

(Published in the *Washington County News* on July 6th, 2009)

ORDINANCE NO. 732

AN ORDINANCE AUTHORIZING THE CITY OF WASHINGTON, KANSAS TO ENTER INTO A LEASE WITH THE WASHINGTON PUBLIC BUILDING COMMISSION WHEREBY THE CITY WILL LEASE FROM THE PUBLIC BUILDING COMMISSION CERTAIN PROPERTY, INCLUDING THE SWIMMING POOL FACILITY LOCATED THEREON; APPROVING THE FORM OF SAID LEASE; AND AUTHORIZING THE EXECUTION THEREOF AND CERTAIN RELATED DOCUMENTS.

WHEREAS, the governing body of the City of Washington, Kansas (the "City") has heretofore declared it advisable to acquire, construct, furnish and equip a swimming pool recreational facility located in Washington, Kansas (the "Project"); and

WHEREAS, under the authority of K.S.A. 12-1757 *et seq.* and Charter Ordinance No. 12 of the City (the "Act"), the City has heretofore created the Washington Public Building Commission, a municipal corporation of the State of Kansas (the "PBC"); and

WHEREAS, the PBC has the power and authority under the Act to issue revenue bonds to provide funds for the purpose of paying all or a portion of the costs of the Project; and

WHEREAS, pursuant to Resolution No. 2009-08, the governing body has deemed it advisable to request that the PBC provide for the financing of the Project in an amount of not to exceed \$1,070,000 through the issuance of revenue bonds; and

WHEREAS, pursuant to Resolution No. PBC 2009-03, the PBC has deemed it advisable to provide for the financing of the Project by the issuance of revenue bonds in an amount of not to exceed \$1,070,000; and

WHEREAS, for purposes of financing the costs of construction and equipping of the Project, the City hereby determines that it is in the best interest of the City that the City transfer to the PBC certain real property (the "Land"), and with the PBC enter into a Lease (the "Lease"), to provide for the construction of the Project and the leasing of the Land and the Project (the "Facility") by the PBC to the City; and

WHEREAS, the Lease shall provide sufficient funds to finance an issue of PBC revenue bonds in an amount of not to exceed \$1,070,000 which shall have a maturity term ending in 2030 (the "Bonds"); and

WHEREAS, the City finds and determines that it is necessary and advisable to approve the financial terms of the Bonds, as set forth in the Bond Purchase Agreement, by and among the City, the PBC and Cooper Malone McClain, Inc. presented herewith (the "Bond Purchase Agreement").

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WASHINGTON, KANSAS:

SECTION 1. The City hereby finds and determines, pursuant to the Act, that (i) transferring the Land to the PBC; (ii) acquiring, constructing, furnishing and equipping the Project; (iii) leasing the Project and the Land from the PBC under the terms and provisions set forth in the Lease; and (iv) the issuance of the Bonds by the PBC, with terms as set forth in the Bond Purchase Agreement, to finance a portion of the costs of the Project, are necessary, convenient and in furtherance of the governmental purposes of the City.

SECTION 2. The Lease and the Bond Purchase Agreement in substantially the form presented to this meeting of the governing body, are in all material respects approved, authorized and confirmed. The Mayor and the City Clerk are hereby authorized and directed to affix their signatures and the seal of the City to an instrument transferring the Land to the PBC, to the Lease and to the Bond Purchase Agreement, for and on behalf of the City, with such changes therein as the City Attorney may deem necessary or appropriate.

SECTION 3. The Mayor and City Clerk are hereby authorized to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the intent of this Ordinance.

SECTION 4. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the City or the officials of the City, directed toward the acquisition, construction and equipping of the Project, the transferring of the Land to the PBC or the leasing of the Project and the Land from the PBC, are hereby ratified, approved and confirmed.

SECTION 5. This Ordinance shall be effective from and its adoption by the governing body of the City.

PASSED by the Governing Body of the City of Washington, Kansas, on July 6, 2009 and **APPROVED** and **SIGNED** by the Mayor.

THE CITY OF WASHINGTON, KANSAS

(Seal)

Harold H. Jones, Jr., Mayor

ATTEST:

Denise M. Powell, City Clerk