

ORDINANCE NO. 1043

AN ORDINANCE AMENDING ORDINANCE NO. 1040 WHICH AUTHORIZED THE CITY OF EDGERTON, KANSAS, TO ISSUE INDUSTRIAL REVENUE BONDS (ELHC XXII, LLC PROJECT), IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$33,000,000, TO UPDATE THE TITLE OF THE BONDS FROM SERIES 2016 TO SERIES 2017; AND AUTHORIZING THE ISSUANCE OF THE BONDS AND THE EXECUTION OF VARIOUS BOND DOCUMENTS.

WHEREAS, the City of Edgerton, Kansas (the "City"), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the City adopted Ordinance No. 1040 on November 10, 2016 providing for the issuance of its Industrial Revenue Bonds (ELHC XXII, LLC Project) Series 2016, in an aggregate maximum principal amount not to exceed \$33,000,000 (the "Bonds"), for the purpose of acquiring, constructing and equipping a commercial project, consisting of an approximately 500,000 sq. ft. warehouse and distribution facility, to be located at 32901 W. 193rd Street, Edgerton, Kansas, including land, buildings, structures, improvements, fixtures, machinery and equipment (the "Project"), and the leasing of the Project to ELHC XXII, LLC, a Kansas limited liability company (the "Company"); and

WHEREAS, the City desires to amend Ordinance No. 1040 to update the title of the Bonds from Series 2016 to Series 2017;

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

Section 1. Amended Title of Bonds. The second Whereas clause of Ordinance No. 1040 is repealed and amended to read as follows:

WHEREAS, the governing body of the City has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the City and the State of Kansas that the City issue its Industrial Revenue Bonds (ELHC XXII, LLC Project) Series 2017, in an aggregate maximum principal amount not to exceed \$33,000,000 (the "Bonds"), for the purpose of acquiring, constructing and equipping a commercial project, consisting of an approximately 500,000 sq. ft. warehouse and distribution facility, to be located at 32901 W. 193rd Street, Edgerton, Kansas, including land, buildings, structures, improvements, fixtures, machinery and equipment (the "Project"), and that the City lease the Project to ELHC XXII, LLC, a Kansas limited liability company (the "Company"); and

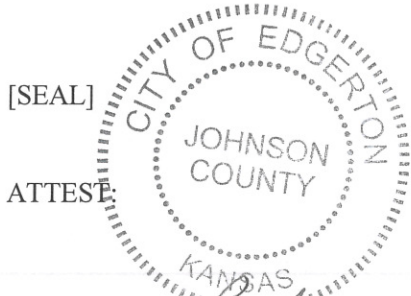
Section 2. Further Authority. The remaining provisions of Ordinance No. 1040 are hereby affirmed and the officers, employees and agents of the City are hereby authorized and directed to proceed with the issuance of the Bonds, the execution and delivery of the various Bond documents referenced in Ordinance No. 1040, and the leasing of the Project to the Company.

Section 3. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication in summary form in the official City newspaper.

PASSED by the Council of the City of Edgerton, Kansas, this 12th day of January, 2017.




Donald Roberts, Mayor





Janeice Rawles, City Clerk

Approved as to form:



Scott W. Anderson, Bond Counsel