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TOWN OF WHITESTOWN, INDIANA
RESOLUTION NO. 2017-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, TO ESTABLISH AN UNDERGROUND AND BURIED UTILITY DISTRICT

WHEREAS, the Town of Whitestown, Indiana ("Whitestown" or "Town"), pursuant to IC 36-9-2-7, may regulate the use of public ways; and

WHEREAS, pursuant to IC 36-1-2-24, the Town Council is the Works Board for the Town ("Works Board") and as such has the power to administer public utilities and regulate the Town's rights-of-way ("ROW"); and

WHEREAS, public necessity, health and safety now require that all utilities located within the Town's ROW shall be placed underground or buried; and

WHEREAS, the Town, by and through its Town Council, now finds that it is in the best interests of the public health, safety, and general welfare of its citizens to prohibit the erection of all poles, overhead lines, and associated overhead structures used or useful in supplying electric, communication or similar and associated services within the Town's ROW; and

WHEREAS, to further the aforementioned public necessity, the Town Council now hereby establishes an Underground and Buried Utilities District ("Area") and designates the Area to be in effect throughout all ROW within the corporate boundaries of the Town.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. The Town hereby establishes an Underground and Buried Utilities District ("Area") to be in effect and to apply throughout the Town's ROW, and is hereinafter defined as follows:

a. In all areas of the Town where no overhead or above ground utilities, utility facilities, overhead lines, or associated overhead structures used or useful in supplying electric, communication or similar and associated services currently exist;

b. In all areas of the Town where planned road projects, redevelopment areas and/or economic development areas provide for and require underground buried utilities and utility facilities, including but not limited to electric, communication or similar and associated services; and

c. All other areas of ROW or proposed ROW throughout the Town, whether or not above ground utilities or utility facilities currently exist.

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Section 3. From and after the effective date of this Resolution, no person, corporation, or utility shall erect or construct within the Town's ROW, any pole, overhead line, or associated overhead structure used or useful in supplying electric, communication or similar associated services.

Section 4. Unless otherwise expressly authorized by the Works Board, all utilities located within the Town's ROW shall be placed underground and/or buried.

Section 5. All existing overhead poles, wires, and/or utility transmission lines may remain within the Town's ROW, but may not be replaced or relocated without prior written authorization of the Works Board.

Section 6. If any portion of this Resolution is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Resolution so long as enforcement of same can be given the same effect.

Section 7. This Resolution shall be in full force and effect from and after April 27, 2017.

RESOLVED BY THE WHITESTOWN, INDIANA, TOWN COUNCIL THIS 27 DAY OF APRIL, 2017.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA	YAY/NAY
Eric Miller, President	Yes
Susan Austin, Vice-President	Yes.
Kevin Russell	YAY
Clinton Bohm	YAY
Jeffrey Wishek	yay

ATTEST:

Matthew Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

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