

RESOLUTION NO. 2006-2
OF THE BOARD OF COMMISSIONERS OF LAPORTE COUNTY

WHEREAS, this Board chose not to renew or extend the permit of Waste Management to operate a landfill on County Road 300 North south of Michigan City thereby forcing the permanent closure of such facility, and

WHEREAS, this Board remains concerned that the only waste transfer station in LaPorte County is owned by Waste Management and that no other option exists in LaPorte County for businesses and individuals desiring a cost affordable alternative to Waste Management's Kingsbury facility, and

WHEREAS, this Board believes that the technology has been developed so that a properly constructed and maintained transfer station sited in an appropriate area such as an industrial park could potentially provide a cost affordable alternative to the county's only waste transfer station, currently owned and operated by Waste Management, and

WHEREAS, the site currently under consideration by Great Lakes Transfer on County Line Road is not in an industrial park but is near various residential areas, and

WHEREAS, such site is near U.S. 20 and potentially presents a safety hazard due to slower moving heavy truck traffic that would be accessing such transfer station from U.S. 20, and

WHEREAS, the burden was on the applicant Great Lakes Transfer to win the confidence and support of nearby residents that the proposed facility would not present an undue burden or health hazard to the adjoining area and it appears the applicant has failed to do so, and

WHEREAS, this board has previously stated its defense of private property owners by vigorously opposing eminent domain for private commercial development and in fact lobbying the Indiana General Assembly to tighten restrictions to protect property owners, and

WHEREAS, this board has become concerned that the notion of a transfer station in this proposed location near residences would so adversely affect nearby property owners and their respective property values so as to constitute inverse condemnation of their respective properties, and

WHEREAS, this board has taken an active role in administrative proceedings before other state agencies such as the Indiana Utility Regulatory Commission when it believed it was in the public interest to do so and when such action clearly reflected the wishes of our constituents,

NOW THEREFORE BE IT RESOLVED by this the Board of Commissioners of LaPorte County that we hereby direct our attorneys to seek to intervene in the pending appeal of the permit granted by the Indiana Department of Environmental Management (IDEM) to this facility and that our attorneys are empowered to take such steps as are necessary to indicate to any reviewing agency or court of law that we oppose the siting of such facility at the currently proposed location near County Line Road in LaPorte County.

Adopted this 3rd day of January, 2006.

**BOARD OF COMMISSIONERS OF
LAPORTE COUNTY, INDIANA**

William H. Hays

William Hays

Barbara Guston

Attest:

Cecilia M. Shuster