

**RESOLUTION NO. 2018-0602-1**

**SOUTH-WEST LAKE MAXINKUCKEE CONSERVANCY DISTRICT**

**RESOLUTION ADDING ADDITIONAL AREA COMMONLY  
KNOWN AS LOT 14, AND LOT 24 OF ALLEN'S 1<sup>ST</sup> ADDITION AND PART  
OF LOT 1 ALL IN SECTION 28 OF TOWNSHIP 32 NORTH,  
RANGE 1 EAST, MARSHALL COUNTY, INDIANA  
TO THE SOUTH-WEST MAXINKUCKEE CONSERVANCY DISTRICT**

WHEREAS, the Board of Directors ("Board") of the South-West Lake Maxinkuckee District ("District") received a petition for adding area to the District signed by the freeholder of the area described on Exhibit "A," and depicted in red on Exhibit "B" (Exhibit A and Exhibit B attached hereto and made a part hereof and hereinafter the referred to as "Proposed Annexation Area"); and

WHEREAS, the petition for adding area is attached hereto and marked Exhibit "C" and made a part hereof and the Board finds that the petition is sufficient in form and number to meet legal requirements; and

WHEREAS, the Board finds the Proposed Annexation Area either lacks any or an adequate economically feasible method for provision for the collection, treatment and disposal of sewage or similar wastes; and

WHEREAS, the Proposed Annexation Area is contiguous to the District and the Board finds that provision for the collection, treatment and disposal of sewage and similar waste could be most economically accomplished for the Proposed Annexation Area through its addition to the District and an enlargement of the District's existing works of improvement; and

WHEREAS, the Board finds that provision for the collection, treatment and disposal of the sewage and similar wastes for the Proposed Annexation Area through its addition to the District is necessary for the public health and welfare and offers benefit to the Proposed Annexation Area in excess of costs and damages; and

WHEREAS, the Town of Culver ("Town") has indicated approval and advised it will execute the Second Amendment to Sewage Treatment Agreement between the Town of Culver, Indiana and South-West Lake Maxinkuckee Conservancy District for Sewage Treatment Services approving the addition of Proposed Annexation Area to the District boundaries; and

WHEREAS, after having thoroughly consulted with its engineer and attorney, the Board desires to add the Proposed Annexation Area to the District on the terms and conditions herein below stated, subject to fulfillment of statutory conditions precedent and to serve said Proposed Annexation Area in the future.

THEREFORE NOW BE IT RESOLVED by the Board of Directors of the South-West Lake Maxinkuckee Conservancy District as follows:

1. ADDITION OF AREA TO THE DISTRICT.

The Proposed Annexation Area as described herein is hereby added to the District, subject to the terms and provisions of this Resolution and of law and contingent upon satisfaction of statutory conditions precedent for the addition of area to the District.

2. EFFECTIVE DATE.

The proper officers of the District and the District's counsel are authorized and directed to file and present such petition and documents to the Indiana

Department of Natural Resources, the Marshall Circuit Court, and others, to incur and pay reasonable expenses and to take all action which they deem necessary or expedient to obtain approval of this Resolution and the addition of the Proposed Annexation Area to the District accomplished thereby. Addition of the area to the District pursuant to this Resolution shall be effective upon the entry of a suitable order of the Marshall Circuit Court, as provided by law.

3. PREPARATION OF PLAN.

The Proposed Annexation Area covered by this Resolution is a part of the District's overall master plan; therefore, the addition of this Proposed Annexation Area will not require the amendment of the District Plan.

4. PAYMENT OR REIMBURSEMENT OF ANNEXATION AND DISTRICT PLAN COSTS.

Within a reasonable time after the effective date of the addition of the Proposed Annexation Area to the District, the Board of Directors will bill the petitioning freeholder of the area included in this Resolution for all the costs incurred by the District in adding the Proposed Annexation Area to the boundaries of the District, including, but not limited to all engineering fees, legal fees and notification costs.

These sums are to reimburse the costs incurred by the District for the addition of the Proposed Annexation Area to the District (hereinafter "Annexation Charge"). The Annexation Charge shall be due and payable within 30 days. The Annexation Charge may be paid by the freeholder at any time after the effective date of the addition of the Proposed Annexation Area to the District,

provided however, the Annexation Charge shall be paid prior to the issuance of any approval issued by the District to the freeholder for sewer service to the freeholder in the Proposed Annexation Area. All such amounts shall be considered a Rate and Charge of the District and shall be due and payable immediately upon billing and if not properly paid, may be treated by the District as a delinquent sewer account and collected in the same manner as delinquent real estate taxes, as provided by statute and the District's Rate Resolution.

5. PAYMENT OF CAPITAL CONTRIBUTION.

Pursuant to the District's Rate Resolution, the petitioning freeholder shall pay to the District the Capital Contribution in the amount of Eight Thousand Five Hundred Dollars (\$8,500.00) for connection of the existing home located on Tract 1 within thirty days of being billed by the District and prior to connecting to the District's system. The Capital Cost for Tract 2 shall be Eight Thousand Five Hundred Dollars (\$8,500.00) and shall be due and payable by the owner of Tract 2 when the owner files an application for sewer service for Tract 2 with the District.

6. CONSTRUCTION OF THE WORKS OF IMPROVEMENT.

The construction of the works of improvement, if any, may be done as a whole or in segments at the discretion of the Board. The District shall not be obligated to commence or proceed with the construction of any works of improvement with respect to the Proposed Annexation Area until provisions satisfactory to the Board are made for the payment or reimbursement of costs, which provisions

may include but are not limited to prepayment by the freeholders into an escrow of the anticipated cost, plus a contingency fund not to exceed 10% of the anticipated cost. The District shall not be responsible for any costs associated with the cost of connecting the Lots in the Proposed Annexation Area to the District sewer system. All lateral installations and connections shall not be covered until the lateral installations are inspected by the District's representative. If the installations are covered prior to inspection, owner shall uncover the line and connection upon request by the District at the owner's sole cost and expense. No sewer service to the Lots shall begin until inspection and approval by the District.

7. EASEMENTS AND DEDICATION.

The freeholder of the Proposed Annexation Area shall record and provide to the District, without charge, any and all temporary and permanent easements necessary in connection with the providing service to the Proposed Annexation Area which easements shall be approved as to terms and conditions by District.

8. GENERAL RULES APPLICABLE.

After the effective date of addition of the Proposed Annexation Area to the District, the freeholders of such area shall be governed and subject to all lawful rules and regulations of the District, including but not limited to, rules respecting payment of user charges, facility utilization charges, payment of District special benefit taxes, if any, building/sewer permits, payment of permit fees, connection fees, requirements for sewer connections, building sewer installation standards,

and total prohibitions respecting amount, quality and kind of sewage, industrial waste and other matter accepted.

9. AMENDMENT.


The Board reserves the right to amend, supplement or revoke, conditionally or unconditionally, this Resolution or any provisions hereof at any time on account of the Town of Culver not amending the sewage treatment between the Town and the District to include the Proposed Annexation Area or disapproval of this Resolution or any part thereof by the Indiana Natural Resources Commission, the Marshall Circuit Court, any administrative agency having jurisdiction, or on account of any material change in relevant circumstances from those contemplated on the date of adoption of this Resolution.

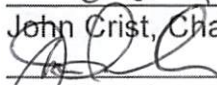
10. SUCCESSORS.

The provisions of this Resolution shall extend, inure to the benefit of, and be binding upon the District, the freeholders of the Proposed Annexation Area, and their respective legal heirs, successors, personal representatives and assigns.


PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE SOUTH-WEST LAKE MAXINKUCKEE CONSERVANCY DISTRICT ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

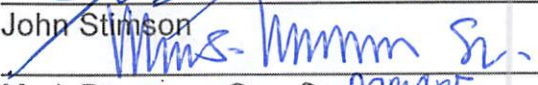
BOARD OF DIRECTORS SOUTH-WEST LAKE  
MAXINKUCKEE CONSERVANCY DISTRICT

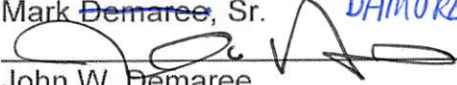
  
\_\_\_\_\_  
John Crist, Chairperson

  
\_\_\_\_\_  
Jim Purucker

\_\_\_\_\_  
Richard George

  
\_\_\_\_\_  
John Stinson

  
\_\_\_\_\_  
Mark Demaree, Sr. *DAMORE*

  
\_\_\_\_\_  
John W. Demaree

**EXHIBIT "A"**  
**TO**  
**RESOLUTION NO. 2018-0602-1**

**Tract 1**

A triangular parcel described as follows: Part of the Northwest Quarter of Section 28, Township 32 North, Range 1 East, beginning at an iron pipe on the West right-of-way line of old Terre Haute and Logansport Railroad that is 781.74 feet South, 12° East of the point of intersect of the West right-of-way line of said railroad and the North line of said Section 28; thence West 198 feet; thence South 12° East 100 feet; thence North 61°6' East 202.4 feet to the place of beginning, containing .22 Acre, more or less.

ALSO, A triangular parcel described as follows: Part of the Northwest Quarter of Section 28, Township 32 North, Range 1 East, beginning at an iron pipe on the West right-of-way line of the old Terre Haute and Logansport Railroad that is 681.74 feet South 12° East of the point of intersect of the West right-of-way line of said railroad and the North line of said Section 28; thence South 12° East on said railroad right-of-way line 100 feet; thence West 198 feet; thence North 61°6' East 202.4 feet to the place of beginning, containing .22 Acre, more or less.

Now platted as Lot # 14, Allen's 1<sup>st</sup> Addition.

A part of the former Penn-Central Railroad right-of-way (formerly the Vandalia Railroad) in Lot No. 1 of Section 28, Township 32 North, Range 1 East in Union Township, Marshall County, Indiana, described as follows:

Commencing at the Southeast corner of the Lot commonly known as the Former Knapp Parcel and the Northeast corner of the Lake County Trust Parcel (recorded in Deed Record 1979, page 1153, in the Office of the Marshall County Recorder); thence Southerly along the meander line of said Lake Maxinkuckee a distance of 185.65 feet; thence South 87° 17' 08" West a distance of 61.90 feet to the Southwest corner of the John W. Montgomery and Charann L. Leach tract (as recorded in Deed Record 1979, page 2356 in the office of the Marshall County Recorder); thence South 12° 00' 00" East along the East right-of-way line of the said Penn-Central Railroad, a distance of 62.14 feet to the point of beginning of this description; thence continuing South 12° 00' 00" East along the East right-of-way line of said railroad, a distance of 62.86 feet; thence South 89° 38' 48" west a distance of 50.54 feet to the centerline of said railroad right-of-way; thence North 12° 00' 00" West along said center line a distance of 61.80 feet; thence North 88° 28' 31" East a distance of 50.36 feet to the point of beginning.

**Tract 2**

Lot Number Twenty-five (25) in Allen's 1<sup>st</sup> Addition in Section 28, Township 32 North, Range 1 East.

Situated in Union Township, Marshall County, Indiana.



EXHIBIT B TO  
 RESOLUTION NO. 2018-0602-1  
 SOUTH-WEST LAKE MAXINKUCKEE CONSERVANCY DISTRICT

McLane  
 Tracts



EXHIBIT C TO  
RESOLUTION NO. 2018-0602-1  
SOUTH-WEST LAKE MAXINKUCKEE CONSERVANCY DISTRICT

STATE OF INDIANA                    )     IN THE MARSHALL CIRCUIT COURT  
  ) SS:  
COUNTY OF MARSHALL            )     CAUSE NO. 50C01-0309-MI-91

IN THE MATTER OF THE PETITION    )  
FOR THE CREATION OF SOUTH-WEST )  
LAKE MAXINKUCKEE                    )  
CONSERVANCY DISTRICT                )

PETITION TO THE BOARD OF DIRECTORS OF SOUTH-WEST  
LAKE CONSERVANCY DISTRICT FOR ADDING AREA TO  
THE SOUTH-WEST LAKE MAXINKUCKEE CONSERVANCY DISTRICT

We, and each of us, the undersigned attached hereto, are freeholders within the territory described in Exhibit A attached hereto ("Proposed District") and desire, and do hereby petition to the Board of Directors of South-West Lake Maxinkuckee Conservancy District for adding the area described on Exhibit A to the South-West Lake Maxinkuckee Conservancy District and state as follows:

1. The name of the district is the " South-West Lake Maxinkuckee Conservancy District."

2. The purpose of said district is providing for the collection, treatment and disposal of sewage and other liquid waste.

3. The necessity for accomplishing such purpose is that the area in the Proposed District are residential lots and currently have no sewer service and the most economical way to collect and treat the sewage generated in the area is to connect to existing South-West Lake Maxinkuckee Conservancy District facilities thereby benefitting the present and future freeholders rather than attempting to construct new septic fields.

4. The addition of the area in the Proposed District to the district will be conducive to the public health, safety and welfare of the freeholders and present and

future residents.

5. This petition is not conditioned upon either a grant of federal or state funds. Petitioners know of no grants, either federal or state, presently available; however, if such a grant should become available, all conditions would be considered to accomplish the purpose in the most economical manner.

6. Maintenance and operation of the works of improvements necessary for the collection, treatment and disposal of sewage and other liquid wastes shall be paid substantially in part by user fees and not solely by special benefit taxes or exceptional benefits assessments, all as the Court may order.

Marilyn McLane  
Freeholder

18161 West Shore Circle  
Address

Culver, IN 46511  
Address

(14) Marilyn Mc Lane  
Lot Number

Attached Deeds 1976 page 6083  
1991 page 0029

Freeholder

Address

Address

Lot Number

Marilyn McLane  
Freeholder

18161 West Shore Circle  
Address

Culver, IN 46511  
Address

(25) Marilyn Mc Lane  
Lot Number

Attached Deed 1988 page 9619

Freeholder

Address

Address

Lot Number

76 3710

RECORDED

AUG 26 10 10 AM '76

Quit-Claim Deed

THIS INSTRUMENT WAS RECORDED IN MARSHALL COUNTY, INDIANA, ON AUGUST 26, 1976, AT 10:10 AM.

of Marshall County in the State of Indiana

Release and Quit-Claim to Frank O. McLane and Marilyn J. McLane, husband and wife, 314 S. BOOTS ST MARION INDIANA 46952

of Marshall County in the State of Indiana

for and in consideration of one dollar and other valuable consideration,

the receipt whereof is hereby acknowledged, the following Real Estate in Marshall County in the State of Indiana, to wit:

A triangular parcel described as follows: Part of the Northwest Quarter of Section 28, Township 32 North, Range 1 East, beginning at an iron pipe on the West right-of-way line of old Terre Haute and Logan sport Railroad that is 781.74 feet South, 12° East of the point of intersect of the West right-of-way line of said railroad and the North line of said Section 28; thence West 198 feet; thence South 12° East 100 feet; thence North 61°06' East 202.4 feet to the place of beginning, containing .22 Acre, more or less.

ALSO, A triangular parcel described as follows: Part of the Northwest Quarter of Section 28, Township 32 North, Range 1 East, beginning at an iron pipe on the West right-of-way line of the old Terre Haute and Logansport Railroad that is 681.74 feet South 12° East of the point of intersect of the West right-of-way line of said railroad and the North line of said Section 28; thence South 12° East on said railroad right-of-way line 100 feet; thence West 198 feet; thence North 61°06' East 202.4 feet to the place of beginning, containing .22 Acre, more or less.

Now platted as Lot # 14, Allen's 1st Addition.

Title to the above real estate stands in the name of Frank & Alice McLane, husband and wife, Frank died October 23, 1975 leaving Alice as sole owner of the real estate.

Duly entered for taxation this

26 day of August 1976

IN WITNESS WHEREOF, The said ALICE MCLANE, of legal age,

\$ FEE [Signature] AUDITOR

He s herinto set. her hand and seal this 15th day of August 1976.

(SEAL) Alice McLane (SEAL)

(SEAL) (SEAL)

STATE OF INDIANA, GRANT COUNTY, IN

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named ALICE MCLANE, of legal age,

who acknowledges the execution of the foregoing Deed to be her voluntary act and deed.

WITNESS my hand and Notarial seal this 15th day of August 1976.

My commission expires 8-5-1978 [Signature] Notary Public

This instrument was prepared by Alice McLane, 227 Winfield Street, Culver, Indiana

Use of this form constitutes practice of law and is limited to practicing lawyers.

1991 PAGE 0029

910013 QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That Gertrude H. Allen and Mary C. Allen

(Grantor) of Marshall County in the State of Indiana

QUITCLAIM (S) to Frank D. McLane 569 W. Shaw Dr, Cuba, IN 46511

of Marshall County in the State of Indiana for the sum of

Ten Dollars (\$ 10.00 ) and other

valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Marshall County, Indiana:

A part of the former Penn-Central Railroad right-of-way (formerly the Vandalia Railroad) in Lot No. 1 of Section 28, Township 32 North, Range 1 East in Union Township, Marshall County, Indiana, described as follows:

Commencing at the Southeast corner of the Lot commonly known as the Former Knapp Parcel and the Northeast corner of the Lake County Trust Parcel (recorded in Deed Record 1979, page 1153, in the Office of the Marshall County Recorder); thence Southerly along the meander line of said Lake Maxinkuckee a distance of 185.65 feet; thence South 87° 17' 08" West a distance of 61.90 feet to the Southwest corner of the John W. Montgomery and Charann L. Leach tract (as recorded in Deed Record 1979, page 2356 in the office of the Marshall County Recorder); thence South 12° 00' 00" East along the East right-of-way line of the said Penn-Central Railroad, a distance of 62.14 feet to the point of beginning of this description; thence continuing South 12° 00' 00" East along the East right-of-way line of said railroad, a distance of 62.86 feet; thence South 89° 38' 48" West a distance of 50.54 feet to the centerline of said railroad right-of-way; thence North 12° 00' 00" West along said centerline a distance of 61.80 feet; thence North 88° 28' 31" East a distance of 50.38 feet to the point of beginning, and being subject to all easements, rights-of-way, and restrictions of record.

Noted  
Only entered for taxation subject to final acceptance for transfer 1-2-91  
Key Illinois: 8-28-91/288 Mary C. Allen Notary Public, Marshall Co. IN

IN WITNESS WHEREOF, the Grantor has executed this deed, this 13 day of November 19 90

Signature Gertrude H. Allen Printed Gertrude H. Allen  
Signature Mary C. Allen Printed Mary C. Allen  
Signature \_\_\_\_\_ Printed \_\_\_\_\_  
Signature \_\_\_\_\_ Printed \_\_\_\_\_

RECORDED  
JAN 2 11 50 AM '91  
SUI...  
MARSHALL COUNTY, INDIANA

STATE OF Indiana  
COUNTY OF Marshall Knapp SS

Before me, a Notary Public in and for said County and State, personally appeared Gertrude H. Allen and Mary C. Allen who acknowledged the execution of the foregoing

Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true

Witness my hand and Notarial Seal this 13 day of November 19 90

My commission expires 4-11-93  
Signature Kelly A. Staples  
Printed Kelly A. STAPLES Notary Public

Residing in St Joseph County, Indiana.

This instrument was prepared by James H. Grund, attorney at law.

RECEIVED  
9-25-91

# Warranty Deed

THIS INDENTURE WITNESSETH That: Mary C. Allen and Gertrude M. Allen, each an undivided one-half (1/2) interest,

(Grantor)  
of Marshall County, State of Indiana CONVEYS and WARRANTS to Frank O. McLane and Marilyn J. McLane, husband and wife, 569 West Shore Drive, Culver,

of Marshall County, State of Indiana 46511 for the sum of One Dollar (\$1.00) and other good and valuable consideration the receipt of which is hereby acknowledged, the following described real estate in Marshall County, State of Indiana:

Lot Number Twenty-five (25) in Allen's 1st Addition in Section 28, Township 32 North, Range 1 East.

Situate in Union Township, Marshall County, Indiana.

Subject to recorded restrictions, easements of record, zoning ordinances, and real estate taxes, but free and clear of all liens and encumbrances.

Subject to the rights and obligations to the Lake Park Lots as set forth in the Dedication & Restrictions of Allens Addition Section I, Union Township, Marshall County, Indiana and more particularly described in paragraph 14 as shown in the office of the Recorder in Deed Record 1975, page 593.

RECORDED  
SEP 30 2 39 PM '88  
SUE A. WINKLE RECORDER  
MARSHALL COUNTY, INDIANA

Duly entered for taxation subject to final acceptance for transfer September 30, 1988

§ 2832/1259 Marshall  
Key Number Auditor, Marshall City.

IN WITNESS WHEREOF, Grantor has executed this deed this 29 day of September, 1988.

(SEAL) Mary C. Allen (SEAL)  
Mary C. Allen  
(SEAL) Gertrude M. Allen (SEAL)  
Gertrude M. Allen  
STATE OF INDIANA, MARSHALL COUNTY ) SS:

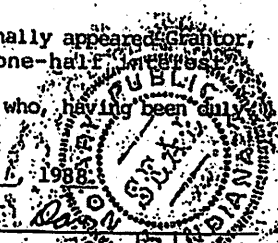
Before me, a Notary Public in and for said County and State, personally appeared Grantor, Mary C. Allen and Gertrude M. Allen, each an undivided one-half interest, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

WITNESS my hand and Notarial Seal this 29 day of September, 1988.

My commission expires:

July 30, 1990

Signature: Larry E. Davis  
Printed: Larry E. Davis  
Resident Marshall County, Indiana



This instrument prepared by: E. Nelson Chipman, Jr.  
Attorney At Law, 507 East Jefferson Street, Plymouth, Indiana 46563