

ORDINANCE NO. 2431

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE STAR BOND FINANCING PROJECT PLAN FOR THE DERBY STAR BOND PROJECT DISTRICT.

WHEREAS, the City of Derby, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas as a city of the second class; and

WHEREAS, pursuant to K.S.A. 12-17,160 *et seq.*, as amended (the “Act”) and Ordinance No. 2242, passed on September 8, 2015 and published on September 16, 2015, the City Council of the City (the “Governing Body”) established a STAR bond district pursuant to the Act, designated as the Derby STAR Bond Project District (the “District”) and approved a plan for the District (the “District Plan”); and

WHEREAS, by Ordinance No. 2394, passed August 27, 2019, and published September 4, 2019, the City added certain property, increased the boundaries of the District and adopted a substantial change to the District Plan, all pursuant to K.S.A. 12-17,171(a); and

WHEREAS, pursuant to the Act, the City prepared a STAR Bond Financing Project Plan for development of the District, dated August 3, 2016 (the “STAR Project Plan”); and

WHEREAS, the Act, particularly K.S.A. 12-17,166(k), authorizes the Governing Body to approve substantial changes to the STAR Project Plan, subject to public hearing, notice of which is provided by publication at least twice in the official City newspaper; and

WHEREAS, by Ordinance No. 2422, passed by the Governing Body on January 28, 2020, and published February 5, 2020, the City approved the First Amendment to STAR Bond Financing Project Plan (the “First Amendment”), all pursuant to K.S.A. 12-17,166(k); and

WHEREAS, the City has prepared the Second Amendment to STAR Bond Financing Project Plan, dated May 2020 (the “STAR Project Plan Second Amendment”), which further modifies the scope of the major commercial entertainment and tourism area adds a major multi-sport athletic complex and modifies related infrastructure improvements described in the STAR Project Plan; and

WHEREAS, on May 28, 2020, after providing notice required by the Act, a public hearing on the STAR Project Plan Second Amendment was opened, public comment was received by the Governing Body and the public hearing was closed; and

WHEREAS, the Governing Body is authorized by the Act to adopt the STAR Project Plan Second Amendment by ordinance passed by not less than two-thirds vote of the Governing Body; and

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

Section 1. STAR Project Plan Second Amendment Approval. The STAR Project Plan Second Amendment for the redevelopment of the District, together with all attachments and exhibits thereto, which is on file in the office of the City Clerk, is hereby adopted.

Section 2. Financing Authorization. The Governing Body hereby declares its intention to issue and sell its special obligation bonds (the “Bonds”), in order to implement the STAR Project Plan Second Amendments. The Bonds may be issued to reimburse the City for such project costs pursuant to Treasury Regulation §1.150-2.

Section 3. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City newspaper.

Section 4. Notification. The City Clerk shall cause to be transmitted copies of this Ordinance and the STAR Project Plan Second Amendment to the Sedgwick County Board of County Commissioners, Clerk, Treasurer and Appraiser, to the Board of Education of Unified School District No. 260 (Derby) and to the Secretary of the Kansas Department of Commerce.

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PASSED by not less than a two-thirds majority of the City Council of the City of Derby, Kansas, on May 28, 2020 and **APPROVED** and **SIGNED** by the Mayor.

(SEAL)

ATTEST:



Randy White

Randy White, Mayor

Jason Esp

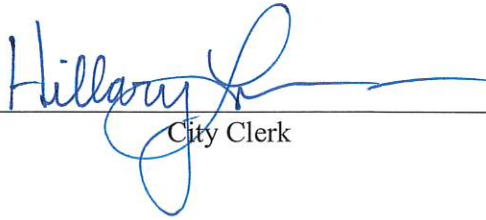
Deputy City Clerk

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CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. [____] (the "Ordinance") of the City of Derby, Kansas (the "City"); that said Ordinance was passed by the City Council on May 28, 2020, 2020, that the record of the final vote on its passage is found on page ____ of journal ____; that a Summary of the Ordinance was published in the official newspaper of the City on June 3, 2020; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: June 3, 2020.



City Clerk

(Published in *The Derby Informer* on June 3, 2020)

SUMMARY OF ORDINANCE NO. 2431

On May 28, 2020, the City Council of the City of Derby, Kansas (the “City”) passed an ordinance entitled:

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE STAR BOND FINANCING PROJECT PLAN FOR THE DERBY STAR BOND PROJECT DISTRICT.

Ordinance No. 2431 (the “Ordinance”) further amends the STAR Bond Financing Project Plan for the Derby STAR Bond Project District, as previously amended by the First Amendment to STAR Bond Financing Project Plan (collectively, the “Project Plan”) which further modifies the scope of the major commercial entertainment and tourism area, adds a major multi-sport athletic complex and modifies related infrastructure improvements described in the Project Plan. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, Derby City Hall, 611 N. Mulberry Rd, Suite 300, Derby, Kansas 67037. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.derbyks.com.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: May 28, 2020.



City Attorney