

**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF WICHITA, KANSAS  
HELD ON SEPTEMBER 6, 2016**

The governing body met in regular session at the usual meeting place in the City, at 9:00 a.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

\* \* \* \* \*

(Other Proceedings)

Among other business, in accordance with a notice published on August 29, 2016, in the *Wichita Eagle*, a public hearing was held by the governing body relating to the proposed issuance of Taxable Industrial Revenue Bonds (Hilton Garden Inn Project) in the not to exceed principal amount of \$14,000,000 (the "Bonds"). All interested persons were afforded an opportunity to present their views on the issuance of the Bonds, and the location and nature of the Project to be financed with the proceeds of the Bonds. Thereupon, the public hearing was closed.

Thereupon, there was presented an Ordinance entitled:

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT RELATED TO THE DEVELOPMENT OF A HOTEL FACILITY IN DOWNTOWN WICHITA.**

Thereupon, Councilmember \_\_\_\_\_ moved that said Ordinance be passed. The motion was seconded by Councilmember \_\_\_\_\_. Said Ordinance was duly read and considered, and upon being put, the motion for the passage upon first reading of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea:

Nay:

\* \* \* \* \*

(Other Proceedings)

\* \* \* \* \*

**CERTIFICATE**

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Wichita, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

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City Clerk

**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF WICHITA, KANSAS  
HELD ON SEPTEMBER 13, 2016**

The governing body of the City of Wichita, Kansas met in regular session at the usual meeting place in the City, at 9:00 a.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

\* \* \* \* \*

(Other Proceedings)

Thereupon, there was presented for second reading on the governing body's consent agenda an Ordinance entitled:

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT  
AGREEMENT RELATED TO THE DEVELOPMENT OF A HOTEL FACILITY IN  
DOWNTOWN WICHITA.**

Thereupon, Councilmember \_\_\_\_\_ moved that the consent agenda be passed. The motion was seconded by Councilmember \_\_\_\_\_. The motion that the consent agenda be passed, including final passage of said Ordinance, was carried by the vote of the governing body, the vote being as follows:

Aye:

Nay:

Thereupon, the Ordinance was then duly numbered Ordinance No. 50-[\_\_\_\_], was signed by the Mayor and attested by the Clerk, and the Ordinance was directed to be published one time in the official newspaper of the City.

(Other Proceedings)

\* \* \* \* \*

**CERTIFICATE**

I certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Wichita, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

[SEAL]

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Karen Sublett, City Clerk

(Published in the *Wichita Eagle* on September 16, 2016)

**ORDINANCE NO. 50-315**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT RELATED TO THE DEVELOPMENT OF A HOTEL FACILITY IN DOWNTOWN WICHITA.**

**WHEREAS**, Wichita Downtown Hotel, LLC, a Kansas limited liability company (the “Developer”), intends to develop the property located at the southeast corner of the intersection of Douglas Avenue and Topeka Street within the City through the design, engineering, constructing, reconstructing, furnishing and equipping of a hotel, including a Hilton Garden Inn franchise flag, at least 120 guest rooms, a minimum 2,500 square feet rooftop bar/restaurant, and a minimum 6,000 square feet of ground floor commercial space (the “Project”); and

**WHEREAS**, subject to certain conditions more particularly set forth in the Development Agreement herein authorized, the City agrees to incentivize the Project through the creation of a community improvement district, the issuance of industrial revenue bonds for the purposes of a sales tax exemption, the execution of a parking agreement and the execution of a skywalk agreement (collectively, the “Incentives”); and

**WHEREAS**, pursuant to the authority granted by Article 12, Section 5 of the Constitution of the State of Kansas, K.S.A. 12-6a26 *et seq.*, as amended, and K.S.A. 12-1740 *et seq.*, as amended, the City Council of the City (the “Governing Body”) hereby finds it necessary and desirable to enter into the Development Agreement with the Developer to formalize the construction and financing of the Project for the purposes described therein and set forth the conditions to the delivery of the Incentives by the City.

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

**Section 1. Approval of Development Agreement.** The Development Agreement between the City and the Developer relating to the Project is hereby approved in substantially the form presented to the Governing Body, with such changes as may be approved by the City Attorney. The Mayor is hereby authorized to execute the Development Agreement by and on behalf of the City and the City Clerk or Deputy City Clerk is hereby authorized to attest such signature.

**Section 2. Approval of Related Documents.** The Letter of Intent to issue industrial revenue bonds attached to the Development Agreement as *Exhibit G*, the Parking Agreement attached to the Development Agreement as *Exhibit H*, and the Skywalk Agreement attached to the Development Agreement as *Exhibit I*, are hereby approved in substantially the forms presented to the Governing Body, with such changes as may be approved by the City Attorney. The Mayor is hereby authorized to execute such related documents by and on behalf of the City and the City Clerk or Deputy City Clerk is hereby authorized to attest such signature.

**Section 3. Further Action.** The Mayor, City Clerk and other officials and employees of the City, including 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, including execution on behalf of the City of the information statement regarding the proposed issuance of the Bonds to be filed with the State Board of Tax Appeals.

**Section 4. Effective Date.** This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper.

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**PASSED** by the Governing Body of the City of Wichita, Kansas on September 13, 2016 and **SIGNED** by the Mayor.

(SEAL)

**CITY OF WICHITA, KANSAS**

By: \_\_\_\_\_  
Jeff Longwell, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jennifer Magaña, City Attorney and Director of Law

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**CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on September 13, 2016; that the record of the final vote on its passage is found on page \_\_\_\_ of journal \_\_\_\_; and that it was published in the *Wichita Eagle* on September 16, 2016.

DATED: September 16, 2016.

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City Clerk

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