

**A RESOLUTION RECOGNIZING THE FILING OF
A PETITION TO INCORPORATE THE TOWN OF
COVERED BRIDGE, AND ESTABLISHING THE
PROCEDURE FOR CONSIDERATION OF SUCH PETITION**

WHEREAS, this Board of Commissioners of Clark County, Indiana (this “Board”), is the county executive body pursuant to the provisions of Ind. Code § 36-2-2-2, and also the county legislative body pursuant to the provisions of Ind. Code § 36-1-2-9(1); and,

WHEREAS, Ind. Code § 36-5-1-1, *et seq.*, establishes the procedures by which property owners may petition the Board to incorporate an area as a town; and,

WHEREAS, the Board received a *Petition for Incorporation of the Town of Covered Bridge* (the “Petition”) on August 21, 2009, but such Petition was rejected on grounds that the property owner signatures were not properly verified; and,

WHEREAS, on September 2, 2009, the Board received a revised Petition, that still did not rectify the signature verification concerns; and,

WHEREAS, on September 8, 2009, the Board received a further revised Petition that adequately addressed the signature verification concerns; and,

WHEREAS, this Resolution is now adopted for purposes of evidencing the filing of the revised Petition and establishing the procedure under which such Petition shall be considered by the Board.

NOW, THEREFORE, BE IT RESOLVED by this Board of Clark County Commissioners as follows:

1. Pursuant to the requirements of Ind. Code § 36-5-1-4, this Board has examined the revised Petition and has determined that it meets the requirements of Ind. Code § 36-5-1-2

and Ind. Code § 36-5-1-3. The revised Petition is accordingly deemed as filed before the Board as of September 17, 2009.

2. A copy of this Resolution and the revised Petition shall be forwarded to the Clark County Plan Commission for investigation as required by Ind. Code § 36-5-1-4.

3. The Clark County Plan Commission shall investigate the proposed incorporation and report its recommendations of approval or disapproval to this Board at least ten (10) days before the hearing on the revised Petition described in paragraph 4 below. In making its investigation, the Clark County Plan Commission may use the services of any State or local government agency, and in making its report and recommendations the Clark County Plan Commission shall be guided by the requirements for incorporation as set forth in Ind. Code § 36-5-1-8.

4. In accordance with the requirements of Ind. Code § 36-5-1-5, this Board shall hold a public hearing on the revised Petition for incorporation at _____ .M. on _____, 2009 *(a date not sooner than Tuesday, November 16, 2009 [sixty (60) days after the filing of the revised Petition], and not later than Wednesday, December 17, 2009 [ninety (90) days after the filing of the revised Petition])*. The hearing shall be held in the Clark County Commissioners meeting room at the Clark County Government Building, Room 404, 501 East Court Avenue, Jeffersonville, Indiana. The Board reserves the right to continue the hearing from time-to-time as it deems appropriate in its sole discretion.

5. Further pursuant to the provisions of Ind. Code § 36-5-1-5, the Petitioners shall be required to send notice of the hearing by certified mail in a form approved by the Clark County Attorney to:

a. The residents and landowners of the territory for which incorporation is sought as listed in the revised Petition;

b. The legislative body of the Town of Sellersburg as a municipality having a corporate boundary within three (3) miles of the perimeter of the proposed new town;

c. The legislative body of any other municipality having a corporate boundary within three (3) miles of the perimeter of the proposed new town;

d. The executive of each township in which all or a part of the proposed new town is located.

The Petitioners shall file proof of the mailing of all such notices with the Board not less than ten (10) days prior to the date of the hearing (list of names and addresses of all persons or property owners entitled to notice, USPS stamps evidencing the date of mailing to each addressee, and return receipt card or returned envelope for each addressee). The Board shall cancel the hearing and dismiss the revised Petition if Petitioners do not demonstrate that the notices required by this paragraph 5 have been properly given. The Board shall further cause notice of the public hearing to be published in *The Evening News* in accordance with the provisions of Ind. Code § 5-3-1-2.

6. Pursuant to the provisions of Ind. Code § 36-5-1-6, the recipients of the notice required by paragraph 5 above are parties to, and are entitled to be heard at, the public hearing.

7. Further pursuant to the provisions of Ind. Code § 36-5-1-6, the revised Petition for incorporation shall be dismissed if at any time during the incorporation proceedings, including an appeal, the Board or a court hearing an appeal is presented with a verified remonstrance against incorporation, signed by at least:

a. Fifty-one percent (51%) of the owners of a fee simple interest in real property in the affected territory; or,

b. The owners of seventy-five percent (75%), in assessed valuation, of the real property in the affected territory.

The Board or court may determine the validity of the remonstrance by submitting it to the Clark County Auditor for verification.

8. This Resolution shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Resolved this 17th day of September, 2009.

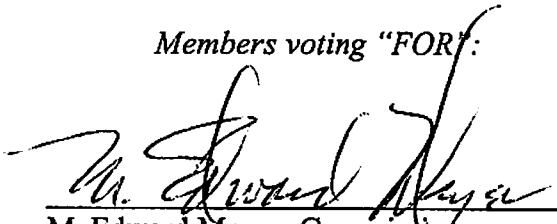
Members voting "AGAINST":

M. Edward Meyer, Commissioner

Mike Moore, Commissioner

Les Young, Commissioner

Members voting "FOR":



M. Edward Meyer, Commissioner

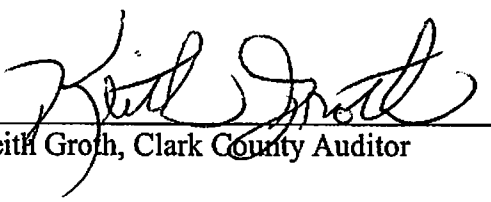


Mike Moore, Commissioner



Les Young, Commissioner

Attested by:



Keith Groth, Clark County Auditor