

ORDINANCE NO. 19-65

ORDINANCE APPROVING AND AUTHORIZING THE CITY OF OLATHE, KANSAS, TO ENTER INTO AN OMNIBUS AMENDMENT OF BOND DOCUMENTS RELATING TO ITS TAXABLE INDUSTRIAL REVENUE BONDS (BLACKBOB KC SELF STORAGE, LTD. PROJECT), SERIES 2018

WHEREAS, the City of Olathe, Kansas (the “Issuer”), is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (collectively, the “Act”), to issue revenue bonds, the proceeds of which shall be used for the purpose of paying all or part of the cost of purchasing, acquiring, constructing, reconstructing, improving, equipping, furnishing, repairing, enlarging or remodeling facilities for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes; and

WHEREAS, the governing body of the Issuer, pursuant to Ordinance No. 18-15 passed on April 17, 2018, found and determined that it was necessary and desirable to issue its revenue bonds to assist in financing a commercial facility (the “Project”) for Blackbob KC Self Storage, Ltd., a Texas limited partnership (the “Company” and “Bondowner”), through the issuance of revenue bonds; and

WHEREAS, pursuant to the Act, the Issuer issued \$3,780,000 principal amount of Taxable Industrial Revenue Bonds (Blackbob KC Self Storage, Ltd. Project), Series 2018 (the “Bonds”), under the Trust Indenture dated as of May 1, 2018 (the “Indenture”), between the Issuer and Security Bank of Kansas City, as trustee (the “Trustee”), for the purpose of providing funds to finance the costs of the Project; and

WHEREAS, the Issuer entered into a Lease Agreement dated as of May 1, 2018 (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project was acquired, constructed and equipped and pursuant to which the Issuer leased the Project to the Company, and the Company agreed to pay Lease Payments (as defined in the Indenture) sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the Company and Bondowner have requested that the Issuer and Trustee consider amending the Indenture, the Lease Agreement, and other documents relating to the Bonds (collectively, the “Bond Documents”) to extend the term of the Bond Documents and maturity of the Bonds to May 1, 2020, and the Issuer finds and determines that it is necessary and desirable that the Issuer enter into an Omnibus Amendment of Bond Documents dated as of November 1, 2019 (the “Omnibus Amendment”) to amend and supplement the Bond Documents in connection with the Bonds, a copy of which has been presented to the governing body at this meeting and shall be filed with the records of the Issuer.

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

Section 1. Approval of Omnibus Amendment; Execution. The governing body of the Issuer hereby determines and declares the intent of the Issuer to acquire, construct and equip the Project out of the proceeds of the Bonds of the Issuer in the principal amount not to exceed \$3,780,000. The form of the Omnibus Amendment is hereby approved. The governing body authorizes the Mayor and Clerk to execute and deliver the Omnibus Amendment and a new Bond R-2 in substantially the form attached thereto on behalf of the Issuer in substantially the form presented to the governing body on this date.

Section 2. Further Authority. The Issuer shall, and the officers, agents and employees of the Issuer are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments, including any required agreements or documentation, as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

PASSED by the governing body of the Issuer on October 15, 2019 and **APPROVED AND SIGNED** by the Mayor.

Mayor

(Seal)

ATTEST:

City

Clerk

(Published in *The Gardner News* on October __, 2019)

SUMMARY OF ORDINANCE NO. 19-65

On October 15, 2019, the governing body of the City of Olathe, Kansas, passed an ordinance entitled:

ORDINANCE APPROVING AND AUTHORIZING THE CITY OF OLATHE, KANSAS, TO ENTER INTO AN OMNIBUS AMENDMENT OF BOND DOCUMENTS RELATING TO ITS TAXABLE INDUSTRIAL REVENUE BONDS (BLACKBOB KC SELF STORAGE, LTD. PROJECT), SERIES 2018

The City previously issued its Taxable Industrial Revenue Bonds (Blackbob KC Self Storage, Ltd. Project), Series 2018, in the principal amount of \$3,780,000 (the “Bonds”) for the purpose of acquiring, constructing, furnishing, and equipping a commercial facility for Blackbob KC Self Storage, Ltd., a Texas limited partnership. The Ordinance approves execution of certain documents extending the maturity of the Bonds and the term of the related documents. The Bonds constitute limited obligations of the City payable solely from the sources and in the manner as provided in the Indenture, and are secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Bonds. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 100 E. Santa Fe Street. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <http://www.olatheks.org/government/city-clerk/public-notice>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: October 15, 2019.

City Attorney