

(PUBLISHED IN *THE TIMES-SENTINEL* ON SEPTEMBER 11, 2025)

ORDINANCE NO. 793

AN ORDINANCE AUTHORIZING THE CITY OF GARDEN PLAIN, KANSAS TO ENTER INTO A BASE LEASE WITH THE CITY OF GARDEN PLAIN, KANSAS PUBLIC BUILDING COMMISSION WHEREBY THE CITY WILL LEASE TO THE PUBLIC BUILDING COMMISSION CERTAIN PROPERTY, ENTER INTO A LEASE WITH SAID PUBLIC BUILDING COMMISSION WHEREBY THE CITY WILL LEASE FROM THE PUBLIC BUILDING COMMISSION CERTAIN PROPERTY, INCLUDING CERTAIN SWIMMING POOL FACILITY IMPROVEMENTS; APPROVING THE FORM OF SAID LEASES; AND AUTHORIZING THE EXECUTION THEREOF AND CERTAIN RELATED DOCUMENTS.

WHEREAS, the governing body of the City of Garden Plain, Kansas (the “City”) has heretofore declared it advisable to construct certain swimming pool facility improvements to serve the City of Garden Plain, Kansas (the “Improvements”); and

WHEREAS, under the authority of K.S.A. 12-1757 *et seq.*(the “Act”), the City has heretofore created the City of Garden Plain, Kansas Public Building Commission (the “PBC”); and

WHEREAS, the PBC has the power and authority under the Act to issue revenue bonds to provide funds for the purpose of paying all or a portion of the costs of the Improvements; and

WHEREAS, the governing body has deemed it advisable to request that the PBC provide for the financing of the Improvements through the issuance of revenue bonds as provided under the Act; and

WHEREAS, after duly held proceedings, pursuant to Resolution No. PBC2025-4 (the “Bond Resolution”), the PBC has authorized the issuance of its Revenue Bond Anticipation Bonds, Series 2025 in the amount of \$2,590,000* (the “Series 2025 Bonds”); and

WHEREAS, for purposes of financing the costs of acquiring, constructing, furnishing and equipping the Improvements, the City hereby determines that it is in the best interest of the City that the City transfer by Base Lease (the “Base Lease”) to the PBC certain real property (the “Site”), and enter into a Lease (the “Lease”) with the PBC to provide for the Improvements and the leasing of the Site and the Improvements (the “Project”) by the PBC to the City; and

WHEREAS, the City finds and determines that it is necessary and advisable to approve the financial terms of the Lease and Series 2025 Bonds, as set forth in the Bond Resolution.

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

SECTION 1. The City hereby finds and determines, pursuant to the Act, that: (i) leasing the Site to the PBC by Base Lease; (ii) acquiring, constructing, furnishing and equipping the Improvements; (iii) leasing the Project from the PBC under the terms and provisions set forth in the Lease; and (iv) the

issuance of the Bonds by the PBC, with terms as set forth in the Bond Resolution, to finance costs of the Improvements, are necessary, convenient and in furtherance of the governmental purposes of the City.

SECTION 2. The Base Lease and Lease in substantially the form presented to this meeting of the governing body, are in all material respects approved, authorized and confirmed. The Mayor and the City Clerk are hereby authorized and directed to affix their signatures and the seal of the City to the Base Lease and Lease for and on behalf of the City, with such changes therein as the City Attorney may deem necessary or appropriate.

SECTION 3. The Mayor and City Clerk are hereby authorized to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the intent of this Ordinance.

SECTION 4. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the City or the officials of the City, directed toward the acquisition, construction, furnish and equip of the Project, and the leasing of the Project from the PBC, are hereby ratified, approved and confirmed.

SECTION 5. In order to comply with the provisions of the Rule and directives of the SEC, the governing body of the City hereby approves the form of the Continuing Disclosure Undertaking, substantially in the form presented herewith (the "Disclosure Undertaking"). The Mayor is hereby directed to execute the Disclosure Undertaking, with such changes as legal counsel to the City and the Mayor shall approve (whose signature thereon shall constitute conclusive evidence of such approval). A copy of the Disclosure Undertaking shall be placed in the permanent records of the City and shall be available for public inspection during regular business hours of the City.

SECTION 6. This Ordinance shall be effective from and its passage by the governing body of the City.

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PASSED by the Governing Body of the City of Garden Plain, Kansas, on September 3, 2025 and
APPROVED AND SIGNED by the Mayor.



ATTEST:

Kimberly McCormick
City Clerk

CITY OF GARDEN PLAIN, KANSAS

Kevin Hammond
Mayor