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JUL 06 2023
Cammie A. Fromhold

LAWRENCEBURG CONSERVANCY DISTRICT

GREENDALE ORDINANCE.

I, Jared J. Ewbank, swear and affirm under the penalties of perjury the following statements are true to the best of my knowledge.

1. I am the Attorney and an authorized representative for the Lawrenceburg Conservancy District ("LCD").
2. The LCD Board of Directors met on June 15, 2023, and passed LCD Ordinance No. 2023-1, attached hereto. This ordinance is also named the Greendale Flood Control Ordinance.
3. The Greendale Flood Control Ordinance controls activities in the following described area located in the City of Greendale, City of Lawrenceburg, and Dearborn County:

LAWRENCEBURG TOWNSHIP: Situated in Section 2, 3, 10, 11, 14, and 15, Township 5, Fractional Range 1 West, Lawrenceburg Township, Dearborn County, State of Indiana, and being more particularly described as follows: Beginning at a point located North 52°59'43" East, 67.49 feet from a point where the centerline of the Lawrenceburg Levee meets the centerline of Argosy Parkway, said point being the TRUE POINT OF BEGINNING; thence from the TRUE POINT OF BEGINNING and parallel to the Lawrenceburg Levee and along the general location of elevation 490.00 South 83°44'13" West, 4215.92 feet to a point; thence leaving said Levee and along the hillside slope below Ridge Avenue North 51°42'47" West, 94.11 feet to a point; thence North 13°15'24" West, 226.88 feet to a point; thence North 00°12'36" West, 427.24 feet to a point, thence North 29°46'07" East, 71.50 feet to a point, thence North 10°27'40" East, 263.59 feet to a point; thence North 10°45'30" West, 73.88 feet to a point; thence North 32°36'11" East, 167.17 feet to a point, thence North 06°29'00" East, 177.28 feet to a point; thence North 19°09'12" East, 491.00 feet to a point; thence North 22°22'03" East, 245.84 feet to a point, thence North 01°44'05" East, 441.51 feet to a point; thence North 22°59'23" East, 513.28 feet to a point; thence North 33°27'35" East, 331.28 feet to a point; thence North 35°41'23" East, 351.26 feet to a point; thence North 15°23'30" East, 323.55 feet to a point; thence North 31°57'03" East, 491.87 feet to a point; thence North 39°25'22" East, 315.08 feet to a point; thence North 74°02'43" East, 84.01 feet to a point; thence North 00°00'00" East, 55.42 feet to a point; thence North 88°52'39" West, 73.49 feet to a point; thence North 01°07'21" East, 128.06 feet to a point; thence North 08°14'28" East, 218.55 feet to a point; thence North 27°19'26" East, 91.87 feet to a point; thence North 01°54'28" West, 345.71 feet to a point; thence North 18°42'53" West, 89.68 feet to a point; North 34°08'34" East 48.71 feet to a point; North 04°08'12" East, 219.40 feet to a point; North 14°25'44" West, 179.12 feet to a point; North 88°49'49" East 90.38 feet to a

point; North 57°02'42" East, 85.86 feet to a point; North 03°03'25" West, 145.70 feet to a point; thence North 84°05'25" East, 68.20 to a point; thence North 20°18'40" East, 1109.55 feet to a point; thence North 29°42'46" East, 259.34 feet to a point; thence North 32°10'46" East, 315.79 feet to a point; thence North 43°44'00" East, 164.00 feet to a point; thence North 49°29'57" East, 351.89 feet to a point; thence North 61°01'04" East, 516.88 feet to a point; thence South 85°31'02" East 281.66 feet to a point; thence South 66°34'15" East, 196.86 feet to a point; thence North 76°06'51" East, 124.53 feet to a point; thence North 11°56'13" West, 75.64 feet to a point; thence North 45°46'22" East, 297.67 feet to a point on the North side of Bellevue Drive thence South 81°46'06" East, 118.28 feet to a point, thence North 59°57'58" East, 71.11 feet to a point; thence North 41°21'01" East, 147.74 feet to a point on the Northeast side of U.S. 50, thence South 48°38'59" East, 440.99 feet to a point on the North side fo the I-275 connector road, thence South 10°56'31" West, 152.29 feet to a point on the South side of the I-275 connector road; thence North 79°03'29" West, 106.22 feet to a point; thence North 75°43'37" West 205.18 feet to a point; thence South 59°28'26" West, 73.03 feet to a point; thence South 18°50'56" West, 77.77 feet to a point, thence South 39°51'15" West, 324.09 feet to a point on an abandoned railroad embankment; thence along said railroad embankment, South 23°05'48" West, 1209.91 feet to a point; thence South 23°36'58" West, 700.23 feet to a point; thence South 14°35'33" West, 259.52 feet to a point; thence South 02°59'47" West, 392.67 feet to a point, thence South 00°05'48" West, 1018.24 feet to a point; thence South 06°42'20" East, 488.55 feet to a point; thence South 10°08'31" East, 2285.26 feet to a point; thence South 19°25'44" East, 284.43 feet to a point; thence South 24°23'54" East, 249.16 feet to a point; thence South 26°41'58" East, 853.46 feet to the TRUE POINT OF BEGINNING.

Containing 19,420,671 square feet or 445.837 acres of land and being subject to all rights-of-way and easements of record.

- 4. The legal description contained herein was made part of the LCD's jurisdiction, pursuant to an order of the Dearborn County Circuit Court as attached hereto.
- 5. The purpose of recording this ordinance is to put all freeholders and prospective buyers on notice of this ordinance.

[Handwritten Signature]

Jared J. Ewbank
State of Indiana County of Dearborn
Signed and sworn to before me on ^{JK} ~~June 15~~ ^{July 6,} 2023, by Jared J. Ewbank.

NOTARY PUBLIC
SEAL
DEBBIE LEIBROOK
Commission Number: 677591
My Commission Expires: 01/31/24
County of Residence: Dearborn

[Handwritten Signature]
Debbie Leibrook

I AFFIRM, UNDER PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. JARED J. EWBANK

**This instrument prepared by:
JARED J. EWBANK, Attorney at Law
EWBANK & KRAMER
114 West High Street
Lawrenceburg, IN 47025-1908
(812) 537-2522**

Attachment

LAWRENCEBURG CONSERVANCY DISTRICT

LCD ORDINANCE NO. 2023-1

GREENDALE LEVEE SYSTEM

DEARBORN COUNTY, INDIANA

Adopted at a Public Meeting Held on:

June 15, 2023

Article I - General Provisions

- Section 101. Short Title
- Section 102. Statement of Findings
- Section 103. Purpose
- Section 104. Statutory Authority
- Section 105. Applicability
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Article II - Definitions

Article III - Stormwater Management and Site Development Standards

- Section 301. General Requirements
- Section 302. Exemptions
- Section 303. Volume and Water Quality Controls
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Article IV - Site Plan Requirements

- Section 401. Plan Requirements for Projects Requiring Stormwater Management Facilities
- Section 402. Plan Requirements for Other Regulated Activities
- Section 402. Plan Submission
- Section 403. Plan Review
- Section 404. Modification of Plans
- Section 405. Resubmission of Disapproved Site Plans
- Section 406. Authorization to Construct and Term of Validity
- Section 407. As-Built Plans, Completion Certificate and Final Inspection

Article V - Operation and Maintenance

- Section 501. Responsibilities of Developers and Landowners
- Section 502. Operation and Maintenance Agreements

Article VI - Fees and Expenses

- Section 601. General

Article VII - Prohibitions

- Section 701. General Prohibitions
- Section 702. Prohibited Discharges and Connections
- Section 703. Groundwater Aquifer Penetrations
- Section 704. Utility Poles and Other Penetrations of Levee System
- Section 705. Roof Drains
- Section 706. Alteration of Facilities

Article VIII - Enforcement and Penalties

- Section 801. Right-of-Entry
- Section 802. Inspection
- Section 803. Enforcement
- Section 804. Suspension and Revocation
- Section 805. Penalties

Article IX – Effective Date

Article X - References

Exhibit A – Operation and Maintenance Agreement

Exhibit B – Fee Schedule

ARTICLE I - GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known as the “Lawrenceburg Conservancy District Flood Control Ordinance”.

Section 102. Statement of Findings

The governing body of the LCD finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases pollution of water resources.
- B. Managing stormwater runoff, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, and welfare and the protection of people affected by the Greendale Levee System and the District’s flood control operations.
- C. Impacts from stormwater runoff on flood control operations can be minimized by reducing the volume of stormwater generated and by using project designs that maintain the natural hydrologic regime and control runoff flow rates and volumes, and promote infiltration and stream baseflow. Cost-effective and environmentally sensitive stormwater management can be achieved through the use of nonstructural design techniques that minimize impervious surfaces, reduce disturbance of land and natural resources, avoid sensitive areas (i.e., riparian buffers, floodplains, steep slopes, wetlands, etc.), and consider topography and soils to maintain the natural hydrologic regime.

Section 103. Purpose

The purpose of this Ordinance is to protect public health, safety and general welfare, and property by implementing flood control related drainage, stormwater management and seepage control practices, criteria, and provisions included herein for land development, construction, and earth disturbance activities, to achieve the following:

- A. Reduce the frequency and magnitude of flooding and stormwater impacts affecting people, property, infrastructure, and public services.
- B. Sustain or improve the natural hydrologic characteristics and water quality of groundwater and surface waters.
- C. Protect natural resources, including riparian and aquatic living resources and habitats.

- D. Maintain the natural hydrologic regime of land development sites and their receiving water bodies.
- E. Minimize land disturbance and protect and incorporate natural hydrologic features, drainage patterns, infiltration, and flow conditions within land development site designs.
- F. Reduce and minimize the volume of stormwater generated and manage and release stormwater as close to the source of runoff as possible.
- G. Provide infiltration and maintain natural groundwater recharge to protect groundwater supplies and stream baseflows, prevent degradation of surface water and groundwater quality, and to otherwise protect water resources.
- H. Reduce scour, erosion, and sedimentation of stream channels.
- I. Reduce flooding impacts and preserve and restore the natural flood-carrying capacity of water bodies and their floodplains.
- J. Protect adjacent and downgradient lands from adverse impacts of direct stormwater discharges.
- K. Minimize impervious surfaces and connected impervious surfaces to promote infiltration and reduce the volume and impacts of stormwater runoff on flood control operations.
- L. Provide proper long-term operation and maintenance of all permanent stormwater management facilities and appurtenant drainage and conveyance facilities.
- M. Reduce the impacts of runoff from existing developed land undergoing redevelopment while encouraging new development and redevelopment in urban areas and areas designated for growth.
- N. Provide flood control and stormwater management performance standards and design criteria.
- O. Provide review procedures and performance standards for flood control and stormwater planning and management.

Section 104. Statutory Authority

The District is empowered or required to regulate land use activities that affect stormwater runoff and flood control operations by the authority of The Indiana Code, Title 14, Article 33.

Section 105. Applicability

All regulated activities and all activities that may affect flood control operations, including land development, earth disturbance activities, or other activities that may alter surface or groundwater flow patterns, or that may affect the stability, performance, or function of the Greendale Levee System are subject to regulation by this Ordinance.

The geographical area in which activities are regulated by this Ordinance is referred herein as the Flood Protection Area, which is taken to be the area interior to the Greendale Levee System operated by the Lawrenceburg Conservancy District, generally bounded by the Greendale Levee System to the east, the Lawrenceburg Levee System Long Slope to the south, Ridge Avenue to the west, and Belleview Drive to the north. It also establishes the boundaries of the District to consider all watersheds affected by the flooding water encompassing approximately 446 acres of land, and as defined by the Lawrenceburg Conservancy District subdistrict expansion petition, dated 9/21/1999.

Purposes in the established Flood Protection Area include flood prevention and control; improving drainage; providing for irrigation; developing forests, wildlife areas, parks, and recreational facilities if feasible in connection with beneficial water management; preventing the loss of topsoil from injurious water erosion; storage of water for augmentation of stream flow; operation, maintenance, and improvement of a work of improvement for water based recreational purposes or other work of improvement that could have been built for any other purpose authorized by Indiana Code 14-33-1-1.

Section 106. Repealer

Any other ordinance provision(s) or regulation of the district inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only and only for the Greendale Flood Protection Area.

Section 107. Severability

In the event that a court of competent jurisdiction declares any section or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 108. Compatibility with Other Requirements

Approvals issued and actions taken under this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or ordinance.

Standards and provisions within the City of Greendale, Indiana Code of Ordinances Title XV, Chapter 151: Ordinance for Flood Hazard Areas must be applied in a manner consistent with the provisions of this Ordinance. Standards for "Flood Prone Areas" as defined in the City of Greendale, Indiana Code of Ordinances Title XV, Chapter 151: Ordinance for Flood

Hazard Areas are to be adhered to the greatest extent practicable in conjunction with the provisions of this Ordinance.

Standards and provisions within the City of Greendale, Indiana Code of Ordinances Title XV, Chapter 155, Well Field Protection Overlay District must be applied in a manner consistent with the provisions of this Ordinance.

ARTICLE II – DEFINITIONS

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word “includes” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.

Agricultural Activity – Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

Applicant – A landowner, developer, or other person who has filed an application for approval to engage in any regulated activity at a project site within the Flood Protection Area operated by the District.

Channel – A natural or artificial open drainage feature that conveys, continuously or periodically, flowing water and through which stormwater flows. Channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full.

City or Municipality—the City of Greendale.

Conservancy District (or District) – The Lawrenceburg Conservancy District.

Conveyance – A natural or manmade, existing, or proposed stormwater management facility, feature or channel used for the transportation or transmission of stormwater from one place to another. For the purposes of this Ordinance, conveyance shall include pipes, drainage ditches, channels, and swales (vegetated and other), gutters, stream channels, and like facilities or features.

Design Storm – The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24 hours) used in the design and evaluation of stormwater management systems. Also see Return Period.

Detention (or To Detain) – Capture and temporary storage of runoff in a Stormwater Management Facility for release at a controlled rate.

Developer – A person, company, or organization who seeks to undertake any Regulated Activities at a site within the Flood Protection Area operated by the District.

Development, Site – Any human-induced change to improved or unimproved real estate, whether public or private, including, but not limited to, land development, construction, installation, or expansion of a building or other structure, land division, street construction, drilling, and site alteration such as embankments, dredging, grubbing, grading, paving, parking or storage facilities, excavation, filling, stockpiling, or clearing.

Disturbed Area – An unstabilized land area where an earth disturbance activity is occurring or has occurred.

Earth Disturbance Activity – A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

Erosion – The natural process by which the surface of the land is worn away by water, wind, or chemical action.

FEMA – Federal Emergency Management Agency.

Flood – A temporary condition of partial or complete inundation of land areas from the overflow of streams, rivers, and other waters such as groundwater seepage.

Flood Control (or Flood Control Operations) – Any undertaking for the conveyance, control, and dispersal of floodwaters caused by precipitation or stream overflow, and the taking of appropriate steps and procedures to protect land areas from floods or to minimize damage therefrom.

Flood Prone Area – Any land area acknowledged by a community as being susceptible to inundation by water from any source.

Flood Protection Area – The area interior to the Greendale Levee System operated by the Lawrenceburg Conservancy District, generally bounded by the Greendale Levee System to the east, the Lawrenceburg Levee System Long Slope to the south, Ridge Avenue to the west, and Belleview Drive to the north. It also establishes the boundaries of the District to consider all watersheds affected by the flooding water encompassing approximately 446 acres of land, and as defined by the Lawrenceburg Conservancy District subdistrict expansion petition, dated 9/21/1999.

Floodplain – Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a Special Flood Hazard Area.

Floodway – The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary

of the 100-year floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

Forest Management/Timber Operations – Planning and activities necessary for the management of forestland. These include conducting a timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

Governing Body – the City of Greendale Common Council and the Board of Directors of the Lawrenceburg Conservancy District.

Gravel (Crushed Stone) – Considered to be impervious when the intended use of the stone is for transportation purposes, parking areas, construction areas, trails, or if the gravel is compacted at any time during or after its placement; landscaping stone is not considered as impervious area.

Groundwater – Water that occurs in the subsurface and fills or saturates the porous openings, fractures and fissures of under-ground soils and rock units.

Groundwater Recharge – The replenishment of existing natural groundwater supplies from infiltration of rain or overland flow.

Impervious Surface (Impervious Area) – A surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, streets, sidewalks, pavements, parking lots, driveways, roofs, stone patios. See definition of “Gravel (Crushed Stone)” for when gravel classifies as impervious area.

Infiltration – Movement of surface water into the soil, where it is absorbed by plant roots, evaporated into the atmosphere, or percolated downward to recharge groundwater.

Land Development (Development) – Inclusive of any or all of the following meanings: (i) the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) any subdivision of land; (iii) development in accordance with applicable Indiana or City Code.

Limiting Zone – A soil horizon or condition in the soil profile or underlying strata that includes one of the following:

- A. A seasonal high-water table, whether perched or regional, determined by direct observation of the water table or indicated by other subsurface or soil conditions.
- B. A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.
- C. A rock formation, other stratum, or soil condition that is so slowly permeable that it effectively limits downward passage of water.

Maintenance – The action taken to restore or preserve the as-built functional design of any Stormwater Management Facility or system.

Municipal Engineer – A professional engineer licensed as such in the State of Indiana, duly appointed as the engineer for a municipality, planning agency, or joint planning commission.

Peak Discharge – The maximum rate of stormwater runoff from a specific storm event.

Pervious Area – Any area not defined as impervious.

Post-construction (or Post-development) – Period after construction during which Disturbed Areas are stabilized, flood and stormwater controls are in place and functioning, and all proposed improvements approved by the District are completed.

Predevelopment – Ground cover conditions assumed to exist within the proposed Disturbed Area prior to commencement of the Regulated Activity for the purpose of calculating the Predevelopment stormwater volumes and peak flow rates as required in this Ordinance.

Project Site – The specific area of land where any regulated activities within the Flood Protection Area operated by the District are planned, conducted, or maintained.

Qualified Professional – Any person licensed by the Indiana Department of State or otherwise qualified by law to perform the work required by this Ordinance.

Redevelopment – Any development that requires demolition or removal of existing structures or impervious surfaces at a site and replacement with new impervious surfaces. Maintenance activities such as top-layer grinding and re-paving are not considered to be redevelopment. Interior remodeling projects and tenant improvements are also not considered to be redevelopment.

Regulated Activities – Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect flood control operations, stormwater runoff, groundwater and seepage flow patterns, or that may affect the stability, performance, or function of the Greendale Levee System.

Retention (or To Retain) – The prevention of direct discharge of stormwater runoff into surface waters or water bodies during or after a storm event by permanent containment in a pond or depression; examples include systems which discharge by percolation to groundwater, exfiltration, and/or evaporation processes and which generally have residence times of less than three (3) days.

Retention Basin – An impoundment that is designed to temporarily detain a certain amount of stormwater from a catchment area and which may be designed to permanently retain stormwater runoff from the catchment area; retention basins always contain water.

Return Period – The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the

probability of a 25-year storm occurring in any one year is 0.04 (i.e., a 4% chance).

Runoff – Any part of precipitation that flows over the land.

Sediment – Soils or other materials transported by surface water as a product of erosion.

Seepage (or Groundwater Seepage) – The movement of water in soils or the ground.

Site – Total area of land where any proposed Regulated Activity, as defined in this Ordinance, is planned, conducted, or maintained or that is otherwise impacted by the Regulated Activity.

Site Plan – The plan prepared by the developer or his representative indicating how flood control will be implemented and stormwater runoff will be managed at the development site in accordance with this Ordinance.

Stormwater – Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

Stormwater Management Facility – Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to: detention and retention basins; open channels; storm sewers; pipes; French drains; underground on-lot seepage pits; and infiltration facilities.

Swale – An artificial or natural waterway or low-lying stretch of land that gathers and conveys stormwater or runoff, and is generally vegetated for soil stabilization, stormwater pollutant removal, and infiltration.

Watercourse – A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Table – The upper most level of saturation of pore space or fractures by groundwater. Seasonal high-water table refers to a water table that rises and falls with the seasons due either to natural or man-made causes.

Watershed – Region or area drained by a river, watercourse, or other body of water, whether natural or artificial.

Wetland – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, fens, and similar areas.

ARTICLE III - STORMWATER MANAGEMENT AND SITE DEVELOPMENT STANDARDS

Section 301. General Requirements

- A. For all regulated activities, unless preparation of a Site Plan is specifically exempted in Section 302:
 - 1. Preparation and implementation of an approved Site Plan is required.
 - 2. No regulated activities shall commence until the District issue written approval of a Site Plan, which demonstrates compliance with the requirements of this Ordinance.
- B. Site Plans approved by the District, in accordance with Section 407, shall be on site throughout the duration of the regulated activity.
- C. For all regulated activities, implementation of the volume controls in Section 303 is required, unless otherwise exempted by Section 302.
- D. Any replacement of existing site soil materials shall be with lower permeability materials suitable for limiting upward seepage in comparison to existing materials.
- E. Impervious areas:
 - 1. The measurement of impervious areas shall include all impervious areas in the total proposed development even if development is to take place in stages.
 - 2. For development taking place in stages, the entire development plan must be used in determining conformance with this Ordinance.
 - 3. For projects that add impervious area to a parcel, only the proposed impervious area on the parcel must be considered and summed to determine the plan preparation and approval requirements of this Ordinance.
 - 4. For redevelopment projects in which the existing site is disturbed, the entire proposed site is subject to the plan preparation and approval requirements of this Ordinance. Existing conditions are considered to be the existing site prior to disturbance, and 20% of the existing impervious area must be considered as meadow in good condition for all stormwater calculations. For redevelopment projects in which the existing site is already controlled by a stormwater management facility, the requirement to consider 20% of existing impervious area as meadow is waived, provided the existing facility meets the water quality, volume, and peak rate standards and criteria of this Ordinance.
- F. Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written notification of the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this Ordinance.

- G. All regulated activities shall include measures to:
 - 1. Protect health, safety, and property;
 - 2. Minimize disturbance to floodplains, wetlands, and wooded areas.
 - 3. Avoid erosive flow conditions in natural flow pathways.
 - 4. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
- H. Infiltration facilities should be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance.
- I. Storage facilities, to the greatest extent possible and at the discretion of the District, shall completely drain both the volume control and rate control capacities over a period of time not less than 24 hours and not more than 72 hours from the end of the design storm.
- J. Storage facilities shall incorporate features to maximize the length of the flow path and increase the travel time through the facility.
- K. The design storm volumes to be used in the analysis of peak rates of discharge should be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14 can be accessed at: https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html³
- L. For all regulated activities, stormwater management facilities shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance.

Section 302. Exemptions

- A. Regulated activities that create impervious areas greater than 10,000 square feet must meet all requirements of this Ordinance.
- B. Agricultural activity is exempt from the volume and water quality controls, rate control and Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of State and local codes, notwithstanding any rules or regulations contained in the City of Greendale, Indiana Code of Ordinances Title XV, Chapter 155, Well Field Protection Overlay District.
- C. Forest management and timber operations are exempt from the volume and water quality controls, rate control and Site Plan preparation requirements of this Ordinance.

- D. Exemptions from any provisions of this Ordinance shall not relieve the applicant from the requirements in Sections 301.A. through L.
- E. The District may deny or revoke any exemption pursuant to this Ordinance at any time for any project that the District believes may pose a threat to public health, safety, property, or the environment.

Section 303. Volume and Water Quality Controls

- A. Post-construction flood control stormwater facilities must be sized to remove the water quality volume (WQv) from the surface runoff. The equation to calculate the water quality volume (WQv) is:

$$WQv = Rv \times A \times P$$

$$Rv \text{ (Runoff Coefficient)} = 0.05 + 0.9i$$

A = Total area of the post-development project site (area of the Regulated Activity)

P = Precipitation depth, 1.0-inch of rainfall over 24 hours

i = fraction of "A" that is impervious

- B. Suitable measures and design standards for removal of the WQv (such as infiltration) are contained in the Indiana Storm Water Quality Manual⁴ and shall be followed to the greatest extent practicable.
- C. Before infiltration is proposed on a site, site conditions shall be evaluated by a qualified design professional through subsurface investigation and testing to determine if site conditions are suitable to support proposed infiltration facilities. If it is determined that infiltration is not feasible due to physical constraints of the site or will adversely impact the environment as demonstrated by the presence of sinkhole formation, or other serious environmental issues, then the above volume controls must be achieved through surface stormwater management facility mitigation.

Section 304. Rate Controls

Post-development discharge rates shall not exceed the predevelopment discharge rates for the 1- through 100-year, 24-hour storms. If it is shown that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the predevelopment analysis for 1- through 100-year, 24-hour storms, then the requirements of this section have been met. The applicant must provide additional controls as necessary to maintain the predevelopment peak rate of discharge after development.

ARTICLE IV – SITE PLAN REQUIREMENTS

Section 401. Plan Requirements for Projects Requiring Stormwater Management Facilities

For land development, redevelopment, and other regulated activities in which post-construction stormwater management facilities are required, the following items shall be included in the Site Plan:

- A. The District shall not approve any Site Plan that is deficient in meeting the requirements of this Ordinance. At their sole discretion and in accordance with this Article, when a Site Plan is found to be deficient, the District may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, may accept submission of modifications.
- B. Provisions for permanent access or maintenance easements for all physical stormwater management facilities, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance Plan discussed in Item D.7 below.
- C. The following signature blocks:

“Lawrenceburg Conservancy District, on this date (date of signature), has reviewed and hereby certifies that the Site Plan is in compliance with the Lawrenceburg Conservancy District Ordinance 2023-1.”
- D. The Site Plan shall provide the following information:
 1. The overall flood control and stormwater management concept for the project.
 2. A determination of site conditions.
 3. Stormwater runoff design computations, and documentation as specified in this Ordinance, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Ordinance, including the recommendations and general requirements in Section 301; computations are required for all proposed stormwater management facilities.
 4. The effect of the project (in terms of runoff volumes and peak flows) on surrounding properties and aquatic features and on any existing stormwater conveyance system that may be affected by the project.
 5. Plan and profile drawings of all stormwater management facilities, including drainage structures, pipes, open channels, and swales.
 6. Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.

7. The Site Plan shall include an Operation and Maintenance Plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for operation and maintenance as well as schedules and costs for operation and maintenance activities.
8. The Site Plan shall include the following additional elements:
 - a. Construction details of all proposed stormwater management facilities.
 - b. A stormwater management facility design narrative.
 - c. A signature block containing the name, address, and phone number of the individual responsible for the Operation and Maintenance Plan.
 - d. A drainage area map with time of concentration paths shown.
 - e. Existing contour intervals of two feet.
 - f. All existing features on the property and within 50 feet of property.
 - g. Floodplain and floodway limits.
 - h. Proposed structures and proposed grades.
 - i. Soil boundary lines and descriptions.
 - j. Date of submission, north arrow, graphic scale, call before you dig note and reference number, location map, name of development, name and address of property owner, and individual preparing the Site Plan.
 - k. Existing and proposed easements.
 - l. Statement signed by landowner stating that they cannot alter any stormwater management facility without prior permission of the District.

Section 402. Plan Requirements for Other Regulated Activities

All regulated activities within the Flood Protection Area must be reviewed by the District and approval granted prior to construction. Site Plans must include sufficient information to make a determination of approval, including but not limited to overall project plans, construction details, methods of construction, and other information to support the review.

Section 403. Plan Submission

- A. Two (2) copies of the Site Plan shall be submitted to the Lawrenceburg Conservancy District.
- B. Additional copies shall be submitted as requested by the District.

Section 404. Plan Review

- A. The Site Plan shall be reviewed by a qualified professional for the District for consistency with the provisions of this Ordinance. After review, the qualified professional shall provide a written recommendation for the District to approve or disapprove the Site Plan. If it is recommended to disapprove the Site Plan, the qualified professional shall state the reasons for the disapproval in writing. The

qualified professional also may recommend approval of the Site Plan with conditions and, if so, shall provide the acceptable conditions for approval in writing.

- B. The District shall notify the applicant in writing within 45 days whether the Site Plan is approved or disapproved. If the District disapproves the Site Plan, the District shall cite the reasons for disapproval in writing.

Section 405. Modification of Plans

A modification to a submitted Site Plan that involves a change in stormwater management facilities or techniques, or that involves the relocation or redesign of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the Site Plan as determined by the District shall require a resubmission of the modified Site Plan in accordance with this Article.

Section 406. Resubmission of Disapproved Site Plans

A disapproved Site Plan may be resubmitted, with the revisions addressing the District concerns, to the District in accordance with this Article. The applicable review fee must accompany a resubmission of a disapproved Site Plan.

Section 407. Authorization to Construct and Term of Validity

The approval of a Site Plan authorizes the regulated activities contained in the Site Plan for a maximum term of validity of 5 years following the date of approval. The District may specify a term of validity shorter than 5 years in the approval for any specific Site Plan. Terms of validity shall commence on the date the District signs the approval for an Site Plan. If an approved Site Plan is not completed according to Section 407 within the term of validity, then the District may consider the Site Plan disapproved and may revoke any and all permits. Site Plans that are considered disapproved by the District shall be resubmitted in accordance with Section 405 of this Ordinance.

Section 408. As-Built Plans, Completion Certificate, and Final Inspection

- A. The developer shall be responsible for providing as-built plans and geographic information system (GIS) shapefiles of all stormwater management and appurtenant drainage and conveyance facilities included in the approved Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the District and City of Greendale.
- B. The as-built submission shall include a certification of completion signed by a qualified professional verifying that all permanent stormwater management facilities have been constructed according to the approved plans and specifications. If any licensed qualified professionals contributed to the construction plans, then a licensed qualified professional must sign the completion certificate.
- C. After receipt of the completion certification by the District, the District or official designee may conduct a final inspection.

ARTICLE V - OPERATION AND MAINTENANCE

Section 501. Responsibilities of Developers and Landowners

- A. The District shall make the final determination on the continuing maintenance responsibilities prior to final approval of the Site Plan. The District may require a dedication of such facilities as part of the requirements for approval of the Site Plan. Such a requirement is not an indication that the District will accept the facilities. The District reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls. If the facility is rejected by the District, provisions shall be made to identify the legal owner.
- B. Facilities, areas, or structures used for flood control and stormwater management shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
- C. The Operation and Maintenance Plan shall be recorded as a restrictive deed covenant that runs with the land.
- D. The District may take enforcement actions against an owner for any failure to satisfy the provisions of this Article.

Section 502. Operation and Maintenance Agreements

The owner is responsible for operation and maintenance of the stormwater management facilities. If the owner fails to adhere to the Operation and Maintenance Agreement, the District may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property which shall be filed at the Office of the Dearborn County Recorder in the amount of damages plus interest at the statutory rate.

ARTICLE VI - FEES AND EXPENSES

Section 601. General

- A. The District may include all costs incurred in the review fee charged to an applicant pursuant to this Ordinance or other applicable municipal Ordinances. The review fee may include, but not be limited to, costs for the following:
- Administrative costs.
 - Review of the Site Plan.
 - Attendance at meetings.
 - Site inspections of stormwater and flood control management facilities during construction.
 - Final inspection upon completion of stormwater and flood control management facilities.
 - Any additional work required to enforce any provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.
- B. The fees associated with reviews are referenced in the attached fee schedule in Exhibit B.

ARTICLE VII - PROHIBITIONS

Section 701. General Prohibitions

No person shall conduct a regulated activity or any activity that may affect the stability, performance, or function of the Greendale Levee System, or an activity that may affect District flood control operations without prior notification to, and approval by, the District.

Section 702. Prohibited Discharges and Connections

- A. No person shall allow, or cause to allow, discharges into surface waters which are not composed entirely of stormwater, except (1) as provided in Subsection B below and (2) discharges allowed under a state or federal permit.
- B. The following discharges are authorized unless they are determined to be significant contributors to pollution or adversely affect flood control operations:

- Discharges from firefighting activities	- Flows from riparian habitats and wetlands
- Potable water sources including water line flushing	- Uncontaminated water from foundations or footing drains
- Irrigation drainage	- Lawn watering
- Air conditioning condensate	- Dechlorinated swimming pool discharges
- Springs	- Uncontaminated groundwater
- Water from crawl space pumps	- Water from individual residential car washing
- Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used	- Routine external building wash down (which does not use detergents or other compounds)

- C. In the event that the District determines that any of the discharges identified in Subsection B may affect flood control operations, the District will notify the responsible person(s) to cease the discharge.

Section 703. Groundwater Aquifer Penetrations

Proposed wells, geothermal heating and cooling systems, or other activities that create excavations or penetrations into the groundwater aquifer for any project, whether part of a site or land development or not, shall be reviewed by the District. In any case, systems that penetrate the groundwater aquifer must prevent migration of groundwater to the ground surface. Mining or other mineral removal activities including quarries are prohibited.

Section 704. Utility Poles and Other Penetrations of Levee System

New utility poles or other penetrations (including exploratory borings) are not allowed within 15 feet of the levee toe or within 8 feet of any floodwall base without approval from the District.

Section 705. Roof Drains

Roof drains and sump pumps shall discharge to well vegetated areas or stormwater management facilities and to the maximum extent practicable not discharge directly to impervious surfaces.

Section 706. Alteration of Stormwater Management Facilities

No person shall modify, remove, fill, landscape, or alter any stormwater management facilities, areas, or structures without the written approval of the District.

ARTICLE VIII - ENFORCEMENT AND PENALTIES

Section 801. Right-of-Entry

Upon presentation of proper credentials, the District and the City of Greendale may enter at reasonable times upon any property within the Flood Protection Area to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.

Section 802. Inspection

Stormwater structures and facilities may be inspected by the landowner, or the landowner's designee, or governmental agencies:

- A. The frequency of said inspections, shall be determined by the landowner, District, or governmental agency, as deemed appropriate on a case by case basis;
- B. Such inspections are at the discretion of the District or governmental agency where the facility is located. The cost of this inspection shall be set by the District or governmental agency which may include bonding requirements. Such costs or bonding requirements shall be provided to the landowner and/or developer at its request or at any time during the project, however, if bonding is required then all work shall cease until these requirements are met.

Section 803. Enforcement

It shall be unlawful for a person to undertake any regulated activity except as provided in an approved Site Plan, unless specifically exempted in Section 302 of this Ordinance.

Section 804. Penalties

- A. Anyone violating the provisions of this Ordinance shall be guilty of a summary offense, and upon a finding of a body of competent jurisdiction, shall be subject to a fine of not more than (\$500.00) for each violation, recoverable with costs, including but not limited to, Court costs and attorney fees. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.
- B. In addition, the District may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any Court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

Section 805. Appeals

- A. Any person aggrieved by any decision of the District, its representative or designee, relevant to the provisions of this Ordinance, may appeal to the Dearborn County Circuit Court within thirty (30) days of the District decision.

ARTICLE IX – EFFECTIVE DATE

This Ordinance shall become effective on July 1ST, 2023 and only after notice of this Ordinance has been published in a newspaper of general circulation within the Lawrenceburg Conservancy District's jurisdiction.

ARTICLE X - REFERENCES

1. U.S. Department of Agriculture, National Resources Conservation Service (NRCS). *National Engineering Handbook*. Part 630: Hydrology, 1969-2001. Originally published as the *National Engineering Handbook*, Section 4: Hydrology. Available from the NRCS online at: <http://www.nrcs.usda.gov/>.
2. U.S. Department of Agriculture, Natural Resources Conservation Service. 1986. *Technical Release 55: Urban Hydrology for Small Watersheds*, 2nd Edition. Washington, D.C.
3. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center. 2004-2006. *Precipitation-Frequency Atlas of the United States, Atlas 14*, Volume 2, Version 3.0, Silver Spring, Maryland. Internet address: https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html
4. Indiana Department of Environmental Management. 2007. *Indiana Storm Water Quality Manual*

ALL OF WHICH IS Ordained and adopted by the Lawrenceburg Conservancy District, this the 15 day of June, 2023, in accordance with applicable statutes, upon the vote as follows:

VOTE:	For:	Against:
Mike Noel	<u>Mike Noel</u>	_____
Dennis Richter, OD	_____	_____
David Staab	_____	_____
Jim Kittle	_____	_____
Greg McAdams	<u>Symidahr</u>	_____
Mike McCabe	<u>M & M ccb</u>	_____
Randy Tyler	<u>Randy Tyler</u>	_____

So approved this 15th day of June, 2023.

This Ordinance:

PASSED

FAILED
Michael Noel, Chairman

Attested by:
Jared Ewbank
Jared Ewbank, Attorney

This Instrument Prepared By:
JARED J. EWBank (34004-15)
114 West High Street
Lawrenceburg, IN 47025-1908
Phone: (812) 537-2522
Fax: (812) 537-253

EXHIBIT A

OPERATION AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between _____, (hereinafter the “Landowner”), and Lawrenceburg Conservancy District (hereinafter “LCD”);

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Dearborn County, Indiana, Instrument No. _____, as described in Exhibit “A” (hereinafter “Property”).

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Operation and Maintenance Plan approved by the LCD (hereinafter referred to as the “Plan”) for the property identified herein, which is attached hereto as Exhibit “B” and made part hereof, as approved by the LCD, provides for management of stormwater within the confines of the Property through the use of stormwater management facilities; and

WHEREAS, the LCD and the Landowner, their successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site stormwater management facilities be constructed and maintained on the Property; and

WHEREAS, the LCD requires, through the implementation of the approved Site Plan, that stormwater management facilities as required by said Plan and Lawrenceburg Conservancy District Flood Control Ordinance be constructed and adequately operated and maintained by the Landowner, and their successors, and assigns.

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Landowner shall construct the stormwater management facilities in accordance with the plans and specifications identified in the approved Site Plan.
2. The Landowner shall operate and maintain the stormwater management facilities as shown on the Plan in good working order in accordance with the specific maintenance requirements noted on the approved Site Plan.

3. The Landowner hereby grants permission to the LCD, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the stormwater management facilities whenever necessary. The LCD shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the stormwater management facilities per paragraph 2, the District and the LCD or their representatives may enter upon the Property and take whatever action is deemed necessary to maintain said stormwater management facilities. It is expressly understood and agreed that the LCD is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the LCD.
5. In the event the LCD, pursuant to this Agreement, perform work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the LCD for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the LCD.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite stormwater management facilities by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the District from all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the stormwater management facilities by the LCD.
8. The LCD shall inspect the stormwater management facilities at a minimum of once every three years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Dearborn County, Indiana, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs, and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For Lawrenceburg Conservancy District:

For the Landowner:

SS: County of Dearborn, Indiana

I, _____, a Notary Public in and for the county and state aforesaid, whose commission expires on the _____ day of _____, 20____, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the _____ day of _____, 20____, has acknowledged the same before me in my said county and state.

GIVEN UNDER MY HAND THIS _____ day of _____, 20_____.

NOTARY PUBLIC

(SEAL)

**This instrument prepared by: Jared J. Ewbank, Attorney at Law
114 West High Street, Lawrenceburg, Indiana 47025**

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Jared J. Ewbank

EXHIBIT B

SCHEDULE OF FEES – THROUGH 12/31/2023

Lawrenceburg Conservancy District (LCD) inspection of stormwater and flood control management facilities. Rate varies depending on size and complexity of project	\$100 to \$300 per inspection
Initial Site Plan review by Qualified Professional. Rate varies depending on size and complexity of project	\$300 to \$1,000 per initial plan review
Additional Site Plan review time by Qualified Professional and LCD (as needed). Includes meeting time	\$150 per hour for supplementary review efforts

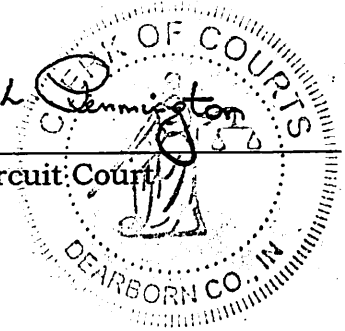
STATE OF INDIANA, DEARBORN COUNTY, SS:

I, Gayle Pennington, Clerk of the Seventh Judicial Circuit Court of Dearborn County, Indiana, hereby certify that the above and foregoing is a full, true, complete and correct copy of an ORDER in the cause of Petition for New Addition of New Territory to the Existing Lawrenceburg Conservancy District, as the same appears of record in my office in Cause Number 23467 of the records of said Court.

IN ATTESTATION WHEREOF, I have hereunto set my hand and the seal of said Court at my office in the Courthouse of Dearborn County, at Lawrenceburg, Indiana this 30th day of June, 2023.

Gayle L. Pennington

Clerk, Dearborn Circuit Court



FILED

SEP 21 1999

STATE OF INDIANA)
) SS:
COUNTY OF DEARBORN)

Hayley Pennington
CLERK, DEARBORN CIRCUIT COURT

IN THE DEARBORN CIRCUIT COURT
GENERAL TERM, 1999

IN RE:)
THE PETITION FOR NEW ADDITION OF)
NEW TERRITORY TO THE EXISTING) CAUSE NO. 23467
LAWRENCEBURG CONSERVANCY DISTRICT)

ORDER

Comes now The Lawrenceburg Conservancy District and files and presents its Petition For The Addition Of Territory To Existing District And Amendment of District Plan in Conjunction Therewith;

And comes now The Lawrenceburg Conservancy District and provides Notice of a hearing to be held on September 16, 1999 at 3:30 p.m., which Notice was provided by publication and mailing as required by law;

And comes now the Natural Resources Commission and duly files and presents its Report dated May 15, 1999 in accordance with the law;

And comes now the Court and being duly and sufficiently advised in the premises, now finds as follows:

1. That no objections were filed to the Petition prior to the time and date of the hearing on September 16, 1999; and
2. That The Lawrenceburg Conservancy District as well as members of the public appeared at said hearing and evidence was taken by the Court in this regard; and
3. That the Petition filed by The Lawrenceburg Conservancy District in this matter is proper and should be granted; and

4. That the prayers of said Petition to be granted should be set forth in this Order.

IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The Lawrenceburg Conservancy District is hereby expanded to add as an additional portion of the District the area which was described in Exhibit C to the Petition, and which is more particularly described as follows:

LAWRENCEBURG TOWNSHIP: Situated in Section 2, 3, 10, 11, 14 and 15, Township 5, Fractional Range 1 West, Lawrenceburg Township, Dearborn County, State of Indiana, and being more particularly described as follows: Beginning at a point located North 52°59'43" East, 67.49 feet from a point where the centerline of the Lawrenceburg Levee meets the centerline of Argosy Parkway, said point being the TRUE POINT OF BEGINNING; thence from the TRUE POINT OF BEGINNING and parallel to the Lawrenceburg Levee and along the general location of elevation 490.00 South 83°44'13" West, 4215.92 feet to a point; thence leaving said Levee and along the hillside slope below Ridge Avenue North 51°42'47" West, 94.11 feet to a point; thence North 13°15'24" West, 226.88 feet to a point; thence North 00°12'36" West, 427.24 feet to a point, thence North 29°46'07" East, 71.50 feet to a point, thence North 10°27'40" East, 263.59 feet to a point; thence North 10°45'30" West, 73.88 feet to a point; thence North 32°36'11" East, 167.17 feet to a point, thence North 06°29'00" East, 177.28 feet to a point; thence North 19°09'12" East, 491.00 feet to a point; thence North 22°22'03" East, 245.84 feet to a point, thence North 01°44'05" East, 441.51 feet to a point; thence North 22°59'23" East, 513.28 feet to a point; thence North 33°27'35" East, 331.28 feet to a point; thence North 35°41'23" East, 351.26 feet to a point; thence North 15°23'30" East, 323.55 feet to a point; thence North 31°57'03" East, 491.87 feet to a point; thence North 39°25'22" East, 315.08 feet to a point; thence North 74°02'43" East, 84.01 feet to a point; thence North 00°00'00" East, 55.42 feet to a point; thence North 88°52'39" West, 73.49 feet to a point; thence North 01°07'21" East, 128.06 feet to a point; thence North 08°14'28" East, 218.55 feet to a point; thence North 27°19'26" East, 91.87 feet to a point; thence North 01°54'28" West, 345.71 feet to a point; thence North 18°42'53" West, 89.68 feet to a point; North 34°08'34" East 48.71 feet to a point; North 04°08'12" East, 219.40 feet to a point; North 14°25'44" West, 179.12 feet to a point; North 88°49'49" East, 90.38 feet to a point; North 57°02'42" East, 85.86 feet to a point; North 03°03'25" West, 145.70 feet to a point; thence North 84°05'25" East, 68.20 feet to a point; thence North 20°18'40" East, 1109.55 feet to a point; thence North 29°42'46" East, 259.34 feet to a point; thence North 32°10'46" East, 315.79 feet to a point; thence North 43°44'00" East, 164.00 feet to a point; thence North 49°29'57" East, 351.89 feet to a point; thence North 61°01'04" East, 516.88 feet

to a point; thence South 85°31'02" East 281.66 feet to a point; thence South 66°34'15" East, 196.86 feet to a point; thence North 76°06'51" East, 124.53 feet to a point; thence North 11°56'13" West, 75.64 feet to a point; thence North 45°46'22" East, 297.67 feet to a point on the North side of Belleview Drive; thence South 81°46'06" East, 118.28 feet to a point, thence North 59°57'58" East, 71.11 feet to a point; thence North 41°21'01" East, 147.74 feet to a point on the Northeast side of U.S. 50, thence South 48°38'59" East, 440.99 feet to a point on the North side of the I-275 connector road, thence South 10°56'31" West, 152.29 feet to a point on the South side of the I-275 connector road; thence North 79°03'29" West, 106.22 feet to a point; thence North 75°43'37" West, 205.18 feet to a point; thence South 59°28'26" West, 73.03 feet to a point; thence South 18°50'56" West, 77.77 feet to a point, thence South 39°51'15" West, 324.09 feet to a point on an abandoned railroad embankment; thence along said railroad embankment, South 23°05'48" West, 1209.91 feet to a point; thence South 23°36'58" West, 700.23 feet to a point; thence South 14°35'33" West, 259.52 feet to a point; thence South 02°59'47" West, 392.67 feet to a point, thence South 00°05'48" West, 1018.24 feet to a point; thence South 06°42'20" East, 488.55 feet to a point; thence South 10°08'31" East, 2285.26 feet to a point; thence South 19°25'44" East, 284.43 feet to a point; thence South 24°23'54" East, 249.16 feet to a point; thence South 26°41'58" East, 853.46 feet to the TRUE POINT OF BEGINNING.

Containing 19,420,671 square feet or 445.837 acres of land and being subject to all rights-of-way and easements of record.

2. The additional area is added to the District for those purposes as stated in Indiana Code 14-33-1-1, as follows:

- a. Flood prevention and control.
- b. Improving drainage.
- c. Providing for irrigation.
- d. Developing forests, wildlife areas, parks, and recreational facilities if feasible in connection with beneficial water management.
- e. Preventing the loss of topsoil from injurious water erosion.
- f. Storage of water for augmentation of stream flow.
- g. Operation, maintenance, and improvement of:
 - (I) a work of improvement for water based recreational purposes; or
 - (II) other work of improvement that could have been built for any other purpose authorized by Indiana Code 14-33-1-1.

3. The construction, maintenance and operations of the works of improvements necessary to accomplish any or all of the above purposes will be paid for solely by an annual levy of the Special Benefits Tax on the Freeholders within the area described above, along with such other funding as may become available for use within the specific additional area.

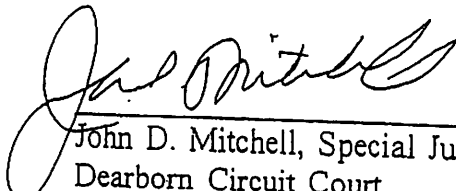
4. The additional area shall be operated as a subdistrict to the existing District and the existing Board of Directors shall be increased from its current five (5) members to seven (7) members.

5. The additional two (2) members shall be freeholders of the additional area described above and shall be elected pursuant to Indiana statutes by the freeholders of that area in the same manner as the existing Directors are elected, with the first election of such Directors at the next regularly scheduled election in accordance with Indiana statutes.

6. The initial terms of such Directors shall be two (2) and three (3) years respectively with subsequent elections for terms of four (4) years each.

7. The Dearborn County Auditor shall establish a separate taxing district or districts as necessary in order to impose a tax as adopted by the Lawrenceburg Conservancy District for use in this subdistrict.

ALL OF WHICH IS ORDERED THIS 21st DAY OF SEPTEMBER, 1999.



John D. Mitchell, Special Judge
Dearborn Circuit Court

Copy to:
William K. Ewan
Natural Resources Commission
Stephen T. Taylor