

FILED

STATE OF INDIANA
LAKE COUNTY
RECORDED AS PRESENTED

10:11 AM 2024 Jul 26

JUL 26 2024

PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

TOWN OF SCHERERVILLE, INDIANA

ORDINANCE NO. 2011

AN ORDINANCE ESTABLISHING THE WATER SERVICE AREA FOR THE TOWN OF SCHERERVILLE, INDIANA, AND REGULATING THE FURNISHING OF WATER SERVICE THEREIN

WHEREAS, the Town of Schererville, Indiana ("Town"), owns and operates the Town's municipal water system; and

WHEREAS, Ind. Code § 8-1.5-2-3 permits a municipal water utility to own, lease, acquire, or construct a utility within the boundaries of the Town; within a radius of six (6) miles from the Town's corporate boundaries; and any place in Lake County, Indiana; and

WHEREAS, Ind. Code § 8-1.5-6 permits the Town to adopt a "regulatory ordinance" which can then be submitted to the Indiana Utility Regulatory Commission ("Commission") for its review and approval and said regulatory ordinance allows the Town to regulate the furnishing of water service in areas within four (4) miles outside the Town's corporate boundaries (see, e.g., Ind. Code §§ 36-9-2-14 and 18); and

WHEREAS, the Town wishes to establish a specific water service area in an area that is within four (4) miles of its corporate boundaries as permitted by Indiana law, excluding any area within the authorized service area of another water utility.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION 1. The Town of Schererville Water Service Area is hereby defined and established as those areas within the corporate boundaries of the Town, as well as certain areas within four (4) miles outside the Town's boundaries, excluding any area within the authorized service area of another water provider. A map and description detailing the Town of Schererville Water Service Area is attached hereto as Exhibit A.

SECTION 2. Upon adoption of this Ordinance and its approval by the Commission, the Town shall hold an exclusive license to furnish and regulate water service in the Town of Schererville Water Service Area, and the Town shall be the exclusive provider of water utility service to the public within the Town of Schererville Water Service Area.

SECTION 3. Upon adoption of this Ordinance and its approval by the Commission, no other utilities are permitted to provide water service within the Town of Schererville Water Service Area.

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This Ordinance does not: (i) mandate the Town to extend service to areas where technically or financially not feasible; or (ii) prevent the use of onsite wells or other onsite water supply facilities where the Town does not currently have facilities available. Rather, this Ordinance expressly prohibits other utilities from furnishing water service to customers within the Town of Schererville Water Service Area.

SECTION 4. No end service user shall permit a connection to water service within the Town of Schererville Water Service Area by any other water service provider.

SECTION 5. Any person, firm, or corporation that violates this Ordinance shall be subject to a civil penalty of two thousand dollars (\$2,000.00) per violation, and each day of violation shall be deemed a separate violation.

SECTION 6. The Town's existing rules and regulations for water service, as amended from time to time, shall apply to and within the Town of Schererville Water Service Area.

SECTION 7. If any one or more of the terms, provisions, or sentences of this Ordinance, or portions of the Town of Schererville Water Service Area, shall be deemed by a court or a tribunal of competent jurisdiction to be contrary to law, then such term or provision shall be deemed severable from the remaining terms and shall in no way affect the validity of the other provisions of this Ordinance.

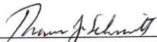
SECTION 8. The Town hereby authorizes the Town Manager, Town Attorney, and Bose McKinney & Evans LLP to pursue any and all necessary approvals for the implementation, effectiveness, and enforcement of this Ordinance, including, but not limited to, seeking approval of this Ordinance by the Commission, and intervening in any Commission proceedings which may impact the Town's service rights in and around the Town of Schererville Water Service Area (e.g. Cause No. 46035).

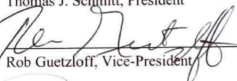
SECTION 9. That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of Schererville, Lake County, Indiana, and publication in conformance with applicable law.

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ALL OF WHICH IS PASSED AND ADOPTED THIS 10 DAY OF July, 2024, BY THE TOWN COUNCIL OF THE TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA.


TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA, TOWN COUNCIL


Thomas J. Schmitt, President

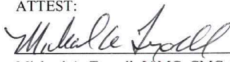

Rob Guetzloff, Vice-President


Robin Arvanitis, Member


Caleb S. Johnson, Member


Kevin Connelly, Member

ATTEST:


Michael A. Troxell, IAMC, CMC, CPFIM, CMO
Clerk Treasurer
4803577.1



Property of Lake County Recorder

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EXHIBIT A

Property of Lake County Recorder

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Schererville Water District Boundary

NIES Engineering, Inc.,

3/25/24

Part I

All of Sections 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17; The North Half of Section 20; All of Sections 21, 22, 23, 24, 25, 26, 35, 36; The Briar Ridge Country Club Additions Unit 1, 5 Springwood, 7 Block 4 & 2, 17 Replat, 18 The Pointe, 19 and Country Club Condominiums of Briar Ridge and Markey's Addition being part of the East Half of the East Half of Section 6; The Briar Cove Subdivision Phase 3 being part of the Northeast Quarter of the Northeast Quarter of Section 7; The Amberleigh Estate Phase 1 & 2 being part of the Northeast Quarter of Section 19; The Green Gables Additions being part of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 27; That Part of the North 280 feet of the South Half of the Northeast Quarter of the Northeast Quarter of Section 27, lying East of Northwest-Southeast direction pipeline, Township 35 North, Range 9 West of the Second Principal Meridian.

The following exceptions are for the above described land:
Excepting the Southeast Quarter of the Southeast Quarter of Section 36.

Also excepting the West Half of the West Half of Section 35.

Also excepting the West 755 feet of the South Half of the Northeast Quarter of the Northwest Quarter of Section 26; And the following: Commencing at the Northwest corner of Section 26, thence South along the West line of Section 26, a distance of 1320' +/- to the point of beginning at the centerline of 87th Ave.; Thence Easterly along the centerline of 87th Ave. a distance of 2640' +/- to a point on the centerline of 87th Ave.; Thence Southeasterly along the centerline of 87th Ave. a distance of 2000' +/- to the centerline of 89th Ave.; Thence Easterly along the centerline of 89th Ave. a distance of 1220' +/- to the East line of Section 26; Thence South a distance of 2640' +/- to the Southeast corner of Section 26; Thence Westerly a distance of 5280' +/- to the Southwest corner of Section 26; Thence Northerly a distance of 3960' +/- to the point of beginning.

Also excepting the West Half of the Southwest Quarter of Section 21.

Also excepting the Briar Ridge Country Club Addition Unit 9 and parcel number 45-11-06-252-010.000-034 and 45-11-05-353-014.000-034 being part Section 5.

Part II

All of Sections 1 & 2, Township 34 North, Range 9 West of the Second Principal Meridian.

The following exceptions are for the above described land:
Excepting the Southeast Quarter of Section 1.

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