

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

**RESOLUTION NO. 2016-33**

**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 TONGANOXIE, 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 property described in Exhibit “A”, attached hereto, within the the city limits of Tonganoxie (the “Tonganoxie 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 “Tonganoxie Interlocal Agreement”) to be entered into between the County, the City of Tonganoxie, 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 Tonganoxie Industrial Park including, but not limited to, making certain improvements as necessary and beneficial for the development of the Tonganoxie 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 Tonganoxie 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 Tonganoxie 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 Tonganoxie 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 Tonganoxie 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 10/27  
\_\_, 2016.

Robert W Holland  
Chairman

(SEAL)

Andy Brada  
Commissioner

Alan J. Bly  
Commissioner

ATTEST:

Janet Klasmike  
Clerk



\* 2 0 0 8 R 1 1 5 2 0 2 \*

Doc #: 2008R11520  
STACY R. DRISCOLL/REGISTER OF DEEDS  
LEAVENWORTH COUNTY  
RECORDED ON  
12/17/2008 11:09AM  
RECORDING FEE: 12.00  
INDEBTEDNESS: 0.00  
PAGES: 2

Entered in the transfer record in my office this  
17<sup>th</sup> day of December, 20 08  
*Stacy R. Driscoll*  
County Clerk

UNITED TITLE COMPANY LLC, 15395 Briar Road, Basehor, KS  
66007 (913) 724-8300 – FAX (913) 724-8301  
File No. 1622

**TRUSTEES WARRANTY DEED**

Audrey F. Irick, Trustee of the Audrey F. Irick Trust under Agreement dated August 22, 1991,  
which Trust is in full force and effect and has not been revoked or amended, grantor

of Leavenworth County, Kansas, conveys and warrants to

City of Tonganoxie, Kansas, a municipal corporation

of Leavenworth County, Kansas, as Joint Tenants and not as tenants in common, with full rights  
of survivorship, the whole estate to vest in the survivor in the event of the death of either, the  
following described real estate in the County of Leavenworth and the State of Kansas, to-wit:

The Northwest 1/4 of Section 21, Township 11 South, Range 21 East of the Sixth P.M. less any  
part thereof taken or used for road purposes,  
and also  
the West 1/2 of the Northeast 1/4 of Section 21, Township 11 South, Range 21 East of the Sixth  
P.M., less any part thereof taken or used for road purposes,

COMMONLY KNOWN AS: 21795 KANSAS AVE., Tonganoxie, KS 66086

Tax I.D.#19075. Cama # 195-21-0-00-00-002.00-0

Subject to restrictions, reservations, assessments, and easements, if any, now affecting said  
property.

Said property situated in Leavenworth County, Kansas, and for the sum of one dollar and other  
good and valuable considerations.

1394  
UTC ✓ Cov #  
12

Taxes: City of Tonganoxie  
321 S. Delaware  
Tonganoxie, KS 66086

EX "A"

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, forever. And Grantor, for herself, her heirs, successors and assigns, does hereby covenant, promise and agree, to and with Grantee, that at the delivery of these presents she is lawfully seized in her own right of an absolute and indefeasible estate of inheritance, in fee simple, of any and all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, title, charges, estates, judgments taxes, assessments and encumbrances, of what nature and kind whatsoever, subject to Grantor's reservation set forth herein, and that she will WARRANT AND FOREVER DEFEND the same unto Grantee, and to the survivor of them, and to the heirs and assigns of such survivor forever, and all and every person or persons whomsoever lawfully claiming or to claim the same.

And grantor does hereby covenant, promise and agree that she is the duly appointed, qualified Trustee of the Audrey F. Irick Trust under Agreement dated August 22, 1991 and has the power and authority as such Trustee to convey as aforesaid, and has in all respects acted, in making this conveyance, in compliance with the authority granted by such Trust Agreement.

Dated this 3<sup>rd</sup> day of December, 2008

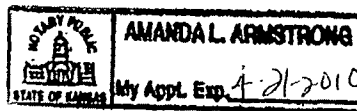
Audrey F. Irick  
Audrey F. Irick, Trustee

State of Kansas \_\_\_\_\_ )  
County of ~~Leavenworth~~ Johnson SS:

BE IT REMEMBERED, that on this 3<sup>rd</sup> day of December, 2008, before me, a Notary Public in and for said county and state, came Audrey F. Irick, Trustee of the Audrey F. Irick Trust under Agreement dated August 22, 1991 who is personally known to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last above written.

Amanda L. Armstrong  
Notary Public



My Term Expires: 4-21-2010  
(SEAL)

Return to: United Title Company LLC, 15395 Briar Road, Basehor, KS 66007

**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 [\_: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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Thereupon, Commissioner Clyde Graeber moved that said Home Rule Resolution be adopted. The motion was seconded by Commissioner Dennis Bixby. 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: Robert W. Holland, Clyde Graeber, Dennis 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. 2016-33, was signed by the Chairman and attested by the Clerk and was directed to be published one time in the official County newspaper.

\* \* \* \* \*

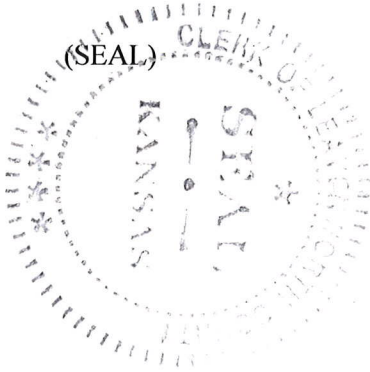
(Other Proceedings)

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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.



Jane Klaminski  
Clerk