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**RESOLUTION NO. 2017-11**

**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 GRANT TO THE CITY OF LEAVENWORTH, KANSAS, FOR THE PURPOSE OF ESTABLISHING A NEW INDUSTRIAL PARK WITHIN THE COUNTY, ALL FOR ECONOMIC DEVELOPMENT PURPOSES.**

**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 to be located within the County; and

**WHEREAS**, the County has determined that one of such industrial/commercial park should be located within the in the city limits of Leavenworth (the “Project”); 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 a municipal agreement to be entered into between the County and the City of Leavenworth, Kansas (the “City”) pursuant to K.S.A. 12-2908, the City is expected to undertake development of a new 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 provide for a portion of the costs of the Leavenworth Industrial Park through an Economic Development Grant and grant to the City, in an amount not to exceed \$4,821,942.50 (the “Economic Development Grant”), which contribution is to be used to by the City 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 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 Grant 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 Grant.** The County is authorized to make the Economic Development Grant to the City in an amount not to exceed \$4,821,942.50.

**SECTION 3. Financing Authorization.** The Economic Development Grant 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 \$4,821,942.50, 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 Project, the Economic Development Grant, the Bonds and other legal documents necessary in order to comply with the intent of this Resolution.

**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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**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LEAVENWORTH COUNTY, KANSAS, AS FOLLOWS:**

**Section 1.** Subject to *Section 2* of this Resolution, the governing body of the County hereby authorizes and directs the use of proceeds of the Bonds in the principal amount of not to exceed \$4,821,942.50 to pay a portion of the costs of the Economic Development Grant (the “Substitute Project”).

**Section 2.** No proceeds from the Bonds shall be used to pay the costs of the Economic Development Grant until: (1) the Attorney General of the State of Kansas has approved the amendment made by this resolution to the transcript of proceedings for the Bonds to include the Substitute Project and (2) the County has certified that the use of the proceeds of the Bonds to pay the costs of the Substitute Project will not adversely affect the tax-exempt status of the Bonds under State or federal law.

**Section 3.** The officers and officials of the County, including the Chairman and County Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

**Section 4.** Resolution Nos. 2015-33 and 2016-44, as amended by this Resolution, are hereby ratified and confirmed and shall remain in full force and effect.

**Section 5.** Resolution No. 2016-34 is hereby repealed.

**Section 6.** This Resolution shall take effect and be in full force upon its adoption by the governing body of the County.


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ADOPTED by the Board of County Commissioners of Leavenworth County, Kansas on March, 16, 2017.

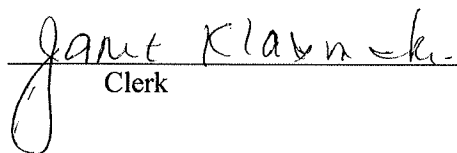
  
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Chairman

(SEAL)

  
\_\_\_\_\_  
Commissioner

  
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Commissioner

ATTEST:

  
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Clerk