

ORDINANCE NO. 2010- /

AN ORDINANCE PROVIDING FOR THE TOWN OF WESTPORT'S
ASSUMPTION OF OWNERSHIP OF LATERAL SEWER LINES AND
RECORDATION OF SEWER EASEMENTS

WHEREAS, the Town Council of the Town of Westport, Indiana, finds that the existing ordinances of the Westport Municipal Code should be supplemented hereto,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTPORT, INDIANA, that:

Ordinance(s) 1986-10, Sewer Connection and Usage Ordinance, under the Town of Westport Municipal Ordinances, are hereby supplemented with the following Sections under this Ordinance.

§ 1.0 Purpose:

The measure(s) set forth herein is a reasonable means to ensure compliance with Ordinance No. 1986, et al. and to ensure compliance under Agreed Order for Case No. 2003-13094-W, as adopted by the Indiana Department of Environmental Management on February 13, 2004, pertaining to ceasing sewage overflows.

It is further necessary that the measures hereto are set in order to protect and insure the health, safety and welfare of the Citizens of Westport and the surrounding areas.

§ 2.0 Ownership:

The Town of Westport shall assume ownership of residential and commercial lateral sewer lines leading from any residential or commercial building located within the Town of Westport and other real properties served by the Westport Water & Sewer Company. The assumption of ownership of the lateral sewer lines shall extend from the current or future Westport Water and Sewer customer's place of residence or business to an existing or a newly constructed sewer drain pipe connections.

The Town of Westport shall obtain a right of way or sewer easement from the rightful owner of each real estate property located in the Town of Westport and other real properties served by the Westport Water and Sewer via a properly recorded easement or right of way with the Clerk of Decatur County, State of Indiana allowing the same and said easement shall be perpetual.

Said easement(s) shall allow for the purpose of and with the right of the Town of Westport to erect, construct, install and lay and thereafter use, operate, inspect, repair, maintain, replace, extend, remove and relocate a lateral sewer line and appurtenant facilities over, across, and under the land of the real property located within the Town of Westport and other real property served by the Westport Water and Sewer for the purpose of replacement or new construction of lateral sewer lines leading to the existing or otherwise constructed sewer drain pipe connections in order to control sewage overflows.

This ordinance shall be in full force and effect upon its passage.

Adopted this 12th day of April, 2010 by this Westport Town Council, Town of Westport, Indiana in public session.

Bryan Gatewood
Bryan Gatewood

Darlene Tobias

Boyd Holcomb
Boyd Holcomb

Barbara Green
Witness