

**ORDINANCE NO. 2492**

**AN ORDINANCE AUTHORIZING THE CITY OF BONNER SPRINGS, KANSAS, TO EXECUTE AN AMENDED AND RESTATED PILOT AGREEMENT IN CONNECTION WITH ITS INDUSTRIAL REVENUE BONDS (TAXABLE UNDER FEDERAL LAW), SERIES 2019 (REDDI SERVICES PROJECT), AND SUPPLEMENTING ORDINANCE NO. 2485 OF THE CITY.**

**WHEREAS**, the City of Bonner Springs, Kansas (the “City”), is authorized by K.S.A. 12-1740 *et seq.*, as amended (the “Act”), to acquire, construct, improve and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for such facilities, and to issue revenue bonds for the purpose of paying the costs of such facilities;

**WHEREAS**, pursuant to Ordinance No. 2485 of the City (the “Bond Ordinance”), passed on December 16, 2019, the Governing Body of the City authorized the issuance of its Industrial Revenue Bonds (Taxable Under Federal Law), Series 2019 (Reddi Services Project) (the “Bonds”), in the principal amount not to exceed \$2,200,000, for the purpose of paying the costs of constructing and equipping a commercial facility (the “Project”) and leasing it to JAG Properties III, LLC, an Arizona limited liability company (the “Company”);

**WHEREAS**, pursuant to the Bond Ordinance, the City entered into a Payment in Lieu of Tax Agreement, dated as of December 1, 2019 (the “Original PILOT Agreement”), by and between the Company and the City, wherein the City agreed to apply for a property tax exemption for the Project and the Company agreed to make certain payments in lieu of taxes (“PILOTs”);

**WHEREAS**, pursuant to the Original PILOT Agreement, the City and the Company agreed to cooperate to obtain the appraised value of the Project for the purpose of calculating the PILOTs payable by the Company;

**WHEREAS**, the Company has provided documentation supporting construction costs of not less than \$1,978,700 in connection with the Project;

**WHEREAS**, the City and the Company have agreed, for the purpose of calculating the PILOTs, to value the Project at \$1,987,700; and

**WHEREAS**, the City further finds and determines that it is necessary and desirable to execute and deliver an Amended and Restated Payment in Lieu of Tax Agreement (the “Amended and Restated PILOT Agreement”) reflecting the \$1,987,700 Project valuation agreed upon by the City and the Company;

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

**Section 1. Execution of the Amended and Restated PILOT Agreement.** The Mayor or acting Mayor of the City is hereby authorized and directed to execute and deliver the Amended

and Restated PILOT Agreement on behalf of and as the act and deed of the City, in substantially the form on file in the office of the City Clerk, with such corrections or amendments thereto as the Mayor or acting Mayor may approve, which approval shall be evidenced by his or her execution thereof, and to execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance. The City Clerk or the Deputy City Clerk is hereby authorized and directed to attest the execution of the Amended and Restated PILOT Agreement and execute or attest such other documents, certificates and instruments as may be necessary or desirable to carry out the intent of this Ordinance under the City's official seal.

**Section 2. Supplemental Authority.** This Ordinance shall supplement the authority contained in the Bond Ordinance to execute certain documents in connection with the issuance of the Bonds and the application for property tax exemption for the Project.

**Section 3. Effective Date.** This Ordinance shall take effect from and after its passage by the Governing Body and publication once in the official newspaper of the City.


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**PASSED** by the Governing Body of the City and approved by the Mayor on June 22, 2020.

**CITY OF BONNER SPRINGS, KANSAS**

  
\_\_\_\_\_  
Jeff Harrington, Mayor

ATTEST:

  
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Christina Brake, City Clerk