edge of water of Tippecanoe Lake; thence southwest, along the southeasterly edge of water of Tippecanoe Lake to the northwest corner of parcel #43-08-17-400-020.000-023; thence south along the west line of parcel #43-08-17-400-020.000-023 to the southeast corner of parcel #43-08-17-400-024.000-023; thence west, along the south line of parcel #43-08-17-400-024.000-023 to the northeast corner of parcel #43-08-18-200-505.000-023; thence west along the north line of parcel #43-08-18-200-505.000-023 and said line extended to the centerline of EMS T13 Lane; thence southerly, along the centerline of EMS T13 Lane, to the angle point of the road; thence westerly,

along the centerline of EMS T13 Lane, to the intersection of EMS T13B Lane and EMS T13 Lane; thence southerly, along the centerline of EMS T13 Lane, to the northwest corner of parcel #43-08-18-200-501.000-023; thence northeasterly, along the northerly line of parcel #43-08-18-200-501.000-023 to the northeast corner of said parcel; thence southerly, along the east line of parcel #43-08-18-200-501.000-023 to the centerline of Armstrong Road; thence northwesterly along the centerline of Armstrong Road, to the west line extended of parcel #43-08-18-300-445.000-023; thence northeast, along the west line extended of parcel #43-08-18-300-445.000-023 to the northwest corner of said parcel; thence east, along a north line of parcel #43-08-18-300-445.000-023 to an angle point of said parcel; thence north along the west line of parcel #43-08-18-300-445.000-023, to the southwest corner of parcel #43-08-18-100-002.000-023; thence north, along the west line of parcel #43-08-18-100-002.000-023 and the west line of parcel #43-08-18-100-086.000-023, to the southeast corner of parcel #43-08-18-400-381.000-023; thence northwest, along the southerly line of parcel #43-08-18-400-381.000-023, to the southwest corner of parcel #43-08-18-400-381.000-023; thence north, along the west lines of parcel #43-08-18-400-381.000-023, parcel #43-08-18-100-000.000-023, parcel #43-08-18-400-691.000-023, parcel

#43-08-18-400-377.000-023, parcel #43-08-18-400-375.000-023, to the northwest

corner of parcel #43-08-18-400-375.000-023; thence east, along the north line of parcel #43-08-18-400-375.000-023, to the northeast corner of said parcel; thence north and east along the easterly line of Cripplegate Crossing subdivision, to the southwest corner of parcel #43-08-18-400-359.000-023; thence northerly, along the west line of parcel #43-08-18-400-359.000-023 and said west line extended, to the northwest corner of parcel #43-08-18-400-355.000-023; thence northwesterly to the southwest corner of parcel #43-08-18-400-387.000-023; thence north, along the west line of parcel #43-08-18-400-387.000-023, to the northwest corner of said parcel; thence east, along the north line of parcel #43-08-18-400-387.000-023 and said line extended, to the centerline of North 450 East road; thence north, along the centerline of North 450 East, to the southeast corner of parcel #43-08-07-300-133.000-023; thence west, along the south line of parcel #43-08-07-300-133.000-023, to the southwest corner of said parcel; thence north, along the west lines of parcel #43-08-07-300-133.000-023, parcel #43-08-07-300-130.000-023, and parcel #43-08-07-300-125.000-023 and said west line extended to the centerline of East Forest Glen Avenue; thence westerly and northwesterly, along the centerline of East Forest Glen Avenue, to the centerline of East Stanton Road; thence west and southwest along the centerline of East Stanton Road, to the centerline of North Teeple Avenue; thence northwest, along the centerline of North Teeple Avenue, to the southeast corner of parcel #43-07-12-200-758.000-016; thence southwest, along the southerly line of parcel #43-07-12-200-758.000-016, to the southwest corner of said parcel; thence northwest, along the westerly line of parcel #43-07-12-200-758.000-016, to the centerline of East Forest Glen Avenue; thence southwesterly, along the centerline of East Forest Glen Avenue, to the northeast corner of parcel #43-07-12-200-754.000-016; thence southerly, along the east line of parcel #43-07-12-200-754.000-016, to the centerline of East Stanton Road; thence southwesterly, along the centerline of East Stanton Road, to the southwest corner of parcel #43-07-12-200-754.000-016; thence north, along a west line of parcel #43-07-12-200-754.000-016, to an angle point of said parcel; thence west, along a south line of parcel #43-07-12-200-754.000-016, to an angle point of said

parcel; thence north along a west line of parcel #43-07-12-200-754.000-016 to the southeast corner of parcel #43-07-12-200-007.000-016; thence west, along the south line of parcel #43-07-12-200-007.000-016 and said line extended to the centerline of EMS T25 Lane; thence north, along the centerline of EMS T25 Lane to the northeast corner of parcel #43-07-12-300-617.000-016; thence westerly, along the northerly line of parcel #43-07-12-300-617.000-016, to the northwest corner of said parcel; thence south, along the west line of parcel #43-07-12-300-617.000-016, to the southeast corner of parcel #43-07-12-300-130.000-016; thence northwest, along the southerly line of parcel #43-07-12-300-130.000-016, to the centerline EMS T26B Lane; thence south, along the centerline of EMS T26B Lane and said line extended, to the north line of Brierosse Subdivision; thence east, along the north line of Brierosse Subdivision, to the northeast corner of said subdivision; thence south, along the east lines of Brierosse Subdivision, parcel #43-07-12-300-929.000-016, and parcel #43-07-13-400-002.000-016, to the northwest corner of parcel #43-07-13-400-019.000-016; thence easterly, along the northerly line of parcel #43-07-13-400-019.000-016, to the northeast corner of said parcel; thence south, along the east line of parcel #43-07-13-400-019.000-016, to the centerline of East Armstrong Road; thence westerly, along the centerline of East Armstrong Road, to the centerline of Second Street in the Town of Oswego; thence south, along the centerline of Second Street to a point lying east of the southeast corner of parcel #43-07-14-100-054.000-016; thence west to the southeast corner of parcel #43-07-14-100-054.000-016; thence continuing west along the south line of parcel #43-07-14-100-054.000-016 to the southwest corner of said parcel; thence north, along the west line of parcel #43-07-14-100-054.000-016 and said line extended to the centerline of East Armstrong Road; thence west, along the centerline of East Armstrong Road to the centerline of First Street in the Town of Oswego; thence south, along the centerline of First Street to a point lying east of the southeast corner of parcel #43-07-14-100-004.000-016; thence west, to the southeast corner of parcel #43-07-14-100-004.000-016; thence west along the south line of parcel #43-07-14-100-004.000-016 to the southwest corner of said parcel; thence north, along the west line of parcel #43-07-14-100-004.000-016 to the northwest corner of said parcel; thence westerly, along the south line of parcel #43-07-14-100-046.000-016 and said line extended to the northeast corner of parcel #43-07-14-100-586.000-016; thence southerly, along the easterly line of parcel #43-07-14-100-586.000-016 to the southeast corner of said parcel; thence west, along the south line of parcel #43-07-14-100-586.000-016 to the southwest corner of said parcel; thence northerly, along the westerly line of parcel #43-07-14-100-586.000-016 and said line extended to the centerline of East Armstrong Road; thence northwesterly, along the centerline of East Armstrong Road, to the centerline of North 300 East road; thence northerly, northeasterly, and northerly, along the centerline of North 300 East road, to the northwest corner of parcel #43-07-01-300-643.000-016; thence east, along the north line of parcel #43-07-01-300-643.000-016, to the centerline of EMS T34 Lane; thence north, along the centerline of EMS T34 Lane, to the northwest corner of Old Mill Place subdivision; thence east, along the north line of Old Mill Place subdivision, to the northeast corner of said subdivision; thence south, along the east line of Old Mill Place subdivision, to the northwest corner of parcel #43-07-01-200-838.000-016; thence east, along the north line of parcel #43-07-01-200-838.000-016, to the centerline of EMS T35 Lane; thence northerly, along the centerline of EMS T35 Lane, to the centerline of East

750 North road; thence east, along the centerline of East 750 North road, and said road extended, to the place of beginning.

8. The sanitary sewage needs of those residents now residing within the proposed Tippecanoe and Chapman territory are currently being met with septic systems, creating environmental concerns regarding long-term water quality in Tippecanoe and Chapman lakes, contamination of aquifers and contamination of residents' individual water wells.
9. The purpose to be accomplished by the establishment of the Tippecanoe and Chapman RSD is the improvement of the public health, safety, convenience, and welfare of the area by providing for the collection, disposal, and treatment of wastewater within the proposed district.
10. The Tippecanoe and Chapman RSD proposes to be governed by a District Board of Trustees according to the following requirements:
 - a. The District Board shall include of seven (7) members, having a term of four (4) years each, provided, however, the initial terms will be staggered, and that said members of the board be appointed as follows:
 - i. Kosciusko County Council, by a majority vote, shall make two (2) appointments with an initial term of four (4) years; successive terms shall be four (4) years.
 - ii. Kosciusko County Commissioners, by a majority vote shall make two (2) appointments with an initial term of three (3) years; successive terms shall be four (4) years.
 - iii. The Mayor of the City of Warsaw, if the city of Warsaw provides treatment to the District or the Kosciusko County Commissioners, by a majority vote, if the Lakeland Regional Sewer District provides treatment to the District, shall make one (1) appointment with an initial term of two (2) years; successive terms shall be four (4) years.
 - iv. The Township Trustees of Tippecanoe Township shall make one (1) appointment with an initial term of two (2) years; successive terms shall be four (4) years.
 - v. The Township Trustee of Plain Township shall make one (1) appointment with an initial term of two (2) years; successive terms shall be four (4) years.
 - b. The appointing entities listed in subsection "a" shall retain their appointment power for the District Board of Trustees. The entities shall be responsible for appointments to fill vacancies that may occur due to terms ending, resignation,

removal, or other causes. Each entity shall retain the appointing authority for the original position assigned to the entity as set forth in subsection "a."

11. Upon formation, the Tippecanoe and Chapman RSD will not assume any debt or obligation already existing in the territory for the proposed purpose of the Tippecanoe and Chapman RSD stated in its petition.
12. Based on the information included in the Tippecanoe and Chapman RSD petition, the Tippecanoe and Chapman RSD appears capable of accomplishing the purposes for which it was formed in an economically feasible manner.

RECOMMENDED ORDER

Based on the findings above and the contents of the petition submitted to IDEM by the authorized representative of the Kosciusko County Board of Commissioners and Council, the Hearing Officer recommends that the Commissioner issue the following order:

1. A regional sewer district, to be named the Tippecanoe and Chapman Regional Sewer District, is hereby organized under IC 13-26 as an independent municipal corporation in Kosciusko County, Indiana.
2. The boundaries of the Tippecanoe and Chapman RSD shall be the boundaries set forth in section "7" of the FINDINGS OF FACT.
3. The District Board of Trustees of the Tippecanoe and Chapman RSD shall be created according to the provisions set forth in section "10" of the FINDINGS OF FACT.
4. The Tippecanoe and Chapman RSD shall provide sufficient bond for all officers, trustees and employees who have the power to disburse Tippecanoe and Chapman RSD funds.
5. Within nine (9) months from the date of this order, the Tippecanoe and Chapman RSD shall file a detailed plan for the district's initial project with the Commissioner of IDEM according to the requirements of IC 13-26-6-1.

Dated: 9/6/19

Hearing Officer: Angela M. Bottom



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

Notice of Decision

The Kosciusko County Commissioners petitioned the Commissioner of the Indiana Department of Environmental Management (IDEM) on December 27, 2018 for an order establishing a Regional Sewer District to be known as the Tippecanoe and Chapman Regional Sewer District (RSD).

You are hereby notified that on December 5, 2019, the Commissioner of the Indiana Department of Environmental Management signed, pursuant to IC 13-26-2-10, the ORDER ADOPTING THE FINDINGS OF FACT AND RECOMMENDED ORDER OF THE HEARING OFFICER FOR THE ESTABLISHMENT OF THE TIPPECANOE AND CHAPMAN REGIONAL SEWER DISTRICT.

The Order, as well as the FINDINGS OF FACT AND RECOMMENDED ORDER OF THE HEARING OFFICER, are on file at the Indiana Department of Environmental Management, 100 North Senate Ave, Suite 1255, Indianapolis, IN 46204 and can be found at <https://www.in.gov/idem/cleanwater/2400.htm> for 30 days.

Additionally, these documents will be on file at the principal office of the Kosciusko County Commissioners which has a mailing address of 100 W. Center Street, Warsaw, Indiana 46580.

Pursuant to IC 13-26-2-11, the Commissioner's Order is subject to judicial review as provided in IC 4-21.5-5-5. Pursuant to IC 4-21.5-5-5, a Petition for judicial review of the Order is timely only if it is filed with a civil court of competent jurisdiction within thirty (30) days after the date that the notice of the order is served.

Contact person: Angela M Bottom 317/234-9517
Abottom1@idem.in.gov