

RESOLUTION NO. 2022-07

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF  
LEBANON, INDIANA APPROVING THE PETITION FOR WAIVER OF  
UTILITY FEES FOR FORESTAR RELATING TO THE ANGLEE GARDENS  
DEVELOPMENT

WHEREAS, the City of Lebanon (the "City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (the "Council");

WHEREAS, the City owns, operates, and maintains a municipal water and sewer utility (the "Utility");

WHEREAS, the Common Council has adopted ordinances establishing rates and charges for the use and service of the Utility;

WHEREAS, it is the duty and responsibility of the Common Council to maintain the fiscal integrity of the finances of the City by maintaining appropriate fees for services performed by the City and to foster economic activity;

WHEREAS, pursuant to Indiana Code § 36-1-3, the Common Council may enact ordinances and resolutions for the effective governance of the City;

WHEREAS, the Common Council adopted Ordinance 2017-03, authorizing the Council to waive partially or wholly tapping (also referred to as availability) fees generally due to the Utility as a means to foster economic development;

WHEREAS, Forestar (USA) Real Estate Group Inc. ("Forestar") has filed a petition for waiver of utility fees pursuant to Ordinance 2017-03 February 25<sup>th</sup>, 2022 **Exhibit A**;

WHEREAS, the proposed Angilee Gardens development meets the general regulations set forth in section 3.1 of Ordinance 2017-03;

WHEREAS, Forestar has paid the required nonrefundable filing fee as set forth in section 3.2A of Ordinance 2017-03 to the Clerk-Treasurer;

WHEREAS, Forestar submitted the required Utility Impact Study as set forth in section 3.2B of Ordinance 2017-03 to the City on February 25<sup>th</sup>, 2022 **Exhibit B**;

WHEREAS, Forestar has petitioned for a tapping fee waiver of an amount not to exceed \$403,300; and

WHEREAS, the Common Council, after reviewing the Utility Impact Study and hearing relevant public testimony, deems it in the best overall interest of the City and community to abate partially or wholly the tapping fees associated with this development.

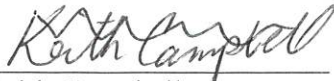
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Lebanon, Indiana, as follows:

PASSED by the Common Council of the City of Lebanon, Indiana this <sup>11th</sup> ~~28th~~ day of <sup>April</sup> ~~March~~, 2022.

Voting For

Voting Against

Abstain

  
Keith Campbell

  
Keith Campbell

\_\_\_\_\_  
Keith Campbell

  
John Copeland

\_\_\_\_\_  
John Copeland

\_\_\_\_\_  
John Copeland

  
Morris Jones

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Morris Jones

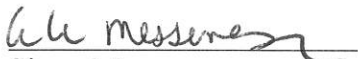
\_\_\_\_\_  
Morris Jones

  
Mike Kincaid


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Mike Kincaid

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Mike Kincaid

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Sierra Messenger


  
Sierra Messenger

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Sierra Messenger

  
Dick Robertson

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Dick Robertson

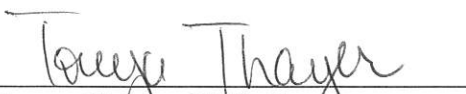
\_\_\_\_\_  
Dick Robertson

  
Brent Wheat

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Brent Wheat

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Brent Wheat

ATTEST:

  
Tonya Thayer, Clerk-Treasurer

I hereby certify that Resolution No. 2022-07 was delivered to the Mayor of Lebanon on the 13 day of ~~March~~ April, 2022, at 3:35 p.m.

Tonya Thayer  
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE RESOLUTION 2021-32 this 14 day of ~~March~~ April, 2022, at 3:35 p.m.

[Signature]  
Matthew T. Gentry, Mayor

I hereby VETO RESOLUTION 2021-32 this \_\_\_ day of March, 2022, at \_\_\_:\_\_\_ .m.

\_\_\_\_\_  
Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer  
Tonya Thayer, Clerk-Treasurer