

BOARD OF SANITARY COMMISSIONERS  
MUNCIE SANITARY DISTRICT

DECLARATORY RESOLUTION NO. 2021-11

A Declaratory Resolution of the Board of Sanitary Commissioners of the Muncie Sanitary District determining to acquire, construct and install certain additions and improvements to the sewage works of the Sanitary District and other matters related thereto

WHEREAS, the Board of Sanitary Commissioners (the "Board") of the Muncie Sanitary District (the "Sanitary District") of the City of Muncie, Indiana (the "City"), operating pursuant to Indiana Code 36-9-25, finds after investigation of the Sanitary District's sewage works that there are areas identified in the reports filed with the Board being polluted by the discharge of sewage, drainage, or other harmful matter and that it is necessary for the public health and welfare and will be of public utility and benefit to undertake the acquisition, construction and installation of certain additions and improvements to the sewage works of the Sanitary District as more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Project"); and

WHEREAS, the Project will be undertaken by the Sanitary District pursuant to a build-operate-transfer lease agreement (the "BOT Lease Agreement") between the Sanitary District and MSD Solar 2021 LLC (the "Developer") in accordance with Indiana Code 5-23; and

WHEREAS, the estimated cost of acquisition, construction and installation of the Project, based upon estimates of the engineers for the Sanitary District, and including incidental expenses is \$4,700,000; and

WHEREAS, the Board has caused to be prepared general plans, maps, specifications, drawings, details, descriptions and estimates for the Project, including plats showing the general scope of the Project and the location and bounds of all real property considered necessary to be acquired or removed, or that would be injuriously affected in connection with the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SANITARY COMMISSIONERS OF THE MUNCIE SANITARY DISTRICT THAT:

Section 1. The Board hereby preliminarily finds and determines that it is necessary for the public health and welfare and will be of public utility and benefit to acquire, construct and install the Project, together with the necessary appurtenances, related improvements and equipment, and the incidental expenses in connection with the Project. The Board will proceed with the acquisition, construction and installation of the Project in accordance with the reports and plans heretofore prepared by the consulting engineers of the Sanitary District, which reports and plans are on file with the Board and are hereby approved and adopted. The reports and plans for the Project are open to public inspection in the office of the Sanitary District. The Project will be undertaken by the Sanitary District pursuant to the BOT Lease Agreement in accordance with Indiana Code 5-23.

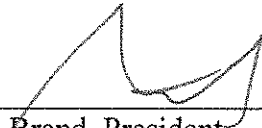
Section 2. The estimated costs of the Project and incidental expenses incurred in connection therewith, will not exceed Four Million Seven Hundred Thousand Dollars (\$4,700,000).


Section 3. On June 30, 2021, at 11:30 a.m. in the Muncie City Hall Auditorium, 300 North High Street, Muncie, Indiana, the Board will meet and will receive and hear remonstrances from persons interested in or affected by such proceedings and will take final action to determine the public utility and benefit of the proposed Project and will confirm, modify and confirm, or rescind this Declaratory Resolution. Notice of such public hearing shall be published in accordance with Indiana Code 5-3-1 and Indiana Code 36-9-25-18.

Section 4. This Declaratory Resolution shall be in full force and effect from and after its passage and shall be filed with and be open to the public for inspection at the office of the Sanitary District.

Adopted this 16<sup>th</sup> day of June, 2021.

BOARD OF SANITARY COMMISSIONERS  
SANITARY DISTRICT OF THE  
CITY OF MUNCIE, INDIANA

By:   
Stephen Brand, President

By:   
Brian Stephens-Hotopp, Vice President

By:   
Joseph Evans, Member

By:   
Tonya Brothers-Bridge, Member

By:   
David Smith, Member

## EXHIBIT A

### Description of Project

The Project includes the construction and installation of certain improvements to Sanitary District's sewage works, including a new solar energy system and related infrastructure to improve the energy efficiency thereof.