

## ORDINANCE NO. 2000

### AN ORDINANCE OF THE CITY OF EDGERTON, KANSAS DESIGNATING THE LPKC PHASE 1 ORIGINATION FEE FUND AS A CAPITAL IMPROVEMENTS FUND

**WHEREAS**, the City of Edgerton, Kansas (the "City") has previously entered into (a) Project Agreement (Intermodal Facility/Logistics Park) dated March 25, 2010 (the "Project Agreement"), among the City, BNSF Railway Company, a Delaware Corporation ("BNSF") and Edgerton Land Holding Company, LLC, a Kansas limited liability company (the "Developer") (as assignee of The Allen Group – Kansas City, LLC, a Delaware limited liability company), (b) Public Infrastructure Financing Plan (Intermodal Facility/Logistics Park Kansas City) dated March 25, 2010 (the "Finance Plan"), among the city, BNSF and the Developer, (c) Annexation Agreement dated March 25, 2010, among the City, BNSF and the Developer, (d) First Amendment to Project Agreement, Annexation Agreement and Public Infrastructure Finance Plan dated April 23, 2013, among the City, BNSF and the Developer, all for the purpose of assisting with the development of an intermodal facility and logistics park; and

**WHEREAS**, the Finance Plan required the City to establish a Public Infrastructure Fund (as defined in the Finance Plan) in which certain revenues generated by the intermodal facility and the logistics park would be deposited for the purpose of paying the costs of constructing or financing the construction of certain public infrastructure improvements to support the development of the intermodal facility and logistics park; and

**WHEREAS**, the City must establish a separate fund to track the origination fee revenue generated by the Finance Plan in order to ensure that the origination fees are used for purposes allowed by K.S.A. 12-1742; and

**WHEREAS**, K.S.A. 12-1,118 (the "Statute") authorizes the City to establish by ordinance a capital improvement plan setting forth the public improvement and infrastructure needs of the City on a prioritized basis and to create a capital improvement fund for the purpose of funding the public improvements and infrastructure needs; and

**WHEREAS**, the City desires to designate the LPKC Phase 1 Origination Fee Fund as a capital improvement fund;

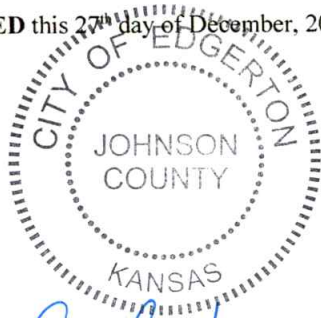
**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, AS FOLLOWS:**

**Section 1. Designation of the Development Agreement as a Capital Improvement Plan.** The City Council hereby designates the Development Agreement as a multi-year capital improvement plan which sets forth the public improvement and infrastructure needs of the City on a prioritized basis that are necessary to support the development of the Logistics Park Kansas City Phase I.

**Section 2. Designation of LPKC Phase 1 Origination Fee Fund as a Capital Improvements Fund.** The City Council hereby designates the LPKC Phase 1 Origination Fee Fund as a capital improvements fund within the meaning of the Statute.

**Section 3. Effective Date.** This ordinance shall take effect and be in full force immediately after its adoption by the Governing Body of the City and its publication in the official City newspaper.

PASSED this 27<sup>th</sup> day of December, 2018.

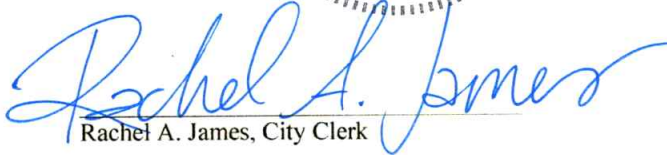


CITY OF EDGERTON, KANSAS

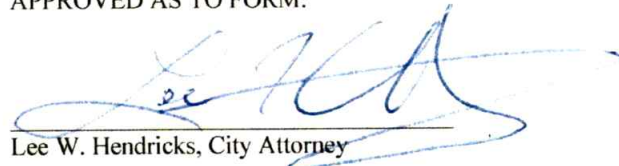
By:   
Donald Roberts, Mayor

[SEAL]

ATTEST:

  
Rachel A. James, City Clerk

APPROVED AS TO FORM:

  
Lee W. Hendricks, City Attorney