

**ORDINANCE NO. 49-829**

**AN ORDINANCE DESIGNATING THE USE OF A PORTION OF THE SPECIAL AD VALOREM TAX LEVY MADE PURSUANT TO THE AUTHORITY OF K.S.A. 76-3a07 AND CHARTER ORDINANCE NO. 8 OF THE CITY OF WICHITA, KANSAS.**

---

**WHEREAS**, the City of Wichita, Kansas (the “City”) is a city of the first class, duly created, organized and existing under the Constitution and laws of the State of Kansas (the “State”); and

**WHEREAS**, the Board of County Commissioners (the “Board”) of Sedgwick County, Kansas (the “County”) has heretofore created the Sedgwick County Public Building Commission, a municipal corporation of the State of Kansas (the “PBC”) under the authority of K.S.A. 12-1757 *et seq.*, as amended by Charter Resolution Nos. 45 and 48 of the County (collectively the “Act”); and

**WHEREAS**, pursuant to the Act, the PBC is authorized to issue revenue bonds to finance the acquisition of a site or sites for constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue producing character, including parking facilities, or for purchasing or otherwise acquiring such site or sites, building or buildings or facilities (“Land and Facilities”); and

**WHEREAS**, the Board of Trustees of Wichita State University (the “Trustees”), upon request of Wichita State University (the “University”) adopted Resolution No. 08-24-14 (the “Trustees Resolution”): (a) requesting that the PBC issue revenue bonds, in one or more series, in aggregate principal amount not to exceed \$72,000,000 (collectively, the “PBC Revenue Bonds”) to finance the costs to: (1) construct an addition to the Woodman Alumni Center on the campus of the University (previously financed by the PBC with its Series 2013-1 Bonds) to accommodate additional space for the Wichita State University Foundation at an estimated costs of \$1,000,000, exclusive of financing costs and reserves; (the “Woodman Addition Project”); (2) construct, furnish and equip portions of the University’s Innovation Campus, consisting of the Innovation Campus Building #2 to house the University’s technology transfer and experiential learning programs, at an estimated cost of \$47,000,000 (including expenses of razing Wheatshocker Apartments) and a portion of the Partnership Building #1 to house additional facilities for the experiential learning program, at an estimated cost of \$10,000,000 (collectively the “Experiential Engineering Facilities”) and make improvements to the University’s perimeter road and parking systems at an estimated cost of \$2,000,000 (the “Infrastructure Improvements,” and collectively with the Experiential Engineering Facilities, the “Experiential Engineering Facilities Projects”), which aggregate an amount of \$59,000,000, exclusive of financing costs and reserves; and (3) fund related financing costs and reserves; (b) declaring an intent to enter into with the PBC amendments to the existing leases relating to the Woodman Alumni Center and a lease relating to the Experiential Engineering Facilities Projects (collectively, the “Projects”) which will provide sufficient rental payments to meet the debt service requirements on the PBC Revenue Bonds (collectively, the “Project Leases”), provided the PBC Revenue Bonds have a maximum term of 40 years and a true interest cost of not to exceed 6.00%; (c) requesting that the Board designate from the Special Tax Levy sufficient monies (which are not to exceed available proceeds from the Special Tax Levy) to guarantee the rentals under the Project Leases until the principal of, premium, if any, and interest on the PBC Revenue Bonds is paid and they are no longer deemed outstanding; (d) requesting that the governing body of the City designate from the special tax levy required to be made by the City under K.S.A. 76-3a07, as amended by Charter Ordinance No. 8 of the

City, sufficient monies (which are not to exceed available proceeds from such special tax levy) to guarantee the rentals under the Project Leases until the principal of, premium, if any, and interest on the PBC Revenue Bonds is paid and they are no longer deemed outstanding; and (e) declared an intent to enter into a tax distribution agreement among the County, the PBC and the Trustees to provide for the direct transfer of proceeds of the Special Tax Levy necessary to provide for payment of the principal of, premium, if any, and interest on the PBC Revenue Bonds directly to the paying agent for the PBC Revenue Bonds (the "Tax Distribution Agreement"); and

**WHEREAS**, the Board has the authority pursuant to K.S.A. 19-101a, Home Rule Resolution No. 221-1987 of the County, and K.S.A. 12-1758, as amended by Charter Resolution No. 48 of the County (the "County Act"), to designate the proceeds of a one and one-half mill special ad valorem tax levy (the "Special Tax Levy") made pursuant thereto for the purpose of guaranteeing lease payments made by the Trustees to the PBC; and

**WHEREAS**, pursuant to Resolution No. 121-2014 and the County Act, the Board has heretofore designated from the Special Tax Levy authorized therein, sufficient monies to guaranty the rentals under the Project Leases entered into in conjunction with the issuance of the PBC Revenue Bonds only so long as the PBC Revenue Bonds and any interest thereon shall remain outstanding, provided that the: (a) principal amount of the PBC Revenue Bonds shall not exceed \$72,000,000; (b) the maximum term of the PBC Revenue Bonds shall be not more than 40 years; and (c) the true interest cost of the PBC Revenue Bonds shall not exceed 6.00%.

**WHEREAS**, the governing body (the "Governing Body") of the City has the authority pursuant to the Act and K.S.A. 76-3a07, as amended by Charter Ordinance No. 8 of the City (the "City Act"), to designate the proceeds of the Special Tax Levy made pursuant thereto for the purpose of guaranteeing lease payments made by the Trustees to the PBC; and

**WHEREAS**, in order to facilitate the sale of the PBC Revenue Bonds, the Governing Body hereby deems it advisable, pursuant to the City Act, to designate a portion of the Special Tax Levy to guarantee the rentals under the Project Leases.

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

**Section 1. Special Tax Levy Designation.** There is hereby designated by the Governing Body, pursuant to the authority granted in Article 12, Section 5 of the Kansas Constitution and K.S.A. 76-3a07, as amended by Charter Ordinance No. 8 of the City, from the Special Tax Levy authorized therein, sufficient monies for the Trustees to guarantee the rental under the Project Leases entered into in conjunction with the issuance of the PBC Revenue Bonds, provided that the: (a) principal amount of the PBC Revenue Bonds shall not exceed \$72,000,000; (b) the maximum term of the PBC Revenue Bonds shall be not more than 40 years; and (c) the true interest cost of the PBC Revenue Bonds shall not exceed 6.00%. This designation shall not be construed as a guaranty beyond the proceeds of such Special Tax Levy, provided further that this designation shall continue only so long as the PBC Revenue Bonds and any interest thereon shall remain outstanding.

**Section 2. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the Governing Body and publication in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**PASSED** by the City Council of the City of Wichita, Kansas, on September 16, 2014 and **SIGNED** by the Mayor.

(SEAL)

---

Carl Brewer, Mayor

ATTEST:

---

Karen Sublett, City Clerk

APPROVED AS TO FORM:

---

Sharon L. Dickgrafe, Interim Director of  
Law and City Attorney

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on September 16, 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 September 19, 2014.

DATED: September 19 2014.

---

Karen Sublett, City Clerk

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]