

RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
BEN DAVIS CONSERVANCY
APPROVING FUNDING FOR PURCHASE OF LAND AND
FINANCING FOR SEWAGE TREATMENT FACILITY

WHEREAS, the Ben Davis Conservancy (“BDCD”) petitioned the Marion County Circuit Court in Cause No. 49C01-1906-PL-023150 (formerly Cause No. 0000006448) for authority to finance and construct a sewage treatment facility. Following notice and hearing, the Marion County Circuit Court issued an Order Approving and Authorizing the Ben Davis Conservancy District to Take Preliminary Steps to Secure Funding for a Proposed Sewage Treatment Facility on May 22, 2018 which, pursuant to Paragraph 3(i) included authority “To do all things necessary and proper for the construction of a sewage treatment plant all without further authorization of this Court.”

WHEREAS, the BDCD filed an Amended Petition for Authority To Take Preliminary Steps Secure Funding for A Proposed Sewage Treatment Facility At Market Rates on January 4, 2019. After notice and hearing, the Marion County Circuit Court issued an Order Approving and Authorizing the Ben Davis Conservancy District to Take Preliminary Steps to Secure Funding for A Proposed Sewage Treatment Facility at Market Rates on March 15, 2019. In addition to other authority granted in this Order, the Marion County Circuit Court granted the BDCD authority to commit to the purchase of land in an amount not to exceed one million dollars (\$1,000,000) and to proceed with bond solicitation at the time the BDCD deemed appropriate and to “take all other proper steps to finance the proposed facility in a sum not to exceed \$15,000,000.”

WHEREAS, due to the inability to secure a suitable site for a treatment facility for under \$1,000,000 and due to the rising costs of construction and materials, the BDCD filed a Petition to Increase Funding Amount to Purchase Land for Sewer Treatment Facility and Increase Bond Solicitation Amount on February 8, 2021. After notice and hearing, the Marion County Circuit Court issued an Order Approving and Authorizing the Ben Davis Conservancy District to Increase Funding Amount to Purchase Land for Sewer Treatment Facility and Increase Bond Solicitation Amount on March 26, 2021. In addition to other authority granted in this Order, the Marion County Circuit Court granted the BDCD authority to commit to the purchase of land in an amount not to exceed two million dollars (\$2,000,000) and the authority to proceed with financing of the sewage

treatment facility with the sale or issuance of bond in an amount not to exceed twenty million dollars (\$20,000,000).

WHEREAS, the Board has conducted a public hearing on June 21, 2021, at 6:30 p.m at Fleming Garden Church located at 530 S Taft Ave, Indianapolis, IN 46241 and has considered the matters presented from the public; and

WHEREAS, the Board has taken into consideration the options of the Ben Davis Conservancy District for the treatment of sanitary sewage, the economic impact to the freeholders and all other customers of the Ben Davis Conservancy District, and the concerns of the freeholders and others appearing at the public hearing and has considered the advice of its accountants, engineers, attorneys, and other experts; and

It is hereby RESOLVED by the Board of Directors of the Ben Davis Conservancy as follows:

That the Ben Davis Conservancy District shall commit up to two million dollars (\$2,000,000) towards the purchase of land upon which to erect a sewage treatment facility. The Ben Davis Conservancy District shall commit to financing an amount not to exceed twenty million dollars (\$20,000,000) for the purchase of land and the planning and construction of a sewage treatment facility.

Dated

FRED F. BUCKINGHAM

BEVERLY A. MATTHEW

JEFFREY T. WOOD

ATTEST:

Angela Wirth, Secretary
Ben Davis Conservancy District