

ORDINANCE NO. 1005

**AN ORDINANCE AUTHORIZING FIRST SUPPLEMENTAL BOND TRUST
INDENTURES RELATING TO CERTAIN OUTSTANDING BONDS OF THE
CITY OF WESTWOOD, KANSAS.**

WHEREAS, the City of Westwood, Kansas (the “City”), is a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Kansas as a city of the third class; and

WHEREAS, the City has the authority to adopt tax increment financing pursuant to the Kansas Tax Increment Redevelopment Act, constituting sections K.S.A. 12-1770 *et seq.*, as amended; and

WHEREAS, the City created a redevelopment district by the passage of Ordinance No. 919 on September 13, 2011 consisting of certain real property generally located at the Northeast and Southeast corners of Rainbow Boulevard and West 47th Place in the City; and

WHEREAS, the City adopted the redevelopment project plan for Project Areas 1 and 2 by the passage of Ordinance No. 940 on October 10, 2013; and

WHEREAS, the City issued its Special Obligation Tax Increment Revenue Bonds (Woodside Village TIF Project), Series 2014 (the “TIF Bonds”), in the principal amount of \$3,150,000 to pay a portion of certain redevelopment project costs, fund a debt service reserve fund, fund capitalized interest on the TIF Bonds, and pay the costs of issuing the TIF Bonds; and

WHEREAS, in connection with the TIF Bonds, the City entered into a Bond Trust Indenture dated as of July 1, 2014 (the “Original TIF Indenture”) between the City and UMB Bank, N.A., Kansas City, Missouri (the “Trustee”); and

WHEREAS, the City has the authority to create a community improvement district pursuant to the Kansas Community Improvement District Act, constituting sections K.S.A. 12-6a26 *et seq.*, as amended; and

WHEREAS, the City created a community improvement district by the passage of Ordinance No. 924 on December 20, 2011, consisting of certain real property generally located at the Northeast and Southeast corners of Rainbow Boulevard and West 47th Place in the City; and

WHEREAS, the City issued its \$1,000,000 Taxable Special Obligation Community Improvement District Revenue Bonds (Woodside Village CID Project), Series 2014A, and \$700,000 Taxable Special Obligation Community Improvement District Revenue Bonds (Woodside Village CID Project), Series 2014B (collectively, the “CID Bonds,” and together with the TIF Bonds, the “Bonds”) to pay a portion of the community improvement district project costs, fund a debt service reserve fund, fund capitalized interest on the CID Bonds, and pay the costs of issuing the CID Bonds; and

WHEREAS, in connection with the CID Bonds, the City entered into a Bond Trust Indenture dated as of July 1, 2014 (the “Original CID Indenture,” and together with the Original TIF Indenture, the “Indentures”) between the City and the Trustee; and

WHEREAS, the City, Trustee and bondholder desire to amend the Indentures in order to adjust the dates on which the City will transfer certain moneys to the Trustee for repayment of the CID Bonds and the TIF Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS, AS FOLLOWS:

Section 1. Authorization and Approval of Documents. The following documents are hereby approved in substantially the forms presented to and reviewed by the City at this meeting (copies of which documents shall be filed in the records of the City), and the City is hereby authorized to execute and deliver each of such documents (the “City Documents”) with such changes therein as shall be approved by the officer or officers of the City executing such documents, such officers’ signatures thereon being conclusive evidence of their approval and the City’s approval thereof:

(a) First Supplemental Bond Trust Indenture dated as of the date stated therein relating to the TIF Bonds, between the City and Trustee; and

(b) First Supplemental Bond Trust Indenture dated as of the date stated therein relating to the CID Bonds, between the City and Trustee.

Section 2. Execution of Documents. The Mayor of the City is hereby authorized and directed to execute the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the City Documents and such other documents, certificates and instruments as may be necessary.

Section 3. Further Authority. The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the City with respect to the City Documents.

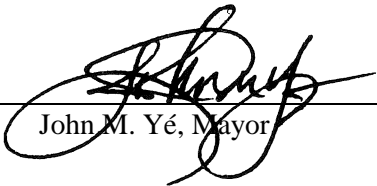
Section 4. Governing Law. This Ordinance shall be governed by and construed in accordance with the applicable laws of the State of Kansas.


Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication of this Ordinance or a summary thereof in the official City newspaper.

PASSED by the governing body of the City on October 10, 2019 and **APPROVED AND SIGNED** by the Mayor.

CITY OF WESTWOOD, KANSAS



By:  _____
John M. Yé, Mayor

By:  _____
Frederick L. Sherman, City Clerk

APPROVED AS TO FORM ONLY:

By:  _____
Ryan Denk, City Attorney