

ALLEN COUNTY REGIONAL WATER & SEWER DISTRICT

RESOLUTION NO. 2022-05-04-01

A RESOLUION 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 previously passed Resolution No. 09-15 authorizing the authority for the execution of an interlocal agreement dated December 15, 2021 (“**Previous Interlocal Agreement**”) between the District and the City of Fort Wayne, Indiana (the “**City**”) pursuant to the terms and conditions of a previously negotiated Utility System Asset Acquisition Agreement (“**Previous Acquisition Agreement**”); and

WHEREAS, the Previous Interlocal Agreement and Previous Acquisition Agreement were never executed and effectuated between the District and City;

WHEREAS, the District has now executed a new Utility System Asset Acquisition Agreement (“**Acquisition Agreement**”) and desires, pursuant to the Acquisition Agreement, to enter into that certain new Inter Local Agreement, attached hereto as Exhibit “A” (“**Interlocal Agreement**”), with 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. District hereby revokes any and all approvals and authority of the Previous Acquisition Agreement and the Previous Interlocal Agreement.

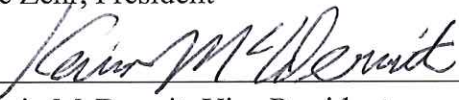
2. Subject to the closing of the transaction contemplated by the Acquisition Agreement, the Governing Body does hereby authorize and approve the entry by the District, and execution by its President, into the Interlocal Agreement to be dated June 22, 2022, constituting an interlocal cooperation agreement by and among the District and the City.
3. This ordinance shall become effective upon passage and upon compliance with the procedures required by law.

ALL OF WHICH IS DULY RESOLVED THIS 4th DAY OF MAY, 2022.

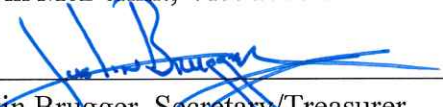
BOARD OF TRUSTEES
ALLEN COUNTY REGIONAL WATER &
SEWER DISTRICT



Ric Zehr, President



Kevin McDermit, Vice President



Justin Brugger, Secretary/Treasurer



Ron Turpin



Matthew Wirtz



Tom Rotering

VACANT

Exhibit A

Interlocal Agreement