

(PUBLISHED IN *THE WICHITA EAGLE* ON [February 22, 2013])

ORDINANCE NO. 49-438

AN ORDINANCE ADOPTING A STAR BOND PROJECT PLAN FOR THE PHASE I STAR BOND PROJECT FOR THE K-96 GREENWICH STAR BOND DISTRICT.

WHEREAS, by Ordinance No. 49-208, passed February 28, 2012, and published on March 2, 2012, the City Council (the “Governing Body”) of the City of Wichita, Kansas (the “City”), established a STAR bond district pursuant to K.S.A. 12-17,160 *et seq.*, as amended (the “Act”), known as the K-96 Greenwich STAR Bond District; and

WHEREAS, the Governing Body, by Resolution No. 12-006, adopted January 10, 2012, described a STAR bond district plan which identifies proposed STAR bond project areas and proposed buildings and facilities to be constructed or improved within the K-96 Greenwich STAR Bond District (the “District Plan”); and

WHEREAS, the Governing Body, by Resolution No. 12-088, adopted May 1, 2012, set a public hearing on a proposal to amend the District Plan to include the ability to fund the cost of developing a multi-sport athletic complex pursuant to the Act; and

WHEREAS, by Ordinance No. 49-281 passed June 12, 2012, and published June 15, 2012, the Governing Body amended the District Plan to include the ability to fund the cost of developing a multi-sport athletic complex; and

WHEREAS, the Governing Body, by Resolution No. 12-259, adopted December 11, 2012, set a public hearing to consider adoption of a STAR bond project plan (the “Phase I STAR Bond Project Plan”) on January 15, 2013, at 9:15 a.m. or thereafter, in the City Council Chambers, City Hall, 455 N. Main, Wichita, Kansas; and

WHEREAS, prior to the adoption of Resolution No. 12-259, the Wichita Sedgwick County Metropolitan Area Planning Commission has reviewed the proposed Phase I STAR Bond Project Plan and determined that the Phase I STAR Bond Project Plan is consistent with the intent of the comprehensive general plan for the development of the City; and

WHEREAS, the Phase I STAR Bond Project Plan and a map of the area to be developed were available for inspection during the regular office hours in the office of the City Clerk, City Hall, 13th Floor, 455 N. Main, Wichita, Kansas, prior to the public hearing held on January 15, 2013, which plan included the feasibility study, market impact study, maps and boundary descriptions, descriptions of the public improvement projects, relocation assistance plan and other information pertinent to the Phase I STAR Bond Project described therein; and

WHEREAS, the City proposes to undertake the Phase I STAR Bond Project within the K-96 Greenwich STAR Bond District pursuant to K.S.A. 12-17,160 *et seq.*; and

WHEREAS, a copy of the Phase I STAR Bond Project Plan has been delivered to Board of County Commissioners of Sedgwick County and the Boards of Education of Unified School District Nos. 259 and 375 in accordance with the provisions of the Act; and

WHEREAS, a public hearing was held on January 15, 2013, after duly published, delivered and mailed notice in accordance with the provisions of the Act; and

WHEREAS, upon considering the information and comments received at the public hearing, the Governing Body hereby deems it advisable to make certain findings and to adopt such Phase I STAR Bond Project Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

1. The Governing Body hereby adopts the Phase I STAR Bond Project Plan in the form on file with the City Clerk (the "Phase I Project Plan").

2. The Governing Body finds and determines that the relocation assistance plan contained in the Phase I Project Plan is hereby adopted for use in the K-96 Greenwich STAR Bond District.

3. The City expects to make capital expenditures on and after the date of passage of this Ordinance in connection with the Phase I Project Plan and intends to reimburse itself for such expenditures with the proceeds of one or more series of bonds and temporary notes of the City in the estimated maximum principal amount of \$125,000,000, plus costs of issuance.

4. The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney, and Gilmore & Bell, P.C., Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

5. This Ordinance shall be in force and effect from and after its passage, approval, and publication once in the official City newspaper. The City Clerk shall transmit copies of the adopted Ordinance, a description of the land within the K-96 Greenwich STAR Bond District, and map or plat indicating the boundaries of the K-96 Greenwich STAR Bond District to the Sedgwick County Clerk, Sedgwick County Treasurer and Sedgwick County Appraiser and to the Boards of Education of Unified School District Nos. 259 and 375 and to the Board of County Commissioners of Sedgwick County.

PASSED by a two-thirds vote of the Governing Body on February 5, 2013.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, City Attorney