

**RESOLUTION NO. 13-169 785161**

**A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 12-075 OF THE CITY OF WICHITA, KANSAS, WHICH DETERMINED THE ADVISABILITY OF MAKING CERTAIN PUBLIC IMPROVEMENTS AT BOTANICA, THE WICHITA GARDENS, IN THE CITY OF WICHITA.**

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**WHEREAS**, the City of Wichita, Kansas (the “City” or the “Issuer”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

**WHEREAS**, the City Council (the “Governing Body”) of the City is authorized, pursuant to K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City (the “Act”) to issue general obligation bonds of the City without an election for the purpose of paying for the construction, purchase or improvement of any public improvement, including the land necessary therefor, and for the purpose of rebuilding, adding to or extending the same as the necessities of the City may require and for the purpose of paying for certain personal property therefor; and

**WHEREAS**, the Governing Body has heretofore by Resolution No. 12-075 of the City, duly adopted on April 3, 2012 (the “Prior Resolution”), authorized the following described public improvements:

Labor, material, equipment, and other costs for the construction of a connecting road to the shelter area of Sim Park; resurfacing of the Sim Park Road; a plaza and fencing connecting the current garden with the new garden; a children’s garden education building and the installation of utilities for the children’s garden, and an events center

(collectively, the “Project”) and to provide for the payment of the costs thereof by the issuance of general obligation bonds of the City; and

**WHEREAS**, the Governing Body hereby finds it necessary and advisable to amend the Prior Resolution in order to authorize the Project under the Act.

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

**Section 1. Amendments.** *Section 2* of the Prior Resolution is hereby amended to read as follows:

**SECTION 2.** The total estimated cost of the Project is \$5,910,000, exclusive of financing costs, with \$3.2 million to be paid from private funds raised by Botanica, Inc. for the Downing Children’s Garden and the balance of said costs, plus associated financing costs to be paid from the proceeds of general obligation bonds (the “Bonds”) of the City of Wichita, Kansas (the “City”) issued under the authority of K.S.A. 13-1024c, as amended Charter Ordinance No. 156 of the City. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

**Section 2. Repealer; Ratification.** *Section 2* of the Prior Resolution is hereby repealed; and the rest and remainder thereof is hereby ratified and confirmed.

**Section 3. Effective Date.** This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

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**ADOPTED** by the City Council of the City of Wichita, Kansas, on September 10, 2013.

(SEAL)

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Gary E. Rebenstorf, Director of Law