

Patsy Fulton

From: Walker, Henry [HWALKER@bradley.com]
Sent: Friday, August 26, 2016 5:19 PM
To: Kelly Grams
Cc: Patsy Fulton
Subject: FW: just to be safe
Attachments: 16-08-18 Order Granting Supplemental Petition - Signed (00398492xAA7B8).pdf

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You can add this to the file for docket 14-00124

Bradley
Bradley Arant Boult Cummings LLP

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From: Don Scholes [mailto:dscholes@bsjfirm.com]
Sent: Friday, August 26, 2016 5:16 PM
To: Walker, Henry <HWALKER@bradley.com>
Subject: FW: just to be safe

Henry,

Here is the Order signed by the County Mayor giving West Stewart UD the power to provide sewer service.

Don

Donald L. Scholes
Branstetter, Stranch & Jennings, PLLC
The Freedom Center
223 Rosa L. Parks Avenue, Suite 200
Nashville, TN 37203
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dscholes@bsjfirm.com

From: Don Scholes
Sent: Wednesday, August 10, 2016 9:37 AM
To: Walker, Henry
Subject: RE: just to be safe

Henry,

I spoke with Seth Rye, the engineer, this morning. No one appeared to object to the granting of the petition for West Stewart UD to get sewer service rights. An order was given to the County Mayor to sign at the end of the hearing. He

did not sign it immediately. Seth had not yet checked back to see if it has been signed but told me he would do so. I expect the Order may already be signed or will be shortly. With no opposition I am confident it will be signed.

I asked Seth about the developer's obligation in building the system in light of the tap fee amount proposed. Seth told me that the District would be expecting the developer to build the system and dedicate it to the District. The large tap fee will only cover the District's cost to install the customer's tank, individual pump and service line on the customer's property.

I will let you know when I confirm the Order has been signed.

Don

From: Walker, Henry [<mailto:HWALKER@bradley.com>]

Sent: Tuesday, August 09, 2016 4:55 PM

To: Don Scholes <dscholes@bsjfirm.com>

Subject: just to be safe

Just checking in,

Before I withdraw my client's application for a CCN to provide wastewater service in Stewart County, I wanted to confirm that the county approved the utility district's proposal to provide service to that area. Heard anything from the engineer?

Bradley
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BEFORE THE COUNTY MAYOR OF STEWART COUNTY, TENNESSEE

In re:)
)
SUPPLEMENTAL PETITION OF)
WEST STEWART UTILITY)
DISTRICT OF STEWART COUNTY,)
TENNESSEE, FOR AUTHORITY TO)
FURNISH SEWER AND SEWER)
DISPOSAL SERVICES)

ORDER GRANTING SUPPLEMENTAL PETITION

This cause came on to be heard on July 28, 2016, before the Honorable Rick D. Joiner, County Mayor of Stewart County, Tennessee, upon the Supplemental Petition of West Stewart Utility District of Stewart County, Tennessee for Authority to Furnish Sewer and Sewer Disposal Services filed pursuant to T.C.A. § 7-82-302(e).

Based upon the Supplemental Petition of West Stewart Utility District of Stewart County, Tennessee (the District), the testimony and statements of Seth Rye, the District's consulting engineer and contract operator, and the comments of those in attendance at hearing, the County Mayor makes the following findings and conclusions:

1. Public notice of the hearing on the Supplemental Petition was published in the July 16, 2016 edition of *The Leaf-Chronicle*, a newspaper of general circulation in Stewart County, which publication was not less than seven but more than fifteen days before the hearing. Notice of the hearing on the Supplemental Petition was given by certified mail at least ten days

before the hearing to the counties, municipalities and utility districts entitled to receive notice of the hearing, all in full compliance with T.C.A. § 7-82-202.

2. West Stewart Utility District of Stewart County, Tennessee is a utility district created under the Utility District Act of 1937 as amended, T.C.A. §§ 7-82-101 et seq. The District provides water service to approximately 212 customers in Stewart County.

3. A need exists for sewer service within the District's boundaries. No city, town, or utility district is capable of providing sewer service within the District's boundaries, and no city, town, or utility district appeared to object to the Supplemental Petition. The area in which the District seeks to provide sewer and sewage disposal services has no public means of collecting, treating, and disposing of sanitary sewage, and wastewater is treated and disposed of by individual septic tanks.

4. The District has received requests and anticipates receiving future requests from developers planning to subdivide property within the District's boundaries to provide sewer service as well as water service. In these instances the developer plans to provide sewer service by a decentralized, low pressure sewer collection and treatment system, usually with a drip field dispersal system. Therefore, the District intends to provide sewer service within its service area by the use of decentralized wastewater treatment and collection systems for new developments.

5. The costs of the installation of these decentralized wastewater treatment and collection systems will be borne by the developers of the new developments, and the systems will be dedicated to the District. Therefore, the District will not be required to initially finance any capital improvements to provide sewer service.

6. The District should not experience any material increase in its operating costs when it begins providing public sewer and sewage disposal system, except for increased

depreciation expenses which will be paid by the developer until the development is self-supporting or as determined by the District. Any operating costs will be covered under the District's existing Operations, Maintenance and Engineering Services Agreement with Rye Engineering, PLC. Monthly sewer rates will be set to cover the depreciation of sewer systems dedicated to the District and any maintenance expenses of the sewer system. Therefore, the District is financially able to operate a sewer system as described in the Supplemental Petition.

7. A public sewer and sewer disposal system will permit more orderly growth within the District's boundaries and will reduce the potential for adverse effects on the environment of individual septic tanks.

8. The grant of the Supplemental Petition should foster development within the District's boundaries in that the District will be able to provide both water and sewer service to new developments seeking to locate in Stewart County.

9. The public convenience and necessity requires the Supplemental Petition be granted. The grant of authority to the District to provide sewer and sewer disposal services as requested in the Supplemental Petition is economically sound and desirable and in the public interest.

IT IS THEREFORE ORDERED by the Mayor of Stewart County, Tennessee:

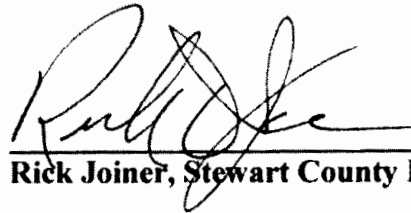
1. That the Supplemental Petition of West Stewart Utility District of Stewart County, Tennessee for Authority to Furnish Sewer and Sewer Disposal Services be, and is hereby, granted.

2. That the District has the authority to furnish sewer and sewer disposal services to the area described in Exhibit 1 to this Order which is the District's current geographic boundaries.

3. That the County Clerk of Stewart County, Tennessee will enter the original of this Order on record and will furnish a certified copy of this Order to the District which will file the certified copy with the Secretary of State of the State of Tennessee and record it in the Office of the Register of Deeds of Stewart County, Tennessee.

4. That the costs of this proceeding shall be paid by the District.

Entered this 18 day of August, 2016.


Rick Joiner, Stewart County Mayor



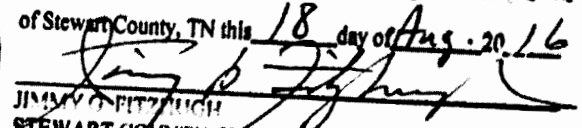
STATE OF TENNESSEE
STEWART COUNTY
Subscribed and sworn before me, the undersigned County Clerk
of Stewart County, TN this 18 day of Aug. 2016

JIMMY G. FITZHUGH
STEWART COUNTY CLERK
My Commission Expires 7/1 2018

EXHIBIT 1

BOUNDARY DESCRIPTION

Beginning at the northwest corner of Stewart County on the US Highway 79 centerline and following along the centerline of US Highway 79 east to Tennessee Highway 232; thence following a line 500 feet east of and parallel to Tennessee Highway 232 south to the Stewart County line; thence following the Stewart County line west until you reach the southwest corner of Stewart County; thence following the Stewart County line north to the point of beginning.