

FCR -2008-XIX

WHEREAS, Floyd County wishes to provide for the general public welfare of its citizens by assuring there will be sewage treatment facilities in such locations as will be available to serve the citizens of Floyd County;

WHEREAS, the construction of a sewage treatment plant is in the economic interest of Floyd County in facilitating the growth of businesses and job creation within Floyd County;

WHEREAS, Georgetown operates a sewage collection system serving customers in Georgetown and in unincorporated areas of Floyd County that include the Interstate 64, Highway 64, and Highway 62 corridors;

WHEREAS, Georgetown has passed ordinances that limit involuntary connections to sewers as provided under IND. CODE 36-9-23-30.

WHEREAS, Georgetown currently purchases sewage treatment services from New Albany, Indiana ("New Albany"), under an agreement, which imposes increasing fees and penalties if Georgetown continues to use New Albany's services beyond January of 2009;

WHEREAS, Georgetown desires to construct a sewage treatment facility to provide affordable sewage collection and treatment services and cease purchasing sewage treatment services from New Albany;

WHEREAS, Floyd County is willing to request from the New Albany Sewer Board on behalf of, and in conjunction with, Georgetown an amendment to change the terms of the Georgetown's service contract, as the current terms create an unimaginable hardship upon the residents of Georgetown and cause a devastating effect on the economic development for Georgetown and unincorporated areas of Floyd County served by Georgetown's sewers;

WHEREAS, Floyd County and Georgetown have been involved in ongoing litigation in the Floyd County Circuit Court regarding the location of Georgetown's proposed sewage treatment facility upon the O'Brien Site, situated east of the corporate boundary of Georgetown;

WHEREAS, Georgetown and Floyd County have reached an agreement as to the location and construction of a sewage treatment facility in an area along Georgetown Creek, lying northwest of Georgetown's corporate boundary (hereinafter the "Alternate Site");

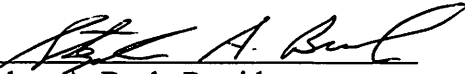
WHEREAS, changing the location of the sewage treatment facility to the Alternate Site will require additional expenses of one million four hundred thousand dollars (\$1,400,000.00);

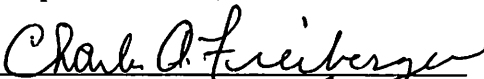
WHEREAS, the public interest will be served by a cooperative effort between Georgetown and Floyd County to locate the sewage treatment plant at the Alternate Site and to provide for the following: (i) consistency with the long term planning and development goals of both Georgetown and Floyd County (ii) long term availability of sewer treatment facilities for Georgetown and unincorporated areas of Floyd County, and (iii) equitable sharing of the expenses for construction at the Alternate Site because it is intended to serve the interests of both Georgetown and Floyd County;

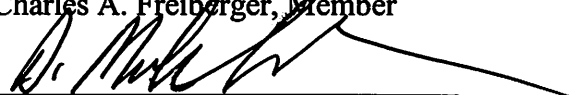
WHEREAS, Georgetown and Floyd County wish to settle the lawsuit between them according to the following terms; and,

WHEREAS, resolutions/ordinances of the parties hereto, authorizing this Agreement, were duly adopted, as follows: Town of Georgetown G#-08 _____, Floyd County Commissioners FCR-2008-~~XIX~~ _____, and Floyd County Council _____.

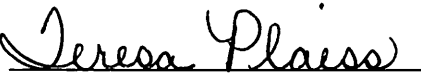
BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD


Stephen A. Bush, President


Charles A. Freiburger, Member


D. Mark Seabrook, Member

ATTEST:


Teresa Plaiss, Auditor