

RESOLUTION

RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF AND DELIVERY OF THE SUBSTITUTED AND RESTATED 28E AGREEMENT OF THE DES MOINES REGIONAL TRANSIT AUTHORITY

WHEREAS, the City of Des Moines, Iowa, the City of West Des Moines, Iowa, the City of Windsor Heights, Iowa, the City of Urbandale, Iowa, the City of Clive, Iowa, the City of Ankeny, Iowa, and the City of Altoona, Iowa, (the "Constituent Communities") are parties to the Intergovernmental Agreement Creating the Des Moines Metropolitan Transit Authority, filed of record in the Office of the Recorder of Polk County, Iowa, on June 1, 1973, in Book 4372, Pages 589 through 606; as amended by an Agreement filed of record in the Office of the Recorder of Polk County, Iowa, on July 27, 1973, in Book 4389, Pages 52 through 61; as further amended by an Agreement filed of record in the Office of the Recorder of Polk County, Iowa, on August 31, 1973, in Book 4397, Pages 85 and 86; as further amended by Agreement filed of record in the Office of the Recorder of Polk County, Iowa, on January 9, 1981, in Book 5066, Pages 968 through 972; as further amended by an Agreement filed of record in the Office of the Recorder of Polk County, Iowa, on December 1, 1987, in Book 5797, Page 586; as further amended by an Agreement filed of record in the Office of the Recorder of Polk County, Iowa on March 11, 2003, in Book 9684, Pages 17 through 26; as further amended by an Agreement filed of record in the Office of the Recorder of Polk County, Iowa on December 9, 2003, in Book 10303, Pages 62 through 72; and as further amended by an Agreement filed of record in the Office of the Recorder of Polk County, Iowa on January 11, 2005, in Book 10897, Pages 830 through 840 (hereinafter called the "Intergovernmental Agreement");

WHEREAS, the parties to said Intergovernmental Agreement considered it desirable to amend and restate said Intergovernmental Agreement to provide for the organization and governance of the Des Moines Regional Transit Authority pursuant to the provisions of and with all powers provided in, Chapter 28M of the Iowa Code, and to provide for the admission of Polk County, Iowa as a member of the Des Moines Regional Transit Authority (hereinafter "DART"); and therefore, further entered into the Amended and Restated Agreement for the Des Moines Regional Transit Authority, which was filed on May 23, 2006; and subsequently amended by the First Supplement to the Amended and Restated Agreement, which was filed on July 1, 2008; and further amended by the First Amendment to the Amended and Restated Agreement, which was filed on May 20, 2010; and finally further amended by the Second Amendment to the Amended and Restated Agreement, which was filed on June 21, 2012 (hereinafter, collectively "Prior 28E Agreement");

WHEREAS, the Constituent Communities, Polk County, the City of Alleman, Iowa, the City of Bondurant, Iowa, the City of Carlisle, Iowa, the City of Elkhart, Iowa, the City of Granger, Iowa, the City of Grimes, Iowa, the City of Johnston, Iowa, the City of Mitchellville, Iowa, the City of Pleasant Hill, Iowa, the City of Polk City, Iowa, and the City of Runnells, Iowa (hereinafter referred to as the "Participating Communities"), hereby deem it desirable to replace the Prior 28E Agreement and any counterparts thereto to provide for a new governance structure;

WHEREAS, the DART Commission approved the proposed Substituted and Restated 28E Agreement for the Des Moines Regional Transit Authority ("Agreement"), at its meeting on June 6, 2017; and

WHEREAS, before becoming effective, the Agreement must now be approved by each of the Participating Communities.

NOW, THEREFORE, BE IT RESOLVED by the City of Ankeny, Iowa:

Section 1. Approval of Agreement. The form and content of the Agreement is in all respects authorized, confirmed and approved, and the Mayor and Clerk of the City of Ankeny, Iowa, are hereby authorized, empowered and directed to execute, attest, seal and deliver the Agreement for and on behalf of the City of Ankeny, Iowa, and that from and after the execution and delivery of the Agreement, the Mayor and City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement.

Section 2. Certification. A certified copy of this resolution and the executed signature page to the Agreement shall be promptly provided to DART as contemplated in the Agreement.

Passed and approved this 17th day of July, 2017.

By: Gary Lorenz
Its: Mayor

ATTEST:

By: Pamela DeMouth
Its: City Clerk