

(Published in the *Wichita Eagle* on June 13, 2014)

ORDINANCE NO. 49-758

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS APPROVING SUPPLEMENTAL TRUST INDENTURE NO. 1 TO A CERTAIN TRUST INDENTURE ENTERED INTO BY THE CITY IN CONNECTION WITH THE ISSUANCE OF ITS INDUSTRIAL REVENUE BONDS, SERIES III, 2008 (McCORMICK-ARMSTRONG CO., INCORPORATED).

WHEREAS, the City of Wichita, Kansas (the “Issuer”) and Security Bank of Kansas City, Kansas City, Kansas (the “Trustee”) are parties to a Trust Indenture dated as of July 15, 2008 (the “Indenture”), authorizing and securing the Issuer’s Industrial Revenue Bonds, Series III, 2008 (McCormick-Armstrong Co., Incorporated), in the original principal amount of \$6,000,000 (the “Bonds”); and

WHEREAS, the Bonds were issued to provide funds for the purchase and installation of certain machinery and equipment (the “Project”) in an existing manufacturing facility located in the City of Wichita, Kansas and

WHEREAS, the Issuer has leased the Project to McCormick-Armstrong Co., Incorporated, a Kansas corporation (the “Lessee”) pursuant to the terms of a Lease dated as of July 15, 2008 (the "Lease"); and

WHEREAS, pursuant to Section 1102 of the Indenture, the parties desire to amend and supplement the Indenture to provide for a reduction in the interest rate on the Bonds; and

WHEREAS, People’s Capital and Leasing Corp. (the “Owner”) is the owner of 100% of the aggregate principal amount of all outstanding Bonds as of the date hereof and has consented to such amendment.

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

Section 1. Approval of Form of Supplemental Trust Indenture No. 1. The form of Supplemental Trust Indenture No. 1 between the Issuer and the Trustee is hereby approved in substantially the form presented to the governing body concurrently with this Ordinance.

Section 2. Authorization to Execute and Deliver Document. The Mayor and City Clerk are hereby authorized to execute and deliver Supplemental Trust Indenture No. 1 on behalf of the Issuer upon receipt of the original document signed on behalf of the Trustee by a duly authorized officer, and consented to in writing by the Lessee and the Owner.

Section 3. Further Authority. The officers, agents and employees of the Issuer 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 the provisions of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect from and after its final passage by the Governing Body of the Issuer, signature by the Mayor and publication once in the official newspaper of the Issuer.

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PASSED by the Governing Body of the City of Wichita, Kansas, on June 10, 2014.

CITY OF WICHITA, KANSAS

(Seal)

By: _____
Carl Brewer, Mayor

Attest:

By: _____
Karen Sublett, City Clerk

Approved as to form:

By: _____
Gary E. Rebenstorf, City Attorney

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on June 10, 2014; that the record of the final vote on its passage is found on page ____ of journal ____; and that the ordinance or a summary thereof was published in the *Wichita Eagle* on June 13, 2014

DATED: _____, 2014

City Clerk

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PROPOSED SUMMARY OF BOND ORDINANCE FOR PUBLICATION:

(Published in the *Wichita Eagle* on June 13, 2014)

SUMMARY OF ORDINANCE NO. _____

On June 10, 2014, the governing body of the City of Wichita, Kansas passed an ordinance entitled:

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS APPROVING SUPPLEMENTAL TRUST INDENTURE NO. 1 TO A CERTAIN TRUST INDENTURE ENTERED INTO BY THE CITY IN CONNECTION WITH THE ISSUANCE OF ITS INDUSTRIAL REVENUE BONDS, SERIES III, 2008 (McCORMICK-ARMSTRONG CO., INCORPORATED).

The Ordinance authorizes the execution of a supplemental trust indenture to effect an interest rate reduction on the Issuer's Industrial Revenue Bonds, Series III, 2008 (McCormick-Armstrong Co., Incorporated). A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 455 N. Main, 13th Floor, Wichita, Kansas 67202. 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: June 10, 2014

City Attorney