

**STATE OF INDIANA  
BEFORE THE FLOYD COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**RESOLUTION NO. FCR-III**

**A RESOLUTION CONSENTING TO THE SALE OF  
CHIMNEYWOOD SEWAGE WORKS, INC., UNDER THE  
TERMS OF A CERTAIN FRANCHISE AGREEMENT**

Whereas, this Board of County Commissioners is a party to a certain franchise agreement with Chimneywood Sewage Works, Inc. ("Chimneywood") dated September 25, 1979, a copy of which agreement is attached as **Exhibit A** (hereinafter the "Agreement"); and,

Whereas, the owner of Chimneywood has reached agreement to sell all of his interest in said company to The Reynolds Group, Inc.; and,

Whereas, the Agreement requires that the franchise may not be "sold, assigned, leased, transferred, or encumbered" without the prior written consent of this Board; and,

Whereas, this Board finds the proposed sale of Chimneywood to The Reynolds Group, Inc., to be in the best interests of the sewer users served by Chimneywood.

Now, therefore, it is resolved that the Board of County Commissioners of Floyd County, Indiana, hereby consents to the sale of Chimneywood Sewage Works, Inc., inclusive of the franchise under **Exhibit A**, to the Reynolds Group, Inc. The Board further acknowledges that such sale was closed on December 16, 1997, and waives any claim under **Exhibit A** for such sale occurring prior to the granting of the Board's consent hereunder.

This resolution shall be of full force and effect immediately upon its adoption.

So resolved this 4<sup>th</sup> day of FEBRUARY, 1997.

**BOARD OF COUNTY COMMISSIONERS  
OF FLOYD COUNTY, INDIANA**

By: *Larry Dennison*  
Larry Dennison, President of the Board

By: *Mary Lou Hammond*  
Mary Lou Hammond, Commissioner

By: *Michael Schindler*  
Michael Schindler, Commissioner

**Attest:**

By: *Barbara Sillings*  
Barbara Sillings, Floyd County Auditor

THIS AGREEMENT, made and entered this 25th day of September, 1979, by and between THE BOARD OF COMMISSIONERS OF THE COUNTY OF FLOYD, hereinafter called the "Board" and CHIMNEY WOOD SEWAGE WORKS, INC., hereinafter referred to as the "Corporation".

W I T N E S S E T H:

WHEREAS, the Corporation intends to construct, operate and maintain a sewage disposal system for the benefit of those homes, buildings and dwellings to be hereafter constructed and erected upon the real estate located in the County of Floyd, State of Indiana, and known as Chimney Wood Subdivision, as the same is more particularly described in Exhibit "A" hereto, which Exhibit is incorporated herein by reference and made a part hereof; and

WHEREAS, for this purpose, the Corporation has or will construct, lay and maintain sewer mains, lateral lines, man-holes, pumping stations, disposal plants, and all other facilities and appurtenances necessary for the purpose of providing adequate sewage collection and disposal to such homes, buildings and other improvements; and

WHEREAS, the Board is empowered pursuant to the provisions of I.C. 1971, 17-1-14-11; I.C. 1971, 17-2-22-3; and, I.C. 1971, 17-2-2.5 to grant licenses, permits, or franchises with respect to the use of property located within Floyd County, Indiana, as the boundaries of same are defined by I.C. 1971, 17-1-1-23; and

WHEREAS, the Board has determined that as the proposed undertaking of the Corporation is of such a nature as to affect the public interest, health and safety, the same should be permitted and allowed within the jurisdiction of the Board only upon those terms and conditions deemed necessary for the protection of said public interest, health and safety, as said terms and conditions are established by the laws of the United States of America, the State of Indiana, and hereinafter.

NOW THEREFORE, upon the following terms, conditions, stipulations and requirements, the Board of Commissioners of the County of Floyd, State of Indiana, hereby grants Chimney Woods Sewage Works, Inc., a limited franchise for the construction, operation and maintenance of a sewage treatment facility and system within Floyd County, to-wit:

CHARACTER OF FRANCHISE: The franchise hereby granted is of a limited nature, is not exclusive and shall not preclude the grant by the Board of a similar license, permit or franchise within the territorial jurisdiction of Floyd County, Indiana, upon proper application.

FRANCHISE TERRITORY: The territory encompassed by this franchise, unless and until hereafter increased or decreased by the Public Service Commission of the State of Indiana or this Board, shall include and be limited to the perimeter boundaries of Chimney Wood Subdivision, as the same are defined and delineated by Exhibit "A" hereto.

TERM OF FRANCHISE: The term of this franchise shall be for a determinate period of 99 years unless the same shall be sooner terminated, curtailed or revoked by action of the Board.

RESPONSIBILITIES OF CORPORATION: The Corporation shall at all times during the term of this franchise provide for each of the buildings, residences and other improvements constructed or located upon and within the franchise territory, as herein defined, sewage disposal service which

Misc, Drawer 6 Inst #7672

Dated: September 25, 1979

Ack: September 25, 1979

Recorded: September 25, 1979

EXHIBIT A.