

Homer F. Seger
 Ralph Seger
 Alexander Bujes
 Arthur Campbell
 Judith Davis
 Rosemarie Denu
 Dume Denu
 Harold Weikert
 Gerard Weikert
 Richard Weikert
 John Thuring
 Gerald Moore
 Dan Denu
 Al Dickman
 Stephen L. Carr
 Pam Carr
 Marilyn Seger
 Askeel Carr
 Bradley J. Tewe
 James Carr
 Harriet Carr
 Leo J. Muehler
 Ralph Carr
 Jim Carr
 Mark Denu
 Tony Denu
 Hilman Denu
 Dennis Hecke
 Kenneth Stasem
 Carl Mathew
 Quail 30
 Terry Hecke
 Terry Denu
 Det. Tigge
 Anna Denu
 Tim Friedman
 Oscar Carr
 Walter Anderson
 Herman Rose

Paul Wenzel
 Ralph Broome
 Mel Leetner
 Margaret Leetner

FILED
 AUDITOR DUBOIS COUNTY

NOV 17 1988

Basil C. Hunkel

Signature of land owners for 50 foot right-of-way:

Signature of land owners for 50 foot right-of-way:

Basel C. Kunkel

PETITION TO IMPROVE ROAD 735E

| | |
|---------------------|---------------------------------|
| Dulene McNeil | RC Jasper, Ind |
| Donna J. Lambert | 1181 Zionsville Ave. Jasper |
| Donna G. Batten | P.O. Box 713 Jasper |
| Bob Ekstein | 1516 Jackson Jasper, Ind |
| Pam Semmensheim | R.R. 3 Huntington, Ind. |
| Cherie Dekemper | R.R. 2 Dubois, IN |
| Stacy Heistner | 415 1/2 4th St. Huntington, Ind |
| Sara Beck | R.R. 5 Jasper |
| Jane Wagner | R.R. #1 Box 220 Jasper |
| Mike Wagner | R.R. #1 Box 220 Jasper |
| Donna Hoffman | 2001 N Chestnut Huntington |
| Alie Thrling | 25 Box 343B Jasper |
| Corji Buckner | R4 Jasper |
| Harlan | 340 W 4th Jasper |
| Emma Schijp | RR2 Jasper, Ind |
| Chris Card | 8723 Indpls. Ind |
| Jan Card | 8723 Indpls. Indpls Ind |
| Greg Seng | R.R. 2 Dubois |
| Kelly Seng | 2303 Newton St. Jasper |
| Glinda Pachtel | R 2 Dubois |
| Ernest Pachtel | |
| Ruford Seng | |
| Steve Seng | |
| Mary Kay Seng | |
| Donald Hagman | R2 Dubois |
| Tim Merkel | RR1 Dubois |
| Paul Seng | R2 Dubois |
| Chris Seng | R #1 Dubois |
| L. G. Schilling | R #1 Dubois |
| Krista J. Schroeder | R #1 Dubois |
| Beverly S. Thomas | P.O. Box 85 Dubois |
| Diane J. Fenwick | |
| Dave Kunt | |
| Leo Gehringer | Jasper Ind. RR V Box 252 |
| Richard E. Lohme | RR1 Dubois, Ind |
| Robert Lohme | RR1 Dubois Ind |
| Jim Hays | RR1 Dubois Ind. |
| Jim Winger | P.O. 152 Dubois |
| Ruth Lohme | |
| Walter Cole | RR1 Dubois Ind |
| Harry Ziemer | RR1 Dubois Ind |

FILED
AUDITOR DUBOIS COUNTY

NOV 17 1988

Barclay C. Hummel

RESOLUTION

Resolution to establish a Cumulative Capital Development Fund
(Title of Fund to be Established)

Be it resolved by the Board of Commissioners of
(Title of Official Body)

Dubois County, State
(Governmental Unit)

of Indiana, that it is desired and deemed necessary to proceed with the proposed plan to establish a cumulative Cumulative Capital Development Fund for the following purpose or (Title of Fund to be Established) 3-2-6-3; 8-16-3-8-16-3.1-8-22-3-25 - 13-2-31-26 13-3-3-89 - 16-12-21-35 - 16-12.1-4-4 - 36-9-15-5 - 36-9-27-100 - 36-10-3-21 - 36-9-14 purposes:

(DESCRIBE IN GENERAL THE PURPOSES
OUTLINED IN THE STATUTE)

And the levying of an additional tax at the rate of Ten Cents (\$0.10) on each one hundred dollars (\$100.00) of taxable real and personal property within the taxing district to provide monies for said fund, said tax to be first levied in 1988, payable in 1989, and annually thereafter for 3 years (or until reduced or rescinded), as provided for in *I.C. 36-9-14.5-6.

Be it further resolved that proofs of publication and position of notices of the public hearing held on this 2nd day of May, 1988, and a certified copy of this resolution and such proposed plan be submitted to the State Board of Tax Commissioners of the State of Indiana, as provided by law.

Adopted this 2nd day of May, 1988.

(To be signed by proper
legal officers showing
official title or titles)

Gilbert Fleck
(Gilbert Fleck
(President, Dubois County Commissioners)
Virgil Schnaus
(Virgil Schnaus
(Vice-President, Dubois County Commissioners)
Mary Lou Schnell
(Mary Lou Schnell
(Dubois County Commissioner)

ATTEST: (SEAL)

Basil C. Kunkel
Basil C. Kunkel, Dubois County Auditor

*Insert law under which Cumulative Fund is being established, as shown in "Outline of Procedure".

DEPUTIES
Bonnie Luebbehusen
Hilda Schmitt

DEPUTIES
Doris Schnell
Janice Sermersheim
Deb Hardin

OFFICE OF
AUDITOR DUBOIS COUNTY
BASIL C. KUNKEL - COUNTY AUDITOR
Jasper, Indiana 47546
812-482-6545

May 5, 1988

This is to certify that the enclosed Resolution for the Cumulative Capital Development Fund for Dubois County was acted upon and passed on their May 2nd meeting.

The notice was published as per enclosed copies.

There were no remonstrances filed, nor were there any taxpayers appearing against this Resolution.

Basil C. Kunkel
Basil C. Kunkel, Auditor

U. S. DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION

APPLICANT'S CERTIFICATE OF NONRELOCATION

To be executed by applicants for construction grant assistance under Titles I, IV, IX and section 301(f) of Title III of the Public Works and Economic Development Act of 1965, as amended (PWEDA). Employer is defined to include grantee/applicant.

NOTE - EDA's regulations at 13 CFR 309.3 prohibit EDA from making construction grants under Titles I, IV, IX and section 301(f) of Title III which will have the effect of assisting an employer in moving jobs from one commuting area to another commuting area. An expansion of an existing business to a new location may be assisted if such an expansion will not cause unemployment in other areas where the business conducts operations. Execution of the following Certificate is necessary for EDA to determine whether funding is available for the proposed project.

.....
Applicants are to complete items 1-3 and read and understand item 4.

1. Grant Applicant Name: City of Huntingburg (hereinafter called the "Applicant")

City, State: Huntingburg, Indiana 47542

2. Short Project Description:

Huntingburg Industrial Park Access and Bypass Project

3. APPLICANT'S CERTIFICATION AND ASSURANCE OF COMPLIANCE WITH EDA'S NONRELOCATION REGULATIONS

The Applicant certifies and assures that, as an Applicant for EDA assistance it will comply with EDA's nonrelocation regulations at 13 CFR 309.3.

The Applicant certifies and assures that the facilities to be constructed are not undertaken for the purpose of serving an employer which has relocated its operation within the Project Boundaries, or for the purpose of assisting or otherwise encouraging the relocation of such employers, prior to the date of EDA's approval of the proposed financial assistance, where such relocations are for the purpose of avoiding the restrictions of the rule, and that relocations will not take place for forty-eight (48) months from the date of approval of this grant.

The Applicant certifies and assures that it is not presently assisting or otherwise encouraging, nor does it intend to assist or encourage, employers which intend to transfer one or more jobs from one commuting area to another by either (1) closing an operation in one commuting area and opening a new operation within the Project Boundaries, which is in a new commuting area, or (2) curtailing its operation in another location and increasing the number of jobs of the employer's existing operations located within the Project Boundaries. The Applicant assures that it does not intend to encourage or use the project to assist employers in transferring jobs as described above.

The Applicant understands that in accordance with 13 CFR 309.3(k)(1) it will obtain a Certificate of Nonrelocation from all employers locating within the Project Boundaries as follows:

- a. All employers located or locating or non-applicant owners or operators of industrial parks or sites within the Project Boundaries. In the case of grants to fund area-wide utility systems, Certificates of Nonrelocation will be required from businesses which use or are projected to use greater than ten percent (10%) of the the total capacity of the utility system as improved by the EDA grant.
- b. Affiliates, subsidiaries, or other entities under direct, indirect, or common control of the foregoing.

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APPLICANT'S CERTIFICATE OF NONRELOCATION
Page 2

- c. Assignees, transferees, lessees, and successors-in-interest of the foregoing entities.
- d. Successors-in-interest of the Applicant or Grantee, who will be required to execute the "Applicant's Certificate of Nonrelocation."

The Employer Certificates must be maintained by the Applicant/Grantee and made available to EDA upon request.

The undersigned is authorized to make the foregoing certification and assurances and to execute this Certificate on behalf of the Applicant.

Executed this 23 day of May, 1988

by _____
(Type or Print Name)
Gilbert Fleck
(Signature of Executing Official)

President, Dubois County Commissioners
(Title of Executing Official)
Gilbert Fleck

4. WARNINGS

Note - Section 710(a) of the Public Works and Economic Development Act of 1965, as amended, provides that: "Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any financial assistance under section 101, 201, 202, or 403 or any extension thereof by renewal, deferment or action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the Secretary, or for the purpose of obtaining money, property, or anything of value, under this Act, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both." EDA'S NONRELOCATION REQUIREMENTS AT 13 CFR 309.3(m) PROVIDE THAT: "WHEN EDA DETERMINES THAT THESE REQUIREMENTS HAVE BEEN VIOLATED, EDA WILL TERMINATE FOR CAUSE THE FINANCIAL ASSISTANCE MADE AVAILABLE BY EDA. THE RECIPIENT WILL BE OBLIGATED TO REPAY TO EDA THE FULL AMOUNT OF THAT FINANCIAL ASSISTANCE PLUS INTEREST, FROM THE DATE DETERMINED BY EDA UPON WHICH THE VIOLATION OCCURRED, AT THE NEW YORK BANK PRIME RATE AS REPORTED IN THE WALL STREET JOURNAL ON THE DATE OF TERMINATION."

Amended
from 1988-3

RESOLUTION NO. 1988-4

A RESOLUTION AUTHORIZING AND DIRECTING SUBMISSION OF ECONOMIC DEVELOPMENT APPLICATIONS

WHEREAS, the Dubois County Commissioners and the Huntingburg City Council recognize that a need exists for more employment and income to help stabilize the economy of the area; and

WHEREAS, local developers of industrial properties are seeking areas of expansion for future new manufacturing plants and related facilities; and

WHEREAS, the Dubois County Commissioners and the Huntingburg City Council proposes to apply for grant funds to be completed and filed with the Economic Development Administration and referred to as the Public Works Improvement Program; and with the Indiana Department of Commerce and referred to as the Industrial Development Infrastructure Program; and

WHEREAS, there is a need for a designated lead agency among the two local governments;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, THAT:

1. Preapplications and/or final applications for assistance be prepared and submitted to the U.S. Department of Commerce, Economic Development Administration, and to the Indiana Department of Commerce.
2. The Mayor of the City of Huntingburg be authorized to sign said application.
3. If such application shall be approved in whole or in part, the Mayor of the City of Huntingburg shall be authorized to operate the grant program, to carry such program to completion and to sign such contracts and other documents as may be necessary to accomplish them.
4. This resolution shall be effective immediately.

Passed and adopted by the County Commissioners of Dubois County, Indiana, this 23 day of May, 1988.

Gilbert Fleck
President, Dubois County
Commissioners

ATTEST:

Basil C. Kunkel
BASIL C. KUNKEL, AUDITOR

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RESOLUTION NO. 1988-5

A RESOLUTION MAKING AVAILABLE AND COMMITTING FUNDS BY THE DUBOIS COUNTY COMMISSIONERS AS PART OF THE LOCAL NON-FEDERAL MATCH FOR ECONOMIC DEVELOPMENT ADMINISTRATION GRANT ASSISTANCE

WHEREAS, the Dubois County Commissioners in cooperation with the City of Huntingburg has developed a proposed street construction project, involving the improvement of existing County roads and the construction of new roads along the western boundary of the City of Huntingburg to provide access to industries in such area and creating a vehicle by-pass of said City between SR64W and US Highway 231N; and,

WHEREAS, the Economic Development Administration, U.S. Department of Commerce has invited the County of Dubois and the City of Huntingburg to submit an application for a federal grant for the partial funding of the above described project, which for identification purposes has been assigned SAI# IN880406-183 by the Indiana State Clearinghouse; and,

WHEREAS, EDA's Public Works Improvement Program application requires a written commitment from the local government entities to guarantee the availability and obligation of necessary local matching funds to assure that sufficient funds are available for the total project cost; and

NOW THEREFORE, BE IT RESOLVED by the County Commissioners of Dubois County, Indiana, that:

1. As an inducement for the Economic Development Administration, United States Department of Commerce to act favorably upon the Application for Grant Assistance for the above-mentioned project, Dubois County does hereby agree to set aside and commit a sum not to exceed \$100,000.00 from its _____ revenues to be applied to the cost of the above-mentioned project as and for Dubois County's local share of the cost of said project.
2. The Commissioners of Dubois County further resolves to take such action as may be necessary to appropriate and obligate said funds as they become available for the above-mentioned project, but in any event said funds shall be appropriated as a part of the regular budget proceedings for establishing the budget and appropriations for the calendar year 1989 for the County of Dubois, Indiana.

PASSED AND ADOPTED BY THE COMMISSIONERS OF DUBOIS COUNTY, INDIANA, THIS 23 DAY OF May, 1988.

Gilbert Fleck
Gilbert Fleck, President
County Commissioners

ATTEST:

Basil C. Kunkel
Basil C. Kunkel, Auditor

THIS RESOLUTION APPROVED AND SIGNED by me as President of the Dubois County Commissioners, this 23 day of May, 1988, at 9 o'clock A M.

Gilbert Fleck
Gilbert Fleck, President
County Commissioners

File
STATE OF INDIANA)
COUNTY OF DUBOIS) SS: 142993

BEFORE THE BOARD OF COUNTY
COMMISSIONERS OF DUBOIS COUNTY, INDIANA

IN THE MATTER OF THE PETITION OF
EDWARD NUHRING, et al, FOR THE
IMPROVEMENT OF A HIGHWAY IN
PATOKA TOWNSHIP, DUBOIS COUNTY,
INDIANA.

PETITION 88-15

We, the undersigned, being the owners of real estate and legal voters of Dubois County, Indiana, for petition to the Board of County Commissioners of Dubois County, Indiana, would show the following:-

1. That there is an existing improved county highway in Patoka Township, Dubois County, Indiana, described as follows:-

Beginning at State Road No. 45 about 1 mile north of the City of Huntingburg on the south line of Section 22, Township 2 south, Range 5 west, running thence east and northeast along the south line of Section 22 and through Section 23 and Section 24 to the east line of Patoka Township, thence south along the east line of Patoka Township to State Road No. 64, a distance of approximately 4 miles, more or less;

The said highway has a fifty-foot right-of-way except over real estate owned by the undersigned in the West half of the Southeast quarter and in the Northeast quarter, all in Section 23, Township 2 south, Range 5 west.

2. That the said highway is a much-traveled road and has been improved with rock. That the same is used as a school bus route and as a rural mail route.

3. That it would be of great public utility to improve said road with a blacktop or bituminous material.

4. That other owners of real estate adjacent to the above described public road have heretofore filed a Petition with this Board for the improvement of said roadway, which Petition is currently on file in the office of the Auditor of Dubois County, Indiana, and to which this is a supplemental petition.

5. That the undersigned does hereby give, grant and dedicate twenty-five (25) feet on either side of the centerline of said public road as public right-of-way in the Dubois County Highway system, this

grant being for a total of fifty (50) feet in width.

WHEREFORE, the undersigned do hereby grant and dedicate said right-of-way and pray that said public road be improved with blacktop or bituminous material, and for all other proper relief.

Dated as of this 1st day of July, 1988.

Flavian Rickelman
FLAVIAN RICKELMAN

Martha A. Rickelman
MARTHA A. RICKELMAN

Raymond Blessinger
RAYMOND BLESSINGER

Received for Record July 6 1988 at 10:25 AM
AMBROSE C. BUECHLEIN, Recorder, Dubois County
Book 78 Page 590 Fee N.C.

FILED
AUDITOR DUBOIS COUNY

JUL 5 1988

Basil C. Hummel

STATE OF INDIANA)
COUNTY OF DUBOIS) SS:- 136762

BEFORE THE HONORABLE BOARD OF COUNTY
COMMISSIONERS OF DUBOIS COUNTY, INDIANA

FEBRUARY TERM, 1958.

IN THE MATTER OF THE PETITION OF
EDWARD NUHRING, et al, FOR THE
IMPROVEMENT OF A HIGHWAY IN
PATOKA TOWNSHIP, DUBOIS COUNTY,
INDIANA.

PETITION

We, the undersigned, being the owners of real estate and legal voters of Dubois County, Indiana, for petition to the Honorable Board of County Commissioners of Dubois County, Indiana, would show the following:-

1. That there is an existing improved county highway in Patoka Township, Dubois County, Indiana, described as follows:-

Beginning at State Road No. 45 about 1 mile north of the City of Huntingburg on the south line of Section 22, Township 2 south, Range 5 west, running thence east and northeast along the south line of Section 22 and through Section 23 and Section 24 to the east line of Patoka Township, thence south along the east line of Patoka Township to State Road No. 64, a distance of approximately 4 miles, more or less;

The said highway has a fifty-foot right-of-way.

2. That the said highway is a much-traveled road and has been improved with rock. That the same is used as a schoolbus route and as a rural mail route.

3. That it would be of great public utility to improve said road with a blacktop or bituminous material.

WHEREFORE, the petitioners would pray that said road be improved with a blacktop or bituminous material, and for all other proper relief.

| | |
|----------------------|---------------------------|
| Frank Messmer | Edmund B. B. B. |
| Rose Messmer | Caroline B. B. |
| Ed. Messmer | Emil Heitz |
| Miranda Messmer | Edwin B. B. |
| Annie Messmer | Margaret B. B. |
| Robert Messmer | Edwin B. B. |
| Louanna Messmer | Jilly B. B. |
| Robert Wieman | Alfred Schwartz |
| Mary Wieman | William D. D. |
| Robert Messmer | Raymond Meyer |
| Anthony Fleck | Carl Neuhoff |
| Emil Blessinger | Edwin K. K. |
| Harry Blessinger | Margaret K. K. |
| Hubert Blessinger | Joseph A. B. |
| Freda Blessinger | John W. Arensman |
| Gugusta Blessinger | Elves Arensman |
| Anselm J. Heitz | |
| Emma J. Heitz | |
| Roman Vogler | |
| Arabella Vogler | |
| Anna Hohler | |
| Clara Hohler | |
| Joe Mutchman | The last three signatures |
| Mrs. Joe Mutchman | were obtained Oct. 1966 |
| Phillip Mutchman | |
| Ruth Mutchman | |
| Conrad B. Blessinger | |
| Frank H. H. | |
| Herbert N. Schwartz | |
| Frances Schworck | |

FILED

AUDITOR DUBOIS COUNY

ORDINANCE NO. 1988-7

JUL 19 1988

An Ordinance of the County of Dubois
Granting a Franchise to TCI of Indiana, Inc.

Basil C. Hunkel

for the
Construction and Operation of a
Cable System

The County of Dubois, having determined that the financial, legal and technical ability of TCI of Indiana, Inc. is sufficient to provide services, facilities and equipment necessary to meet the future cable related needs of the community, does hereby ordain as follows:

1. Terms. For the purpose of this Ordinance, the following terms, phrases, words, and abbreviations shall have the meanings below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

- a. "Cable System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment or other communications equipment that is designed to provide Cable Service and other service to subscribers.
- b. "Franchise Authority" means the County of Dubois, or the lawful successor, transferee or assignee thereof.
- c. "Grantee" means TCI of Indiana, Inc. or the lawful successor, transferee or assignee thereof.
- d. "Gross Revenues" mean the monthly Cable Service revenues received by Grantee from Subscribers of the Cable System; provided, however, that such phrase shall not include revenues received from any national advertising carried on the Cable System, nor shall such phrase include any taxes on Cable Service which are imposed directly or indirectly on any Subscriber thereof by any governmental unit or agency, and which are collected by the Grantee on behalf of such governmental unit or agency.
- e. "Public Way" shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the Franchise Authority in the County which shall entitle the Franchise Authority and the Grantee to the use thereof for the purpose of installing, operating, repairing and maintaining the Cable System.

2. Grant. The County hereby grants to Grantee a non-exclusive Franchise to construct and operate a Cable System in, along, among, upon, across, above, over, under or in any manner connected with Public Ways within the County and for that purpose to erect, install, construct, repair, replace, re-construct, maintain or retain in, on, over, under, upon, across or along any Public Way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the Cable System.
3. Term. The Franchise granted pursuant to this Ordinance shall be for an initial term of fifteen (15) years from its passage and final adoption.
4. Conditions of Street Occupancy. All transmission and distribution structures, poles, other lines, and equipment installed or erected by the Grantee pursuant to the terms hereof shall be so located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of property owners who own property that adjoins any of said Public Ways.
5. Restoration of Public Ways. If during the course of Grantee's construction operation or maintenance of the Cable System there occurs a disturbance of any Public Way by Grantee, it shall, at its expense, replace and restore such Public Way to a condition as near as reasonably possible to the condition of the Public Way existing immediately prior to such disturbance. No cuts may be made in the right-of-way of the Franchise Authority without prior receipt of permit from Dubois County Highway Department.
6. Safety Requirements. Construction, installation and maintenance of the Cable System shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with applicable Federal Communications Commission or other federal, state and local regulations. The Cable System shall not unreasonably endanger or interfere with the safety of persons or property in the County.
7. Franchise Fee. Grantee shall pay to the Franchising Authority a franchise fee equal to three (3)% of Gross Revenues received by Grantee from the operation of the Cable System on an annual basis. The franchise fee payment shall be due and payable ninety (90) days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report from a representative of Grantee showing the basis for the computation.
8. Renewal of Franchise. The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the provisions of the Cable Communications Policy Act of 1984, as amended.

9. Transfer of Franchise. Grantee's right, title, or interest in the Franchise shall not be sold, transferred, assigned or otherwise encumbered, other than to an entity controlling, controlled by, or under common control with Grantee, without the prior consent of the Franchising Authority, such consent not to be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of Grantee in the Franchise or Cable System in order to secure indebtedness.

10. Insurance Requirements. Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the Franchise, General Comprehensive Liability Insurance in the amount of \$500,000 for bodily injuries, (including accidental death) to any one person, and subject to the same limit for each person in amount not less than \$300,000 on account of any one occurrence, and Property Damage Liability Insurance in an amount not less than \$500,000 resulting from any one occurrence.

11. Indemnification. The Grantee agrees to indemnify, save and hold harmless and defend the Franchising Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury, (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its Cable System, including, but not limited to, reasonable attorney's fees and cost.

12. Notice of Violation. In the event that the Franchising Authority believes that the Grantee has not complied with the terms of the Franchise, it shall notify Grantee of the exact nature of the alleged non-compliance. Grantee shall have thirty (30) days from receipt of the notice to respond to the Franchising Authority to cure such default or, in the event that, by the nature of default, such default cannot be cured within the thirty (30) day period, to initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.

13. Acts of God. The Grantee shall not be held in default or non-compliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating thereto, where such non-compliance or alleged defaults are caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control.

14. Notice. Unless expressly otherwise agreed between the parties, every notice or response to be served upon the Franchising Authority or Grantee shall be in writing, and shall be deemed to have been duly given to the required party five (5) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a Post Office or branch thereof regularly maintained by the U. S. Postal Service. The notices or responses to the Franchising Authority shall be addressed as follows: Dubois County Commissioners, Court House, Jasper, IN 47546; with a copy to: Clemans Nordhoff, County Attorney, Court House, Jasper, IN 47546. The notices or responses to the Grantee shall be addressed as follows: TCI of Indiana, Inc. P. O. Box 729, Bloomington, IN 47402, with copy to the attention of Legal Operations, addressed to the Grantee, at Terminal Annex, P. O. Box 5630, Denver, CO 80217. The Franchising Authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other.

-3-

FILED
AUDITOR DUBOIS COUNTY

JUL 19 1988

Basil C. Hunkel

15. Severability. If any Section, sentence, paragraph, term or provision hereof is determined to be illegal, invalid or unconstitutional, by any court of common jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other Section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

Passed and adopted this 6 day of June, 1988

ATTEST:

Basil E. Kunkel

Gilbert Fleck

President, Dubois County Commissioners

ATTEST:

Robert R. Park, Jr.

Officer of Grantee

J.C. Sparkman, President

APPLICATIONS FOR A PERMIT TO CUT INTO A COUNTY ROAD

TO THE DUBOIS COUNTY HIGHWAY SUPERVISOR
JASPER, INDIANA

August

1988

I hereby make application for a PERMIT to cut into a county highway designated as _____
County Road 200W along east side of right of way commencing at _____
State Rd 64; thence North approximately 850 feet; thence across County
Road 200W to west right of way.

The type of road surface where the cut is to be made is gravel

The opening to be made will be 850 feet long in right of way and 30 feet long in road surface by
two (2) feet wide.

RESPONSIBILITY: If this application to cut into the road surface and roadbed is granted, I hereby agree to backfill the trench of said opening by thoroughly tamping the backfilling in layers not exceeding four inches deep; also, to tamp in the top of that part of the said trench which is on the traveled road, a layer of coarse gravel or crushed stone to a depth of not less than ten inches, and to maintain the road surface, which has been disturbed, in a smooth and uniform condition for a period of FOUR WEEKS after traffic is again permitted to pass over the filled trench, unless provided otherwise by special permit.

ALSO, Any sod that is removed will be replaced satisfactory to the Dubois County Highway Supervisor.

I further agree to erect and maintain all necessary barricades, detours, detour signs and warning lights required to safely direct traffic over or around the part of the road where the above described work is to be done so long as the work in any way interferes with traffic.

I further agree to move or remove any structures installed under this permit, at applicant's own expense, should future traffic conditions or road improvement necessitate and when requested to do so by the County Road Supervisor.

I further agree to assume all responsibility for any injury or damage to persons or property resulting directly or indirectly from the work contemplated in this application.

I further agree that said work will not interfere with any existing structure along or across said county highway, without permission from the owner of said structure.

I further agree to stop said work at any time upon request of the County Highway Supervisor.

I further agree that any pipe, tile, culvert or other material used in connection with this work will meet the specifications of the County Highway Supervisor as to size and quality.

FILED
AUDITOR DUBOIS COUNTY

AUG 16 1988

Basil C. Kunkel

Approved:

County Highway Supervisor

CITY OF HUNTINGBURG, INDIANA

Signature of applicant or name of Company

Connie K. Nass

Representative of Company

Connie K. Nass, Mayor

511 4th St., Huntingburg, IN 47542

Complete Address

STATE OF INDIANA)
) SS:
COUNTY OF DUBOIS)

BEFORE THE BOARD OF COUNTY
COMMISSIONERS OF DUBOIS COUNTY

IN RE:)
)
THE APPLICATION OF THE)
CITY OF HUNTINGBURG FOR)
WATERMAIN EASEMENT)

FILED
AUDITOR DUBOIS COUNTY

AUG 16 1988

Basil C. Hunkel

PETITION FOR PIPELINE EASEMENT

COMES NOW, the CITY OF HUNTINGBURG, an Indiana Municipal Corporation, situated in Dubois County, State of Indiana, and for its Petition for Pipeline Easement, alleges and says as follows:

1. That your Petitioner is an Indiana Municipal Corporation authorized by Indiana Code 36-9-2-14, to own, construct and operate a municipally owned waterworks utility to supply the inhabitants of said City and the rural areas adjacent thereto with potable water.
2. That your Petitioner owns and operates a waterworks utility pursuant to said statutory authority, and is in the process of constructing extensions, additions and improvements to its waterworks utility and will require authority from the Board of County Commissioners to lay, install and maintain a watermain along the east right-of-way of County Road 200W in Dubois County, Indiana, commencing at its intersection with State Road 64; thence north 850 feet, thence west across said County Road to the west right-of-way.
3. That the Board of County Commissioners may, pursuant to statutory authority set forth in Indiana Code 8-1-23-2, enter into a contract with the Petitioner to construct, lay and install the watermain along the county highway right-of-way, and set the amount of surety bond to be filed by Petitioner conditioned upon the performance of said contract.

WHEREFORE, your Petitioner respectfully requests that the Board of County Commissioners of Dubois County authorize the

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construction, installation and laying of said watermain along County Road 200W at said locations and routes as set forth above; that the contract be entered into granting the easement for the purpose herein stated; that the amount of the surety bond required of Petitioner be set, and for all other proper relief in the premises.

CITY OF HUNTINGBURG, INDIANA

By: Connie K. Nass
Connie K. Nass, Mayor

ATTEST:

Thomas O. Ellsworth
Thomas O. Ellsworth,
Clerk-Treasurer

SCHNEIDER LETT SHANEYFELT & CURRY

By: William S. Lett
William S. Lett,
Attorney for Petitioner

SCHNEIDER LETT SHANEYFELT & CURRY
Attorneys at Law
427 Fourth Street, P.O. Box 193
Huntingburg, Indiana 47542
Tel. (812) 683-3957

RESOLUTION NO. 1988-5-A

A RESOLUTION AUTHORIZING AND COMMITTING \$100,000.00 TO BE PROVIDED IN SUPPORT OF THE HUNTINGBURG INDUSTRIAL ROUTE PROJECT.

WHEREAS, the Board of Commissioners of the County of Dubois recognizes that a need exists for more employment and income to help stabilize the economy of the area; and

WHEREAS, local developers of industrial properties are seeking areas of expansion for future new manufacturing plants and related facilities; and

WHEREAS, the Common Council of the City of Huntingburg has received a commitment for \$334,233.00 in assistance from the Industrial Development Infrastructure Program administered by the Indiana Department of Commerce; and

WHEREAS, the City of Huntingburg and the County of Dubois, Indiana are committed to participating financially in the Huntingburg Industrial Route Project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DUBOIS, INDIANA THAT:

1. That funds, in an amount not to exceed \$100,000.00, are committed and available upon demand from the County of Dubois in support of the Huntingburg Industrial Route Project.
2. That funds in an amount equal to \$334,233.00, of Indiana Department of Commerce funds are committed by the City of Huntingburg and the County of Dubois in support of the Huntingburg Industrial Route Project.
3. This resolution shall be effective immediately.

Adopted by the Board of Commissioners of the County of Dubois, Indiana, and approved by me, as President, this 26th day of August, 1988, at 11:30A.M. o'clock.

Gilbert Fleck
Gilbert Fleck, President

Adopted by Board of Commissioners
of Dubois County

3 Ayes 0 Nays

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DUBOIS COUNTY JAIL BOND RESOLUTION

WHEREAS, the Board of Commissioners of the County of Dubois, Indiana (Commissioners) finds the following:

1. A petition signed by more than fifty (50) owners of taxable real estate (Petition) located in Dubois County, Indiana, (County) has been filed in accordance with IC 6-1.1-20-3 with the Dubois County Council requesting that it authorize the issuance of the bonds of the County in an amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00) (Bonds) constituting a loan by the County for the purpose of providing funds to be applied to the costs of constructing and equipping a county jail and the costs and expenses incidental thereto.

2. The Petition is in several counterparts. Each of the counterparts has attached to it the affidavit from an owner of taxable real estate in the County who circulated the counterpart, verifying the signatures. The Petition consisting of all of its counterparts has attached to it the certificate of the County Auditor certifying that the Petition is signed by 279 owners of taxable real estate in the County and that it complies in all respects with the requirements of IC 6-1.1-20-3.

3. The Council has accepted and approved said Petition and authorized by the adoption of Ordinance the issuance of the Bonds in the amount of Four Million Four Hundred Eighty-Five Thousand _____ Dollars (\$4,485,000.00) and further authorized taking the necessary steps to be taken to issue the Bonds for the purposes set out in the Petition.

NOW, THEREFORE, be it resolved by the Commissioners as follows:

1. The Petition and action of the Dubois County Council is approved.

2. The County Auditor is directed to give notice on behalf of the Commissioners of the Petition pursuant to IC 6-1.1-20-4.

Dated this 27th day of June, 1988.

The Board of Commissioners of
County of Dubois, Indiana

Gilbert Fleck
Commissioner

Virgil Schmans
Commissioner

Wayne Schuell
Commissioner

Buchanan Ingersoll

S. BRYAN LAWRENCE, III
562-8830

PROFESSIONAL CORPORATION
ATTORNEYS

58th FLOOR • 600 GRANT STREET
PITTSBURGH, PA 15219
412-562-8800
TELEX 866514 (BIPC PGH)
TELECOPIER 412-562-1041

November 21, 1988

**CERTIFIED MAIL -
RETURN RECEIPT REQUESTED**

Dubois County Board of Commissioners
County Courthouse
Jasper, IN 47546

Re: Tele-Media Company of the Mid-South, L.P.
Acceptance of Franchise

Gentlemen:

Enclosed for your file is Tele-Media Company of the Mid-South, L.P.'s ("TMC-MS") acceptance of the Resolution passed by Dubois County, Indiana (the "County") on October 3, 1988, consenting to the transfer and assignment by Welbac Cable TV Corporation to TMC-MS of the community antenna television ("CATV") franchise granted by the County on June 6, 1983, providing for the operation of a CATV system in the County.

Thank you for your extended cooperation in this matter.

Sincerely,

S. Bryan Lawrence, III
S. Bryan Lawrence III

SBL:dc

Enclosure

cc: Gerald P. Corman
Jon A. Allegretti, Esq.

FILED
AUDITOR DUBOIS COUNTY

DEC 5 1988

Paul C. Kunkel

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ACCEPTANCE OF FRANCHISE

Tele-Media Company of the Mid-South, L.P., an Indiana limited partnership, hereby agrees to assume, perform, and be bound by all of the obligations, liabilities, covenants, conditions and restrictions to be done, kept or performed by, or imposed under, that certain agreement entered into by and between Dubois County, Indiana and Whitney Cablevision of Indiana, a predecessor in interest to Welbac Cable TV Corporation, dated June 6, 1983, providing for the granting of a franchise to operate and maintain a community antenna television ("CATV") system and to engage in the business of providing CATV service within Dubois County, Indiana.

This Acceptance of Franchise satisfies Section 3 of the Resolution passed by the Board of County Commissioners on October 3, 1988, a copy of which is attached hereto.

Executed this 17th day of NOVEMBER, 1988.

TELE-MEDIA COMPANY OF THE
MID-SOUTH, L.P.

TELE-MEDIA HOLDING CORPORATION,
General Partner

By:

J. S. Swann
Vice President

Sworn to and subscribed
before me this 17th day
of November, 1988.

Christine M. Morgan
Notary Public

My Commission Expires:

2/10/95

FILED
AUDITOR DUBOIS COUNTY

DEC 5 1988

Basil C. Kunkel