

**RESOLUTION OF THE BOARD OF TRUSTEES OF
THE ALLEN COUNTY REGIONAL WATER & SEWER DISTRICT NO. 08-25
AUTHORIZING THE SALE OF REAL AND PERSONAL PROPERTY TO THE CITY
OF FORT WAYNE PURSUANT TO INDIANA CODE § 36-1-11-8 AND § 5-22-22-10**

WHEREAS, the Allen County Regional Water & Sewer District (the “**District**”) is a regional water and sewer district governed by Indiana Code § 13-26 *et seq.* that was established for the purpose of providing sanitary sewage service in a service territory delineated in the 1979 Order of the Indiana Stream Pollution Control Board in Cause No. B-422 as amended from time to time (the “**Territory**”);

WHEREAS, the City of Fort Wayne (the “**City**”) is an Indiana municipality that, by and through its municipal utilities, is authorized under Indiana Code § 36-9-23 *et seq.* to provide sewer service inside and outside of its municipal boundaries;

WHEREAS, the District owns a sewage collection and distribution system that is used for transporting sewage for treatment from the customers in the Territory, which is composed of certain real and personal property;

WHEREAS, the District may, subject to Indiana Code § 36-1-11-8 and Indiana Code § 5-22-22-10, transfer, exchange, or sell real and personal property to the City upon terms and conditions agreed upon by the District and the City as evidenced by the adoption of substantially identical resolutions;

WHEREAS, the District now desires to sell all of its real and personal property that is used for the provision of sewer service in the Territory to the City;

WHEREAS, the District and the City have proposed to enter into a Utility System Asset Acquisition Agreement (the “**Agreement**”), which describes the terms and conditions of the sale, upon the adoption of substantially identical resolutions (the Agreement is attached as “**Exhibit A**”);

WHEREAS, the District, by this Resolution, desires to approve of the Agreement.

NOW, THEREFORE, BE IT RESOLVED, THAT: the District hereby approves the sale of the District’s real and personal property on the terms and conditions set forth in the Agreement.


BE IT FURTHER RESOLVED, THAT: the President of the Board of Trustees of the District is hereby individually authorized to execute any and all documents necessary to effectuate the terms and conditions of the Agreement on behalf of the District.

BE IT FURTHER RESOLVED, THAT: any and all documents executed, or actions taken, by the President Trustee of the Board of Trustees of the District in connection with the actions contemplated by this Resolution are hereby approved and ratified.

ALL OF WHICH IS DULY RESOLVED THIS 25th DAY OF AUGUST, 2021 BY A
VOTE OF 4 FOR, 2 AGAINST, AND ___ ABSTAIN.



Ric Zehr, President




Kevin McDermit, Vice President



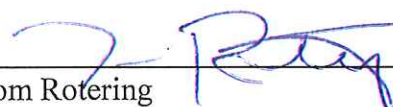
Tim Roy, Secretary



Justin Brugger, Treasurer



Matthew Wirtz



Tom Rotering

(Absent)

Dave Myers

ATTEST: 
