

(Published in *The Leavenworth Times* on \_\_\_\_\_, 2016)

**RESOLUTION NO. 2016-32**

**A HOME RULE RESOLUTION OF LEAVENWORTH COUNTY, KANSAS, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY TO PROVIDE FUNDS FOR AN ECONOMIC DEVELOPMENT CONTRIBUTION TO BE USED IN CONNECTION WITH THE ACQUISITION OF PROPERTY AND CERTAIN IMPROVEMENTS TO SUCH PROPERTY, ALL FOR ECONOMIC DEVELOPMENT PURPOSES BY THE CITY OF LEAVENWORTH, KANSAS AND THE LEAVENWORTH COUNTY PORT AUTHORITY.**

**WHEREAS**, the Board of County Commissioners of Leavenworth County, Kansas (the “County”), has considered the needs of the County for the acquisition, land development and improvement, and financing of real property for an industrial/commercial park facility (the “Project”) to be located within the County, which will be located at the location described in Exhibit “A”, attached hereto, within the in the city limits of Leavenworth (the “Leavenworth Industrial Park”); and

**WHEREAS**, the Board of County Commissioners has considered that the Project will promote the stimulation and fostering of economic development in the County and its environs, and thereby enhance and provide for the general and economic development and welfare of the County and its citizens; and,

**WHEREAS**, pursuant to an Interlocal Agreement (the “Leavenworth Interlocal Agreement”) to be entered into between the County, the City of Leavenworth, Kansas (the “City”), and the Leavenworth County Port Authority (the “Port Authority”), the County, the City and the Port Authority are expected to undertake development of the Leavenworth Industrial Park including, but not limited to, making certain improvements as necessary and beneficial for the development of the Leavenworth Industrial Park; and

**WHEREAS**, the Board of County Commissioners of the County has determined it advisable and in the best interests of the County to finance a portion of the costs of the Leavenworth Industrial Park and to provide an economic development contribution and grant to the City and the Port Authority, in an amount not to exceed \$5,000,000 (the “Economic Development Contribution”), which contribution is to be used to by the City and the Port Authority to pay the costs of acquiring and developing the Leavenworth Industrial Park; and

**WHEREAS**, K.S.A. 19-101 *et seq.* (the “Home Rule Act”) empowers counties to exercise powers of home rule to determine their local affairs and government, subject only to certain limitations, restrictions and prohibitions set forth in the Act, and that such home rule powers granted counties shall be liberally construed for the purpose of giving to counties the largest measure of self-government; and

**WHEREAS**, the Home Rule Act further provides that counties shall apply the powers of local legislation granted by the Home Rule Act by resolution of the board of county commissioners, and that if no statutory authority exists for such local legislation other than that set forth in the Home Rule Act and the local legislation proposed under the authority of such Act is not contrary to any act of the legislature, such local legislation shall become effective upon adoption of a resolution of the board of county commissioners and publication in the official county newspaper; and

**WHEREAS**, the County is a county within the meaning of the Home Rule Act; and

**WHEREAS**, the Home Rule Act does not prohibit a county from issuing general obligation bonds

to provide funds for an economic development contribution and grant, and local legislation of a county authorizing the same is not contrary to any act of the Kansas legislature; and

**WHEREAS**, the Board of County Commissioners of the County finds and determines that it is necessary and advisable and in the interest of the public health, safety and welfare, including economic development, of the County, to authorize by Home Rule Resolution the issuance of general obligation bonds of the County to provide funds for the Economic Development Contribution to be used in connection with the Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS:**

**SECTION 1. Economic Development.** The Project will stimulate and foster economic development in the County and its environs and enhance and provide for the general and economic development and welfare of the County and its citizens.

**SECTION 2. Authorization of Economic Development Contribution and Grant.** The County is authorized to make the Economic Development Contribution to the City and/or the Port Authority in an amount not to exceed \$5,000,000. No such monies shall be paid to the City and/or the Port Authority until after the Leavenworth Interlocal Agreement has been executed and become effective.

**SECTION 3. Financing Authorization.** The Economic Development Contribution to be made by the County under this Resolution is authorized to be financed, in whole or in part, from the proceeds of general obligation bonds of the County (the "Bonds"), which are hereby authorized to be issued for such purposes pursuant to the authority of the Home Rule Act in an approximate amount of \$5,000,000, plus associated financing costs. The Bonds authorized pursuant to this Resolution are authorized to reimburse any prior expenditures by the County.

**SECTION 4. Further Authority.** The officials of the County, the County Counselor, Gilmore & Bell, P.C. as Bond Counsel, and other consultants are authorized to proceed with such planning and document preparation as necessary in connection with the Projects, the Economic Development Contributions, the Bonds and other legal documents necessary in order to comply with the intent of this Resolution and the Leavenworth Interlocal Agreement, subject to final approval of such documents by the Board of County Commissioners.

**SECTION 5. Effective Date.** This Home Rule Resolution shall be effective from and after adoption by the Board of County Commissioners and publication once in the official County newspaper.

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ADOPTED by the Board of County Commissioners of Leavenworth County, Kansas on 27th of October  
\_\_, 2016.

Robert W. Holland  
Chairman

(SEAL)

[Signature]  
Commissioner

[Signature]  
Commissioner

ATTEST:

Janet Klasinski  
Clerk



atlas  
surveyors  
LLC

LEAVENWORTH, KS | 913-530-8422

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Description:

A tract of land in the Northeast Quarter of Section 15, Township 09 South, Range 22 East, of the 6th P.M. in the City of Leavenworth, Leavenworth County, Kansas being more particularly described as follows:

Beginning at the Northeast corner of said Northeast Quarter; thence South  $01^{\circ}44'39''$  East along the east line of said Northeast Quarter a distance of 2587.96 feet to the North right of way line of Eisenhower Road as said right of way now exist; thence South  $88^{\circ}29'09''$  West along said north right of way line a distance of 1399.58 feet; thence North  $01^{\circ}30'51''$  West a distance of 56.81 feet; thence North  $88^{\circ}29'09''$  West a distance of 66.41 feet; thence North  $01^{\circ}49'14''$  West a distance of 1590.82 feet; thence North  $07^{\circ}06'39''$  East a distance of 1020.45 feet to a point on the north line of said Northeast Quarter; thence North  $88^{\circ}06'55''$  East along said north line a distance of 1244.61 feet to the Point of Beginning.

Conatins: 81.91 acres

EX "A"

**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
LEAVENWORTH COUNTY, KANSAS  
HELD ON OCTOBER 27, 2016**

The Board of County Commissioners met in regular session at the usual meeting place in the County, at [10:00] A.M., the following members being present and participating, to-wit:

Present: Robert W. Holland, Chair, Clyde D. Graeber, Dennis Bixby

Absent: None

The Chairman declared that a quorum was present and called the meeting to order.

\* \* \* \* \*

Thereupon, there was presented for consideration a Home Rule Resolution entitled:

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**A HOME RULE RESOLUTION OF LEAVENWORTH COUNTY, KANSAS,  
AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE  
COUNTY TO PROVIDE FUNDS FOR AN ECONOMIC DEVELOPMENT  
CONTRIBUTION TO BE USED IN CONNECTION WITH THE ACQUISITION  
OF PROPERTY AND CERTAIN IMPROVEMENTS TO SUCH PROPERTY, ALL  
FOR ECONOMIC DEVELOPMENT PURPOSES BY THE CITY OF  
LEAVENWORTH, KANSAS AND THE LEAVENWORTH COUNTY PORT  
AUTHORITY.**

Thereupon, Commissioner Dennis Bixby moved that said Home Rule Resolution be adopted. The motion was seconded by Commissioner Clyde Graeber. Said Home Rule Resolution was duly read and considered, and upon being put, the motion for adoption was carried by the vote of the Board of County Commissioners, the vote being as follows:

Aye: Holland, Graeber, Bixby

Nay: None

Thereupon, the Chairman declared said Home Rule Resolution duly adopted and the Home Rule Resolution was then duly numbered Home Rule Resolution No. 2016-32, was signed by the Chairman and attested by the Clerk and was directed to be published one time in the official County newspaper.

\* \* \* \* \*

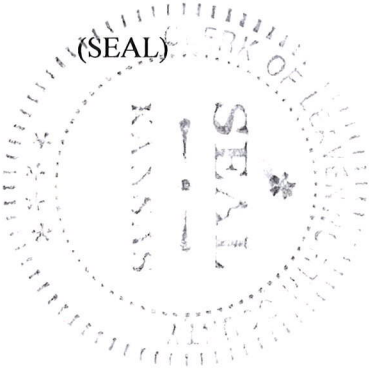
(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

**CERTIFICATE**

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Board of County Commissioners of Leavenworth County, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.



Janet Klasinski  
Clerk