

## **RESOLUTION 2021-11**

### **RESOLUTION OF THE BOARD OF DIRECTORS OF THE INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION**

**A RESOLUTION** approving and authorizing the exchange of certain real estate interests located in Marion County, Indiana between the Indianapolis Public Transportation Corporation, commonly known as IndyGo (the “IPTC”), and the Department of Public Works of the Consolidated City of Indianapolis (the “City”).

**WHEREAS**, the Indianapolis Public Transportation Corporation (IPTC) is a municipal corporation pursuant to Indiana Code 36-9-4-10; and

**WHEREAS**, the IPTC’s purpose is to establish and maintain an urban mass transportation system in Indianapolis; and

**WHEREAS**, Indiana Code 36-19-4-14 establishes management of the Corporation by a Board of Directors; and

**WHEREAS**, the IPTC is a municipal corporation having the power to acquire and own interests in real property pursuant to Indiana Code §§ 36-1-4-5 and 36-9-4-30 and to dispose of its interests in real property pursuant to Indiana Code §§ 36-1-4-6 and 36-9-4-30; and

**WHEREAS**, the Department of Public Works (“DPW”) is the public works agency of the City which is responsible for, among other things, planning, financing, designing, constructing and maintaining the public transportation infrastructure systems of the City, including public streets, ways, bridges, and pedestrian facilities, and to protect the City’s investment in its infrastructure systems and facilities; and

**WHEREAS**, effective July 10, 2018, the City, by and through DPW, and the IPTC entered into an Interlocal Cooperation Agreement for Implementation of the Marion County Transit Plan, which governs the parties’ relationship with regard to the IPTC’s construction and operation of bus rapid transit lines (“BRTs”) in the public rights-of-way of Indianapolis (the “ICA”); and

**WHEREAS**, pursuant to the ICA, IPTC is obligated to acquire any additional public rights-of-way necessary to construct and operate any portion of the BRTs, and following completion of construction of any of the BRTs, the IPTC is obligated to transfer any acquired right-of-way to DPW at no cost to the City; and

**WHEREAS**, since the effective date of the ICA, the IPTC has constructed Phase I of the Red Line BRT, which has been in operation since September 2019; and

**WHEREAS**, the IPTC did acquire additional rights-of-way along the route of the Red Line BRT, as more particularly described on Exhibit A attached hereto, and now desires to transfer its interests in these rights-of-way to DPW pursuant to the ICA; and

**WHEREAS**, Indiana Code § 36-1-11-8 authorizes governmental entities to transfer or exchange real property among themselves upon terms and conditions agreed upon by the entities as evidenced by adoption of substantially identical resolutions by each entity; and

**WHEREAS**, the Board of Public Works was scheduled to adopt a resolution substantially similar to this Resolution at its September 22, 2021 scheduled meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE  
INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION:**

**Section 1.** The IPTC Board of Directors finds that pursuant to the ICA and in the best interests of the City and the public to approve and authorize IPTC to transfer the real estate interests acquired for construction of Phase I of the Red Line Bus Rapid Transit Line, to the City, as more particularly described on Exhibit A attached to this Resolution and incorporated herein by this reference, for no monetary consideration.

**Section 2.** The IPTC Board of Directors hereby authorizes the President and CEO of IPTC to execute all such documents, instruments, and papers necessary or required to carry out the transaction contemplated by this Resolution in such form and substance as the President and CEO deems necessary and proper.

**Adopted this 23<sup>rd</sup> day of September 2021.**

BOARD OF DIRECTORS INDIANAPOLIS  
PUBLIC TRANSPORTATION CORPORATION

\_\_\_\_\_  
**Gregory F. Hahn**  
Chairman of the Board of Directors

Attest: \_\_\_\_\_  
Jill D. Russell, General Counsel