

STATE OF INDIANA)
) SS:
COUNTY OF MORGAN)

IN THE MORGAN CIRCUIT COURT
CAUSE NO. 55C01-0808-MI-728

IN THE MATTER OF THE)
LAKE EDGEWOOD CONSERVANCY DISTRICT.)

**ORDER ESTABLISHING THE LAKE EDGEWOOD
CONSERVANCY DISTRICT**

Come again the petitioners, in person, and by their counsel, Alan M. Hux, pursuant to the order of the court, in which, upon receipt of the report of the Natural Resources Commission, the Court set this cause for further hearing and ordered notice thereof.

The Court takes judicial notice of (1) the report of the Natural Resources Commission and its contents in the files of the Court; and (2) the proof of publication of the notice of this hearing in its files.

The Court further (1) accepts into evidence the official file of the Natural Resources Commission relevant to its report; (2) hears the testimony of the witnesses; and (3) hears arguments.

The Court having reviewed the evidence, studied the report of the Natural Resources Commission, re-examined applicable law as to judicial consideration of a determination of an administrative agency and of I.C. 14-33 as to establishment and operation of a conservancy district; and having been duly advised, the Court NOW FINDS AS FOLLOWS:

(1) Notice in this cause has been proper and conforms to the Court's orders and the governing statute, I.C. 14-33 et seq;

(2) The petition in this cause prays that a conservancy district be established for the statutory purposes of:

(a) providing for the collection, treatment and disposal of sewage and other liquid wastes, as provided in I.C. 14-33-1-1(5);

(b) developing forests, wildlife areas, parks and recreation facilities if feasible in connection with beneficial water management as provided in I.C. 14-33-1-1 (6);

(c) operation, maintenance and improvement of a work of improvement for works based recreation purposes including, but not limited to Lake Edgewood and the Lake Edgewood dam and spillway as provided for in I.C. 14-33-1-(9).

(3) For said purposes the conservancy district is necessary;

(4) As to the purposes set forth in 2a above the public health will be immediately or prospectively served;

(5) As to the purposes set forth in 2b and 2c above the benefits in enhanced value of land should exceed costs and any damages;

(6) The evidence supports the statements in the petition;

(7) The conservancy district should be established;

(8) The Court should determine the number of directors to be appointed and elected and the division of the district into areas;

(9) The Court should designate the time of the annual meeting of the district;

(10) Petitioners' bond for costs should be released;

(11) The Court should make further orders as are germane to its findings and I.C. 14-33 et. seq.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED and DECREED that:

1. The petition, be and hereby is approved;
2. A conservancy district to be named the Lake Edgewood Conservancy District be and it hereby is, established for the purpose of (1) providing for the collection, treatment and disposal of sewage and other liquid wastes; (2) developing forests, wildlife areas, parks and recreation facilities if feasible in connection with beneficial water management and (3) operation, maintenance and improvement of works of improvement for water based recreational purposes including, but not limited to, Lake Edgewood and the Lake Edgewood dam and spillway.
3. The boundaries of said conservancy district shall be and are as set forth in Exhibit "A";
4. The conservancy district shall have five (5) areas and five (5) members to serve and act as its board of directors with the powers and duties as set out in I.C. 14-33 et. seq. The initial board of directors shall be appointed and, thereafter, elected, one member from each area. The areas and specific area boundaries are set forth in Exhibit "B";
5. The Board of Commissioners of Morgan County, Indiana, shall accordingly appoint the members of the board of directors pursuant to I.C. 14-33-5 within twenty (20) days from the date of this order. The Board of Commissioners shall observe the following as set forth in I.C. 14-33-5-1:
 - (a) A director must have the following qualifications:

- (1) Be:
 - (A) a freeholder of the area of the district for which appointed;
or
 - (B) an officer of a nominee of a corporate freeholder of the area of the district for which appointed.
 - (2) Be qualified by knowledge and experience in matters pertaining to the development of the district.
- (b) A majority of the directors must be:
- (1) resident freeholders of the district if available and qualified; and
 - (2) petitioners for the establishment of the district. For this purpose an officer of a nominee of a corporate freeholder of the district, if the corporation is a petitioner, is considered a petitioner.

The terms of service shall be as provided in I.C. 14-33-5-11(a), to-wit:

Sec. 11.(a) The board of commissioners of the county shall appoint the initial directors for the following terms:

- (1) If there are three (3) or five (5) directors, the terms are as follows:
 - a. One (1) term expires at the next annual meeting.
 - b. One (1) term expires at the second annual meeting.
 - c. One (1) term expires at the third annual meeting.
 - d. Any other terms expires at the fourth annual meeting.
- (2) As the terms expire, each new director shall be elected for a term of four (4) years.

6. The annual meeting of the Lake Edgewood Conservancy District shall be on or within a week of the second Wednesday of February at such time and place as set forth in the notice required by I.C. 14-33-5-4(b). Pursuant to I.C. 14-33-5, selection of the board of directors will be by election as terms of office of those board members appointed by the Morgan County Board of County Commissioners expire.

7. The directors so appointed shall meet at such time and place as soon as practicable after their appointment by the county commissioners. If the Directors accept the appointment, they, and each of them, shall take and subscribe to the oath pursuant to I.C. 14-33-5-7.

8. The board of directors, when appointed and qualified by their oath, shall elect a chairman and vice chairman and designate where the district will maintain its office (subject to later change); and the chairman shall cause such information together with the executed oaths filed with this Court with copies addressed to the Natural Resources Commission, pursuant to I.C. 14-33-5-17.

9. The board of directors shall simultaneously, or as soon as practicable thereafter, designate a secretary, a financial clerk, determine their need for professional counsel, an engineer and such other personnel as they believe are needed to prepare a district plan and are needed for the discharge of duties and responsibilities of the board, pursuant to I.C. 14-33-5-18. Any member of the board may be such employee, but any member shall not receive any further compensation than his compensation as a director.

10. The name and address of the financial clerk and any professional counsel shall be filed with this Court and the Natural Resources Commission shall also be notified. The board shall consider the amount of bond for the financial clerk and so advise the Court when they petition this Court to fix and approve the bond of the financial clerk, pursuant to I.C. 14-33-15-18.

11. After all the preliminary matters hereinabove set forth have been accomplished, or simultaneously therewith, the board shall commence the preparation of its district plan, pursuant to I.C. 14-33-6.

12. As compensation the directors shall be entitled to:

- (1) one hundred dollars (\$100) for not more than two (2) regular or specially called board meetings per month; and

- (2) fifty dollars (\$50) for not more than five (5) days per month devoted to the work of the district in addition to any day for which payment is received under subdivision (1).

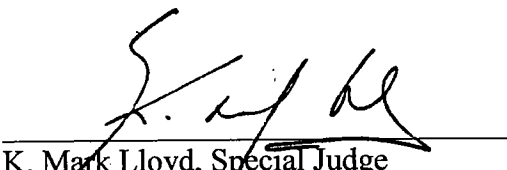
In addition, the directors shall be reimbursed for actual expenses, including expense at a rate equal to the rate paid to state officers and employees. Claims for expense reimbursement must be accompanied by an itemized written statement approved by a recorded motion of the board.

13. The Auditor of Morgan County, Indiana, shall set up and maintain a transfer book for all of the real property within the boundaries of the district described in Exhibit "A".

14. The Morgan Circuit Court Clerk shall transmit a certified copy of this order to the County Commissioners of Morgan County, to the Auditor of Morgan County and to the Natural Resources Commission.

15. The Clerk shall further release the cash bond to the petitioners.

Dated this 24 day of March, 2009.


K. Mark Lloyd, Special Judge
Morgan Circuit Court

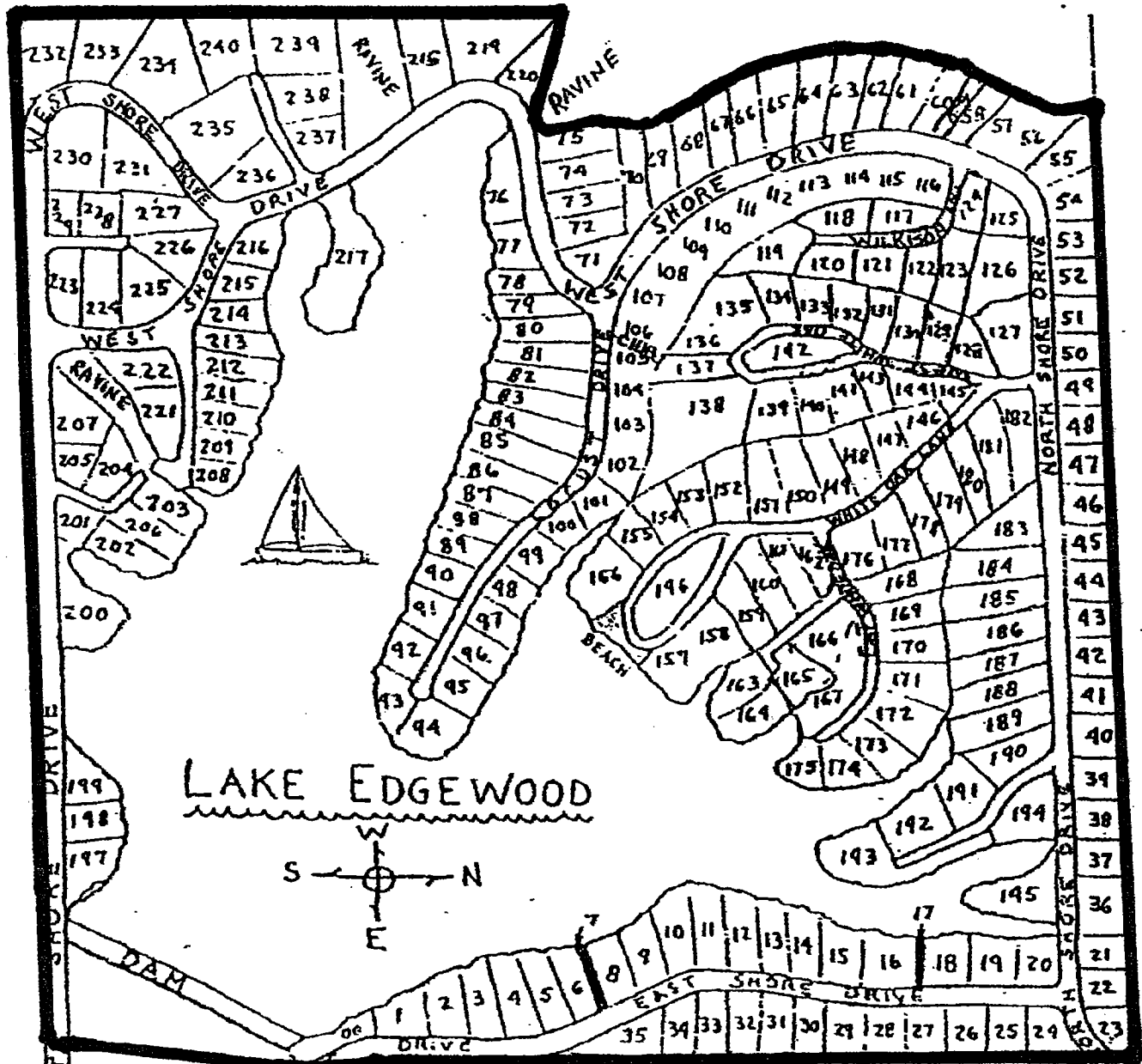
~~CONFIDENTIAL~~ 4-1-09 id
Alan M. Hux, #7947-49
Taft Stettinius & Hollister, LLP
One Indiana Square, Suite 3500
Indianapolis, Indiana 46204
(317) 713-3583

EXHIBIT A

**Boundary Map
and
Boundary Description**

LAKE EDGEWOOD CONSERVANCY DISTRICT
BOUNDARY MAP

NW/4 Sec. 29, T12N, R1E



NOT TO SCALE

NW/4 Sec. 29, T12N, R1E

**LAKE EDGEWOOD CONSERVANCY DISTRICT
BOUNDARY DESCRIPTION**

The Northwest Quarter of Section 29, Township 12 North, Range 1 East Morgan County, Indiana and EXCEPT: A part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 12 North, Range 1 East, as follows: Beginning at the center of Section 29; thence North 42.7 feet to the South right of way line of South Shore Drive in Lake Edgewood Subdivision; thence Westerly along the right of way line 1,359 feet to a stone marking the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 29; thence East 1,358.3 feet to the place of beginning. EXCEPT: A part of the Northwest Quarter of Section 29, Township 12 North, Range 1 East, more particularly described as follows: Beginning at the Northwest corner of said Section, Township and Range aforesaid; thence South 1,338 feet on and along the West line of said Section to a point; thence South 62 Degrees 17 Minutes East to the public road denominated South Shore Drive in Lake Edgewood Second and Third Subdivisions; Thence Northeast along the North edge of said South Shore Drive to the Southwest corner of Lot No. 75 in Lake Edgewood Second Subdivision; thence meandering generally North along the West edge and to the Northwest corner of said Lake Edgewood Second Subdivision; thence West 248.5 feet to the place of beginning. EXCEPT: A part of the East half of the Northwest Quarter of Section 29, Township 12 North, Range 1 East, Jefferson Township, Morgan County, Indiana, being more particularly described as follows: Commencing at a stone marking the Northeast corner of said Northwest Quarter; thence along the East line of said Northwest Quarter, South 00 Degrees, 43 Minutes 03 Seconds East (Basis of Bearing - Indiana State Plane Coordinated system, West Zone) 2,272.56 feet to a capped iron rod (a capped iron rod herein indicates a 5/8 inch reinforcing rod with a plastic identification cap stamped "Land Sciences", "LS-S0232") and the POINT OF BEGINNING thence, continuing along said East line, South 00 Degrees 43 Minutes 03 Seconds East 172.12 feet to a capped iron rod; thence South 66 Degrees 33 Minutes 27 Seconds West 81.74 feet to a capped iron rod; thence North 37 Degrees 41 Minutes 44 seconds West 20.00 feet to a capped iron rod; thence North 24 Degrees 15 Minutes 17 Seconds East 207.08 feet to the POINT OF BEGINNING.

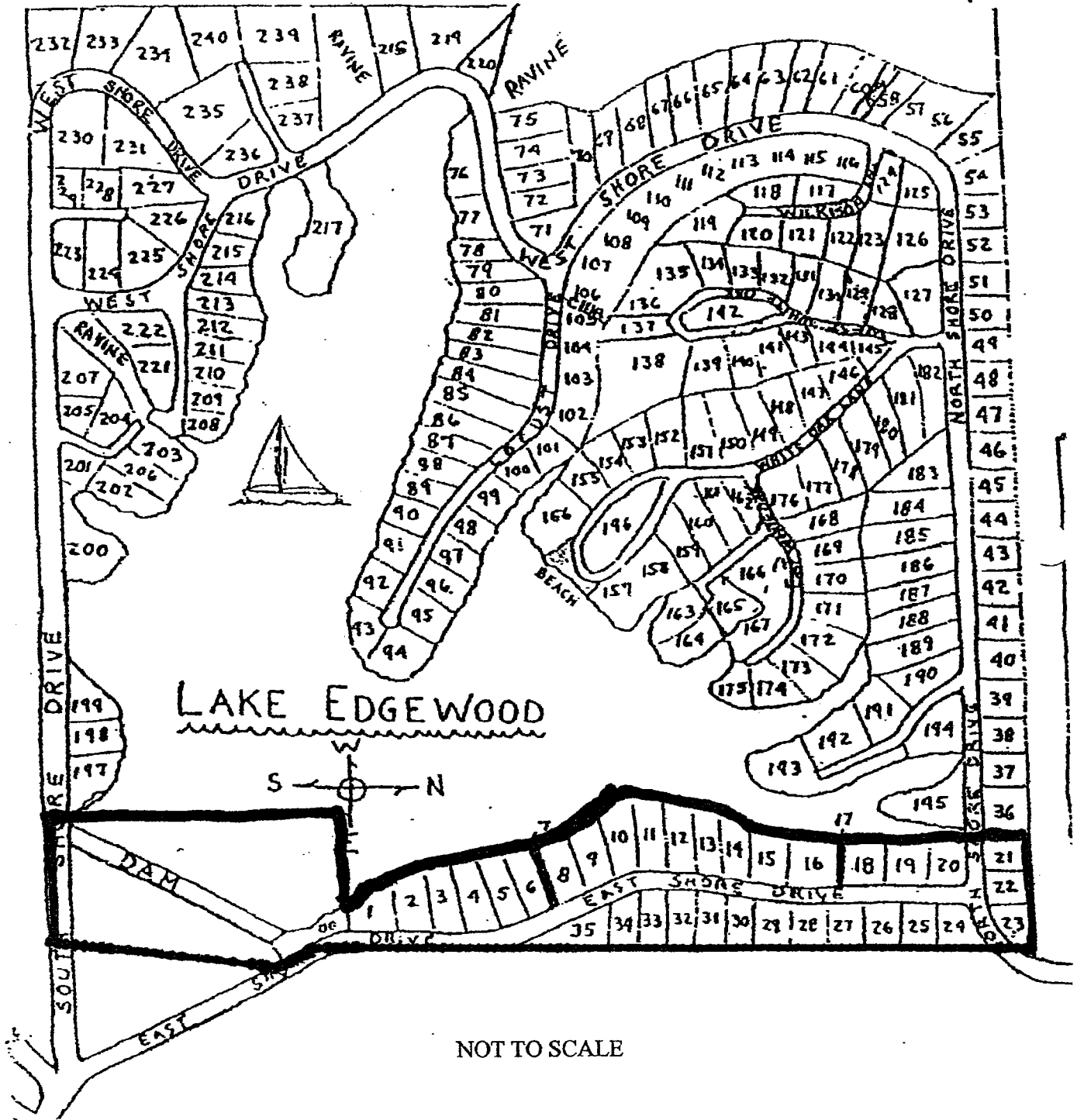
Also a part of the West Half of the Northeast Quarter of Section 29, Township 12 North, Range 1 East, Jefferson Township, Morgan County, Indiana, being more particularly described as follows: Commencing at a stone marking the Northwest Corner of said northeast Quarter; thence, along the West Line of said Northeast Quarter, South 00 Degrees 43 Minutes 03 Seconds East (Basis of Bearing - Indiana State Plane Coordinated System, West Zone) 2011.22 feet to a capped iron rod (a capped iron rod herein indicates a 5/8 inch reinforcing rod with a plastic identification cap stamped "Land Sciences", "LS-S0232") set on the Southwestern Boundary of East Shore Drive in River Vu Subdivision per plat thereof recorded in Deed Recorder 171, Page 199 in the Office of the Recorder

of Morgan County, Indiana and the POINT OF BEGINNING; thence along said Southwestern Boundary, South 27 Degrees 51 Minutes 04 Seconds East 209.24 feet to a capped iron rod; thence South 51 degrees 04 minutes 18 seconds West 121.46 feet to said West line; thence along said West Line, North 00 Degrees 43 minutes 03 seconds West 261.34 feet to the POINT OF BEGINNING.

EXHIBIT B

**Area Boundary Maps
and
Area Boundary Descriptions**

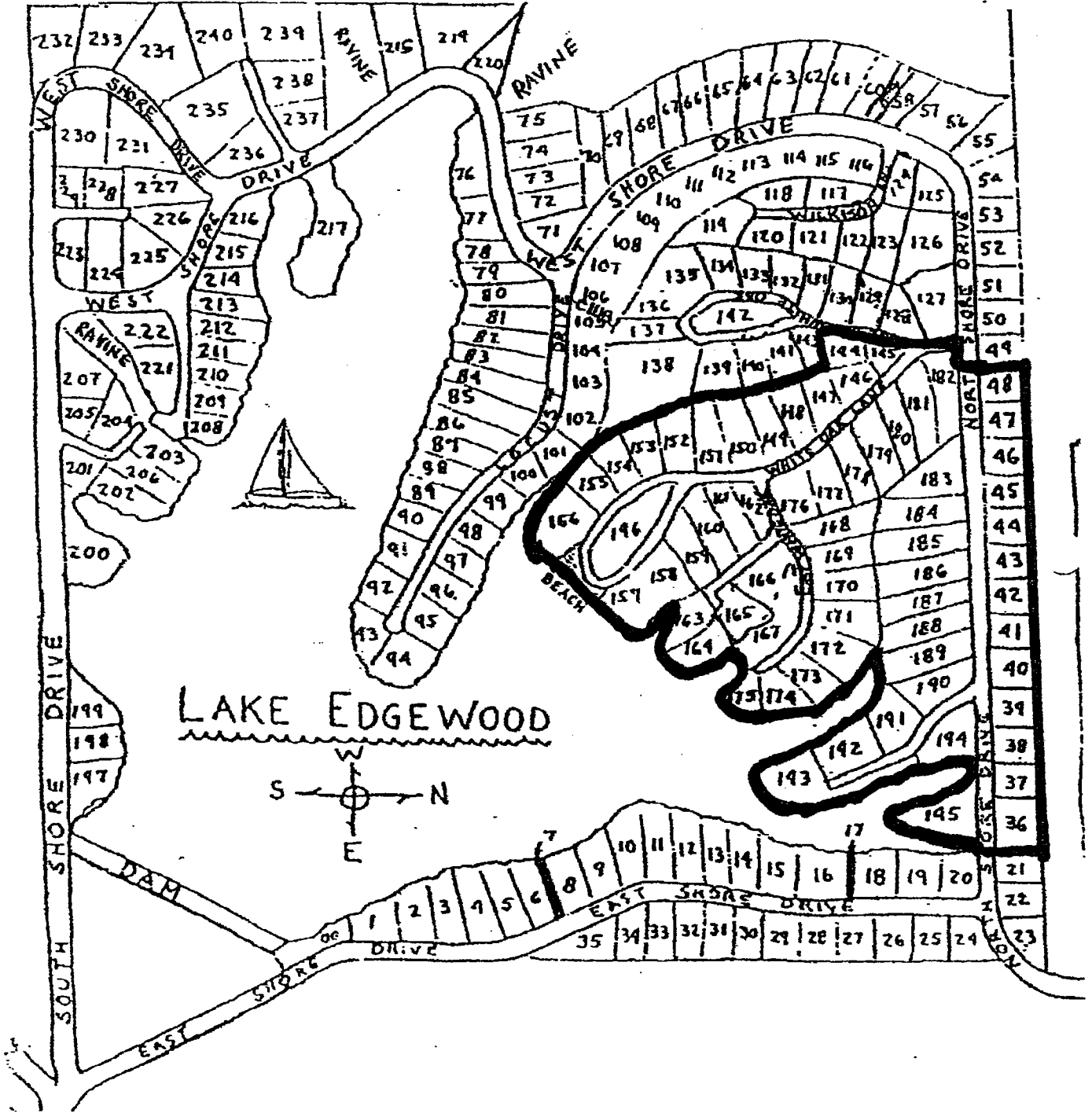
LAKE EDGEWOOD CONSERVANCY DISTRICT
 DISTRICT AREA 1
 BOUNDARY MAP



**LAKE EDGEWOOD CONSERVANCY DISTRICT
DISTRICT AREA 1
BOUNDARY DESCRIPTION**

Part of the Northwest Quarter and of Section 29, Township 12 North, Range 1 East, Morgan County, Indiana being more particularly described and commonly known as Lots 1 thru 35 as show on the Plat of Edgewood First Subdivision as approved by the Morgan County Plan Commission on July 30, 1957 and recorded October 10, 1957 in the Office of Morgan County Recorder in Deed Record 146, Page 144 including abutting roads, also part of the Northwest Quarter of Section 29, Township 12 North, Range 1 East described as beginning at a point in the East line of the Northwest Quarter of Section 29 which point is 101.4 feet East of the Southwest corner of Lot 1 of the Edgewood First Subdivision above described thence South to the South line of the said Northwest Quarter thence West to the Southeast corner of Lot 197 of the Lake Edgewood Third Subdivision which Plat was recorded in Book 162, Page 244A (Slide 283) thence North parallel with the East line of the Northwest Quarter to a point directly West of the Southwest corner of Lot 1 above described thence East to the point of beginning, also a part of the West Half of the Northeast Quarter of Section 29, Township 12 North, Range 1 East, Jefferson Township, Morgan County, Indiana, being more particularly described as follows: Commencing at a stone marking the Northwest Corner of said northeast Quarter; thence, along the West Line of said Northeast Quarter, South 00 Degrees 43 Minutes 03 Seconds East (Basis of Bearing – Indiana State Plane Coordinated System, West Zone) 2011.22 feet to a capped iron rod (a capped iron rod herein indicates a 5/8 inch reinforcing rod with a plastic identification cap stamped "Land Sciences", "LS-S0232") set on the Southwestern Boundary of East Shore Drive in River Vu Subdivision per plat thereof recorded in Deed Recorder 171, Page 199 in the Office of the Recorder of Morgan County, Indiana and the POINT OF BEGINNING; thence along said Southwestern Boundary, South 27 Degrees 51 Minutes 04 Seconds East 209.24 feet to a capped iron rod; thence South 51 degrees 04 minutes 18 seconds West 121.46 feet to said West line; thence along said West Line, North 00 Degrees 43 minutes 03 seconds West 261.34 feet to the POINT OF BEGINNING.

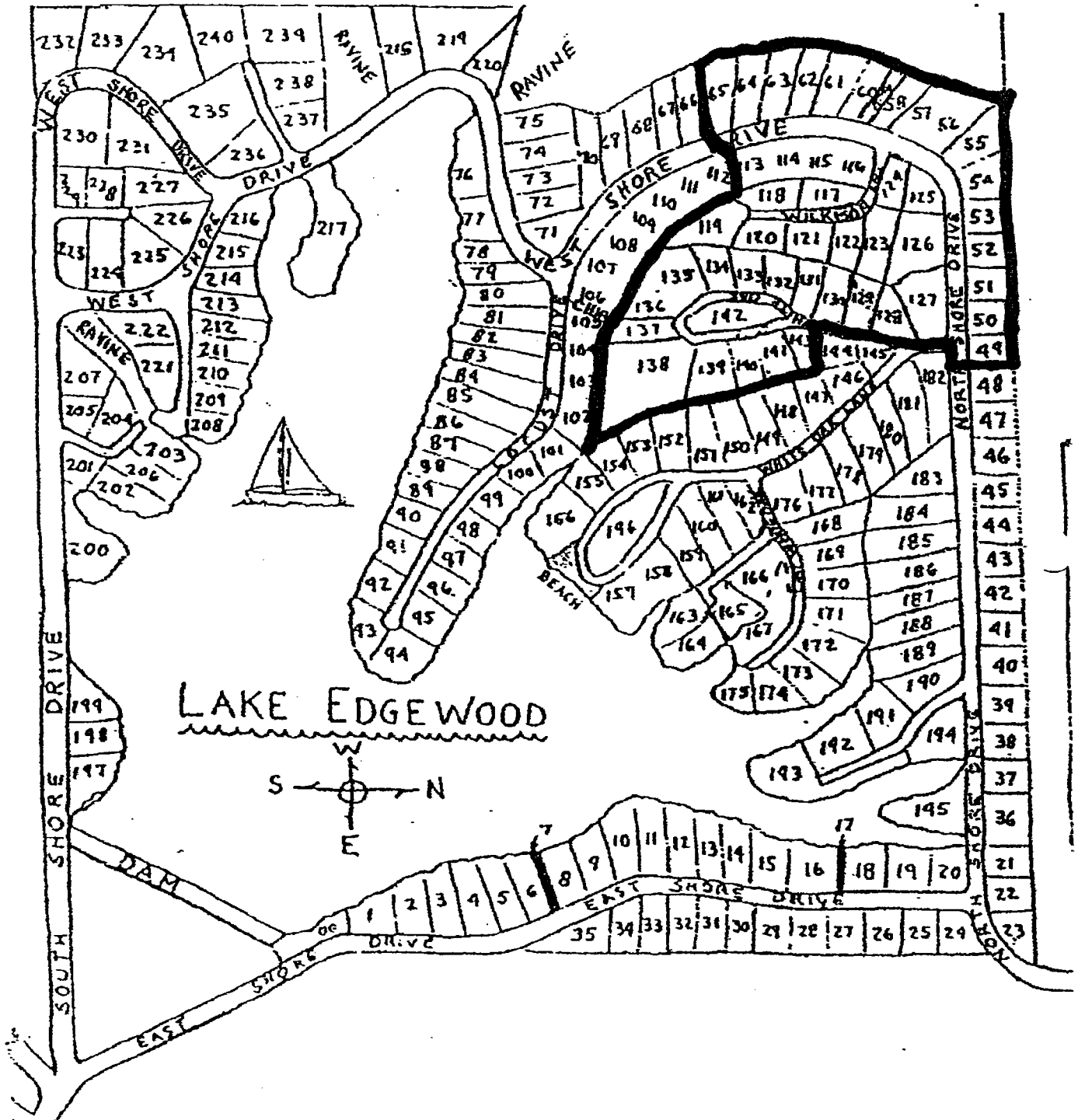
LAKE EDGEWOOD CONSERVANCY DISTRICT
DISTRICT AREA 2,
BOUNDARY MAP



**LAKE EDGEWOOD CONSERVANCY DISTRICT
DISTRICT AREA 2
BOUNDARY DESCRIPTION**

Part of the Northwest Quarter of Section 29, Township 12 North, Range 1 East, Morgan County, Indiana being more particularly described and commonly known as Lots 36 thru 48 and Lots 144 thru 196 as shown on the Plat of Second Addition of Edgewood approved by the Morgan County Plan Commission on May 10, 1958 and recorded August 6, 1958 in the Office of Morgan County Recorder in Deed Record 150, (Slide 529), including abutting roads.

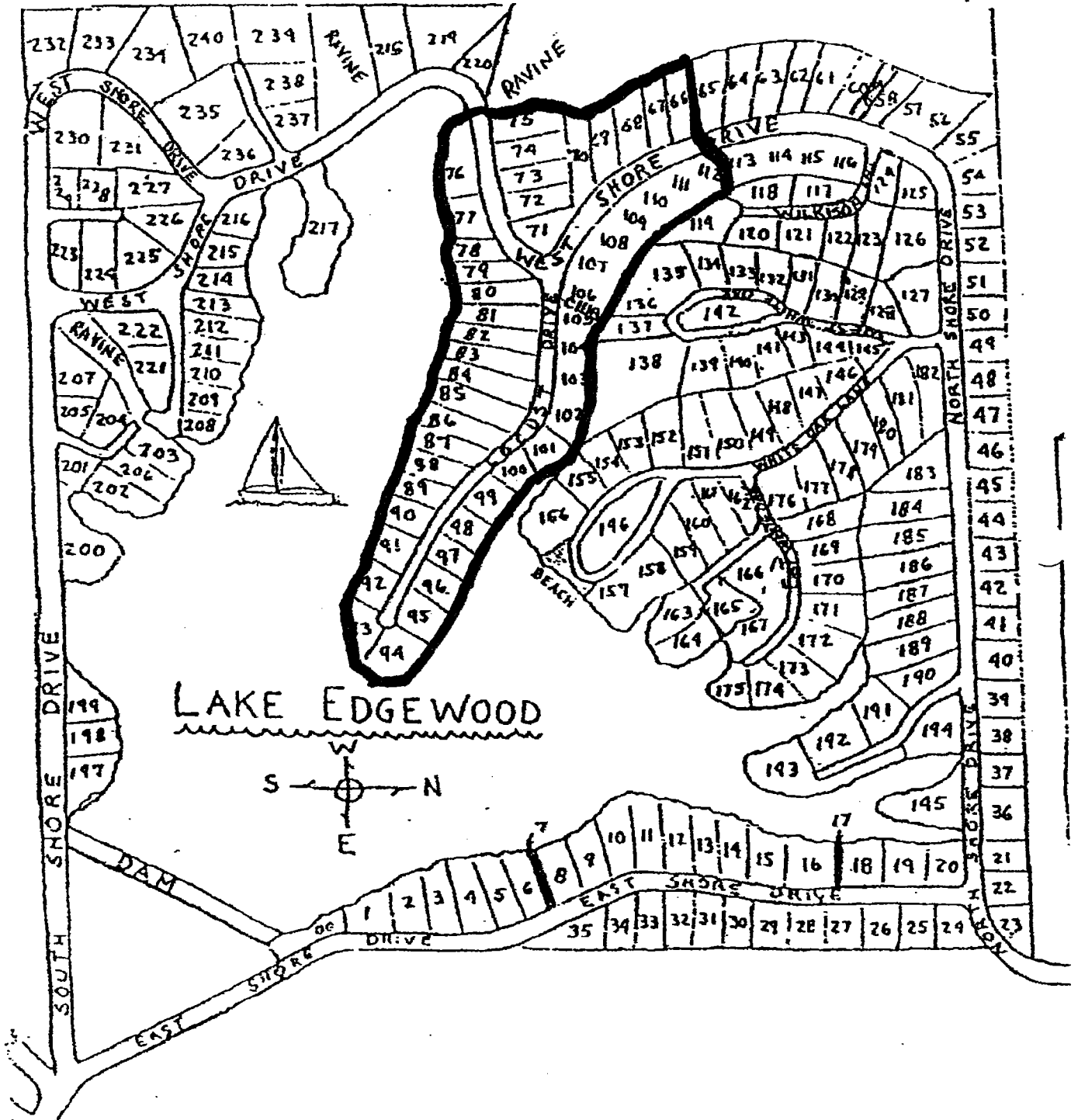
LAKE EDGEWOOD CONSERVANCY DISTRICT
DISTRICT AREA 3
BOUNDARY MAP



**LAKE EDGEWOOD CONSERVANCY DISTRICT
DISTRICT AREA 3
BOUNDARY DESCRIPTION**

Part of the Northwest Quarter of Section 29, Township 12 North, Range 1 East, Morgan County, Indiana being more particularly described and commonly known as Lots 49 thru 65 and Lots 113 thru 143 as shown on the Plat of Second Addition of Edgewood approved by the Morgan County Plan Commission on May 10, 1958 and recorded August 6, 1958 in the Office of Morgan County Recorder in Deed Record 150, (Slide 529), including abutting roads.

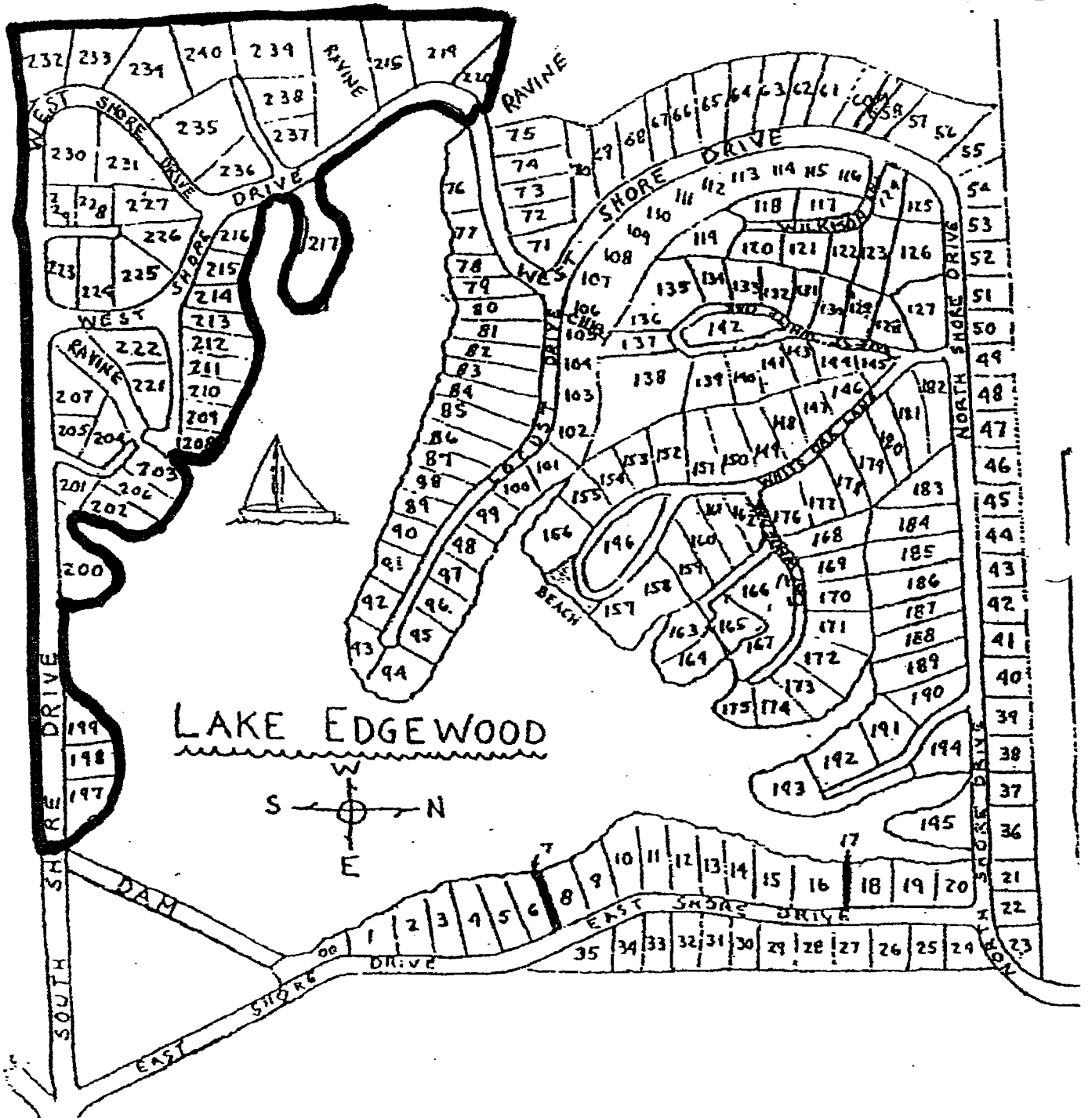
LAKE EDGEWOOD CONSERVANCY DISTRICT
 DISTRICT AREA 4
 BOUNDARY MAP



**LAKE EDGEWOOD CONSERVANCY DISTRICT
DISTRICT AREA 4
BOUNDARY DESCRIPTION**

Part of the Northwest Quarter of Section 29, Township 12 North, Range 1 East, Morgan County, Indiana being more particularly described and commonly known as Lots 66 thru 112 as show on the Plat of Second Addition of Edgewood approved by the Morgan County Plan Commission on May 10, 1958 and recorded August 6, 1958 in the Office of Morgan County Recorder in Deed Record 150, (Slide 529), including abutting roads.

LAKE EDGEWOOD CONSERVANCY DISTRICT
DISTRICT AREA 5
BOUNDARY MAP



**LAKE EDGEWOOD CONSERVANCY DISTRICT
DISTRICT AREA 5
BOUNDARY DESCRIPTION**

Part of the Northwest Quarter of Section 29, Township 12 North, Range 1 East, Morgan County, Indiana being more particularly described and commonly known as all that land included and described in Plat of Lake Edgewood Third Subdivision as approved by the Morgan County Plan Commission on October 25, 1960 and recorded in the Office of the Morgan County Recorder in Deed Book 162, Page 244A (Slide 283).