

ORDINANCE NO. 49-674

AN ORDINANCE AMENDING ORDINANCE NO. 49-208 OF THE CITY OF WICHITA, KANSAS, THAT ESTABLISHED THE K-96 GREENWICH STAR BOND PROJECT DISTRICT.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas as a city of the first class; and

WHEREAS, by Ordinance No. 49-208, passed March 6, 2012, and published on March 9, 2012, the City Council of the City (the “Governing Body”), 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 Project District (the “District”); and

WHEREAS, *Exhibit A* to Ordinance No. 49-208 contained the legal description of property within the District; and

WHEREAS, after complying with procedural requirements of the Act, by Ordinance No. 49-438 passed February 5, 2013 and published February 22, 2013, the Governing Body made certain findings required by the Act and adopted the Phase I STAR Bond Project Plan (the “Project Plan”) for development of the District; and

WHEREAS, *Exhibit E* to the Project Plan contained the legal description of property within the District; and

WHEREAS, by Ordinance No. 49-572, passed September 10, 2013, and published on September 13, 2013, the Governing Body approved, in connection with the development of the District and the implementation of the Project Plan, the execution of a Development Agreement, dated September 13, 2013, among the City, Wichita Destination Developers, Inc., Goodsports Village Wichita, LLC and Goodsports Communities, Inc. (the “Development Agreement”), as amended by a First Amendment of Development Agreement, between the same parties, dated as of November 22, 2013 (the “Development Agreement Amendment”); and

WHEREAS, a copy of the Development Agreement was recorded with the Sedgwick County, Kansas, Register of Deeds on December 16, 2013 and appears at DOC#/FLM-PG 29424599; and

WHEREAS, a copy of the Development Agreement Amendment was recorded with the Sedgwick County, Kansas, Register of Deeds on December 16, 2013 and appears at DOC#/FLM-PG 29424600; and

WHEREAS, a copy of Ordinance No. 49-208 was attached as *Exhibit A* to the Development Agreement; and

WHEREAS, the legal description of the District omitted certain property intended to be included within the District as a public right-of-way for 27th Street (the “Omitted Property”); and

WHEREAS, pursuant to the Act, the Secretary of the Kansas Department of Commerce (the “Secretary”) has consented to amending the boundaries of the District to include the Omitted Property; and

WHEREAS, the Governing Body, by Resolution No. 14-052, adopted February 11, 2014, set a public hearing to consider amending the boundaries of the District to include the Omitted Property; and

WHEREAS, Resolution No. 14-052 was published on March 6, 2014 and a copy thereof was mailed on February 19, 2014, to the entities and persons required by the Act, and

WHEREAS, on March 18, 2014, after complying with procedural requirements of the Act, a public hearing was opened, public comment was received by the Governing Body and the public hearing was closed; and

WHEREAS, the Governing Body is authorized by the Constitution of the State of Kansas (particularly Article 12, Section 5) and the Act to pass an ordinance amending Ordinance No. 49-208 to expand the boundaries of the District.

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

Section 1. Ordinance Amendment. *Exhibit A* to Ordinance No. 49-208 is hereby amended to read as follows:

EXHIBIT “A”
STAR BOND DISTRICT
LEGAL DESCRIPTION
(Revised to include 27th Street North R/W)

A tract of land situated in the West One-half of Section 3, the East One-half of Section 4 and the Northwest Quarter of Section 10, all in Township 27 South, Range 2 East, of the Sixth Principal Meridian in, Wichita, Sedgwick County, Kansas, being more particularly described as follows:

Note: The basis of the bearings in this description is N 89° 16’ 46” E being the South line of the Southwest Quarter of said Section 3, and as shown Cross Pointe 2ND an addition to Wichita, Sedgwick County Kansas.

Beginning at the Southeast corner of said Section 4, said corner being common with the Southwest corner of said Section 3 and the Northwest corner of said Section 10 and at the intersection of the centerlines for 21st Street North and Greenwich Road;

Thence South 89° 01’ 03” West 1550.01 feet, on the south line of the Southeast Quarter of said Section 4 and generally West on the centerline of 21st Street North to a point 60.0 feet south of the southwest corner of Lot 12, Block 1, Regency Lakes Commercial 2ND Addition, an addition to Wichita, Sedgwick County, Kansas;

Thence North 00° 42’ 44” West 2645.22 feet on the extended west line of said Regency Lakes Commercial 2ND Addition to a point on the north line of the Southeast Quarter of said Section 4, said point being the south line of Regency Park Addition, an addition to Wichita, Sedgwick

County, Kansas, and said point being coincident with the North right of way line of Highway K-96;

Thence North 89° 02' 53" East 381.86 feet, along the north line of said Southeast Quarter, and along said south line of Regency Park Addition, and said the north right of way line of Highway K-96;

Thence North 54° 11' 18" East 614.48 feet continuing along said south line of Regency Park Addition and said north right of way line of Highway K-96;

Thence North 74° 45' 12" East 316.18 feet continuing along said south line of Regency Park Addition and said north right of way line of Highway K-96;

Thence South 89° 59' 33" East 360.23 feet continuing on said south line of Regency Park Addition and said north right of way line of Highway K-96 extended to a point on the East line of the Northeast Quarter of Section 4, said line being common with the West line of the Northwest Quarter of said Section 3 and the centerline of Greenwich Road;

Thence North 00° 32' 29" West 2257.64 feet on said common line and said centerline of Greenwich Road to the northwest corner of said Northwest Quarter of Section 3;

Thence North 89°16'14" East 1030.00 feet on the north line of said Northwest Quarter of Section 3, to a point 60.00 feet north of the northwest corner of Block A, Stoney Pointe Addition, Wichita, Sedgwick County, Kansas;

Thence South 00°32'29" East 1023.95 feet along the extended west line of said Stoney Pointe Addition to the southwest corner of Reserve D, said Stoney Pointe Addition;

Thence North 89°14'32" East 250.00 feet on the south line of said Reserve D to a point being 50.00 feet south of the northwest corner of Lot 2, Block A, said Stoney Pointe Addition;

Thence South 00°32'29" East 262.00 feet on the west line of said Lot 2 to the Southeast corner of said Lot 2;

Thence North 89° 14' 32" East 1366.38 feet, along the North right of way line of 27th Street North to a point on the East line of said Stoney Pointe Addition, said point being coincident with the East line of the Northwest Quarter of said Section 3;

Thence South 00° 35' 35" East 1388.80 feet, along said East line to the Center corner of said Section 3, being common with the Southwest corner of Reserve G, said Greenwich Business Center Addition, and being common with the northwest corner of The Fairmont, an Addition to Wichita, Sedgwick County, Kansas;

Thence South 00° 35' 48" East 2651.74 feet, on the East line of the Southwest Quarter of said Section 3, to the southeast corner of said Southwest Quarter, being coincident with the northeast corner of the Northwest Quarter, said Section 10 and on the centerline of 21st Street North;

Thence South 01° 00' 22" East 1862.90 feet, on the East line of the said Northwest Quarter of Section 10 to a point 417.59 feet east of the southeast corner of Reserve C, said Cross Pointe 2ND;

Thence South 89° 16' 20" West 1061.05 feet on the extended south line of said Cross Pointe 2ND to the southwest corner of said Reserve C;

Thence North 00° 43' 40" West 848.92 feet on the west line of said Reserve C and along the west line of Lot 7, said Cross Pointe 2ND;

Thence South 89° 17' 02" West 1589.13 feet, to a point on the West line of said Section 10, and on the centerline of Greenwich Road said point being 60.0 feet west of the southwest corner of Lot 1, Block 1, said Cross Pointe 2ND;

Thence North 00° 46' 07" West 1014.01 feet, on said West line and the centerline of Greenwich Road to the Point of Beginning,

EXCEPT Lots 4 and 5, Block 1, said Greenwich Business Center Addition, EXCEPT thereof the east 215.00 feet of said Lot 5.

Subject to survey and all easements and restriction of record.

CONTAINING: 458.13 acres of land more or less.

Section 2. Ratification. The rest and remainder of Ordinance No. 49-208 is hereby ratified and confirmed.

Section 3. Recording. A certified copy of this Ordinance shall be recorded with the Sedgwick County, Kansas, Register of Deeds.

Section 4. Conforming Amendments. The legal description of the District contained as exhibits to the following documents are hereby modified to conform to the amendment authorized in **Section 1** hereof:

- Project Plan – *Exhibit E*;
- Development Agreement – *Exhibit A*;
- Development Agreement Amendment – *Exhibit A*;
- Trust Indenture between the City and Security Bank of Kansas City, as Trustee, dated as of December 1, 2013 – *Exhibit D*; and
- Tax Distribution Agreement between the City and the Kansas State Treasurer, dated as of December 1, 2013 – *Exhibit A*.

Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication of a summary thereof, one time in the official City newspaper.

Section 6. Notification. The City Clerk shall cause to be transmitted copies of this Ordinance to the Sedgwick County Board of County Commissioners, Clerk, Treasurer and Appraiser, to the Board of Education of Unified School District Nos. 259 (Wichita) and 375 (Circle), and to the Secretary.

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PASSED by not less than a majority of the City Council of the City of Wichita, Kansas, on March 25, 2014.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law

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CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 49-[____] (the “Ordinance”) of the City of Wichita, Kansas (the “City”); that said Ordinance was passed by the City Council on March 25, 2014, that the record of the final vote on its passage is found on page ____ of journal ____; that a summary thereof was published in the official newspaper of the City on March 28, 2014; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: March 28, 2014.

Karen Sublett, City Clerk

(Published in *The Wichita Eagle* on March 28, 2014)

SUMMARY OF ORDINANCE NO. 49-[_____]

On March 25, 2014, the City Council of the City of Wichita, Kansas (the “City”) passed an ordinance entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 49-208 OF THE CITY OF WICHITA, KANSAS, THAT ESTABLISHED THE K-96 GREENWICH STAR BOND PROJECT DISTRICT.

Ordinance No. 49-[_____] (the “Ordinance”) amends *Exhibit A* to Ordinance No. 49-208 that established the K-96 Greenwich STAR Bond Project District (the “District”). *Exhibit A* contains the legal description of the District. The Ordinance also authorized conforming amendments (relating to the legal description) to the following documents: (a) Phase I STAR Bond Project Plan for development of the District; (b) Development Agreement, dated September 13, 2013, among the City, Wichita Destination Developers, Inc., Goodsports Village Wichita, LLC and Goodsports Communities, Inc. relating to development of the District; (c) First Amendment to Development Agreement, dated as of November 22, 2013, among the City, Wichita Destination Developers, Inc., Goodsports Village Wichita, LLC and Goodsports Communities, Inc. ; (d) Trust Indenture, dated as of December 1, 2013, between the City and Security Bank of Kansas City, as Trustee; and (e) Tax Distribution Agreement, dated as of December 1, 2013, between the City and the Kansas State Treasurer. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 13th Floor, City Hall, 455 North Main, Wichita, Kansas 67202-1679. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wichita.gov.

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

DATED: March 25, 2014.

Gary E. Rebenstorf, Director of Law
and City Attorney