

**RESOLUTION NO. 2017-17**

**A RESOLUTION AMENDING RESOLUTION NO. 2015-33 OF THE GOVERNING BODY OF LEAVENWORTH COUNTY, KANSAS; PROVIDING FOR SUBSTITUTE IMPROVEMENTS TO BE FINANCED WITH THE PROCEEDS OF THE COUNTY'S GENERAL OBLIGATION SALES TAX BONDS.**

**WHEREAS**, the governing body of Leavenworth County, Kansas (the "County") adopted Resolution No. 2017-16 (the "Resolution") on March 30, 2017 authorizing the making of an Economic Development Grant to the City of Tonganoxie, and providing for the issuance of general obligation bonds to pay the costs thereof; and

**WHEREAS**, the governing body of the County adopted Resolution No. 2015-33 (the "2015 Bond Resolution") on September 3, 2015 authorizing the issuance of and prescribing the form and details of the County's General Obligation Sales Tax Bonds, Series 2015, dated September 24, 2015 (the "Series 2015 Bonds"); and

**WHEREAS**, the 2015 Bond Resolution (the "Bond Resolutions") provides that the County may use the proceeds of the Series 2015 Bonds (the "Bonds") deposited in the Project Fund established by the Bond Resolution for paying the costs of the Project described in the Bond Resolution and any additional or substitute Projects deemed advisable by the County; and

**WHEREAS**, the Bond Resolution further provides that the County may elect for any reason to substitute or add other public improvements to be financed with proceeds of the Bonds (the "Substitute Project"); and

**WHEREAS**, the governing body of the County hereby deems it necessary and appropriate to amend and supplement the 2015 Bond Resolution to substitute the purposes for which the proceeds of the Series 2015 Bonds may be used, to permit the proceeds of the Series 2015 Bonds to pay a portion of the costs of the Economic Development Grant, all as further described in this Resolution.

**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 \$5,000,000.00 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.

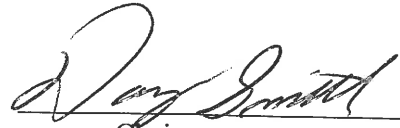
**Section 4.** Resolution No. 2015-33, as amended by this Resolution, is hereby ratified and confirmed and shall remain in full force and effect.

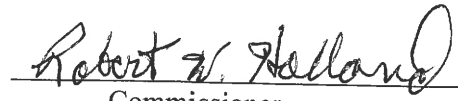
**Section 5.** This Resolution shall take effect and be in full force upon its adoption by the governing body of the County.

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ADOPTED by the governing body of the County on March 30, 2017.

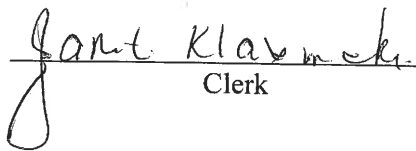
(SEAL)

  
Chairman

  
Commissioner

  
Commissioner

ATTEST:

  
Clerk