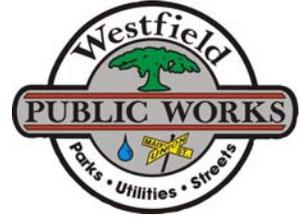


WESTFIELD PUBLIC WORKS



ACTING TOWN MANAGER/
DIRECTOR OF PUBLIC WORKS
BRUCE A. HAUK

TOWN COUNCIL
ANDREW COOK
JOHN DIPPEL
JACK HART
ROBERT HORKAY
JOSEPH PLANKIS
ROBERT J. SMITH
RONALD W. THOMAS

CLERK-TREASURER
CINDY J. GOSSARD

Memorandum

To: Westfield Town Council
From: Kurt J. Wanninger
CC: Bruce A. Hauk
Date: November 2, 2007
Re: Public Works Department Matters

Dear Members of Council, I would like to take this opportunity to update you regarding some of the activities that have taken place within the Public Works Department over the last month.

Fees Collected

(See Attachment 1)

Department Safety Statistics

(See Attachment 2)

HNTB Progress Report

(See Attachment 3)

Employee of the Month

The department's Employee of the Month selection for September 2007 was Michael Morgan. Mike has been with the Westfield Public Works Department since June of 2003. Mike is an Inspector within the Development/Construction Division. Please join me in congratulating Mike on this significant achievement.

ATTACHMENT #1

Yearly Permit Fees-2007

Type of Fees	January	February	March	April	May	June	July	August	September	October	November	December
Enrollment Permits	\$ 1,943.00	\$ 175.00	\$ 1,130.00	\$ 2,275.00	\$ 2,765.00	\$ 3,325.00	\$ 1,875.00	\$ 3,065.00	\$ 2,347.00	\$ 2,413.00		
Sewer Availability Fees	\$ 15,925.00	\$ 17,500.00	\$ 21,860.00	\$ 126,635.00	\$ 162,165.00	\$ 51,641.00	\$ 4,325.00	\$ 20,000.00	\$ -	\$ 10,713.90		
Sewer Tap Fees	\$ 25,510.00	\$ 20,760.00	\$ 61,880.00	\$ 48,180.00	\$ 12,228.00	\$ 26,174.40	\$ 18,660.00	\$ 43,200.00	\$ 24,624.00	\$ 64,392.00		
Subsequent Sewer Connection	\$ 843.60	\$ 10,078.68	\$ 3,374.40	\$ 760.00	\$ 615.60	\$ 3,473.20	\$ -	\$ 2,428.00	\$ 1,140.00	\$ 1,438.00		
Water Availability Fees	\$ 39,680.40	\$ 42,457.50	\$ 21,343.50	\$ 71,420.40	\$ 131,564.70	\$ 23,454.80	\$ 56,928.24	\$ 14,333.04	\$ -	\$ -		
Water-3/4" Tap Fees	\$ 21,929.00	\$ 9,525.00	\$ 23,960.00	\$ 24,340.00	\$ 8,965.00	\$ 14,165.00	\$ 26,354.00	\$ 20,184.00	\$ 11,260.00	\$ 27,025.00		
Water-1" Tap Fees	\$ -	\$ -	\$ -	\$ -	\$ 500.00	\$ -	\$ -	\$ 750.00	\$ -	\$ 500.00		
Water-1 1/2" or Greater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Lawn Irrigation Fees	\$ 225.00	\$ -	\$ 200.00	\$ 1,650.00	\$ 1,300.00	\$ 875.00	\$ 650.00	\$ 900.00	\$ 460.00	\$ 500.00		
Road Impact Fees	\$ 34,196.42	\$ 3,158.00	\$ 21,986.64	\$ 19,676.00	\$ 11,048.00	\$ 10,530.00	\$ 14,400.00	\$ 51,820.00	\$ 10,800.00	\$ 186,863.50		
Plan Review Fees	\$ 10,555.00	\$ 4,575.00	\$ 8,735.00	\$ 6,130.00	\$ 6,130.00	\$ 8,875.00	\$ 6,650.00	\$ 3,255.00	\$ 4,680.00	\$ 10,280.00		
Inspection Fees	\$ 4,866.21	\$ 10,323.00	\$ 5,240.02	\$ 4,810.00	\$ 7,807.00	\$ 7,162.46	\$ 9,773.55	\$ 7,603.50	\$ 8,861.50	\$ 8,861.50		
Map Fees	\$ 37.50	\$ -	\$ 37.50	\$ 70.00	\$ -	\$ 37.50	\$ -	\$ 18.75	\$ 37.50	\$ 37.50		
Erosion Control Appl. Fees	\$ 1,500.00	\$ 1,700.00	\$ 1,500.00	\$ 3,100.00	\$ 3,200.00	\$ 4,300.00	\$ 2,700.00	\$ 4,000.00	\$ 10,580.00	\$ 6,500.00		
Erosion Control Penalty Fees	\$ 700.00	\$ 350.00	\$ 2,300.00	\$ 300.00	\$ 300.00	\$ 1,800.00	\$ 900.00	\$ 900.00	\$ 960.00	\$ 2,650.00		
Sanitary Sewer Permit Fees	\$ -	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ -	\$ 300.00	\$ -		
Water Permit Fees	\$ 480.00	\$ -	\$ 600.00	\$ 600.00	\$ 300.00	\$ 1,800.00	\$ 300.00	\$ -	\$ 300.00	\$ 600.00		
Water Service Line Protection	\$ -	\$ -	\$ 960.00	\$ -	\$ 960.00	\$ -	\$ 960.00	\$ 960.00	\$ -	\$ -		
Totals per Month	\$ 153,421.13	\$ 120,904.18	\$ 180,698.65	\$ 307,380.42	\$ 345,817.30	\$ 159,158.00	\$ 142,050.70	\$ 173,964.34	\$ 75,572.00	\$ 322,725.40	\$ -	\$ -

	1st Qtr Total	2nd Qtr Total	3rd Qtr Total	4th Qtr Total	10 months - 2006
Enrollment Permits	\$ 3,268.00	\$ 8,366.00	\$ 7,277.00	\$ 2,413.00	\$ 20,417.30
Sewer Availability Fees	\$ 55,305.00	\$ 340,441.00	\$ 24,325.00	\$ 10,713.90	\$ 1,314,269.10
Sewer Tap Fees	\$ 108,190.00	\$ 86,592.40	\$ 66,484.00	\$ 64,392.00	\$ 626,085.00
Subsequent Sewer Connection	\$ 14,297.68	\$ 4,848.80	\$ 3,569.00	\$ 1,438.00	\$ 49,900.61
Water Availability Fees	\$ 103,481.40	\$ 226,440.00	\$ 71,261.28	\$ -	\$ 1,301,154.75
Water-3/4" Tap Fees	\$ 55,414.00	\$ 47,500.00	\$ 57,768.00	\$ 27,025.00	\$ 390,284.50
Water-1" Tap Fees	\$ -	\$ 500.00	\$ 1,250.00	\$ -	\$ 905.00
Water-1 1/2" or Greater	\$ -	\$ -	\$ -	\$ -	\$ -
Lawn Irrigation Fees	\$ 425.00	\$ 3,825.00	\$ 2,000.00	\$ 500.00	\$ 3,135.00
Road Impact Fees	\$ 59,342.06	\$ 41,254.00	\$ 77,020.00	\$ 186,863.50	\$ 4,065.00
Plan Review Fees	\$ 26,665.00	\$ 17,345.00	\$ 14,585.00	\$ 10,280.00	\$ 841,452.32
Inspection Fees	\$ 23,785.82	\$ 17,851.02	\$ 24,539.51	\$ 8,861.50	\$ 114,430.00
Map Fees	\$ 75.00	\$ 107.50	\$ 56.25	\$ 37.50	\$ 74,205.09
Erosion Control Appl. Fees	\$ 4,700.00	\$ 10,600.00	\$ 17,280.00	\$ 6,500.00	\$ 525.00
Erosion Control Penalty Fees	\$ 3,360.00	\$ 2,400.00	\$ 2,750.00	\$ 2,650.00	\$ 22,204.00
Sanitary Sewer Permit Fees	\$ 600.00	\$ 1,500.00	\$ 600.00	\$ -	\$ 10,850.00
Water Permit Fees	\$ 600.00	\$ 2,700.00	\$ 600.00	\$ 600.00	\$ 5,100.00
Water Service Line Protection	\$ 576.00	\$ 96.00	\$ 192.00	\$ -	\$ 4,400.00
Totals per Quarter	\$ 460,014.96	\$ 812,355.72	\$ 391,597.04	\$ 322,725.40	\$ 4,771,625.67

	10 months - 2006	2006 Totals	2007 Totals
Enrollment Permits	\$ 20,417.30	\$ 23,536.30	\$ 7,951.80
Sewer Availability Fees	\$ 1,314,269.10	\$ 1,426,546.60	\$ 3,040,982.90
Sewer Tap Fees	\$ 626,085.00	\$ 712,284.00	\$ 825,796.00
Subsequent Sewer Connection	\$ 49,900.61	\$ 54,840.61	N/A
Water Availability Fees	\$ 1,301,154.75	\$ 1,390,543.35	\$ 2,122,651.55
Water-3/4" Tap Fees	\$ 390,284.50	\$ 420,874.50	\$ 442,330.00
Water-1" Tap Fees	\$ 905.00	\$ 5,865.00	\$ 39,891.17
Water-1 1/2" or Greater	\$ -	\$ 3,135.00	\$ 1,900.00
Lawn Irrigation Fees	\$ 3,135.00	\$ 4,950.00	\$ 4,200.00
Road Impact Fees	\$ 4,065.00	\$ 909,594.76	\$ 908,081.55
Plan Review Fees	\$ 841,452.32	\$ 1,381,015.00	\$ 30,075.00
Inspection Fees	\$ 114,430.00	\$ 93,523.38	\$ 10,396.57
Map Fees	\$ 74,205.09	\$ 525.00	\$ 104.50
Erosion Control Appl. Fees	\$ 525.00	\$ 26,504.00	N/A
Erosion Control Penalty Fees	\$ 22,204.00	\$ 13,300.00	N/A
Sanitary Sewer Permit Fees	\$ 10,850.00	\$ 7,200.00	N/A
Water Permit Fees	\$ 5,100.00	\$ 3,000.00	N/A
Water Service Line Protection	\$ 4,400.00	\$ 3,648.00	N/A
Gross Total for 2007	\$ 1,980,684.12	\$ 5,228,125.50	\$ 7,438,570.94

	2006 Totals	2006 Totals	2007 Totals
Enrollment Permits	\$ 23,536.30	\$ 12,772.10	\$ 7,951.80
Sewer Availability Fees	\$ 1,426,546.60	\$ 3,040,982.90	\$ 1,777,782.90
Sewer Tap Fees	\$ 712,284.00	\$ 825,796.00	\$ 791,920.00
Subsequent Sewer Connection	\$ 54,840.61	N/A	N/A
Water Availability Fees	\$ 1,390,543.35	\$ 2,122,651.55	\$ 1,427,085.51
Water-3/4" Tap Fees	\$ 420,874.50	\$ 442,330.00	\$ 270,070.00
Water-1" Tap Fees	\$ 5,865.00	\$ 39,891.17	\$ 63,624.10
Water-1 1/2" or Greater	\$ 3,135.00	\$ 1,900.00	\$ 41,680.00
Lawn Irrigation Fees	\$ 4,950.00	\$ 4,200.00	\$ 2,700.00
Road Impact Fees	\$ 909,594.76	\$ 908,081.55	\$ 906,708.98
Plan Review Fees	\$ 1,381,015.00	\$ 30,075.00	\$ 24,500.00
Inspection Fees	\$ 93,523.38	\$ 10,396.57	\$ 616.77
Map Fees	\$ 525.00	\$ 104.50	N/A
Erosion Control Appl. Fees	\$ 26,504.00	N/A	N/A
Erosion Control Penalty Fees	\$ 13,300.00	N/A	N/A
Sanitary Sewer Permit Fees	\$ 7,200.00	N/A	N/A
Water Permit Fees	\$ 3,000.00	N/A	N/A
Water Service Line Protection	\$ 3,648.00	N/A	N/A
Gross Total	\$ 5,228,125.50	\$ 7,438,570.94	\$ 4,933,639.66

	Oct-06	2006 Totals	2007 Totals
Enrollment Permits	\$ 3,184.00	\$ 23,536.30	\$ 7,951.80
Sewer Availability Fees	\$ 147,350.00	\$ 1,426,546.60	\$ 3,040,982.90
Sewer Tap Fees	\$ 90,328.00	\$ 712,284.00	\$ 825,796.00
Subsequent Sewer Connection	\$ 1,200.00	\$ 54,840.61	N/A
Water Availability Fees	\$ 91,708.20	\$ 1,390,543.35	\$ 2,122,651.55
Water-3/4" Tap Fees	\$ 21,970.00	\$ 420,874.50	\$ 442,330.00
Water-1" Tap Fees	\$ -	\$ 5,865.00	\$ 39,891.17
Water-1 1/2" or Greater	\$ -	\$ 3,135.00	\$ 1,900.00
Lawn Irrigation Fees	\$ 510.00	\$ 4,950.00	\$ 4,200.00
Road Impact Fees	\$ 84,217.00	\$ 909,594.76	\$ 908,081.55
Plan Review Fees	\$ 12,190.00	\$ 1,381,015.00	\$ 30,075.00
Inspection Fees	\$ 10,514.14	\$ 93,523.38	\$ 10,396.57
Map Fees	\$ 325.00	\$ 525.00	\$ 104.50
Erosion Control Appl. Fees	\$ 2,400.00	\$ 26,504.00	N/A
Erosion Control Penalty Fees	\$ 2,600.00	\$ 13,300.00	N/A
Sanitary Sewer Permit Fees	\$ -	\$ 7,200.00	N/A
Water Permit Fees	\$ -	\$ 3,000.00	N/A
Water Service Line Protection	\$ 1,440.00	\$ 3,648.00	N/A
Total	\$ 430,266.34	\$ 5,228,125.50	\$ 7,438,570.94

ATTACHMENT #2

WESTFIELD PUBLIC WORKS
MONTHLY ACCIDENT STATISTICAL REPORT
FOR OCTOBER 2007

Location	# of employees	# of Hours Worked	Employee Accidents/ Month	Disabling Accidents/ Month	Lost Work Days	Restricted Work Days	OSHA Recordable Accidents	# of Vehicles	# of Miles Driven	# of Vehicle Accidents for the Month	Chargeable Accidents for the Month
Administrative	10	1065.5	0	0	0	0	0	5	3008	0	0
CSC	5	515	0	0	0	0	0	1	190	0	0
Water	7	803.5	0	0	0	0	0	7	6538	0	0
Wastewater	7	825	0	0	0	0	0	6	5136	0	0
Street-G/M	13	1432.5	0	0	0	0	0	16	10404.5	0	0
GIS	4	478	0	0	0	0	0	2	2149	0	0
Dev/Con-Eng	9	994.5	0	0	0	0	0	5	3286	0	0
Inst & Controls	2	232	0	0	0	0	0	1	937	0	0
2007	57	6346	0	0	0	0	0	43	31648.5	0	0
2006	48	8298.25	0	0	0	0	0	40	20550.5	0	0

ATTACHMENT #3

WESTFIELD TOWN COUNCIL MEETING November 12, 2007

Progress Report Executive Summary

1. TIF Projects – The 146th Multi-Use Path, Greyhound Pass and Western Way, 151st Street and East Side Access Road. The design of 151st Street between Carey Road and Setters Road has continued. Comments have been received and are being addressed. Utility coordination has begun and relocation plans will be incorporated into the plans. This project is scheduled for summer 2008 construction. Regarding the 147th Street signal at Greyhound Pass, the project is currently under construction and is expected to be completed by November 29, 2007. A change order was issued to add Opticom traffic signal preemption and to delete the ornamental poles from the Marsh/Greyhound Pass and Thatcher/151st Street intersections.
2. Traffic Impact Fee Study. [A draft road impact fee study report was provided to the Public Works Department on October 25, 2007. A meeting will be held with the Impact Fee Advisory Board on November 1, 2007 to discuss the study.](#) The new impact fee ordinance will be introduced at the November 12, 2007 Town Council meeting.
3. River Road Water Treatment Plant Expansion. Construction by Contractor Shook Construction continues on the Chlorine and Filter Buildings and detention tank supports. The regular monthly progress meeting was held along with a meeting with the Westfield IT Department to incorporate requested security-related changes into the project. Three new wells north of the River Road WTP site continue in design for inclusion in this project.
4. Westside Interceptor. The Contractor Atlas Excavating, Inc. has crews installing sewer in three areas along the sewer route. Progress in the three areas is moving at differing speeds due to varying soil and water conditions. HNTB is monitoring several residential wells to determine if dewatering activities are impacting potable water supplies. Currently there has not been a significant impact. The next progress meeting with the Contractor is scheduled for November 14, 2007.
5. Public Works Department Facilities Expansion. The Town's contract with Browning Construction, Inc. for the Public Works Department Expansion project continues on schedule. The Salt Storage Barn and the Streets Storage Building are nearing substantial completion. Office foundation excavation has been started. Office design work is being finalized.
6. Sycamore/Birch Storm Sewers. Easement agreements, final design and easement preparation are expected to be carried out and completed in November 2007.
7. US 31/SR 32 Signal Preemption. Final plans and specifications for work at ten (10) INDOT intersections were submitted to INDOT on September 5, 2007 for their review. INDOT review comments are anticipated to arrive in early November with approvals following shortly thereafter.

TOWN OF WESTFIELD

PROGRESS REPORT

for

November 12, 2007 COUNCIL MEETING

The following covers HNTB activities for October 2007.

1. TIF Projects – The 146th Multi-Use Path, Greyhound Pass and Western Way, 151st Street and East Side Access Road

The design of 151st Street between Carey Road and Setters Road has continued. HNTB is addressing the Town Comments. Landscaping and lighting design are scheduled to be completed by the end of December 2007.

Regarding Western Way and Greyhound Pass, HNTB has completed the appraisals for this project as currently designed. All appraisals were sent to the Town for approval. Offers are anticipated to be made before the end of the year.

Regarding the 147th Street signal at Greyhound Pass, Notice to Proceed for construction was issued for October 1, 2007; the project is to be completed by November 29, 2007. The project is currently under construction. A change order was issued to add Opticom traffic signal preemption and to delete the ornamental poles from the Marsh/Greyhound Pass and Thatcher/151st Street intersections.

2. Traffic Impact Fee Study

[A draft road impact fee study report was provided to the Public Works Department on October 25, 2007. A meeting will be held with the Impact Fee Advisory Board on November 1, 2007 to discuss the study.](#) The new impact fee ordinance will be introduced at the November 12, 2007 Town Council meeting.

3. River Road Water Treatment Plant Expansion

Construction by the contractor, Shook Construction, continues on the Chlorine and Filter Buildings and detention tank supports. A meeting was held with the Westfield IT Department and the Contractor to discuss incorporation of requested security-related changes into the project. The regularly scheduled progress meeting was held on October 4, 2007 to review the past and upcoming construction activities. HNTB is continuing shop drawing reviews as they are submitted by the Contractor. Requests for information from the Contractor are being addressed as they are received.

The Town is negotiating with Indianapolis Department of Waterworks (DOW) terms of supply of untreated well water from Town wells to DOW water transmission facilities. HNTB is assisting the Town in those negotiations and in design of the well water pumping, distribution, and metering systems which are expected to be completed by the 2008 summer demand.

4. Westside Interceptor

HNTB is continuing to review shop drawings as they are submitted by the contractor, Atlas Excavating, Inc. The Contractor has crews installing sewer in three areas along the sewer route. Dewatering wells are being set to further handle ground water that has slowed down one crew working near Carey Road. The other two crews have been able to continue work. HNTB and WPWD personnel on several instances have emphasized to the Contractor the need to follow erosion control procedures. By late in the month, the Contractor made an attempt to improve those procedures. HNTB is monitoring several residential wells to determine if dewatering activities are impacting potable water supplies; currently, there has not been a significant impact. The next progress meeting with the Contractor is scheduled for November 14, 2007.

5. Public Works Department Facilities Expansion

The Town is under contract with Browning Construction, Inc. for the Public Works Department Expansion project. The project continues on schedule. The Salt Storage Barn and Streets Storage Building are nearing substantial completion. Office foundation excavation has been started; the office design effort is being finalized.

6. Cherry Tree Raw Water Main

The new Cherry Tree Raw Water Main continues in operation, having been substantially complete since May 25, 2007. Wiring and site cleanup punch list items were completed in October. Retainage will be held until satisfactory completion of punch list items.

7. Sycamore/Birch Storm Sewers

HNTB staff and the Town of Westfield have prepared an alternate storm sewer alignment that is consistent with a property owner's request. Easement agreements are required from five property owners. Thus far, two written agreements have been signed. Upon receiving the five written agreements, the design sheets will be finalized and the Town of Westfield can proceed with easement preparation. HNTB prepared an estimate of cost to carry out the easement preparation and forwarded same to the Town of Westfield. The Town of Westfield plans to finalize the easement agreements with the property owners in November 2007. The final design and easement preparation can then be completed.

8. US 31 / SR 32 Signal Preemption

Final plans and specifications for work at ten (10) INDOT intersections were submitted to INDOT on September 5, 2007 for their review. INDOT review comments are anticipated to arrive in early November with approvals following shortly thereafter.

9. Miscellaneous Assistance

- a. HNTB assisted WPWD with developer permitting for water and sewer projects including Oak Manor Section III sewer, and Sandpiper force main.

- b. Transportation plan review was performed for Lantern Commons, including traffic study and concept plan.
- c. Proposed plantings along SR 32 west of US 31 will be dealt with as a WPWD project separate from the INDOT road improvement project. Landscaping will not be shown on INDOT plans but will be included in separate documents for a bid or quote solicitation. On September 7, 2007 plans were submitted to INDOT and the Town for review. Feedback is expected soon.
- d. Construction for the added Westside Wastewater Treatment Facility adding office and lab space by contractor Patterson Horth is proceeding with the Contractor well ahead of schedule.
- e. The Town's National Pollutant Discharge Elimination System (NPDES) permit allowing discharge from the lagoons north of 171st Street is due to expire in 2008. The renewal application, due in October 2007, has been completed and forwarded to WPWD for submission to IDEM.
- f. HNTB is providing preliminary engineering services for a modified or new pumping station at the lagoons north of 171st Street. This pumping station will intercept a portion of the wastewater flow now reaching Oak Road Lift Station and being treated by City of Carmel, and instead pump the flow westward to the new Washington Woods Lift Station for treatment at the Westfield Westside Treatment Facility. The WPWD staff is considering bidding this project as a Performance Contracting (Energy Efficiency) Project. Bowen Engineering is assisting.

This portion of the Progress report covers Bowen Engineering / HNTB activities within the Performance Contracting (or Utility Energy Efficiency) Project. One active project is nearing completion: the Greyhound Pass Water Treatment Plant. The Greyhound Pass WTP new 300,000-gallon reservoir began test operation in October 2007.

WPWD Action Item #1 Second Reading - Ordinance 07-23 Stormwater User Fee

This Ordinance is being presented for a Second Reading.

This Stormwater User Fee Ordinance (See “Exhibit A”) is being proposed to the Town Council to establish a Stormwater Division within the Town of Westfield’s Public Works Department, under the jurisdiction of the Council for the purpose of implementing capital improvements, operation and maintenance activities, and public education and outreach to comply with federal and state requirements.

All improved properties located within the Town will be assessed the storm water utility fee. This includes properties that are and are not served by water and sanitary sewer service. All properties contribute stormwater drainage runoff whether they receive water and sanitary sewer service, thereby contributing to the community's drainage issues.

Monthly fees for Residential Properties located within the Public Works Service area that receive water service or sanitary sewer service only, are hereby established at a rate of Two Dollars and Seventy-five cents (\$2.75) per month for a 3/4 inch water meter opening or smaller and Four Dollars (\$4.00) per month for any water meter opening larger than 3/4 inch. Any Residential Properties located within the Public Works Service area that does not receive water or sanitary sewer services, will be billed at a monthly minimum rate of Two Dollars and Seventy-five cents (\$2.75), and will be billed bi-annually Sixteen Dollars and Fifty Cents (\$16.50). The bi-annual monthly billings will occur on June 1 and December 1 of the calendar year.

Monthly fees for Non-Residential Properties located within the Public Works Service area that receive water service or sanitary sewer service only, are hereby established at the rate of Five Dollars (\$5.00) per month for a 3/4 inch water meter opening or smaller and Twenty Dollars (\$20.00) per month for any water meter opening larger than 3/4 inch with the exception of multi-unit residential users. Any Non-Residential Properties located within the Public Works Service area that does not receive water or sanitary sewer services, will be billed at a monthly minimum rate of Five Dollars (\$5.00), and will be billed bi-annually Thirty Dollars (\$30.00). The bi-annual monthly billings will occur on June 1 and December 1 of the calendar year.

Monthly fees for Multi-Unit Residential Properties located within the Public Works Service area that receive water service or sanitary sewer service only, are hereby established at a rate of Two Dollars and Seventy-five cents (\$2.75) per month for a 3/4 inch water meter opening or smaller and Twenty Dollars (\$20.00) per month for any water meter opening larger than 3/4 inch. Any Residential Properties located within the Public Works Service area that does not receive water or sanitary sewer services, will be billed at a monthly minimum rate of Two Dollars and Seventy-five cents (\$2.75), and will be billed bi-annually Sixteen Dollars and Fifty Cents (\$16.50). The bi-annual monthly billings will occur on June 1 and December 1 of the calendar year.

All revenues fees collected for the stormwater service, including but not limited to, department user fees, penalties assessed by this Ordinance or subsequent amendments, or

interest earnings on any unused funds shall be deposited in an account entitled “Town of Westfield Stormwater Revenue Fund”.

The following is the time line as established by Indiana Code for the implementation of the Stormwater Utility Fee Ordinance:

- September 26, 2007 – Stormwater & Wellhead Protection Education and Outreach Mtg. (15-20 min.) and then the Storm Water User Fee introduction and presentation to the public.)
- October 8, 2007 - Introduce Ordinance to Town Council
- October 18, 2007 - Notice of Public Hearing must be received by newspaper for publication.
- October 23, 2007 - Notice of Public Hearing must be published in the Noblesville Ledger and Noblesville Times.
- October 23, 2007 - Notices mailed to improved properties located within the Public Works Service Area with the Town’s Jurisdictional boundary.
- November 12, 2007 – Town Council holds a public hearing on the Water Stormwater User Fee, Ordinance No. 07-23.
- November 19, 2007 – Objection period expires.
- January 1, 2008 – Stormwater User Fee billing begins

Therefore, the Westfield Public Works Department recommends to the Westfield Town Council to consider this Ordinance for approval.

ORDINANCE NUMBER 07- 23

GENERAL ORDINANCE OF THE TOWN OF WESTFIELD TO ESTABLISH A STORMWATER SEWER WORKS DIVISION WITHIN THE TOWN OF WESTFIELD PUBLIC WORKS DEPARTMENT AND TO ESTABLISH A SCHEDULE OF RATES AND CHARGES FOR THE USE OF THE STORMWATER SYSTEM OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town of Westfield, Indiana (the “Town”) owns a municipal public works system for the purpose of collecting and disposing of sewage of the residents of the Town and surrounding areas in a sanitary manner; and

WHEREAS, a portion of the public works of the Town consists of a stormwater collection and conveyance system, (‘Stormwater System’); and

WHEREAS, the Town desires to establish a stormwater sewer works division (the “Stormwater Division”) within the Town of Westfield’s Public Works Department, under the jurisdiction of the Council for the purpose of implementing capital improvements, operation and maintenance activities, and public education and outreach to comply with federal and state requirements; and

WHEREAS, the Town desires to establish a distinct just and equitable schedule of fees and charges for the users of the Stormwater System; and

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL THAT:

SECTION I: DEFINITIONS

For the purpose of this article, the following definitions shall apply; words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word “shall” is mandatory and not discretionary. The word “may” is permissive. Words not defined herein shall be construed to have the meanings given by common and ordinary use as defined in the latest edition of Webster’s Dictionary.

a. APPROVED PLANS:

Plans approved by the Town according to a permits and plan review which will govern all improvements made within the Town that require a stormwater system or changes or alterations to the existing stormwater system.

b. LOT:

The smallest separately segregated parcel, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes by the Westfield Washington Township Assessor.

c. RESIDENTIAL PROPERTY:

Any lot or parcel existing in the public works system service area on which resides a family dwelling unit.

d. NON- RESIDENTIAL PROPERTY:

All properties not encompassed within the definition of Residential Property with water or sewer service intended to measure flow to/from the Town’s utility service.

e. MULTI-UNIT RESIDENTIAL PROPERTY:

A multi-unit residential building is a building containing “two or more dwelling units.” A dwelling unit is an individual unit which is rented or owned to be primarily used, or intended to be used, as a domicile, condominiums, mobile home parks and co-operative apartments. This does not include institutions that provide medical care.

f. PERSON:

Any natural individual, corporation, partnership, institution, or other entity.

g. METER:

A water meter or sewage meter intended to measure flow to/from the Town’s utility services.

h. STORMWATER:

The chemical compound of hydrogen and oxygen which is produced from atmospheric clouds as rain, snow, sleet, and hail.

i. STORMWATER SYSTEM:

All facilities constructed in an easement or right of way, including structures and natural watercourses under the ownership, and/or control of the Town, used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including any and all of the following: inlets, creeks, channels, catch basins, ditches, streams, streets culverts, retention or detention basins and pumping stations, and excluding there from, any part of the system of drains and water courses under the jurisdiction of Hamilton County , waters of the State of Indiana, private drainage systems, or drainage systems which are the responsibility of a homeowners associations.

j. STORMWATER DEPARTMENT USER FEE:

A charge imposed on users of the Town’s Stormwater System.

k. SURFACE WATER:

Water occurring on the surface of the land, from natural causes such as rainfall, whether falling on the land in question or flowing onto the land in question.

l. TOWN:

Shall mean the Town of Westfield, Indiana acting by and through the Town Council, or any successor municipal entity.

m. TOWN COUNCIL:

Shall mean the Town Council of the Town of Westfield, Indiana or any other successor entity, or any duly authorized officials acting on its behalf.

n. PUBLIC WORKS SERVICE AREA:

All property within the corporate boundary of the Town of Westfield, Hamilton County, Indiana.

SECTION II: STORMWATER USER FEE

A stormwater user fee shall be imposed on all property within the Public Works Service Area, including those classified as non-profit or tax-exempt, for services and facilities provided by the Town. This user fee is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future stormwater system for the Town of Westfield, Indiana.

SECTION III: STORMWATER RATE STRUCTURE FEE AND RATE

For the purposes stated herein, there is hereby assessed a stormwater user fee to each stormwater user within the Public Works Service Area of the Town of Westfield, Hamilton County, Indiana,

in an amount as determined below. For purposes of imposing the stormwater user fee, all lots and parcels within the public works system service area are classified as either:

1. Residential Properties
2. Non- Residential Properties
3. Multi-Unit Residential Properties

1. RESIDENTIAL PROPERTIES:

Monthly fees for Residential Properties located within the Public Works Service area that receive water service or sanitary sewer service only, are hereby established at a rate of Two Dollars and Seventy-five cents (\$2.75) per month for a 3/4 inch water meter opening or smaller and Four Dollars (\$4.00) per month for any water meter opening larger than 3/4 inch. Any Residential Properties located within the Public Works Service area that does not receive water or sanitary sewer services, will be billed at a monthly minimum rate of Two Dollars and Seventy-five cents (\$2.75), and will be billed bi-annually Sixteen Dollars and Fifty Cents (\$16.50). The bi-annual monthly billings will occur on June 1 and December 1 of the calendar year.

2. NON- RESIDENTIAL PROPERTIES:

Monthly fees for Non-Residential Properties located within the Public Works Service area that receive water service or sanitary sewer service only, are hereby established at the rate of Five Dollars (\$5.00) per month for a 3/4 inch water meter opening or smaller and Twenty Dollars (\$20.00) per month for any water meter opening larger than 3/4 inch with the exception of multi-unit residential users. Any Non-Residential Properties located within the Public Works Service area that does not receive water or sanitary sewer services, will be billed at a monthly minimum rate of Five Dollars (\$5.00), and will be billed bi-annually Thirty Dollars (\$30.00). The bi-annual monthly billings will occur on June 1 and December 1 of the calendar year.

3. MULTI-UNIT RESIDENTIAL PROPERTIES:

Monthly fees for Multi-Unit Residential Properties located within the Public Works Service area that receive water service or sanitary sewer service only, are hereby established at a rate of Two Dollars and Seventy-five cents (\$2.75) per month for a 3/4 inch water meter opening or smaller and Twenty Dollars (\$20.00) per month for any water meter opening larger than 3/4 inch. Any Multi-Unit Residential Properties located within the Public Works Service area that does not receive water or sanitary sewer services, will be billed at a monthly minimum rate of Two Dollars and Seventy-five cents (\$2.75), and will be billed bi-annually Sixteen Dollars and Fifty Cents (\$16.50). The bi-annual monthly billings will occur on June 1 and December 1 of the calendar year.

SECTION IV: FEE ESTABLISHMENT PROCEDURE

This stormwater user fee rate is designed to recover and be able to pay the cost of rendering stormwater service to the users of the stormwater system, and shall be the basis for assessment of the Town's stormwater user fee. This stormwater user rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing

services, as well as variation in the demand for services. This rate shall be evaluated annually as to its sufficiency to satisfy the needs of the Town.

SECTION V: BILLING AND PAYMENT PENALTIES

Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- a. The rates and charges for all users shall be prepared and billed monthly.
- b. The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- c. As provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill.

SECTION VI: ADJUSTMENT OF FEES

That the rules and regulations promulgated by the Town, after being approved by the Town Council, shall among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the public works system and the Fee Structure to the Town Council and that any decision concerning the Fee Structure of the Town Council may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

SECTION VII: PRIVATE STORMWATER FACILITIES

- a. *The Town shall have no responsibility for the installation, maintenance and repair of private stormwater facilities or private drain systems.*
- b. *No newly-constructed stormwater systems or drains shall cross the property of another private owner unless such private owner has granted an easement for such private stormwater system or drain, and which easement is duly recorded in the office of the Hamilton County Recorder.*
- c. *All costs and expenses incident to the installation and connection of the private drain or private drainage system shall be borne by the owner. The owner shall indemnify the Town for any loss or damage directly or indirectly occasioned by the construction or installation of the private drain, including backwater damages from the public stormwater system.*

- d. The connection or outlet of a stormwater systems or private drain into the public stormwater system shall conform to Town specifications and standards for storm drainage works. Any deviation of the prescribed procedure or material must be approved by the Public Works Department before installation.*
- e. No unauthorized person shall uncover, make any connection with or open into, use, alter or disturb any public stormwater sewer or appurtenance thereof without first contacting the department of the Public Works.*
- f. All excavations or construction or installation of private stormwater systems or drainage facilities shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in accordance with the specifications and standards for storm drainage works of the Town.*
- g. All private construction and installation of stormwater systems shall include proper restoration and provisions for erosion and sediment control in accordance with the specifications and standards for storm drainage works of the Town and all other stormwater systems or drainage requirements.*
- h. No property owner shall change the stormwater runoff pattern of the property of such owner in such a way that neighboring properties or Town property is adversely affected. Consideration and provisions must be made for stormwater systems or drainage to and from neighboring properties in connection with land alterations.*

SECTION VIII: DELINQUENT FEES AND PENALTIES AS LIENS

Delinquent charges for stormwater user fee rates, services, applied penalties, and recording fees constitute a lien upon the property and may be collected in accordance with provisions of IC 36-9-23.

SECTION IX: VIOLATIONS, ENFORCEMENT AND PENALTIES

Failure to pay a stormwater user fee rates when due shall constitute a violation of this Ordinance, which shall be enforced by the Town and such persons as the Town may appoint for such purpose, which shall also include the cost of recovery, including attorney-fees, other costs of collection and recording fees.

SECTION X: STORMWATER REVENUE FUND

All revenues earned and fees collected for stormwater service, including but not limited to, department user fees, penalties assessed by this Ordinance or subsequent amendments, or interest

earnings on any unused funds shall be deposited in an account entitled “Town of Westfield Stormwater Revenue Fund” and shall be subject to the provisions of Indiana Code 36-9-23, as amended. Funds from this account shall not revert to any other Town Utility or the General Fund of the Town and may not be transferred for any other purpose. To the extent that there are outstanding revenue bonds of the Town issued pursuant to the provisions of Indiana Code 36-9-23, as amended, revenues deposited in the Stormwater Revenue Fund shall be subject to the covenants contained in the ordinance or ordinances authorizing such outstanding bonds. Disbursements from the Stormwater Revenue Fund shall be authorized by the Westfield Clerk-Treasurer and, as required by law, the Town Council. Such disbursements shall be used exclusively for the operation, maintenance and improvement of the Town’s Stormwater Division, which includes, but is not limited to, the following:

- a. ***Stormwater management services, such as public education and outreach, studies, design, permit review, plan preparation and development review.***
- b. Operation, maintenance, repair and replacement of the stormwater collection, storage, conveyance, and/or treatment infrastructure.
- c. Project costs related to constructing major or minor structural improvements to the Town’s stormwater system.
- d. Administrative costs associated with the management of the stormwater department.
- e. Debt service financing of the Town’s stormwater-related capital improvements.
- f. Funding of studies such as water quantity and quality monitoring, aerial photography, associated with the planning of the stormwater related infrastructure.
- g. Implementation of long range stormwater plans developed and approved by the Indiana Department of Environmental Management for elimination of combined sewer overflows.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

This ordinance shall be in full force and effect from and after its passage, approval, recordings and publications as provided by law.

ADOPTED AND PASSED THIS ___ DAY OF ___, 2007, BY THE
WESTFIELD TOWN COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD TOWN COUNCIL
Hamilton County, Indiana

WESTFIELD TOWN COUNCIL

Voting For

Voting Against

Abstain

J. Andrew Cook

J. Andrew Cook

J. Andrew Cook

Jack Hart

Jack Hart

Jack Hart

John Dippel

John Dippel

John Dippel

Bob Smith

Bob Smith

Bob Smith

Ron Thomas

Ron Thomas

Ron Thomas

Robert Horkay

Robert Horkay

Robert Horkay

Joseph Plankis

Joseph Plankis

Joseph Plankis

ATTEST:

Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Steven M. Sherman, Attorney at Law
KRIEG DEVAULT, LLP
One Indiana Square, Suite 2800
Indianapolis, IN 46204
317-238-6233
KD_IM-1133643_4.DOC

WPWD Action Item #2 First Reading - Ordinance 07-28 Road Impact Fee Amendment

This Ordinance is being presented for a First Reading.

This Road Impact Fee Ordinance (See “Exhibit B”) is being proposed to the Town Council to establish and revise the current Road Impact Fee Rate within the Town of Westfield’s Public Works Department, under the jurisdiction of the Council for the purpose of implementing capital improvements, operation and maintenance activities.

The Westfield Public Works Department commissioned HNTB Corporation in May to conduct a Road Impact Fee Study the specific purposes of this study were to:

- Reassess Westfield’s anticipated roadway capital improvement needs in light of the latest projections for land-se development in the area.
- Verify the road impact fees and assessment rates that should be applied to new development in order to fund roadway capital improvements necessary to serve that development.
- Develop Zone Improvement Plans in accordance with the requirements of Indiana Code 36-7-4-1300.
- Develop a road model that can be utilized to assess the every changing needs of the community as new developments are being proposed and constructed.
- Develop a Road Master Plan for Westfield and Washington Township.

The current assessed Road Impact Fee is \$188 per trip (1800 per household). The new proposed rates are divided into two zones; an east and west zone bisected by US 31. The supported rate in order to meet the level service needs over the next 10 years is \$284 per trip for the east zone and \$602 for the west zone.

All revenues fees collected for the road impact fees assessed by this Ordinance or subsequent amendments, or interest earnings on any unused funds shall be deposited in an account entitled “Town of Westfield Road Impact Revenue Fund”.

The following is the time line as established by Indiana Code for the implementation of the Road Impact Fee Ordinance:

- Nov. 1, 2007 – Meet with Road Impact Advisory Committee and Introduce Ordinance
- Nov. 2, 2007 – File to be on Nov. 12th T.C. Meeting Agenda
- Nov. 12, 2007 – First Introduction of New Road Impact Fee Ordinance and Rates
- Oct. 17, 2007 – File to be on Nov. 24th APC Meeting
- Nov. 12, 2007 – Notice of Public Hearing must be published in the Noblesville Ledger and Noblesville Times.
- Nov. 16, 2007 – Notice of Public Hearing must be printed in the paper
- Nov. 26, 2007 – Give Presentation to APC and hold Public Hearing
- Nov. 30, 2007 – File to be on Dec. 10th T.C .Meeting Agenda
- Dec. 10, 2007 – Second Reading and adoption of new Road Impact Ordinance and Fee
- Dec. 17, 2007 – Objection period expires.
- July, 1, 2008 – New Road Impact Fee Assessed to new developments that file their development plan with the Town.

Therefore, the Westfield Public Works Department recommends to the Westfield Town Council to consider this Ordinance for a Second Reading December 10, 2007.

ORDINANCE NUMBER 07- 28

AN ORDINANCE ESTABLISHING AN EQUITABLE IMPACT FEE FOR THE PURPOSE OF PLANNING AND FINANCING ROAD AND STREET INFRASTRUCTURE NEEDED TO SERVE NEW DEVELOPMENT IN THE TOWN OF WESTFIELD

WHEREAS, the Town Council of the Town of Westfield (“Town”) finds that it is reasonable and necessary to promote and accommodate orderly growth and development and to protect the public health, safety and general welfare of the citizens of the Town by providing for an equitable program to fund the capital costs of new road and street infrastructure necessary to serve newly developing areas of the Town; and

WHEREAS, the Town Council finds that it is reasonable and necessary to promote the orderly development of the Town by establishing standards by which the Town may require that new development shall pay a Traffic Impact Fee representing the development’s proportionate share of the capital cost of new road and street infrastructure necessary to serve new development in the Town; and

WHEREAS, the Town Council finds that new development should not be required to pay a fee for the capital costs of new road and street infrastructure greater than the development’s proportionate share of the capital costs of such infrastructure which is needed to serve such development; and

WHEREAS, the Town has caused to be prepared a comprehensive Traffic Impact Fee Analysis Report (“Traffic Impact Analysis”) by HNTB Corporation (“HNTB”) which is included as Exhibit A to this Ordinance and made a part hereof; and

WHEREAS, the cost of implementing the thoroughfare improvement recommendations of the Traffic Impact Analysis in its entirety exceeds (1) the income capacity of the Town through its ad valorem property tax receipts and other tax distributions allocated to road and street improvements relative to the prioritized chronological need of the Town for such improvements; (2) the general obligation bond capacity of the Town based upon its net assessed valuation; and (3) the revenue bond potential of the Town based upon any existing means of acquiring revenue related to such improvements; and

WHEREAS, because of the size of the Town, considering both its population and geographic area, as well as the distribution of public and private institutions, services and other facilities throughout the Town, any road or street improvement benefits all citizens of the Town equally; and

WHEREAS, it has been the stated objective of the Town that the Traffic Impact Analysis should result in the determination of a Traffic Impact Fee which meets the requirements of Indiana state law; and

WHEREAS, the Westfield Traffic Impact Fee Committee, at its meeting on November 1 2007, approved and forwarded its recommendation of a per trip fee and corresponding per residence impact fee to the Westfield Advisory Plan Commission; and

WHEREAS, the Westfield Advisory Plan Commission properly noticed, advertised and conducted a public hearing on the recommended traffic impact fee from the Traffic Impact Fee Committee on _November 26, 2007_; and

WHEREAS, having given due deliberation to the Traffic Impact Analysis prepared by HNTB, the Westfield Advisory Plan Commission has recommended its adoption and the adoption of a traffic impact fee for the Town to the Town Council; and

WHEREAS, the purpose of this Ordinance is declared as expressly not to deter growth, remedy existing infrastructure deficiencies or pay for maintenance or other “non-capital costs.”

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Westfield, Hamilton County, Indiana as follows:

Section 1. Conditional Repeal and Limitation on Imposition of Traffic Impact Fee. This Ordinance shall expire and become void five (5) years after its effective date, as required by IC 36-7-4-1340, unless action is undertaken to replace it consistent with the provisions of Indiana law which contemplates a replacement impact fee ordinance.

Section 2. Establishment of Impact Zone.

a. There is hereby established for the Town two (2) road and street infrastructure Impact Zone, Zone 1 located East of US 31 and Zone 2 located West of US 31, the borders of which are co-terminus with the existing corporate boundary of the Town of Westfield, Hamilton County, Indiana, as they may be extended from time to time through annexation, over all of which the Town exercises planning and zoning jurisdiction. The Town Council specifically finds that there is a functional relationship between the components of the road and street thoroughfare element of the Traffic Impact Analysis and that such road and street improvement recommendations provides a reasonably uniform benefit to all of the citizens of the Town throughout the Impact Zones as of the effective date of this Ordinance. The Council further finds that all areas within the Impact Zones are contiguous, as required by IC 36-7-4-1316.

b. Except as provided below, this Ordinance shall apply uniformly to all developments within the Impact Zones hereby established for which the Town of Westfield may require a structural building permit and which creates a need for new or additional road and street infrastructure. This Ordinance shall not apply to:

- i. developments meeting the requirements set forth in IC 36-7-4-1322(g);
- ii. improvements which do not require a structural building permit;
- iii. improvements which do not create a need for new or additional road and street infrastructure, including the erection of a sign, construction of accessory buildings, structures or fences, or the alteration, renovation or expansion of an improvement where the use, or intensity thereof, has not changed; and

- iv. the replacement of a destroyed or partially destroyed improvement; provided, however, that the replacement improvement does not create a need for new and additional road and street infrastructure over and above the infrastructure needed for the original improvement prior to the destruction or partial destruction thereof.

Section 3. Zone Improvement Plan.

a. As a condition to the adoption of this Ordinance, the Town Council engaged HNTB to conduct a comprehensive and detailed traffic impact analysis of the Town. The Town Council now hereby finds that the resulting study and database constitute a sufficient study to constitute two zone improvement plans. The Town Council hereby adopts the Traffic Impact Analysis prepared by HNTB, dated November 2007, as the Town's Zone Improvement Plan and finds that the Zone Improvement Plan contains the following elements:

- i. A description of the nature and location of existing infrastructure in the Impact Zones.
- ii. A reasonable determination of the current level of service for the Impact Zones.
- iii. A reasonable determination of the community level of service provided within the Impact Zones.
- iv. Reasonable estimates relating to the nature and location of development that is expected within the Impact Zones during the planning period, which, for purpose of this Ordinance, is defined to be a period of ten (10) years commencing with the effective date of this Ordinance.
- v. A reasonable estimate of the nature, location, sequencing, and timing of the road and street thoroughfare requirements and costs necessary to provide the community level of service for the development contemplated in paragraph iii. hereof.
- vi. A reasonable estimate of the share of the road and street thoroughfare costs identified in paragraph iv. hereof that will be used to:
 - (1) raise the current level of service for existing development or provide service to existing development; or
 - (2) provide service to new development.
- vii. A reasonable estimate of revenues that:
 - (1) Are from sources other than Traffic Impact Fees; and
 - (2) Will be used to finance the cost identified in paragraph vi. (1) above.
- viii. A general description of the sources and amounts of money used to pay for infrastructure during the previous five (5) years.

b. The Town Council hereby specifically adopts the Zone Improvement Plan as an official part of the Comprehensive Plan of the Town of Westfield, pursuant to IC 36-7-4-500 *et seq.*

Section 4. Establishment of Road Traffic Impact Fee.

a. Based upon the Traffic Impact Analysis, the Town Council finds, determines, establishes and adopts that the cost per twenty-four hour trip for Zone 1 is in the amount of \$? and for Zone 2 is in the amount of \$? . This equates to traffic impact fee of \$? per single family residence for Zone 1 and \$? per single family residence for Zone 2, and this amount is hereby adopted as the traffic impact fee for the Town. The number of twenty-four (24) hour trips are to be based upon calculations taken from latest version of the ITE Trip Generation Manual, a study published by the Institute of Transportation Engineers (“ITE”).

b. The Town Council hereby makes as a part of the record of these proceedings all of the data collected, calculations made, and conclusions reached by HNTB in the process of developing the Traffic Impact Analysis, and specifically instructs the employees of the Town to make such data and all other information gathered and used in preparing the Traffic Impact Analysis publicly available as a public record of the Town for review during the Town’s regular business hours. The Town Council further authorizes HNTB to sell or otherwise distribute copies of the Traffic Impact Analysis and any of the other data collected upon which it relied, at a cost reasonably intended to compensate them for the cost of reproduction only.

c. In the event that any parcel of real estate considered in the creation of the Zone Improvement Plan undergoes a change in use, redevelopment, or modification which requires an improvement location permit, and creates a need for new infrastructure, a Traffic Impact Fee will only be assessed for the increase in the burden on infrastructure.

Section 5. Credit in Lieu of Payment; Exemptions.

a. Any person or entity obligated to pay a fee pursuant to the terms of this Ordinance shall have the option of financing, constructing and dedicating actual road and street thoroughfare infrastructure instead of paying all or part of the Traffic Impact Fee which may be due, so long as such financing, construction and dedication are accomplished pursuant to the thoroughfare improvement plan of the Town and in accordance with the road and street specifications for such road or street to be improved in force within the Town at that time. Such fee payer, or other person or entity providing the infrastructure or improvement, shall be given credit upon a verified certification from a registered engineer, architect or contractor of the actual costs of planning, financing, constructing and dedicating such road and street thoroughfare improvements or infrastructure to the Town. Such certification shall be presented prior to the issuance of any structural building or improvement location permit. In the event the actual cost of such planning, financing, construction and dedication do not equal the amount of the Traffic Impact Fee due pursuant to the calculation provided for in the schedule set forth in Section 4 hereof, the remaining balance shall be due by such fee payer to the Town in accordance with the provisions this Ordinance.

b. Credits against Traffic Impact Fees otherwise due shall be allowed pursuant to this Section 5 for all infrastructure and improvements constructed or furnished in accordance with IC 36-7-4-1313 and 1335 since ? . A fee payer or other person or entity responsible for installing infrastructure or improvements may designate in writing a method of allocating its credits to future fee payers who may be successors in interest to the credits earned by the fee payer or others, as part of the certification provided above.

c. Any person or entity otherwise obligated to pay the fee established by this Ordinance whose property was totally or partially destroyed by fire, storm or other casualty beyond their control, shall be exempt from paying the Traffic Impact Fee if they repair or replace the destroyed structure without creating a burden on infrastructure greater than the burden imposed by the destroyed structure. In the event it creates any additional burden, the Traffic Impact Fee shall be calculated based only on the increased burden created by the structure.

Section 6. Traffic Impact Fee Due Upon Issuance of Structural Building Permit. The Traffic Impact Fee imposed pursuant to the terms of this Ordinance shall be due and payable upon the issuance of a structural building permit by the Town. It is understood that a structural building permit is synonymous with the term “structural building permit” as used in IC 36-7-4-1323, in that the issuance of a structural building permit authorizes the applicant to commence construction activities, structural and otherwise. The entire Traffic Impact Fee which is calculated pursuant to the terms of this Ordinance shall be due at the time of permit issuance unless the amount of the fee upon calculation is greater than Five Thousand Dollars (\$5,000), in which case an installment plan may be requested by the applicant in accordance with the terms of IC 36-7-4-1324.

The Westfield Impact Fee Review Board, established herein, shall establish specific rules for installment payments consistent with Indiana law. The interest rate on any installment plan or deferred payment shall be the pre-judgment rate of interest set forth in the Indiana Code.

If a fee payer so requests, the amount of the Traffic Impact Fee shall be assessed upon the voluntary submission of a development plan or upon the issuance of the structural building permit, whichever is earlier. For purposes of this Section 6, “assessment” means the act of calculating the amount of the Traffic Impact Fee which shall be due. The Town shall make such assessment within thirty (30) days of the date of such voluntary request or at the issuance of the structural building permit with or without a request.

Section 7. Lien Rights Established. Pursuant to IC 36-7-4-1325, the Town of Westfield acquires a lien against the real estate which is the subject of the Traffic Impact Fee on the date the structural building permit is issued. Upon final adoption, this Ordinance shall be recorded and, thereafter, it shall constitute constructive notice of the lien rights of the Town. The Town may, in its discretion, file a specific instrument setting forth its statutory lien rights with respect to a parcel of real estate which is the subject of an installment payment of a Traffic Impact Fee, and such instrument shall constitute actual notice in addition to the constructive notice provided for by the recording of this Ordinance.

Section 8. Form of Receipt. The Clerk-Treasurer of the Town shall issue a receipt for any and all Traffic Impact Fees collected, and the form of such receipt shall be as follows:

RECEIPT
Office of Clerk – Treasurer

_____ Fund

Westfield, IN _____ 20__

RECEIVED FROM _____ \$ _____

THE SUM OF _____
ON ACCOUNT OF _____

Clerk/Treasurer

Payment type & amount

Cash _____ Check _____ M.O. _____
E.F.T. _____ C.C./B.C. _____ Other _____

Section 9. Appeals.

a. Any fee payer who believes itself to be aggrieved by the calculation of the Traffic Impact Fee may appeal from such calculation to the Westfield Impact Fee Review Board created hereafter and the Westfield Impact Fee Review Board shall conduct a hearing with regard thereto. At such hearing, the fee payer shall bear the burden presenting either of the following propositions:

- i. A fact assumption used in determining the amount of the Traffic Impact Fee is incorrect; or
- ii. The amount of the Traffic Impact Fee is greater than the amount allowed under IC 36-7-4-1320, 1321, and 1322.

Upon conclusion of the presentation of evidence, the Westfield Impact Fee Review Board shall make a determination within not more than thirty (30) days, upon the facts presented and may make such adjustments in the Traffic Impact Fee as they believe are appropriate under the circumstances, if any.

b. An appeal under this Section 9 must be filed not later than thirty (30) days after the issuance of the structural building permit. The appeal shall be initiated with the filing of a Petition for Review with the Clerk-Treasurer's office, together with a filing fee in the amount of One Hundred Dollars (\$100). The filing fee shall be refunded in full (1) if the Petition for Review is granted and the Traffic Impact Fee is eliminated, reduced or adjusted by the Westfield Impact Fee Review Board, by independent action of the Town, or by a court having jurisdiction, and (2) if the reviewing body determines that the amount of the fee, reductions, or credits was arbitrary or capricious. The Petition for Review shall be in a form calculated to inform the Westfield Impact Fee Review Board of the nature of the complaint, the parties to the action, and the relief requested. In addition, the petition shall describe the new development on which the Traffic Impact Fee has been assessed, all facts relating to the assessment of the Traffic Impact Fee, and the reasons petitioner believes that the amount of the Traffic Impact Fee assessed is erroneous or is greater than the amount allowed by the fee limitations set forth in the enabling statute.

c. The Town shall not deny the issuance of a structural building permit on the basis that the Traffic Impact Fee has not been paid or condition issuance of the permit on the payment of the Traffic Impact Fee. If the Traffic Impact Fee totals One Thousand Dollars (\$1,000) or less, the Town may require the fee payer to pay the Traffic Impact Fee or initiate an appeal under this Section 9 before the structural building permit is issued.

Section 10. Establishment of Road and Street Thoroughfare Fund.

a. The Town Council hereby establishes the Road and Street Thoroughfare Fund of the Town of Westfield. This Fund shall be a non-reverting fund and shall receive any and all sums collected pursuant to this Ordinance to be utilized for the purposes set forth herein. The Fund shall consist initially of one account based upon the current existence of one Impact Zone. In the event, and only in the event, that an additional Impact Zone for the Town is created hereafter, a separate account shall be maintained for each separate Impact Zone established with the Town. Interest earned on the Fund or on any account within the Fund shall be deposited and maintained within the Fund or the separate account. The Clerk-Treasurer of the Town shall maintain records of the Fund or any account which may be established therein, and shall make an annual report of the Fund and accounts which shall be available to the public and fee payers, upon request.

b. Pursuant to IC 36-7-4-1332(e), the Clerk-Treasurer is designated as the Town official responsible for acting upon refund requests. In order to facilitate refunds when they may be due, the Clerk-Treasurer is directed to identify the purpose of any Traffic Impact Fee paid in order that a refund, if any, may be paid from the Fund or account into which the fee was originally deposited.

Section 11. Use of Traffic Impact Fees Collected Pursuant to this Ordinance. Any and all fees collected pursuant to the provisions of this Ordinance may be utilized for the following purposes only by the Town, acting by and through its Town Council, which, for purpose of this Ordinance, is identified as the “infrastructure agency” contemplated by IC 36-7-4-1317:

a. Providing funds to be utilized by the Town for the purpose of paying the capital costs of new road and street infrastructure that is necessary to serve the new development within the corporate limits of the Town and that is identified in the Zone Improvement Plan;

b. An amount not to exceed five percent (5%) of the annual collections of the fee may be utilized for expenses incurred by the Town for the consulting services used to establish this Ordinance;

c. To pay any refund due pursuant to the terms of this Ordinance; and

d. To pay the debt service cost on an obligation issued to provide new road and street infrastructure described in paragraph (a) herein.

Section 12. Establishment of Westfield Impact Fee Review Board.

a. There is hereby created the Westfield Impact Fee Review Board, whose members shall be appointed by the Town Council, consisting of three (3) citizen members. A member of the Westfield Impact Fee Review Board may not be a member of the Westfield Advisory Plan Commission. One member of the Westfield Impact Fee Review Board shall be a real estate broker licensed in the State of Indiana, one member shall be an engineer licensed in the State of Indiana, and the third member shall be a certified public accountant. Each member shall serve at the pleasure of the Town Council for calendar year terms commencing with their initial appointment and concluding on December 31st of the year in which he or she is appointed, unless reappointed.

b. In the event of a conflict of interest or other condition which causes a duly appointed member of the Westfield Impact Fee Review Board to disqualify himself or herself on any matter before the Board, such member shall notify the Town Council in writing of their intent not to participate in such matter. Thereafter, the Town Council may appoint a temporary

replacement member for the limited purpose of hearing that petition for which the regular member is disqualified. Any such replacement member shall meet the qualifications of the member he or she is replacing.

c. The Westfield Impact Fee Review Board shall have only those duties and responsibilities established in IC 36-7-4-1338. Upon the organization of the Westfield Impact Fee Review Board, the members shall establish rules of procedure to the extent they are consistent with Indiana state law and, specifically, to provide the ways and means to carry out the specific provisions of this Ordinance regarding petitions for review, refunds, credits, and other matters. The rules shall specifically provide that in the event that no development occurs or only a portion of the anticipated development occurs, a refund in whole or in part of such fee paid shall be made, with interest. The Board may impose reasonable requirements to insure that, in fact, no development has occurred, or something less than what was paid for is all that will occur on the real estate which was the subject of the initial assessment.

d. Members of the Westfield Impact Fee Review Board shall serve without compensation. At their first meeting, they shall elect from their membership a chairperson who shall serve until his or her replacement has been duly elected. At the first meeting after the first day of January in each year, the membership shall elect from the then duly appointed members a chairperson. The chairperson shall be responsible for leading the Board in conducting its business.

Section 13. IC 36-7-4-1300 Series. The Town Council specifically acknowledges the existence of Indiana statute IC 36-7-4-1300 *et seq.*, which regulates the imposition of Traffic Impact Fee ordinances by municipal corporations within the State of Indiana. It is the intent of the Town to comply with this law, and this Ordinance shall be construed in all respects to be consistent with it. The substantive and procedural requirements of IC 36-7-4-1300 *et seq.* shall control in the event of any conflicts with this Ordinance.

Section 14. Amendment and Review. The Traffic Impact Fee provided for herein is based upon data which, in large part, is subject to inflation and other economic and market forces over which the Town has no control. The Town Council shall, therefore, not less than once each year, cause a review to be made by Town staff or consultants, as may be required, to determine the continuing validity of the Traffic Impact Fee, the Impact Zone, and the Zone Improvement Plan. The Council shall consider and adopt such amendments as are necessary to cause a substantive compliance with the rational nexus test to continue, to insure that procedural due process is maintained or enhanced, and to ensure that this Ordinance meets the requirements of Indiana Code 36-7-4-1300 series. To the extent required by the facts and circumstances, this process shall include the steps necessary to update the Zone Improvement Plan and the Town's Comprehensive Plan.

Section 15. Effective Date. This Ordinance shall be effective six (6) months following its adoption in accordance with Indiana law.

Section 16. Savings Clause. If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 17. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport to and shall not be deemed to define, limit or extend the scope or intent of the clause to which they pertain.

ADOPTED AND PASSED THIS ___ DAY OF ___, 2007, BY THE
WESTFIELD TOWN COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD TOWN COUNCIL
Hamilton County, Indiana

WESTFIELD TOWN COUNCIL

Voting For

Voting Against

Abstain

J. Andrew Cook

J. Andrew Cook

J. Andrew Cook

Jack Hart

Jack Hart

Jack Hart

John Dippel

John Dippel

John Dippel

Bob Smith

Bob Smith

Bob Smith

Ron Thomas

Ron Thomas

Ron Thomas

Robert Horkay

Robert Horkay

Robert Horkay

Joseph Plankis

Joseph Plankis

Joseph Plankis

ATTEST:

Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Brian J. Zaiger, Attorney at Law
KRIEG DEVAULT, LLP
12800 North Meridian
Carmel IN 46032
317-238-6266

WPWD Action Item # 3 – WPWD 2008 Proposed Budget Presentation

Kurt Wanninger, Assistant Director of Public Works and Jim Treat, OW Krohn and Associates, will be making a brief presentation to the Council explaining the 2008 Water and Sanitary Sewer Budget. Bruce A. Hauk, Director of Public Works, Kurt Wanninger, Assistant Director of Public Works, and Jim Treat, OW Krohn and Associates, will be available to respond to any questions.

Therefore, the Westfield Public Works Department recommends to the Westfield Town Council to consider a motion for approval of the 2008 Water and Sanitary Sewer Budget.

“Appendix A”



Otto W. Krohn, CPA, CMC
James W. Treat, CPA

231 E. Main Street, Westfield, Indiana 46074

American Institute of CPAs
Indiana CPA Society

November 12, 2007

Members of the Town Council
Town of Westfield
130 Penn Street
Westfield, Indiana 46074

At your request, we have compiled the accompanying limited financial information for the Westfield Municipal Water and Wastewater Utilities. The information includes a comparison of 2008 budgeted operations with the 2007 budgeted operations. The accompanying schedules were prepared for internal use only for distribution to the appropriate Town Officials. The use of these schedules should be limited to those that are familiar with the accounting and financial reporting practices for the Town.

Page I – III Westfield Municipal Utilities – Key Budget Assumptions – 2008

WATER UTILITY:

Page 1 Projected Cash Flows
Page 2 Projected Statement of Revenues and Expenses
Page 3 – 4 Projected Detail of Operation and Maintenance Expenses
Page 5 Projected Capital Budget

WASTEWATER UTILITY:

Page 1 Projected Cash Flows
Page 2 Projected Statement of Revenues and Expenses
Page 3 Projected Detail of Operation and Maintenance Expenses
Page 4 Projected Capital Budget

The assumptions are based upon information provided to us by management of the Town of Westfield. In preparation of these schedules, assumptions were made as noted regarding certain future events. As is the case with such assumptions regarding future events and transactions, some or all may not occur as expected and the resulting differences could be material. We have not examined the underlying assumptions; consequently, we express no opinion or assurance thereon.

O.W. Krohn & Associates, LLP
O. W. Krohn & Associates, LLP

**WESTFIELD MUNICIPAL UTILITIES
KEY BUDGET ASSUMPTIONS – 2008**

WATER REVENUES

- Sales - based upon projected sales for 2007, added 500 new customers at an average monthly bill of \$24 and adjusted for Phase II of the South to North rate equalization process.
- Fire Surcharges -based upon the new \$4.72 monthly fee for out-of-town customers, plus \$.92 Phase II charge to all other customers.
- Vacant Lot Charges - these proposed fees were never implemented and have been dropped from the budget.
- Availability & Connection - assumes 500 new EDU's at the new rate of \$1,800 each availability and \$500 each for connection fees. Developer commitments cover 321 EDU's.
- Interest - based upon projected 2008 cash balances and earnings at about 5%.

WATER OPERATING EXPENSES

- Salaries & Wages - total budget in 2007 of \$1,365,000 was increased to \$1,654,000 in 2008. This change is mainly due to additional wage and benefit overhead allocated to water, including new positions for City administration.
- 5% general wage increase for the existing employees.
- Insurance - this category includes both property/casualty and employee insurance. Property insurance is based upon the actual 2007 premiums plus a 3.5% allowance for rate increases. Employee insurance includes a 3% provision for expected premium increases for existing employees, along with additional allocations for City Admin. employees.
- Purchased Water - Assumes that wholesale water purchases will end in mid 2008.

WATER OPERATING EXPENSES

(Continued)

- Employee Benefits - 17.15% of labor costs assuming 7.65% for payroll taxes and 9.5% for PERF.
- Uniforms - increased based upon actual 2007 experience.
- Contractual – Other - includes legal, accounting, financial reporting, computer support, cleaning services, payroll processing services, employee testing/training, equipment maintenance contracts, appraisals, surveys. Budget remained the same.
- Depreciation - based upon estimated depreciation for 2007 plant additions.
- All other expenses - amounts are either the same, increased or decreased based upon 2007 year to date experience.

WASTEWATER REVENUES

- Sales - based upon projected sales for 2007, plus 500 new customers at an average monthly bill of \$38.
- Availability & Connection - assumes 500 new EDU's at \$3,500 or \$3,150 each for availability and \$1,200 each for connection fees. Developer commitments cover 474 EDU's, which based upon prior agreements receive a 10% discount.
- Vacant Lot Fee - these proposed fees were never implemented and have been dropped from the budget.
- Erosion Control Fee - increased budget based upon year-to-date actual and projected for 2007.
- Interest - based upon projected 2008 cash balances and earnings at about 5%; includes estimated earnings on interceptor project construction funds.

WASTEWATER OPERATING EXPENSES

- Salaries & Wages - total budget in 2007 of \$1,169,000 was increased to \$1,428,000 in 2008. This change is mainly due to additional wage and benefit overhead allocated to wastewater, including new positions for City administration.
 - 5% general wage increase for the existing employees.
- Sludge Removal - decreased based upon updated management estimates.
- Treatment – Carmel - revised budget estimate based upon actual daily flows to Carmel for first 9 months of 2007 at the current contract rate of \$0.89 per 1,000.
- Insurance - Property - based upon actual 2007 premiums which were reduced with new insurer and a 3.5% allowance for premium increases.
- Insurance - Employee - includes a 3% provision for premium increases for existing employees along with additional allocations for City Admin. Employees.
- Employee Benefit - 17.15% of labor costs assuming 7.65% for payroll taxes and 9.5% for PERF.
- Contractual Other - includes legal, accounting, financial reporting, computer support, cleaning services, payroll processing services, employee testing/training, equipment maintenance contracts, appraisals, surveys. Budget remained the same.
- Depreciation - based upon estimated depreciation for 2007 plant additions.
- All other expenses - amounts are either the same, increased or decreased based upon 2007 year to date experience.

WESTFIELD WATER UTILITY
PROJECTED BUDGET FOR 2008

WESTFIELD MUNICIPAL WATER UTILITY

PROJECTED CASH FLOWS

		<u>2008 BUDGETED</u>
EDU'S / YR:	COMMITTED	321
	OTHER	179
	TOTAL	<u>500</u>
CASH OPERATING REVENUES EXCLUDING WHOLESALE		\$3,609,000
CONTRACT SALES TO IWC		525,000
CASH OPERATING EXPENSES		<u>(3,140,749)</u>
NET OPERATING REVENUE		<u>993,251</u>
NON-OPERATING REVENUES:		
INTEREST INCOME		150,000
AVAILABILITY FEES (500 EDU'S)		900,000
CONNECTION FEES (500 EDU'S)		250,000
OTHER NON-OPERATING NET		50,000
PILT		(69,504)
DEBT SERVICE:		
EXISTING:		
1992 BONDS		0
1998 BONDS	[Water Tower]	(191,125)
2002 BONDS	[HWU Acquisition]	(742,427)
ESC PAYMENTS	[Energy Projects]	(113,087)
AVAILABLE FOR CAPITAL		
EXPENDITURES AND RESERVES		1,227,108
PROJECTED CAPITAL BUDGET		<u>(2,710,000)</u>
NET INCREASE/(DECREASE) IN CASH		(1,482,892)
BEGINNING CASH BALANCE		<u>3,299,274</u>
ENDING CASH BALANCE		<u>\$1,816,382</u>

SEE ACCOUNTANT'S REPORT.

WESTFIELD MUNICIPAL WATER UTILITY

PROJECTED STATEMENT OF REVENUES AND EXPENSES
FOR THE TWELVE MONTHS ENDED DECEMBER 31

	<u>BUDGET</u> 2008	<u>BUDGET</u> 2007
OPERATING REVENUES:		
METERED SALES	\$3,275,000	\$2,840,000
CONTRACT SALES	525,000	500,000
FIRE PROTECTION	115,000	95,000
FIRE SURCHARGES	141,000	80,000
PENALTIES	13,000	11,000
INSPECTION/PLANNING FEES	55,000	50,000
VACANT LOT FEES	0	21,600
OTHER	10,000	1,000
	<u>4,134,000</u>	<u>3,598,600</u>
TOTAL OPERATING REVENUES		
OPERATING EXPENSES:		
SOURCE OF SUPPLY	230,000	260,000
TREATMENT	273,504	268,527
DISTRIBUTION	582,131	533,134
CUSTOMER ACCOUNTS	285,506	276,890
ADMINISTRATIVE AND GENERAL	1,769,608	1,403,526
	<u>3,140,749</u>	<u>2,742,077</u>
SUBTOTAL		
DEPRECIATION	600,000	579,200
	<u>3,740,749</u>	<u>3,321,277</u>
TOTAL OPERATING EXPENSES		
NET OPERATING REVENUES	<u>393,251</u>	<u>277,323</u>
NONOPERATING REVENUES (EXPENSES):		
INTEREST INCOME	150,000	315,000
TAP FEES	250,000	350,000
AVAILABILITY FEES	900,000	1,071,000
OTHER NON-OPERATING	50,000	125,000
AMORTIZATION	(13,540)	(13,540)
PAYMENT IN LIEU OF TAXES	(69,504)	(66,829)
INTEREST ON ENERGY SAVINGS CONTRACT	(36,480)	0
INTEREST ON REVENUE BONDS (1992)	0	(1,969)
INTEREST ON REVENUE BONDS (1998)	(73,753)	(78,807)
INTEREST ON REVENUE BONDS (2002)	(396,116)	(409,184)
	<u>760,607</u>	<u>1,290,671</u>
TOTAL NON-OPERATING REVENUES (EXPENSES)		
NET INCOME	<u>\$1,153,858</u>	<u>\$1,567,994</u>

SEE ACCOUNTANT'S REPORT.

WESTFIELD MUNICIPAL WATER UTILITY

PROJECTED DETAIL OF OPERATION AND MAINTENANCE EXPENSES
FOR THE TWELVE MONTHS ENDED DECEMBER 31

	<u>BUDGET</u> <u>2008</u>	<u>BUDGET</u> <u>2007</u>
SOURCE OF SUPPLY		
PURCHASED POWER	200,000	200,000
PURCHASED WATER	30,000	60,000
	<u>230,000</u>	<u>260,000</u>
TREATMENT		
LABOR	220,504	217,527
CHEMICALS	20,000	20,000
MATERIALS AND SUPPLIES	10,000	12,000
REPAIRS	1,000	2,000
CONTRACTUAL SERVICES	10,000	5,000
LAB TESTING	12,000	12,000
	<u>273,504</u>	<u>268,527</u>
DISTRIBUTION		
LABOR	412,131	363,134
MATERIALS AND SUPPLIES	70,000	65,000
CONTRACTUAL SERVICES	70,000	65,000
REPAIRS	30,000	40,000
	<u>582,131</u>	<u>533,134</u>

SEE ACCOUNTANT'S REPORT.

WESTFIELD MUNICIPAL WATER UTILITY

PROJECTED DETAIL OF OPERATION AND MAINTENANCE EXPENSES
 FOR THE TWELVE MONTHS ENDED DECEMBER 31
 (CONTINUED)

	<u>BUDGET</u> 2008	<u>BUDGET</u> 2007
CUSTOMER ACCOUNTS		
METER READING AND ACCOUNTING	<u>\$285,506</u>	<u>\$276,890</u>
TOTAL	<u>285,506</u>	<u>276,890</u>
ADMINISTRATIVE AND GENERAL		
SALARIES	599,646	342,530
INSPECTION/PLANNING SALARIES	136,534	164,578
OFFICE SUPPLIES	30,000	30,000
BILLING SUPPLIES	25,000	25,000
UTILITIES	12,000	12,000
TELEPHONE	20,000	17,000
INSURANCE	279,862	256,395
CONTRACTUAL - ENGINEERING	50,000	50,000
CONTRACTUAL - GIS	12,000	12,000
CONTRACTUAL - ADMINISTRATIVE	150,000	150,000
TRANSPORTATION	65,000	50,000
AUDIT	5,000	5,000
EMPLOYEE BENEFITS	283,716	207,523
REPAIRS	1,000	1,500
UNIFORMS	20,000	12,000
TRAINING/EDUCATION	15,000	15,000
PROMOTIONAL	4,000	4,000
UTILITY RECEIPTS TAX	45,850	39,000
OTHER	<u>15,000</u>	<u>10,000</u>
TOTAL	<u>1,769,608</u>	<u>1,403,526</u>
DEPRECIATION EXPENSE	<u>600,000</u>	<u>579,200</u>
TOTAL OPERATING EXPENSES	<u>\$3,740,749</u>	<u>\$3,321,277</u>

SEE ACCOUNTANT'S REPORT.

WESTFIELD WATER UTILITY
2008 PROJECTED CAPITAL BUDGET

PROJECTS:

River Road Treatment Plant Expansion (1)	\$ 1,500,000	
Campus Additions (2)	830,000	
Subdivision Well Conversion Projects	200,000	
Provision for meters	<u>75,000</u>	
Sub-Total		2,605,000

EQUIPMENT AND VEHICLES:

Instrumentation and Control Equipment	25,000	
2 Pickups (F350 4x4)	30,000	
Computers and Software	25,000	
GIS Software and Equipment	<u>25,000</u>	
Sub-Total		<u>105,000</u>
Total		<u><u>\$2,710,000</u></u>

- Notes:
- (1) Plant expansion has a bid cost of \$3 million of which approximately \$2 million will be spent in 2007. The 2008 budget includes the remaining \$1 million plus a \$500,000 allowance for three new wells.
 - (2) Proposed building additions on the public works campus; total estimated cost of \$3 million of which about \$1.1 million will be spent in 2007. The \$830,000 is water share to complete the project in 2008.
 - (3) The meter provision, equipment and vehicles are all split 50% between water and wastewater.

SEE ACCOUNTANT'S REPORT.

WESTFIELD WASTEWATER UTILITY
PROJECTED BUDGET FOR 2008

WESTFIELD MUNICIPAL WASTEWATER UTILITY

PROJECTED CASH FLOWS

		2008 <u>BUDGETED</u>
EDU'S / YR:	COMMITTED	474
	OTHER	26
	<u>TOTAL</u>	<u>500</u>
CASH OPERATING REVENUES		\$5,004,500
CASH OPERATING EXPENSES		<u>(3,490,689)</u>
NET OPERATING REVENUE		<u>1,513,811</u>
NON-OPERATING REVENUES (EXPENSES):		
INTEREST INCOME		400,000
AVAILABILITY FEES (500 EDU's)		1,623,650
CONNECTION FEES (500 EDU's)		600,000
PILT		(162,300)
DEBT SERVICE		
EXISTING:		
2002 BONDS	[HWU Acquisition]	(825,853)
2004 BONDS	[WWTP Expansion]	(906,794)
2006 BONDS	[Refund 1997 Bonds]	(728,615)
2007 BONDS	[Westside Interceptor]	(742,444)
ESC PAYMENTS	[Energy Projects]	(326,330)
AVAILABLE FOR CAPITAL		
EXPENDITURES AND RESERVES		445,125
PROJECTED CAPITAL BUDGET		<u>(1,885,000)</u>
NET INCREASE/(DECREASE) IN CASH		(1,439,875)
BEGINNING CASH BALANCE		<u>6,110,106</u>
ENDING CASH BALANCE		<u>\$4,670,231</u>

SEE ACCOUNTANT'S REPORT.

WESTFIELD MUNICIPAL WASTEWATER UTILITY

PROJECTED STATEMENT OF REVENUES AND EXPENSES
FOR THE TWELVE MONTHS ENDED DECEMBER 31

	<u>BUDGET</u> 2008	<u>BUDGET</u> 2007
OPERATING REVENUES:		
COMMERCIAL AND RESIDENTIAL SALES	\$4,800,000	\$4,344,521
PENALTIES	72,000	65,000
INSPECTION/PLANNING FEES	55,000	50,000
EROSION CONTROL	70,000	33,000
VACANT LOT FEES	0	50,400
MISCELLANEOUS	7,500	3,000
	<u>5,004,500</u>	<u>4,545,921</u>
TOTAL OPERATING REVENUES		
OPERATING EXPENSES:		
COLLECTION	824,110	679,090
TREATMENT - WESTFIELD PLANT	442,972	519,075
TREATMENT - CARMEL	575,300	585,000
ADMINISTRATIVE AND GENERAL	1,648,307	1,396,102
	<u>3,490,689</u>	<u>3,179,267</u>
SUB-TOTAL		
DEPRECIATION	<u>1,400,000</u>	<u>1,200,000</u>
	<u>113,811</u>	<u>166,654</u>
NET OPERATING REVENUES		
NON-OPERATING REVENUES (EXPENSES):		
INTEREST INCOME	400,000	450,000
AVAILABILITY FEES	1,623,650	2,450,000
CONNECTION FEES	600,000	840,000
OTHER	6,500	0
AMORTIZATION EXPENSE	(113,854)	(73,685)
PAYMENT IN LIEU OF TAXES	(162,300)	(111,544)
INTEREST ON 2007 REVENUE BONDS	(654,829)	0
INTEREST ON 2006 REVENUE BONDS	(277,682)	(286,945)
INTEREST ON 2004 REVENUE BONDS	(486,952)	(500,000)
INTEREST ON 2002 REVENUE BONDS	(440,723)	(455,050)
INTEREST ON ENERGY SAVINGS CONTRACT	(105,269)	0
	<u>388,541</u>	<u>2,312,776</u>
TOTAL NON-OPERATING REVENUES (EXPENSES)		
NET INCOME	<u>\$502,352</u>	<u>\$2,479,430</u>

SEE ACCOUNTANT'S REPORT.

WESTFIELD MUNICIPAL WASTEWATER UTILITY

PROJECTED DETAIL OF OPERATION AND MAINTENANCE EXPENSES
FOR THE TWELVE MONTHS ENDED DECEMBER 31

	<u>BUDGET</u>	<u>BUDGET</u>
	2008	2007
COLLECTION:		
LABOR	609,110	494,090
PURCHASED POWER	40,000	50,000
MATERIALS AND SUPPLIES	100,000	60,000
REPAIRS	5,000	15,000
CONTRACTUAL SERVICES	<u>70,000</u>	<u>60,000</u>
TOTAL COLLECTION	<u>824,110</u>	<u>679,090</u>
TREATMENT:		
SALARIES AND WAGES	69,972	80,575
PURCHASED POWER	150,000	140,000
CHEMICALS	30,000	25,000
MATERIALS AND SUPPLIES	10,000	6,000
REPAIRS	3,000	3,000
SLUDGE REMOVAL	100,000	150,000
CONTRACTUAL SERVICES	10,000	18,000
LAB TESTING	20,000	18,000
INSURANCE - PROPERTY	36,000	46,000
UTILITIES	2,000	20,000
PERMITS AND FEES	10,000	10,000
OTHER	<u>2,000</u>	<u>2,500</u>
TREATMENT PLANT TOTAL	<u>442,972</u>	<u>519,075</u>
TREATMENT FEES - CARMEL	<u>575,300</u>	<u>585,000</u>
TOTAL TREATMENT	<u>1,018,272</u>	<u>1,104,075</u>
ADMINISTRATIVE AND GENERAL:		
ADMINISTRATIVE SALARIES	631,382	485,670
INSPECTION/PLANNING SALARIES	117,403	109,110
OFFICE SUPPLIES	22,000	30,000
BILLING SUPPLIES	25,000	25,000
TRANSPORTATION	60,000	50,000
UTILITIES AND TELEPHONE	30,000	30,000
INSURANCE	228,643	209,289
EMPLOYEE BENEFITS	244,879	175,033
AUDIT	3,000	3,000
CONTRACTUAL SERVICES - ENGINEERING - COLLECTION		
SYSTEM AND LIFT STATIONS	65,000	75,000
CONTRACTUAL SERVICES - GIS	15,000	10,000
OTHER CONTRACTUAL AND PROFESSIONAL SERVICES	150,000	150,000
REPAIRS	5,000	1,000
UNIFORMS	18,000	12,000
TRAINING/EDUCATION	11,000	11,000
PROMOTIONAL	4,000	4,000
OTHER	<u>18,000</u>	<u>16,000</u>
TOTAL ADMINISTRATIVE	<u>1,648,307</u>	<u>1,396,102</u>
DEPRECIATION	<u>1,400,000</u>	<u>1,200,000</u>
TOTAL OPERATING EXPENSES	<u>\$4,890,689</u>	<u>\$4,379,267</u>

SEE ACCOUNTANT'S REPORT.

WESTFIELD WASTEWATER
2008 PROJECTED CAPITAL BUDGET

PROJECTS:

Campus Additions (1)	\$ 1,030,000	
Subdivision Septic Conversion Projects	500,000	
Provision for lift station improvements	50,000	
Provision for manhole improvements	50,000	
Provision for meters	<u>75,000</u>	
Sub-Total		1,705,000

EQUIPMENT AND VEHICLES:

Instrumentation and Control Equipment	25,000	
2 Pickups (F350 4x4)	30,000	
Lift Truck	75,000	
Computers and Software	25,000	
GIS Software and Equipment	<u>25,000</u>	
Sub-Total		<u>180,000</u>
Total		<u><u>\$1,885,000</u></u>

Notes:

- (1) Proposed building additions on the public works campus; total estimated cost of \$3 million of which about \$1.1 million will be spent in 2007. The \$1,030,000 is water's share to complete the project in 2008.
- (2) The meter provision, equipment and vehicles are all split 50% between water and wastewater.
- (3) Capital expenditures budget does not include the \$14 million Westside Interceptor project which has already been directly funded with bond proceeds.

SEE ACCOUNTANT'S REPORT.

WPWD Action Item # 4 - Ordinance 07- 29 Vacating of Easement (Parcel 7)

This Ordinance is being presented for a First Reading.

This Ordinance (See Exhibit C) is being brought forth to vacate a Sanitary Sewer and Telecommunications Easement (Known as Parcel 7 of the Westside Interceptor Sewer Project) that was purchased on October 10, 2005 as part of the Westside Interceptor Sanitary Sewer Project. This parcel is located north of the Midland Trace Railroad Corridor and west of Little Eagle Creek Avenue. Due to a conflict in separation requirements between the proposed Westside Interceptor Sanitary Sewer and the Marathon Pipeline 6-inch high pressure gas main, this easement has been modified to move the easement further to the west to provide the separation requirements. Since this requested change had no affect on the function of the sanitary sewer, the Public Works Department made the request to change to the easement.

The Public Works Department, in anticipation of vacating the first easement that was acquired on October 10, 2005, the Public Works Department has obtained an executed second easement from the property owner, Lena Catherine Moore, with the requested changes with the understanding that the first easement will be vacated when the Vacation of Easement Ordinance is recorded at the Hamilton County Recorders Office and the second easement will be recorded at that time.

Therefore, the Westfield Public Works Department recommends that the Westfield Town Council to consider this ordinance for a First Reading, and recommends that the Council suspend the rules and adopt at this meeting.

ORDINANCE 07-29

**AN ORDINANCE VACATING AN EASEMENT
WITHIN THE TOWN OF WESTFIELD, INDIANA**

WHEREAS, the Town is in possession of easements across property for the purpose of providing access across a property for the purpose of constructing, operating, maintaining, repairing, replacing sanitary sewer and telecommunication lines.; and,

WHEREAS, there no longer remains any public need or necessity for the below describes easement due to an alternate being proposed; and,

WHEREAS, upon due consideration, the Town Council of the Town of Westfield has determined that the vacation of said easement will not hinder the growth or orderly development of the area; will not deny or deprive access to adjacent lands; will not hinder public access to public facilities and will not hinder or prevent the use of any public way; and,

WHEREAS, the vacation of this easement shall be conditioned upon the execution of an alternate easement for the purpose of constructing, operating, maintaining, repairing, replacing sanitary sewer and telecommunication lines.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN
OF WESTFIELD, INDIANA:**

SECTION 1. The easement described in Attachment “A” attached hereto and made a part hereof is hereby vacated.

SECTION 2. The Clerk-Treasurer is directed to record a copy of this Ordinance in the office of the Recorder of Hamilton County, Indiana.

SECTION 3. This Ordinance shall become effective upon its adoption and proper publication in accordance with Indiana law.

ALL OF WHICH IS ORDAINED this ____ day of _____, 2007.
WESTFIELD TOWN COUNCIL

Voting For

Voting Against

Abstain

Andy Cook

Andy Cook

Andy Cook

John Dippel

John Dippel

John Dippel

Jack Hart

Jack Hart

Jack Hart

Robert Horkay

Robert Horkay

Robert Horkay

Joseph Plankis

Joseph Plankis

Joseph Plankis

Robert J. Smith

Robert J. Smith

Robert J. Smith

Ron Thomas

Ron Thomas

Ron Thomas

ATTEST:

Clerk-Treasurer, Cindy J. Gossard

This Ordinance prepared by:
Brian J. Zaiger
Krieg DeVault, LLP

Attachment A

2010
100
none
(7)

SANITARY SEWER AND TELECOMMUNICATIONS EASEMENT

THIS INDENTURE, made this 10 day of October, 2005, by and between the Lena Catharine Moore hereinafter referred to as the "Grantor" and THE TOWN OF WESTFIELD, Indiana, having an office for the transaction of business at 130 Penn Street, Westfield, IN, 46074, hereinafter referred to as the "Grantee."

WITNESSETH

The Grantor, in consideration of the covenants and agreements hereinafter recited and the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby give, grant and convey unto the Grantee, its successors and assigns, forever, a perpetual easement and right of way in, under, across and over the real estate of the Grantor, situated in Hamilton County, Indiana, more particularly described on Exhibit A and as shown on the sketch, Exhibit B, both attached hereto and made a part hereof, for the purpose of constructing, operating, maintaining, repairing, replacing, or removing and adding to from time to time (i) sanitary sewer lines together with all necessary manholes, air release structures and appurtenances and attached facilities, including service laterals and connections for the collection and conveyance of wastewater (the "Sewer Facilities"), and (ii) telephone lines, including but not limited to fiber optic cables, together with all attached and associated facilities and systems, for the conveyance and transmission of telecommunications services, including but not limited to voice, data and video traffic (the "Telecom Facilities") (the Sewer Facilities and the Telecom Facilities, together the "Utility Facilities").

Together with the right to the Grantee, its successors and assigns, to (i) enter in and upon the real estate described above with men and machinery, vehicles and material at any and all times for the purpose of maintaining, repairing, renewing or adding to the Utility Facilities, (ii) remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein, and (iii) for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted.

The Grantor also does hereby give, grant and convey unto the Grantee, a temporary construction easement in, under, across and over the real estate of the Grantor, more particularly described on Exhibit A and as shown on Exhibit B, for any and all activities necessary, incidental or related to the construction of the Utility Facilities. The temporary construction easement shall expire and terminate upon completion of the original construction.

200500076028
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
11-22-2005 At 10:57 am.
EASEMENTS 22.00

The right of the Grantor to freely use and enjoy its interest in the real estate is reserved to Grantor, its successors and assigns insofar as the exercise thereof does not endanger or interfere with the construction, operation, and maintenance of the Utility Facilities, except that no building, structure or similar improvements shall be erected within said easement, nor shall the grade or ground cover over the Utility Facilities be substantially altered, without the consent of the Grantee. Notwithstanding the foregoing, no potable water pipes or conduits shall be placed within ten (10) feet, measured horizontally, from the said sanitary sewer pipes except pipes crossing same at right angles, in which latter case, a minimum distance of two (2) feet shall be maintained between the pipes. All sewer pipe shall be laid below any potable water pipes. No excavation or blasting shall be carried on which in any way endangers or might endanger the Utility Facilities.

TO HAVE AND TO HOLD the above granted easement unto the same Grantee, its successors and assigns forever.

The Grantee agrees, by the acceptance of this easement that, upon any opening made in connection with any of the purposes of this easement, said opening shall be backfilled and resurfaced to as nearly as possible the same condition as existed when said opening was made, provided that Grantee shall not be obligated to restore landscaping, other than reseeding any grass which was removed upon entry, all such work to be done at the expense of the Grantee.

And the said Grantor does covenant with the said Grantee as follows:

1. That the Grantor is the owner in fee simple of the real estate, is lawfully seized thereof, and has authority to grant and convey the foregoing easement, and guarantees the quiet possession thereof, and that Grantor will warrant and defend the Grantee's title to the easement hereby granted against all claims. In accordance with Ind. Code 32-23-2-5(a), Grantor acquired said real estate by deed dated February 19th, 1998, and recorded in the Office of the Recorder of Hamilton County, Indiana, in Deed Book N/A, Page N/A, or as Instrument No. 9809808029, on the 20th day of February, 1998.
2. That the Grantee shall quietly enjoy the said easement.
3. That the real estate hereby subjected to said easement is subject to no mortgages except No exceptions. (If none, state "No Exceptions.")

IN WITNESS WHEREOF, the Grantor has duly executed this INDENTURE, all as of the day and year first above written.

Lena Catharine Moore.

Lena C. Moore
(Signature)

Lena Catharine Moore

(Printed Name)

(Signature)

(Printed Name)

STATE OF Indiana)
COUNTY OF Jipton) SS:

Before me, a Notary Public in and for said County and State, personally appeared Lena C. Moore, who having been duly sworn upon his/her oath acknowledged the execution of the foregoing easement.

Witness my hand and Notarial Seal this 20th day of October, 2005.

(Signature)

Marla D. Wallace

(Printed Name)

Marla D. Wallace

Notary Public residing in

Jipton County, Jipton

My Commission Expires:

July 07, 2009

This instrument prepared by:

Brian J. Zaiger, Attorney at Law
CHURCH, CHURCH, HITTLE & ANTRIM
938 Conner Street, P. O. Box 10
Noblesville, IN 46060
(317) 773-2190

EXHIBIT "A"

Project: Westfield Westside Interceptor Sheet 1 of 1
Parcel: 7A Temporary Easement for Sanitary Sewer Construction
and Telecommunications

A part of the Northwest Quarter of Section 4, Township 18 North, Range 3 East, Hamilton County, Indiana, described as follows: Beginning on the north line of the grantor's land South 89 degrees 31 minutes 40 seconds West 25.63 feet from Station 114+18.46, Line "A" on the Location Control Route Survey Plat recorded as Instrument No. 200400036801 in the Office of the Recorder of said county; thence South 47 degrees 11 minutes 46 seconds West 15.46 feet; thence South 20 degrees 52 minutes 25 seconds West 300.42 feet; thence South 42 degrees 18 minutes 44 seconds West 208.64 feet to the south line of the grantor's land; thence North 90 degrees 00 minutes 00 seconds West 40.57 feet along said south line; thence North 42 degrees 18 minutes 44 seconds East 230.27 feet; thence North 20 degrees 52 minutes 25 seconds East 294.20 feet to the north line of the grantor's land; thence North 89 degrees 31 minutes 40 seconds East 39.57 feet along said north line to the point of beginning and containing 0.361 acres, more or less.



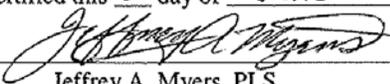
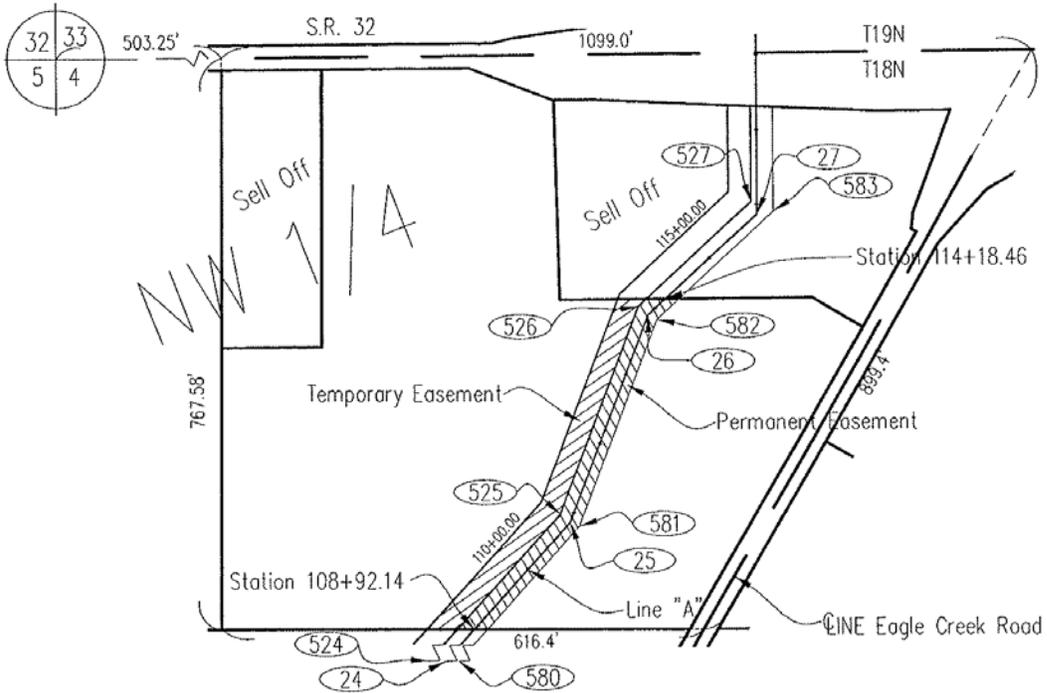
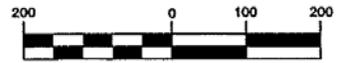
Certified this 8th day of June, 2004

Jeffrey A. Myers, PLS
Professional Land Surveyor No. 2930001
State of Indiana

EXHIBIT "B"
EASEMENT PARCEL PLAT

SHEET 1 OF 2



GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

 HATCHED AREA IS THE APPROXIMATE TAKING

OWNER:	<i>MOORE, LENA CATHARINE</i>	DRAWN BY:	<i>NATHAN A. GOINS 05/15/04</i>
PARCEL:	<i>7</i>	CHECKED BY:	<i>JEFFERY A. MYERS 05/18/04</i>
CODE:	<i>36753</i>		
TOWN:	<i>WESTFIELD</i>		
COUNTY:	<i>HAMILTON</i>		
PROJECT:	<i>WESTSIDE INTERCEPTOR</i>		
SECTION:	<i>4</i>		
TOWNSHIP:	<i>18N</i>		
RANGE:	<i>3E</i>		

INSTRUMENT NO. *9809808029* , DATED *02/19/98*
INSTRUMENT NO. *200000051693* , DATED *09/26/00*

Dimensions shown are from the above listed Record Documents.

EXHIBIT "B"
EASEMENT PARCEL PLAT

PARCEL COORDINATE CHART			
NUMBER	LINE	STATION	OFFSET
524	Line "A"	107+87.26	17.19 Lt.
525	Line "A"	110+91.51	16.52 Lt.
526	Line "A"	113+91.94 Bt	16.52 Rt.
527	Line "A"	116+03.50	7.59 Lt.
580	Line "A"	107+87.16 Bt	12.79 Rt.
581	Line "A"	110+90.81 Bt	12.81 Rt.
582	Line "A"	113+91.09	12.79 Rt.
583	Line "A"	116+05.69 Bt	12.37 Rt.

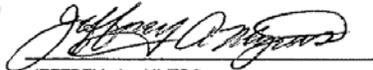
*See Location Control Route Survey Plat for Points:
24, 25, 26, & 27*

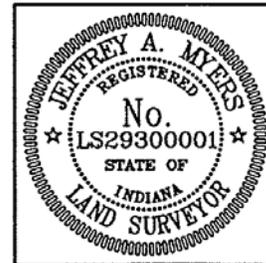
SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey Plat" recorded as Instrument No. 200400036801 in the Office of the Recorder of Hamilton County, Indiana, (incorporated herein and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 (Rule 12).

HNTB

111 Monument Circle, Suite 1200
Indianapolis, IN 46204
(317) 636-4682
FAX (317) 917-5211


JEFFREY A. MYERS



6/08/2004

OWNER: <i>MOORE, LENA CATHARINE</i>	DRAWN BY: <i>NATHAN A. GOINS 05/15/04</i>
PARCEL: <i>7</i>	CHECKED BY: <i>JEFFERY A. MYERS 05/18/04</i>
CODE: <i>36753</i>	
TOWN: <i>WESTFIELD</i>	
COUNTY: <i>HAMILTON</i>	
PROJECT: <i>WESTSIDE INTERCEPTOR</i>	
SECTION: <i>4</i>	
TOWNSHIP: <i>18N</i>	
RANGE: <i>3E</i>	

INSTRUMENT NO. *9809808029* , DATED *02/19/98*
 INSTRUMENT NO. *200000051693* , DATED *09/26/00*

Dimensions shown are from the above listed Record Documents.

Consent Agenda Item # 2 - Ordinance 07- 30 Vacating of Easement

This Ordinance is being presented for a First Reading.

This Ordinance (See Exhibit D) is being brought forth to vacate a Sanitary Sewer and Telecommunications Easement (Known as Parcel 6 of the Westside Interceptor Sewer Project) that was purchased on September 11, 2006 as part of the Westside Interceptor Sanitary Sewer Project. This parcel is located south of the Midland Trace Railroad Corridor and west of Little Eagle Creek Avenue. Due to a conflict in separation requirements between the proposed Westside Interceptor Sanitary Sewer and the Marathon Pipeline 6-inch high pressure gas main, this easement has been modified to move the easement further to the west to provide the separation requirements. Since this requested change had no affect on the function of the sanitary sewer, or the cost of the easement, and reduced one manhole, the Public Works Department made the request to change to the easement.

The Public Works Department, in anticipation of vacating the first easement that was acquired on September 11, 2006, the Public Works Department has obtained an executed second easement from the property owner, Roy and Nancy Lockhart, with the requested changes with the understanding that the first easement will be vacated when the Vacation of Easement Ordinance is recorded at the Hamilton County Records Office and the second easement will be recorded at that time.

Therefore, the Westfield Public Works Department recommends that the Westfield Town Council to consider this ordinance for a First Reading, and recommends that the Council suspend the rules and adopt at this meeting.

“EXHIBIT D”

ORDINANCE 07-30

**AN ORDINANCE VACATING AN EASEMENT
WITHIN THE TOWN OF WESTFIELD, INDIANA**

WHEREAS, the Town is in possession of easements across property for the purpose of providing access across a property for the purpose of constructing, operating, maintaining, repairing, replacing sanitary sewer and telecommunication lines.; and,

WHEREAS, there no longer remains any public need or necessity for the below describes easement due to an alternate being proposed; and,

WHEREAS, upon due consideration, the Town Council of the Town of Westfield has determined that the vacation of said easement will not hinder the growth or orderly development of the area; will not deny or deprive access to adjacent lands; will not hinder public access to public facilities and will not hinder or prevent the use of any public way; and,

WHEREAS, the vacation of this easement shall be conditioned upon the execution of an alternate easement for the purpose of constructing, operating, maintaining, repairing, replacing sanitary sewer and telecommunication lines.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN
OFESTFIELD, INDIANA:**

SECTION 1. The easement described in Attachment “A” attached hereto and made a part hereof is hereby vacated.

SECTION 2. The Clerk-Treasurer is directed to record a copy of this Ordinance in the office of the Recorder of Hamilton County, Indiana.

SECTION 3. This Ordinance shall become effective upon its adoption and proper publication in accordance with Indiana law.

ALL OF WHICH IS ORDAINED this ____ day of _____, 2007.
WESTFIELD TOWN COUNCIL

Voting For

Voting Against

Abstain

Andy Cook

Andy Cook

Andy Cook

John Dippel

John Dippel

John Dippel

Jack Hart

Jack Hart

Jack Hart

Robert Horkay

Robert Horkay

Robert Horkay

Joseph Plankis

Joseph Plankis

Joseph Plankis

Robert J. Smith

Robert J. Smith

Robert J. Smith

Ron Thomas

Ron Thomas

Ron Thomas

ATTEST:

Clerk-Treasurer, Cindy J. Gossard

This Ordinance prepared by:
Brian J. Zaiger
Krieg DeVault, LLP

Attachment A

SANITARY SEWER AND TELECOMMUNICATIONS EASEMENT

THIS INDENTURE, made this 11th day of SEPTEMBER, 2006, by and between Roy E. Lockhart and Nancy Ann Lockhart hereinafter referred to as the "Grantor" and THE TOWN OF WESTFIELD, Indiana, having an office for the transaction of business at 130 Penn Street, Westfield, IN, 46074, hereinafter referred to as the "Grantee."

200600062772
WESTFIELD PUBLIC WORKS
FILE

WITNESSETH

The Grantor, in consideration of the covenants and agreements hereinafter recited and the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby give, grant and convey unto the Grantee, its successors and assigns, forever, a perpetual easement and right of way in, under, across and over the real estate of the Grantor, situated in Hamilton County, Indiana, more particularly described on Exhibit A and as shown on the sketch, Exhibit B, both attached hereto and made a part hereof, for the purpose of constructing, operating, maintaining, repairing, replacing, or removing and adding to from time to time (i) sanitary sewer lines together with all necessary manholes, air release structures and appurtenances and attached facilities, including service laterals and connections for the collection and conveyance of wastewater (the "Sewer Facilities"), and (ii) telephone lines, including but not limited to fiber optic cables, together with all attached and associated facilities and systems, for the conveyance and transmission of telecommunications services, including but not limited to voice, data and video traffic (the "Telecom Facilities") (the Sewer Facilities and the Telecom Facilities, together the "Utility Facilities").

200600062772
HAMILTON COUNTY, INDIANA
JENNIFER J. HAYDEN
10-18-2006 AC 02:09 PM.
EASEMENTS 26.00

The Grantor also does hereby give, grant and convey unto the Grantee, a temporary construction easement in, under, across and over the real estate of the Grantor, more particularly described on Exhibit A and as shown on Exhibit B, for any and all activities necessary, incidental or related to the construction of the Utility Facilities. The temporary construction easement shall expire and terminate upon completion of the original construction.

Together with the right to the Grantee, its successors and assigns, to (i) enter in and upon the real estate described above with men and machinery, vehicles and material at any and all times for the purpose of maintaining, repairing, renewing or adding to the Utility Facilities, (ii) remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein, and (iii) for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted.

The right of the Grantor to freely use and enjoy its interest in the real estate is reserved to Grantor, its successors and assigns insofar as the exercise thereof does not endanger or interfere with the construction, operation, and maintenance of the Utility Facilities, except that no building, structure or similar improvements shall be erected within said easement, nor shall the grade or ground cover over the Utility Facilities be substantially altered, without the consent of the Grantee. Notwithstanding the foregoing, no potable water pipes or conduits shall be placed within ten (10) feet, measured horizontally, from the said sanitary sewer pipes except pipes crossing same at right angles, in which latter case, a minimum distance of two (2) feet shall be maintained between the pipes. All sewer pipe shall be laid below any potable water pipes. No excavation or blasting shall be carried on which in any way endangers or might endanger the Utility Facilities.

TO HAVE AND TO HOLD the above granted easement unto the same Grantee, its successors and assigns forever.

The Grantee agrees, by the acceptance of this easement that, upon any opening made in connection with any of the purposes of this easement, said opening shall be backfilled and resurfaced to as nearly as possible the same condition as existed when said opening was made, provided that Grantee shall not be obligated to restore landscaping, other than reseeding any grass which was removed upon entry, all such work to be done at the expense of the Grantee.

And the said Grantor does covenant with the said Grantee as follows:

1. That the Grantor is the owner in fee simple of the real estate, is lawfully seized thereof, and has authority to grant and convey the foregoing easement, and guarantees the quiet possession thereof, and that Grantor will warrant and defend the Grantee's title to the easement hereby granted against all claims. In accordance with Ind. Code 32-23-2-5(a) Grantor acquired said real estate by deed dated July 6th, 1995, and recorded in the Office of the Recorder of Deeds of Hamilton County, Indiana, as Instrument No. 951968, on the 15th day of September, 1995.
2. That the Grantee shall quietly enjoy the said easement.
3. That the real estate hereby subjected to said easement is subject to no mortgages except N/A. (If none, state "No Exceptions.")

IN WITNESS WHEREOF, the Grantor has duly executed this INDENTURE, all as of the

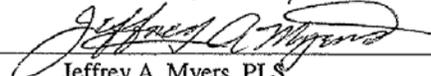
EXHIBIT "A"

Project: Westfield Westside Interceptor Sheet 1 of 1
Parcel: 6A Temporary Easement for Sanitary Sewer Construction
and Telecommunications

A part of the Northwest Quarter of Section 4, Township 18 North, Range 3 East, Hamilton County, Indiana, described as follows: Beginning on the north line of the grantors' land (formerly the south right of way line of the Central Indiana Railroad Company) South 89 degrees 35 minutes 29 seconds West 23.40 feet from Station 108+33.74, Line "A" on the Location Control Route Survey Plat recorded as Instrument No. 200400036801 in the Office of the Recorder of said county; thence South 42 degrees 18 minutes 44 seconds West 30.61 feet; thence South 45 degrees 00 minutes 00 seconds West 395.90 feet; thence North 90 degrees 00 minutes 00 seconds West 481.27 feet to the west line of said section; thence North 0 degrees 11 minutes 56 seconds East 30.00 feet along said west line; thence South 90 degrees 00 minutes 00 seconds East 468.74 feet; thence North 45 degrees 00 minutes 00 seconds East 382.77 feet; thence North 42 degrees 18 minutes 44 seconds East 2.20 feet to the north line of the grantors' land; thence North 89 degrees 35 minutes 29 seconds East 40.83 feet along said north line to the point of beginning and containing 0.607 acres, more or less.

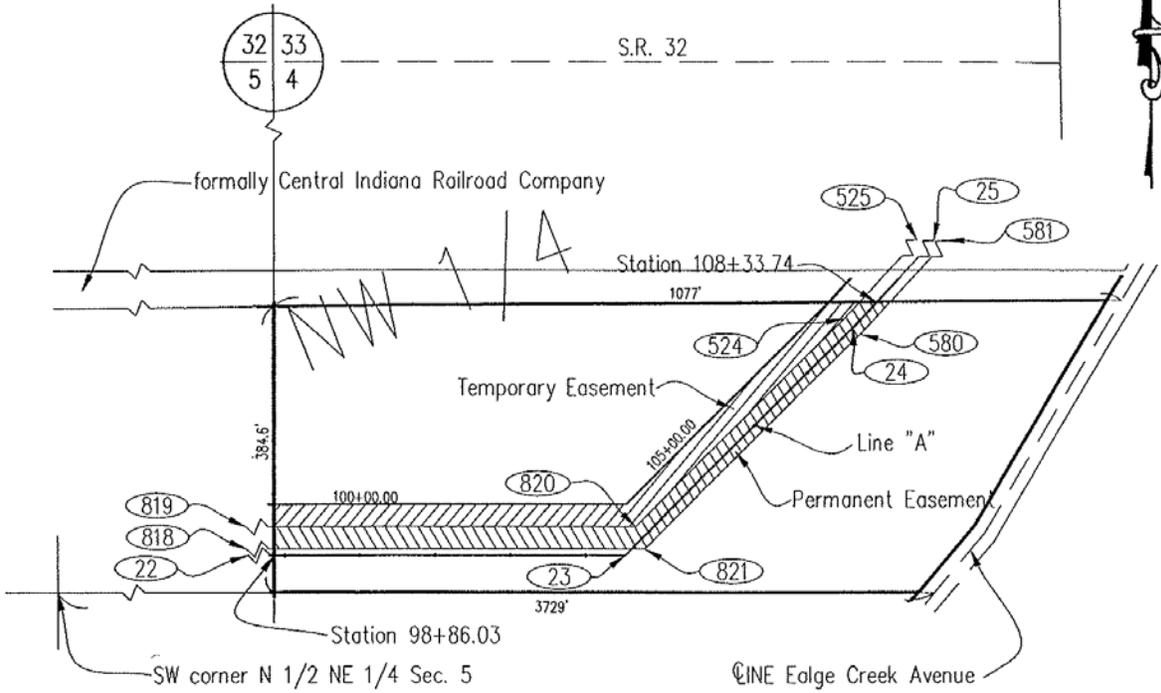


Certified this 8th day of April, 2004


Jeffrey A. Myers, PLS
Professional Land Surveyor No. 29300001
State of Indiana

Rev 4-7-05

EXHIBIT "B" EASEMENT PARCEL PLAT



GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

 HATCHED AREA IS THE APPROXIMATE TAKING

OWNER:	LOCKHART, ROY E. ET UX.	DRAWN BY:	NATHAN A. GOINS 05/15/04
PARCEL:	6	CHECKED BY:	JEFFREY A. MYERS 05/18/04
CODE:	36753	INSTRUMENT NO. 9551968 , DATED 07/06/95	
TOWN:	WESTFIELD		
COUNTY:	HAMILTON		
PROJECT:	WESTSIDE INTERCEPTOR		
SECTION:	4		
TOWNSHIP:	18N	Dimensions shown are from the above listed Record Documents.	
RANGE:	3E		

EXHIBIT "B"
EASEMENT PARCEL PLAT

PARCEL COORDINATE CHART			
NUMBER	LINE	STATION	OFFSET
524	Line "A"	107+87.26	17.19 Lt.
525	Line "A"	110+91.51	16.52 Lt.
580	Line "A"	107+87.16 Bl	12.79 Rt.
581	Line "A"	110+90.81 Bl	12.81 Rt.
818	Line "A"	98+85.99 Bl	27.09 L
819	Line "A"	99+09.11 Bl	52.19 Lt.
820	Line "A"	103+90.55	17.21 Lt.
821	Line "A"	103+78.12	12.79 Rt.

*See Location Control Route Survey Plat for Points:
22, 23, 24, & 25*

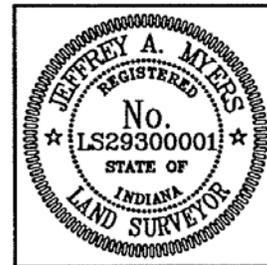
SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey Plat" recorded as Instrument No. 200400036801 in the Office of the Recorder of Hamilton County, Indiana, (incorporated herein and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 (Rule 12).



111 Monument Circle, Suite 1200
Indianapolis, IN 46204
(317) 636-4682
FAX (317) 917-5211

Jeffrey A. Myers
JEFFREY A. MYERS



4/08/2005

OWNER: LOCKHART, ROY E. ET UX.	DRAWN BY: NATHAN A. GOINS 05/15/04
PARCEL: 6	CHECKED BY: JEFFREY A. MYERS 05/18/04
CODE: 36753	
TOWN: WESTFIELD	
COUNTY: HAMILTON	
PROJECT: WESTSIDE INTERCEPTOR	
SECTION: 4	
TOWNSHIP: 18N	
RANGE: 3E	

INSTRUMENT NO. 9551968 , DATED 07/06/95

Dimensions shown are from the above listed Record Documents.

day and year first above written.

Roy E. and Nancy Ann Lockhart

Roy E Lockhart 9-11-06
(Signature)

ROY E LOCKHART
(Printed Name)

Nancy Lockhart
(Signature)

NANCY Lockhart
(Printed Name)

STATE OF Indiana
COUNTY OF Hamilton) SS:

Before me, a Notary Public in and for said County and State, personally appeared Roy E. and Nancy Lockhart, who having been duly sworn upon his/her oath acknowledged the execution of the foregoing easement.

Witness my hand and Notarial Seal this 11th day of September, 2006.

(Signature)

Paula R. Hull

(Printed Name)

Paula R. Hull

Notary Public residing in

Hamilton County, Indiana

My Commission Expires:

September 15, 2006

This instrument prepared by:

Brian J. Zaiger, Attorney at Law



Consent Agenda Item # 3 - Ordinance 07- 31 Vacating of Easement (Parcel 26)

This Ordinance is being presented for a First Reading.

This Ordinance (See Exhibit D) is being brought forth to vacate a Sanitary Sewer and Telecommunications Easement (Known as Parcel 26 of the Westside Interceptor Sewer Project) that was purchased on September 11, 2006 as part of the Westside Interceptor Sanitary Sewer Project. This parcel is located across the Midland Trace Railroad Corridor and west of Little Eagle Creek Avenue. Due to a conflict in separation requirements between the proposed Westside Interceptor Sanitary Sewer and the Marathon Pipeline 6-inch high pressure gas main, this easement has been modified to move the easement further to the west to provide the separation requirements. Since this requested change had no affect on the function of the sanitary sewer, or the cost of the easement, the Public Works Department made the request to change to the easement.

The Public Works Department, in anticipation of vacating the first easement that was acquired on September 11, 2006, the Public Works Department has obtained an executed second easement from the property owner, Roy and Nancy Lockhart, with the requested changes with the understanding that the first easement will be vacated when the Vacation of Easement Ordinance is recorded at the Hamilton County Recorders Office and the second easement will be recorded at that time.

Therefore, the Westfield Public Works Department recommends that the Westfield Town Council to consider this ordinance for a First Reading, and recommends that the Council suspend the rules and adopt at this meeting.

“EXHIBIT E”

ORDINANCE 07-31

**AN ORDINANCE VACATING AN EASEMENT
WITHIN THE TOWN OF WESTFIELD, INDIANA**

WHEREAS, the Town is in possession of easements across property for the purpose of providing access across a property for the purpose of constructing, operating, maintaining, repairing, replacing sanitary sewer and telecommunication lines.; and,

WHEREAS, there no longer remains any public need or necessity for the below describes easement due to an alternate being proposed; and,

WHEREAS, upon due consideration, the Town Council of the Town of Westfield has determined that the vacation of said easement will not hinder the growth or orderly development of the area; will not deny or deprive access to adjacent lands; will not hinder public access to public facilities and will not hinder or prevent the use of any public way; and,

WHEREAS, the vacation of this easement shall be conditioned upon the execution of an alternate easement for the purpose of constructing, operating, maintaining, repairing, replacing sanitary sewer and telecommunication lines.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN
OF WESTFIELD, INDIANA:**

SECTION 1. The easement described in Attachment “A” attached hereto and made a part hereof is hereby vacated.

SECTION 2. The Clerk-Treasurer is directed to record a copy of this Ordinance in the office of the Recorder of Hamilton County, Indiana.

SECTION 3. This Ordinance shall become effective upon its adoption and proper publication in accordance with Indiana law.

ALL OF WHICH IS ORDAINED this ____ day of _____, 2007.
WESTFIELD TOWN COUNCIL

Voting For

Voting Against

Abstain

Andy Cook

Andy Cook

Andy Cook

John Dippel

John Dippel

John Dippel

Jack Hart

Jack Hart

Jack Hart

Robert Horkay

Robert Horkay

Robert Horkay

Joseph Plankis

Joseph Plankis

Joseph Plankis

Robert J. Smith

Robert J. Smith

Robert J. Smith

Ron Thomas

Ron Thomas

Ron Thomas

ATTEST:

Clerk-Treasurer, Cindy J. Gossard

This Ordinance prepared by:
Brian J. Zaiger
Krieg DeVault, LLP

Attachment A

SANITARY SEWER AND TELECOMMUNICATIONS EASEMENT

THIS INDENTURE, made this 11th day of SEPTEMBER 2006, by and between Roy E. Lockhart and Nancy Ann Lockhart hereinafter referred to as the "Grantor" and THE TOWN OF WESTFIELD, Indiana, having an office for the transaction of business at 130 Penn Street, Westfield, IN, 46074, hereinafter referred to as the "Grantee."

200600062533
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
10-18-2006 At 09:01 am.
EASEMENTS 22.00

WITNESSETH

The Grantor, in consideration of the covenants and agreements hereinafter recited and the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby give, grant and convey unto the Grantee, its successors and assigns, forever, a perpetual easement and right of way in, under, across and over the real estate of the Grantor, situated in Hamilton County, Indiana, more particularly described on Exhibit A and as shown on the sketch, Exhibit B, both attached hereto and made a part hereof, for the purpose of constructing, operating, maintaining, repairing, replacing, or removing and adding to from time to time (i) sanitary sewer lines together with all necessary manholes, air release structures and appurtenances and attached facilities, including service laterals and connections for the collection and conveyance of wastewater (the "Sewer Facilities"), and (ii) telephone lines, including but not limited to fiber optic cables, together with all attached and associated facilities and systems, for the conveyance and transmission of telecommunications services, including but not limited to voice, data and video traffic (the "Telecom Facilities") (the Sewer Facilities and the Telecom Facilities, together the "Utility Facilities").

The Grantor also does hereby give, grant and convey unto the Grantee, a temporary construction easement in, under, across and over the real estate of the Grantor, more particularly described on Exhibit A and as shown on Exhibit B, for any and all activities necessary, incidental or related to the construction of the Utility Facilities. The temporary construction easement shall expire and terminate upon completion of the original construction.

Together with the right to the Grantee, its successors and assigns, to (i) enter in and upon the real estate described above with men and machinery, vehicles and material at any and all times for the purpose of maintaining, repairing, renewing or adding to the Utility Facilities, (ii) remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein, and (iii) for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted.

The right of the Grantor to freely use and enjoy its interest in the real estate is reserved to Grantor, its successors and assigns insofar as the exercise thereof does not endanger or interfere with the construction, operation, and maintenance of the Utility Facilities, except that no building, structure or similar improvements shall be erected within said easement, nor shall the grade or ground cover over the Utility Facilities be substantially altered, without the consent of the Grantee. Notwithstanding the foregoing, no potable water pipes or conduits shall be placed within ten (10) feet, measured horizontally, from the said sanitary sewer pipes except pipes crossing same at right angles, in which latter case, a minimum distance of two (2) feet shall be maintained between the pipes. All sewer pipe shall be laid below any potable water pipes. No excavation or blasting shall be carried on which in any way endangers or might endanger the Utility Facilities.

TO HAVE AND TO HOLD the above granted easement unto the same Grantee, its successors and assigns forever.

The Grantee agrees, by the acceptance of this easement that, upon any opening made in connection with any of the purposes of this easement, said opening shall be backfilled and resurfaced to as nearly as possible the same condition as existed when said opening was made, provided that Grantee shall not be obligated to restore landscaping, other than reseeded any grass which was removed upon entry, all such work to be done at the expense of the Grantee.

And the said Grantor does covenant with the said Grantee as follows:

1. That the Grantor is the owner in fee simple of the real estate, is lawfully seized thereof, and has authority to grant and convey the foregoing easement, and guarantees the quiet possession thereof, and that Grantor will warrant and defend the Grantee's title to the easement hereby granted against all claims. In accordance with Ind. Code 32-23-2-5(a) Grantor acquired said real estate by deed dated September 26th, 2000, and recorded in the Office of the Recorder of Deeds of Hamilton County, Indiana, as Instrument No. 9551968, on the 15th day of September, 1995.
2. That the Grantee shall quietly enjoy the said easement.
3. That the real estate hereby subjected to said easement is subject to no mortgages except N/A. (If none, state "No Exceptions.")

IN WITNESS WHEREOF, the Grantor has duly executed this INDENTURE, all as of the

day and year first above written.

Roy E. Lockhart and Nancy Ann Lockhart

Roy E. Lockhart Roy E. Lockhart
(Signature)
Nancy Ann Lockhart Nancy Ann Lockhart
(Printed Name)

(Signature)

(Printed Name)

STATE OF Indiana)
COUNTY OF Hamilton) SS:

Before me, a Notary Public in and for said County and State, personally appeared Roy E. and Nancy Ann Lockhart, who having been duly sworn upon his/her oath acknowledged the execution of the foregoing easement.

Witness my hand and Notarial Seal this 11th day of September 2006.

(Signature)

(Printed Name)

Notary Public residing in

My Commission Expires:

Paula R. Hull
Paula R. Hull
Hamilton County, Indiana
September 18, 2006

This instrument prepared by:

Brian J. Zaiger, Attorney at Law



EXHIBIT "A"

Project: Westfield Westside Interceptor Sheet 1 of 1
Parcel: 26A Temporary Easement for Sanitary Sewer Construction
and Telecommunications

A part of the Northwest Quarter of Section 4, Township 18 North, Range 3 East, Hamilton County, Indiana, described as follows: Beginning on the north line of the grantors' land North 90 degrees 00 minutes 00 seconds West 23.25 feet from Station 108+92.14, Line "A" on the Location Control Route Survey Plat recorded as Instrument No. 200400036801 in the Office of the Recorder of said county; thence South 42 degrees 18 minutes 44 seconds West 58.62 feet to the south line of the grantors' land; thence South 89 degrees 35 minutes 29 seconds West 40.83 feet along said south line; thence North 42 degrees 18 minutes 44 seconds East 59.02 feet to the north line of the grantors' land; thence South 90 degrees 00 minutes 00 seconds East 40.57 feet along said north line to the point of beginning and containing 0.041 acres, more or less.



Certified this 10th day of June, 2004

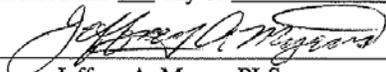
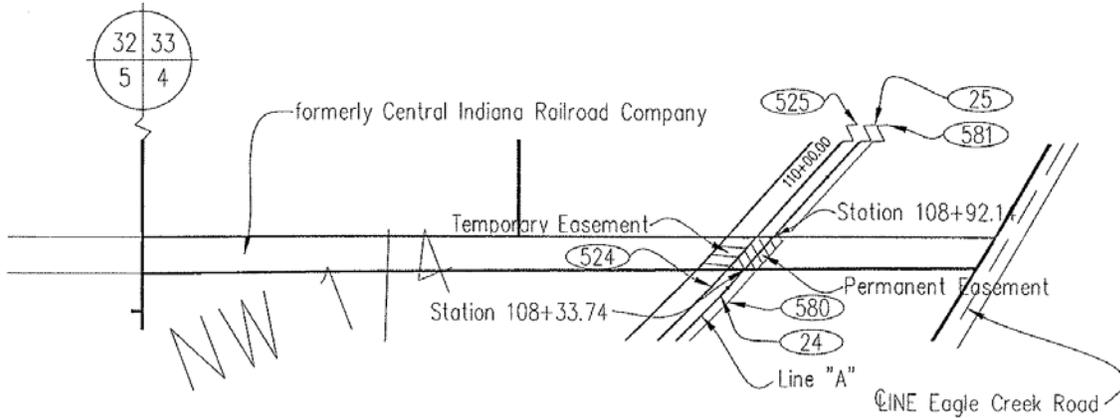

Jeffrey A. Myers, PLS
Professional Land Surveyor No. 29300001
State of Indiana

EXHIBIT "B"
EASEMENT PARCEL PLAT

SHEET 1 OF 1



PARCEL COORDINATE CHART

NUMBER	LINE	STATION	OFFSET
524	Line "A"	107+87.26	17.19 Lt.
525	Line "A"	110+91.51	16.52 Lt.
580	Line "A"	107+87.16 Bl	12.79 Rt.
581	Line "A"	110+90.81 Bl	12.81 Rt.

*See Location Control Route Survey Plat for Points:
24 & 25*

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

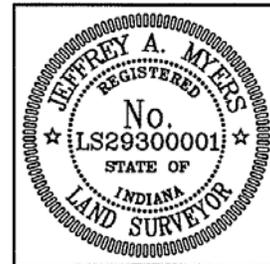
SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey Plat" recorded as Instrument No. 200400036801 in the Office of the Recorder of Hamilton County, Indiana, (incorporated herein and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 (Rule 12).



111 Monument Circle, Suite 1200
Indianapolis, IN 46204
(317) 636-4682
FAX (317) 917-5211

Jeffrey A. Myers
JEFFREY A. MYERS



6/10/2004

HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: *FIRESTONE, KATHLEEN ET AL.*
PARCEL: *26*
CODE: *36753*
TOWN: *WESTFIELD*
COUNTY: *HAMILTON*
PROJECT: *WESTSIDE INTERCEPTOR*
SECTION: *4*
TOWNSHIP: *18N*
RANGE: *3E*

DRAWN BY: *NATHAN A. GOINS 05/16/04*
CHECKED BY: *JEFFERY A. MYERS 05/18/04*

INSTRUMENT NO. *9228739* , DATED *07/27/92*

Dimensions shown are from the above listed Record Documents.

Consent Agenda Items

Performance Bond Release

- None

Maintenance Bond Release

- None

Change Orders

- None