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**BOARD OF COMMISSIONERS
JOHNSON COUNTY**

RESOLUTION NO. 2017-R-3
2017-R-3

**ESTABLISHING
AN UNDERGROUND AND BURIED UTILITIES DISTRICT
IN THE UNINCORPORATED AREA OF
JOHNSON COUNTY, INDIANA**

WHEREAS, pursuant to Indiana Code 36-9-2-7, Johnson County, Indiana by and through its Board of Commissioners may regulate the use of public ways in unincorporated Johnson County; and

WHEREAS, the Johnson County Subdivision Control Ordinance requires the placement of utility lines underground, whenever practicable, in all residential major subdivisions within the unincorporated area of Johnson County; and

WHEREAS, since adoption of the Johnson County Subdivision Control Ordinance, all residential major subdivisions within the unincorporated area of Johnson County have been developed with underground utility lines; and

WHEREAS, the Board of Commissioners desires to designate areas within their jurisdictions to permit only underground or buried utilities; and

WHEREAS, it is in the best interest of the public to prohibit the erection of all poles, overhead lines, and associated overhead structures used or useful in supplying electric, communication, or similar and associated services within the County's rights-of-way ("ROW") or granted utility easements in and contiguous to major residential subdivisions within the unincorporated area of Johnson County.


NOW, THEREFORE, BE IT RESOLVED THAT:

1. The foregoing recitals are fully incorporated hereto by this reference.
2. To further the public good, the Johnson County Board of Commissioners establishes an Underground and Buried Utilities District ("District"), and designates the District to be in effect throughout all ROW or granted utility easements in and contiguous to all major residential subdivisions within the unincorporated area of Johnson County, Indiana.
3. Placement of new utility poles or new wireless support structures is prohibited in the District, unless otherwise permitted below.
4. Communication service providers may seek a waiver of this prohibition from the Johnson County Board of Zoning Appeals by using the established forms and procedures for seeking special exceptions pursuant to Indiana Code IC 36-7-4-900 *et seq.*
5. Collocation of small cell facilities on existing utility poles and wireless support structures within the District is allowed.
6. Replacement of existing utility poles and wireless support structures is allowed within the District.
7. Any prohibition or restriction regarding placement of new utility poles or new wireless support structures within the District shall be applied in a nondiscriminatory manner.
8. If any portion of this Resolution is for any reason determined to be unconstitutional or invalid, such determination shall not affect the validity of the remaining portions of this Resolution so long as enforcement of same can be given the same effect.
9. This Resolution shall be in full force and effect from and after the date of its passage.

Duly adopted by the following vote of the Johnson County Board of Commissioners on this 28th day of April, 2017.


FOR

AGAINST




Brian P. Baird, Chair

Brian P. Baird, Chair



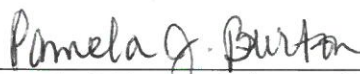
Ronald H. West, Member

Ronald H. West, Member



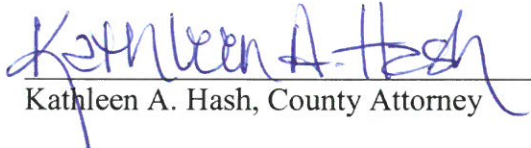
Kevin M. Walls, Member

Kevin M. Walls, Member

Attest: 

Pamela J. Burton, Johnson County Auditor

Approved as to form:



Kathleen A. Hash, County Attorney