

2006-03-DB

**RESOLUTION ESTABLISHING BERLOVITZ
IMPACT DRAINAGE AREA**

WHEREAS, the Tippecanoe County Comprehensive Stormwater Management Ordinance as established by Ordinance No. 2005-04-CM authorizes the Tippecanoe County Drainage Board to classify certain geographical areas as Impact Drainage Areas and to enact and promulgate regulations in respect thereto; and

WHEREAS, the Tippecanoe County Drainage Board has considered the topography, soil type, capacity of existing legal drains and distance from adequate drainage facilities with respect to the geographical area referred to herein as the Berlovitz Impact Drainage Area and more fully described on Exhibit A attached hereto and by reference made a part hereof; and

WHEREAS, the Tippecanoe County Drainage Board has found and determined that the topography of the Berlovitz Impact Drainage Area generally fails to provide a positive outlet for surface water drainage to the Berlovitz Legal Drain; that the soil types identified in the Berlovitz Impact Drainage Area are not conducive to adequate storm water drainage; and the capacity of existing legal drains within the geographical area described on Exhibit A is insufficient to provide adequate storm water drainage in the Berlovitz Impact Drainage Area; and

WHEREAS, the Tippecanoe County Drainage Board has found and determined that the protection of the public health and general welfare requires the imposition of special requirements for development within the Berlovitz Impact Drainage Area.

NOW, THEREFORE, BE IT RESOLVED, that the geographical area more fully described on Exhibit A attached hereto and by reference made a part hereof be and it is hereby designated as an Impact Drainage Area pursuant to Chapter 6, Section 8 of the Tippecanoe County Drainage Code and shall be known as the Berlovitz Impact Drainage Area.

BE IT FURTHER RESOLVED that in addition to complying with all other requirements of the Tippecanoe County Drainage Code, any subdivider, property owner, developer, or contractor, as a condition of approval of any new business, commercial and industrial development, residential subdivision, planned unit development, and any

redevelopment or other new construction located within the Berlovitz Impact Area shall comply with such further and more restrictive stormwater quantity and quality measures than those set forth in the Tippecanoe County Drainage Code or in the Indiana Stormwater Quality Manual as the Drainage Board may from time to time determine to be required to meet the purposes of the Tippecanoe County Drainage Code, which may include, without limitation thereby, the following:

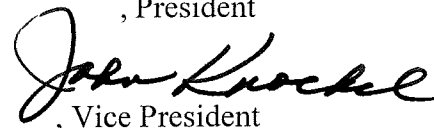
- A. All storm water drainage control systems within the Berlovitz Impact Area shall participate in the Berlovitz Regional Detention Basin.
- B. Each storm water drainage system within the Berlovitz Impact Area shall provide a positive outlet to the Berlovitz Regional Detention Basin.
- C. The developer of each storm water drainage control systems within the Berlovitz Impact Area shall petition to establish all internal drainage facilities as regulated drains and as condition of approval may be required to waive its right to remonstrate against higher rates for reconstruction thereof.
- D. The developer of each storm water drainage control system within the Berlovitz Impact Area shall as condition of approval consent to such reconstruction of the Julius Berlovitz Legal Drain as may from time to time be required.

PASSED AND ADOPTED THIS 8th day of March, 2006.

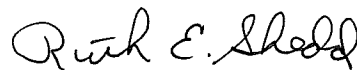
TIPPECANOE COUNTY DRAINAGE BOARD



, President

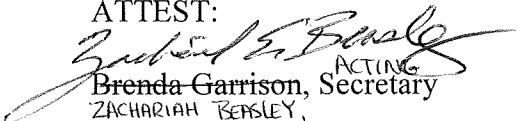


, Vice President



, Member

ATTEST:



Brenda Garrison, Secretary
ZACHARIAH BEASLEY, ACTING

