

TRIPLETT WOOLF GARRETSON, LLC

RESOLUTION NO. PBC-2021-2

OF THE

CITY OF MULVANE, KANSAS
PUBLIC BUILDING COMMISSION

RELATING TO:

\$4,200,000
CITY OF MULVANE, KANSAS PUBLIC BUILDING COMMISSION
REVENUE BONDS
SERIES A, 2014
(PUBLIC LIBRARY)

RESOLUTION NO. PBC-2021-2

A RESOLUTION OF THE CITY OF MULVANE, KANSAS PUBLIC BUILDING COMMISSION APPROVING THE SALE OF A CERTAIN PROJECT FINANCED WITH THE PROCEEDS OF CERTAIN REVENUE BONDS OF THE COMMISSION; AND AUTHORIZING THE EXECUTION AND DELIVERY OF (1) A BILL OF SALE, AND (2) A TERMINATION AND RELEASE OF LEASE AND SITE LEASE.

WHEREAS, the City of Mulvane, Kansas Public Building Commission (the "Commission") is a duly organized and existing municipal corporation created and established in Mulvane, Kansas (the "City"); and

WHEREAS, the Commission is authorized pursuant to K.S.A. 12-1757 *et seq.* as amended and as chartered from with substitute and additional provisions under Charter Ordinance No. 19 of the City (i) to issue revenue bonds for the purpose of providing funds to acquire a site or sites for and to construct, reconstruct, equip and furnish certain facilities maintained and operated for the affairs and activities of the City, including a public library and associated facilities operated by the City and located within the City and (ii) to fix rental rates, fees and charges sufficient at all times to pay the maintenance and operation costs of the buildings and retire any bonds issued to finance construction; and

WHEREAS, the Commission has previously issued its Revenue Bonds, Series A, 2014 (Public Library) (the "2014 Bonds"), in the original principal amount of \$4,200,000, of which none remains outstanding, for the purpose of acquire, construct, furnish and equip a public library facility (the "Project"); and

WHEREAS, the Commission previously leased certain land from the City pursuant to a Site Lease, dated as of October 30, 2014 (the "Site Lease"), by and between the City, as Lessor, and the Commission, as Lessee; and

WHEREAS, the Project is currently leased to the City pursuant to a certain Lease Agreement, dated as of October 30, 2014 (the "Lease"), by and between the Commission, as Lessor, and the City, as Lessee; and

WHEREAS, Section 12.1 of the Lease provides for the purchase of the Project by the City upon the proper exercise of the City's option to purchase and the payment (pursuant to Section 12.2) to the Treasurer of the State of Kansas, Topeka, Kansas of the full amount necessary and incidental to the retirement and defeasance of the 2014 Bonds, plus the payment to the Commission of \$10.00; and

WHEREAS, the 2014 Bonds have all been redeemed and been paid in full; and

WHEREAS, the City has provided notice of its election to purchase the Project on or about July 21, 2021 or as soon thereafter as practicable (the "Closing Date"); and

WHEREAS, the Commission finds it necessary to (i) waive any further notice period requirement for the exercise of the option to purchase and (ii) authorize the execution and delivery of (1) Bill of Sale and (2) Termination and Release of Lease and Site Lease in connection with the exercise by the City of its option to purchase the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MULVANE, KANSAS PUBLIC BUILDING COMMISSION, AS FOLLOWS:

Section 1. Definition of Terms. All terms and phrases not otherwise defined herein shall have the respective meanings set forth in the Lease (as defined above).

Section 2. Sale of the Project. The Commission is hereby authorized to convey the Project to the City upon receipt by the Commission of the \$10.00 to which it is entitled pursuant to Section 12.2 of the Lease.

Section 3. Authorization of Bill of Sale. The Commission is hereby authorized to execute and deliver its Bill of Sale for any personal property portions of the Project to the City, upon satisfaction of the conditions contained in the Lease and set forth in Section 2 hereof, and in such form as shall be approved the City's Bond Counsel.

Section 4. Authorization of Termination and Release of Lease and Site Lease. The Commission is hereby authorized to execute and deliver a Termination and Release of Lease and Site Lease (the "Lease Termination") by and between the City and the Commission, upon satisfaction of the conditions contained in the Lease and Site Lease and set forth in Section 2 hereof, and in such form as shall be approved the City's Bond Counsel.

Section 5. Execution of Documents. The Chair of the Commission is hereby authorized and directed to execute the Bill of Sale and Lease Termination, for and on behalf of and as the act and deed of the Commission in such form as the Chair of the governing body of the Commission shall approve (after consultation with the Bond Counsel), which approval shall be evidenced by his or her execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Resolution. The Secretary of the Commission is hereby authorized and directed to attest the execution of the Bill of Sale and Lease Termination, on behalf of the Commission and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 6. Delivery of Documents. The Bill of Sale and Lease Termination shall be delivered by the Chair, Secretary or other appropriate staff member of the Commission concurrently upon the satisfaction of the requirements set forth in the Lease and Site Lease and in Section 2 of this Resolution.

Section 7. Further Authority. The Commission shall, and the officers, agents and employees of the Commission are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Resolution and to carry out, comply with and perform the duties of the

Commission with respect to the Bill of Sale and Lease Termination, all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.


Section 8. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the Commission.

[Remainder of Page Intentionally Left Blank]

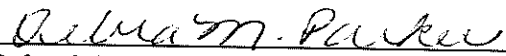
PASSED, ADOPTED AND APPROVED by the governing body of the City of Mulvane, Kansas Public Building Commission this 21st day of June, 2021.



CITY OF MULVANE, KANSAS
PUBLIC BUILDING COMMISSION

By 
Shelly Steadman, Chair

ATTEST:

By 
Debra M. Parker, Secretary

EXCERPT OF MINUTES

The Governing Body of the City of Mulvane, Kansas Public Building Commission met in regular session at the usual meeting place on June 21, 2021, at 7:00 p.m., with the Chair Shelly Steadman presiding, and the following Commissioners of the Governing Body present:

Jenean Keck, Nancy Farber Mottola, Kevin Cardwell, Terry Richardson

and the following Commissioners absent:

Brent Allen

Thereupon, there was presented to the Governing Body a Resolution entitled:

A RESOLUTION OF THE CITY OF MULVANE, KANSAS PUBLIC BUILDING COMMISSION APPROVING THE SALE OF A CERTAIN PROJECT FINANCED WITH THE PROCEEDS OF CERTAIN REVENUE BONDS OF THE COMMISSION; AND AUTHORIZING THE EXECUTION AND DELIVERY OF (1) A BILL OF SALE, AND (2) A TERMINATION AND RELEASE OF LEASE AND SITE LEASE.

Thereupon, the Resolution was considered and discussed; and on motion of Mottola, seconded by Richardson, the Resolution was adopted by a majority vote of the members present of the Governing Body, it was given No. PBC-2021-2, and was directed to be signed by the Chair and attested by the Secretary.

SECRETARY'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the June 21,
2021 meeting of the governing body of the City of Mulvane, Kansas Public Building Commission.



Debra M. Parker

Debra M. Parker, Secretary