

ORDINANCE NO. 970

AN ORDINANCE AUTHORIZING THE CITY OF WESTWOOD, KANSAS TO ENTER INTO A FIRST AMENDED LEASE PURCHASE AGREEMENT, AS LESSEE; AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.

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, on March 13, 2014, the governing body of the City passed Ordinance No. 946 authorizing and approving the Taxable Lease Purchase Agreement between the City and Security Bank of Kansas City (the “Bank”) to provide funds for the acquisition of certain real property commonly referred to as 5050 Rainbow Boulevard, Westwood, Kansas (the “Real Property”) and authorizing the execution and delivery of certain documents in connection therewith; and

WHEREAS, in order to facilitate the foregoing and to pay the cost thereof, the City took the following actions:

1. The Mayor executed and delivered a Site Lease (the “Site Lease”) pursuant to which the City, as lessor, leased the Real Property to the Bank for a term not to exceed 20 years, the other terms of which are set forth therein; and
2. The Mayor executed and delivered a Taxable Lease Purchase Agreement (the “Original Lease”), pursuant to which the City, as lessee, leased the Real Property with an option to purchase for a lease term ending not later than February 1, 2017.

WHEREAS, the governing body has found and determined that it is in the public interest to extend the maturity of the Original Lease by entering into a First Amended Taxable Lease Purchase Agreement (the “First Amended Lease”), pursuant to which the City, as lessee, will lease the Real Property with an option to purchase for a lease term expiring not later than February 1, 2020.

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

Section 1. Authorization and Approval of the First Amended Lease. The First Amended Lease is hereby approved in substantially the form submitted to and reviewed by the governing body on the date hereof, with such changes therein as shall be approved by the Mayor, the Mayor’s execution of the First Amended Lease to be conclusive evidence of such approval. The obligation of the City to pay Rental Payments (as defined in the Original Lease) under the First Amended Lease is subject to annual appropriation and shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor shall anything contained in the Lease constitute a pledge of the general tax revenues, funds or moneys of the City, and all provisions of the Original Lease, the Site Lease and First Amended Lease shall be construed so as to give effect to such intent.

The Mayor is hereby authorized and directed to execute and deliver the First Amended Lease and any documents in connection therewith on behalf of and as the act and deed of the City. The City Clerk is hereby authorized to affix the City's seal to the First Amended Lease and any documents in connection therewith and attest said seal.

Section 2. 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 Site Lease, Original Lease and the First Amended Lease.

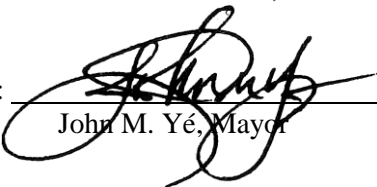
Section 3. Governing Law. This Ordinance, the Site Lease, the Original Lease and the First Amended Lease shall be governed by and construed in accordance with the applicable laws of the State.

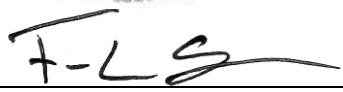
Section 4. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

PASSED by the governing body of the City on July 14, 2016, 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