

ALLEN COUNTY REGIONAL WATER & SEWER DISTRICT

RESOLUTION NO. 09-15

A RESOLUTION AUTHORIZING AND APPROVING THE ENTRY INTO AN INTERLOCAL AGREEMENT AUTHORIZING THE CITY OF FORT WAYNE, INDIANA TO EXERCISE ANY AND ALL POWERS NECESSARY, AND TO ASSUME ALL RESPONSIBILITY FOR, PROVIDING SEWER AND WATER SERVICES TO CUSTOMERS IN AND AROUND THE ALLEN COUNTY REGIONAL WATER & SEWER DISTRICT'S SERVICE AREA.

WHEREAS, Indiana Code 36-1-7-1, *et seq.* (the "**Interlocal Law**") authorizing the State of Indiana, political subdivisions and state agencies to enter into interlocal cooperation agreements for the exercise of powers by one entity on behalf of another; and

WHEREAS, The Allen County Regional Water & Sewer District ("**District**") is an Indiana regional district governed by Ind. Code § 13-26-1-1, *et seq.*, which authorizes the District to, among other things, provide sewer and water service to its customers (the "**District's Authority**"); and

WHEREAS, The District has executed a Utility System Asset Acquisition Agreement ("**Acquisition Agreement**") and desires, pursuant to the Acquisition Agreement, to enter into that certain Inter Local Agreement, attached hereto as Exhibit "A" ("**Interlocal Agreement**"), with the City of Fort Wayne, Indiana (the "**City**") upon closing of the transaction contemplated in the Acquisition Agreement;

WHEREAS, the Interlocal Law requires that any interlocal cooperation agreement be approved and authorized by resolution or ordinance of a participating government entity; and

WHEREAS, the Board of Trustees of the District (the "**Governing Body**"), desires to authorize the entry into the Interlocal Agreement for the exercise of the District's powers by the City;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE DISTRICT AS FOLLOWS:

1. Subject to the closing of the transaction contemplated by the Acquisition Agreement, the Governing Body does hereby authorize and approve the entry by the District into the Interlocal Agreement to be dated December 15th, 2021, constituting an interlocal cooperation agreement by and among the District and the City.
2. This ordinance shall become effective upon passage and upon compliance with the procedures required by law.

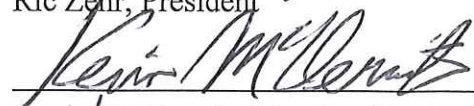
Signature Page to Follow

ALL OF WHICH IS DULY RESOLVED THIS 15TH DAY OF SEPTEMBER, 2021.

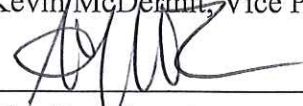
BOARD OF TRUSTEES
ALLEN COUNTY REGIONAL WATER &
SEWER DISTRICT



Ric Zehr, President



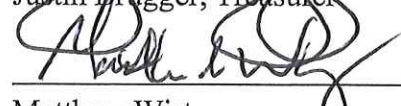
Kevin McDermit, Vice President



Tim Roy, Secretary



Justin Brugger, Treasurer



Matthew Wirtz



Tom Rotering

Dave Myers