

FALL CREEK REGIONAL WASTE DISTRICT

No 5936

9378 S 650 WEST, P.O. BOX 59, PENDLETON, IN 46064

765-778-7544

AGREEMENT FOR SANITARY SEWER SERVICE

This Agreement made and entered into this 27 day of January, 2006, between FALL CREEK REGIONAL WASTE DISTRICT ("District") and New State Police Post ("Applicant") regarding the provision of sanitary sewer service, and the assignment of capacity in, and connection to, the District's facilities for the premises located at 9022 S SR 67.

NOW THEREFORE, the parties, in consideration of the mutual promises set out in this Agreement, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. The Applicant agrees that all workmanship and materials shall conform to all District ordinances and the District's construction standards. District must accept and approve all work and materials before backfilling and final connection is made to the sewer mains. Any violation of this provision will cause all lines and appurtenances in violation to be removed and replaced at the Applicant's expense.
2. The District shall have the right to enter upon the Applicant's premises at all reasonable times to inspect, repair, or replace any equipment used in connection with the District's service or which has an impact on said service.
3. The Applicant shall be responsible for all monthly user rates, capacity charges, and tap fees. The failure to pay any rate charge or fee may result in a lien against the property and/or the termination of service to the property, the cost of which will be borne by Applicant, including, but not limited to, all attorney's fees and collection costs.
4. The District shall not be responsible for any damages as a result of any failure to supply service unless said damages are due to default, neglect or culpability on the part of the District.
5. If there is an available sanitary sewer within three hundred (300) feet of the property line, the property owner shall be required to connect to the District's sanitary sewer system.
6. The Applicant and District agree that the provision of sanitary sewer service touches and concerns the property and the terms of this Agreement bind the District and Applicant and their heirs, executors, administrators, personal representatives, successors, agents, attorneys, assigns, designees, and transferees.

The parties hereto have read and fully understand the above provisions and agree to comply with said provisions.

FALL CREEK REGIONAL WASTE DISTRICT

APPLICANT

Signature _____

Signature _____

STATE OF INDIANA)
) SS:
COUNTY OF MADISON)

SUBSCRIBED and sworn to before me this _____ day of _____, 200 ____.

My Commission Expires: _____

Signature _____

Printed _____

Notary Public
Resident of Madison County

INSPECTOR Tim DATE INSPECTED 6-23-06 APPROVED / REJECTED _____

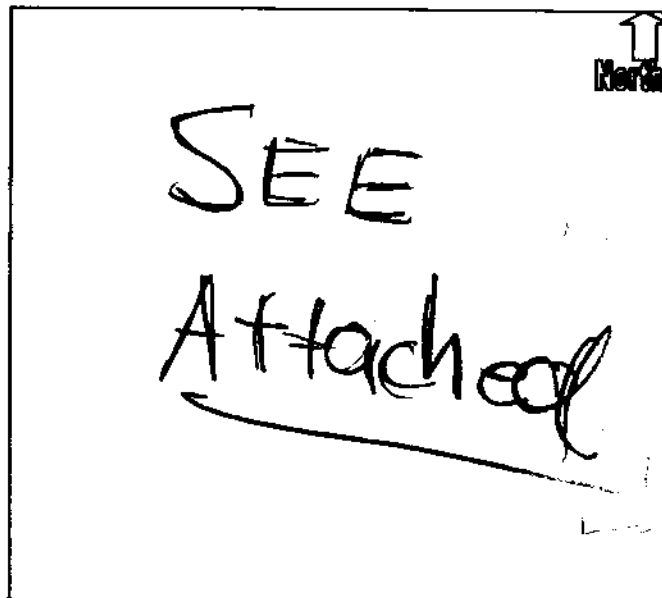
REASON FOR REJECTION _____

DATE REINSPECTED _____ APPROVED _____ REJECTED _____

NOTES: SIZE PIPE 1 1/2 - 4" TYPE PIPE 160/35

BASEMENT YES _____ NO /SUMP PUMP YES / NO _____DOWNSPOUT TO GROUND YES / NO _____SEPTIC TANK PUMPED & FILLED YES / NO _____CONTRACTOR BL BrownSPECIAL CONDITIONS Floor Drains To Dry WellEXISTING HOME /

NEW CONSTRUCTION _____





FALL CREEK REGIONAL WASTE DISTRICT

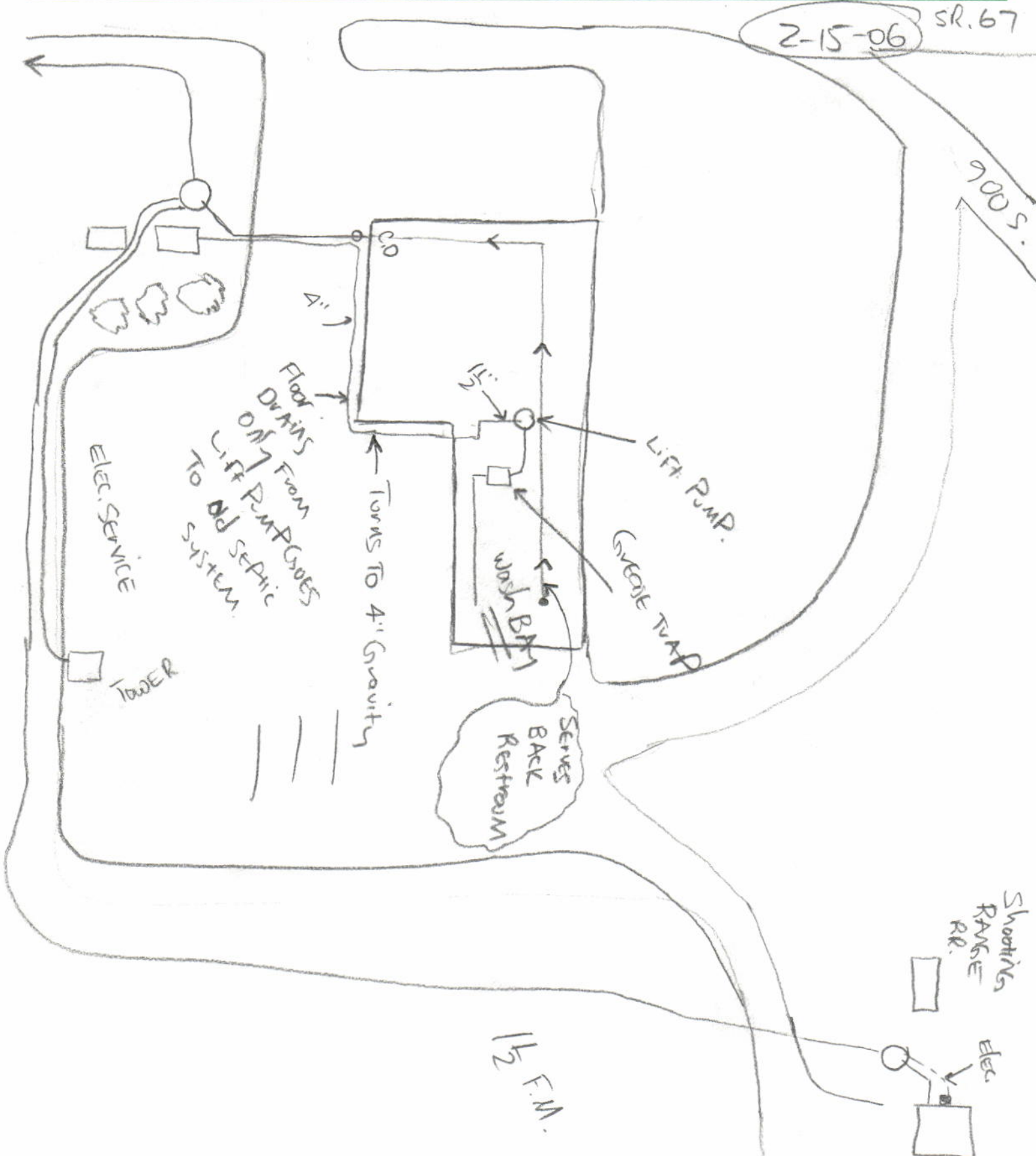
P.O. Box 59 • 9378 S. 650 West • Pendleton, Indiana 46064-0059 • (765) 778-7544

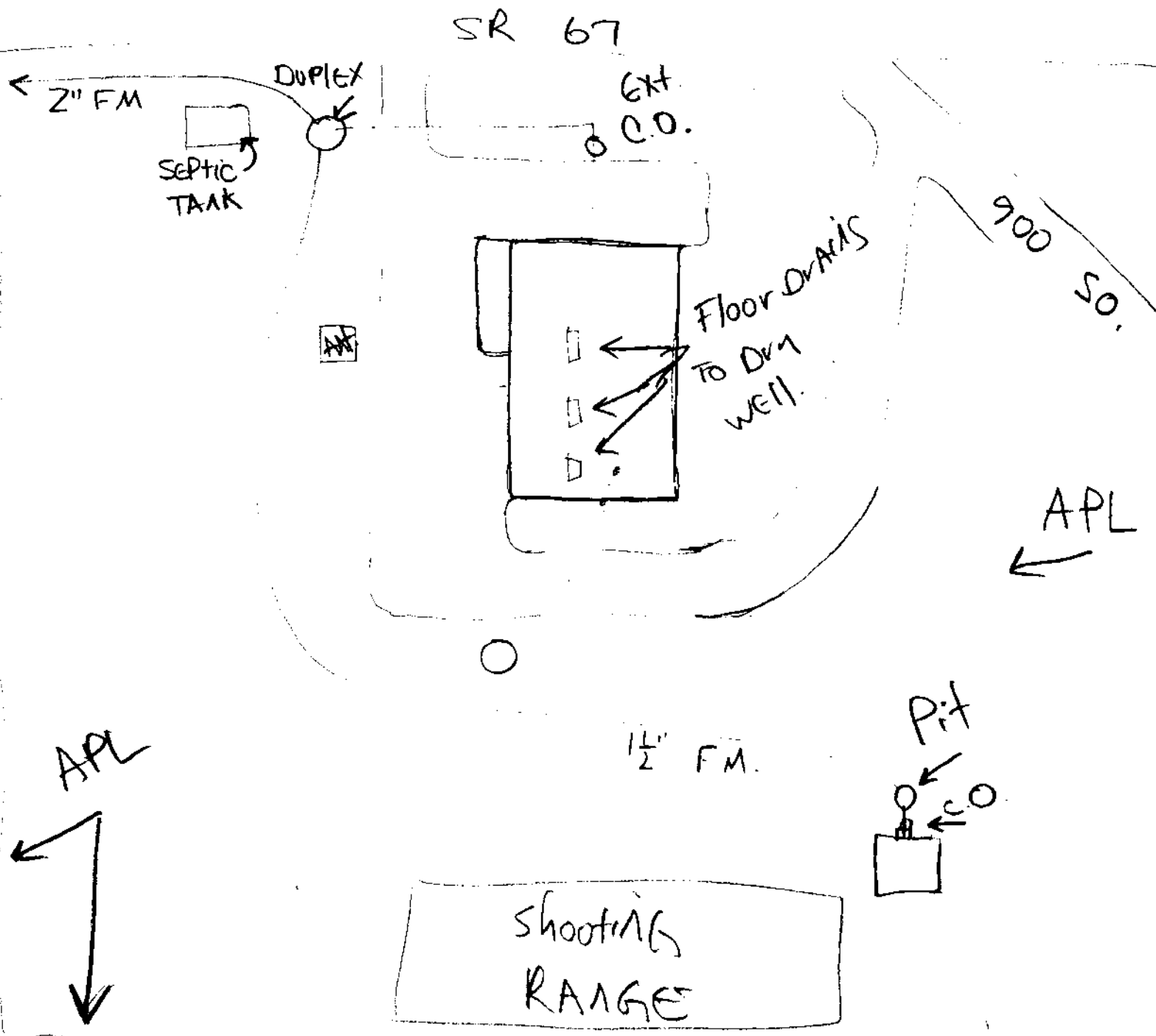
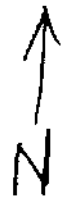


2-15-06

SR. 67

900 S.





State Form 43378 (R2 /11-04)

Form approved by State Board of Accounts, 2004

THIS WARRANT VOID AFTER 3 YEARS AFTER DATE OF THE YEAR OF ISSUE

3250 534860 301100

AUDITOR OF STATE OF INDIANA

STATE HOUSE, INDIANAPOLIS, INDIANA 46204

20-103
740

WARRANT NO.
10486303

PAY

TWELVE THOUSAND THREE HUNDRED FIFTY-FIVE DOLLARS AND NO CENTS

PAY
TO THE
ORDER
OF

FALL CREEK REGIONAL WASTE DIST
PO BOX 59, 9378 S 650 W
PENDLETON IN 46064

DATE

01/24/2006

THE SUM OF

\$12,355.00

Connie Kary Nass

STATE AUDITOR

10486303 10740010351

000287514

**BOSE
McKINNEY
& EVANS LLP**
ATTORNEYS AT LAW

Info:

4/22/04

TERESA _____
DEBBIE _____
THOM _____ ✓

Ty. H. Conner
Downtown Office
Direct Dial (317) 684-5101
Direct Fax (317) 223-0101
E-Mail: TConner@boselaw.com

April 21, 2004

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Post Commander
Indiana State Police District No. 51
9022 S. State Route 67
Pendleton, IN 46064

RE: Notice to Connect State Police Post
Madison County, Indiana to Sanitary Sewer System of
Fall Creek Regional Waste District ("Fall Creek")

Dear Post Commander:

The Indiana State Police Post for District No. 51 located at 9022 South State Road 67 in Madison County, Indiana ("Facility"), is within three hundred (300) feet of Fall Creek's sanitary sewer system ("System"). Pursuant to Ind. Code § 13-26 and Fall Creek Ordinance 84-2, Fall Creek may require connection of all waste-producing structures within three hundred (300) feet of its system. In accordance with I.C. § 13-26 and Fall Creek Ordinance 84-2, Fall Creek notified Lt. Mike Lepper via certified mail on March 7, 2002, that wastewater collection service was available for the Facility and connection to the System was required within ninety (90) days of receipt of that letter. During this time, no attempt has been made to actually connect the Facility to the System.

Fall Creek charges a capacity fee and user rates based on the amount of wastewater a facility is estimated to discharge. Based upon the number of employees at the Facility, Fall Creek has determined that the Facility is equivalent to 6.5 equivalent dwelling units ("EDUs"). As such, you are required to pay Fall Creek the sum of \$14,040 (\$2,160 per EDU) to cover the cost of capacity ("Capacity Fee") in the District's facilities and pay to the District the sum of \$475 to cover the cost of one (1) tap fee. In addition, the Facility will need to install a service lateral and a suitable pump station in accordance with the Fall Creek's construction specifications and ordinances. The Facility

is responsible for obtaining all approvals, easements and permits required for construction of the service lateral and pump station.

Ordinance No. 2000-5 allows Fall Creek to impose its rates and charges on customers who fail and/or refuse to connect to Fall Creek's system despite receiving a connection notice. Pursuant to Ordinance No. 2000-5, Fall Creek will assess its monthly user fee (which is approximately Thirty-Four Dollars and Ninety-Five Cents (\$34.95) per EDU per month) on the Facility even if it is not connected to the System, beginning with its next billing cycle. If the fees remain unpaid or the property is not connected, Fall Creek can seek legal action forcing connection of the Facility to the System, payment of the fees and recover its costs, including attorneys' fees.

Unless you make other arrangements with me or Fall Creek, we would expect the Facility to connect within thirty (30) days of this letter. To arrange for connection to Fall Creek's system, please contact Fall Creek at (765) 778-7544. As you may know, Fall Creek's service is for wastewater only. Connections of roof downspouts, exterior footing drains, surface run-off, groundwater connections or sump pumps are prohibited.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

BOSE McKINNEY & EVANS LLP


Ty H. Conner

THC:njb

cc: Joseph F. Rowlett

Thomas M. Schubert, P.E.

537244/8229

**BOSE
McKINNEY
& EVANS LLP**

ATTORNEYS AT LAW

6/8
COPIES
TO: TEEA
DEBBIE
THOM

Ty. H. Conner

Downtown Office

Direct Dial (317) 684-5101

Direct Fax (317) 223-0101

E-Mail: TConner@boselaw.com

VIA EMAIL

teds@londonwittegroup.com

June 7, 2004

Mr. Theodore Sommer
The London Witte Group, Suite 4700
111 Monument Circle
Indianapolis, In 46204

RE: Indiana State Police Post Connection to Fall Creek

Dear Ted:

Upon further investigation and discussion with Fall Creek, the District may be able to offer some reduction to its initial assessment of 6.5 equivalent dwelling units ("EDUs") for the Indiana State Police Post at 9022 S. State Road 67 (the "Facility").

Based upon Fall Creek's investigation, the Facility houses 20 employees on a daily basis, but during peak times may have as many as 50. In addition, the Facility has 5 restrooms with not less than 13 fixtures, kitchen facilities, and a car-washing bay. Based on these facts and using the methodology outlined in 327 IAC 3-6-11, Fall Creek and its consulting engineer believe that the Facility is at least equivalent to an office building with showers and a service station. Using a daily flow rate of 35 gallons per employee and 1,000 gallons for the car-wash bay and kitchen facilities, the Facility would have a capacity flow rate of 1,700 gallons per day. For purposes of calculating EDUs, Fall Creek equates an EDU to a flow rate of 310 gallons per day. As such, the property is equivalent to 5.5 EDUs.

As an alternative to the estimate above, the facility could enter into an agreement with a true-up provision and install a water meter, at no expense to the District, to determine actual water usage over a one-year period. In addition, the District would be willing to negotiate a method of connecting to its system, but excluding the wash bay from the discharge to the sewer. Without such an arrangement, the Facility will need to install the necessary oil and grit removal equipment to comply with the District's construction and use standards.

Based on the estimate of 5.5 EDUs, the Facility would be required to pay Fall Creek the sum of \$11,880 (\$2,160 per EDU) to cover the cost of capacity ("Capacity Fee") in the Fall Creek's facilities and pay the sum of \$475 to cover the cost of one (1) tap fee. In addition, the monthly user fee will be \$192.23 (\$34.95 per EDU). All other connection requirements stated in our April 21, 2004, letter would remain in effect.

8/31/05 TRESA
OSR

**BOSE
McKINNEY
& EVANS LLP**

ATTORNEYS AT LAW

J. Christopher Janak

Downtown Office

Direct Dial (317) 684-5249

Direct Fax (317) 223-0249

E-Mail: jjanak@boselaw.com

August 31, 2005

VIA REGULAR MAIL

Post Commander
Indiana State Police District No. 51
9022 South State Route 67
Pendleton, IN 46064

Re: Indiana State Police Post Connection to
Fall Creek Regional Waste District

Dear Post Commander:

On behalf of Fall Creek Regional Waste District ("Fall Creek"), I am writing to you to provide final notice for connecting the Indiana State Police Post at 9022 South State Road 67 ("Property") to Fall Creek's sanitary sewer system.

In accordance with Ind. Code § 13-26 and Fall Creek Ordinance No. 84-2, Fall Creek notified you via certified mail on both March 7, 2002, and April 21, 2004, that wastewater collection service was available for the Property and connection to the system was required within ninety (90) days and thirty (30) days, respectively. However, those periods have long since lapsed and the Property still has not been connected to Fall Creek's system. If the Property remains unconnected, Fall Creek can seek legal action forcing connection of the Property to the system and recover its costs, including attorneys' fees. Please therefore contact me immediately to discuss connection of the Property to Fall Creek's sanitary sewer system.

Thank you for your immediate attention to this matter.

Sincerely,



J. Christopher Janak

JCJ/lmm

cc: J.F. Rowlett - Via Email

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