EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF WICHITA, KANSAS
HELD ON DECEMBER 6, 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.

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(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT OF DEVELOPMENT AGREEMENT RELATING TO THE K-96 GREENWICH STAR BOND PROJECT DISTRICT AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH SAID AGREEMENT.

Thereupon, Councilmember ____________ moved that said Resolution be adopted. The motion was seconded by Councilmember ____________. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Aye:

Nay:

Thereupon, the Resolution was then duly numbered Resolution No. 16-[-], and was signed by the Mayor and attested by the Clerk.

(Other Proceedings)

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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]

______________________________
Karen Sublett, City Clerk
RESOLUTION NO. 16-466

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT OF DEVELOPMENT AGREEMENT RELATING TO THE K-96 GREENWICH STAR BOND PROJECT DISTRICT AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH SAID AGREEMENT.

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

WHEREAS, pursuant to Ordinance No. 49-572, passed September 10, 2013 and published September 13, 2013, the Governing Body authorized the execution of a Development Agreement, dated September 13, 2013, among the City, Wichita Destination Developers, Inc., Goodsports Village Wichita, LLC and Goodsports Communities, Inc. (the “Original Development Agreement”); and

WHEREAS, pursuant to Ordinance No. 49-605, passed November 19, 2013 and published November 22, 2013, the Governing Body authorized the execution of a First Amendment of Development Agreement, dated November 22, 2013, among the City, Wichita Destination Developers, Inc., Goodsports Village Wichita, LLC and Goodsports Communities, Inc. (the “First Amendment”); and

WHEREAS, a copy of the First Amendment was recorded with the Sedgwick County, Kansas, Register of Deeds on December 16, 2013 and appears at DOC#/FLM-PG 29424600; and

WHEREAS, pursuant to Resolution No. 14-247, passed August 26, 2014, the Governing Body authorized the execution of a Second Amendment of Development Agreement, dated August 26, 2014, among the City, Wichita Destination Developers, Inc., Goodsports Village Wichita, LLC and Goodsports Communities, Inc. (the “Second Amendment”); and

WHEREAS, due to events of default by Goodsports Village Wichita, LLC and Goodsports Communities, Inc., which were not cured, effective April 10, 2015, the City exercised its option to terminate the Development Agreement with respect to said parties; and

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable to authorize the execution of a Third Amendment of Development Agreement, dated December 15, 2016, between the City and Wichita Destination Developers, Inc (the “Third Amendment”) and to take certain actions and execute certain other documents as therein provided.

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

Section 1. Approval of Third Amendment. The Third Amendment is hereby approved in substantially the form presented to the Governing Body at this meeting, a copy of which shall be filed in the records of the City Clerk.

Section 2. Execution of Third Amendment and Other Documents. The Mayor or Vice Mayor of the City is hereby authorized and directed to execute the Third Amendment and such other
documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution, with such changes therein as shall be approved by the City Attorney and the officer or officers of the City executing such documents, such officers' signatures thereon being conclusive evidence of their approval and the City's ratification or approval thereof. The City Clerk or any Deputy City Clerk is hereby authorized to attest to the signature of the Mayor or Vice Mayor of the City and affix the seal of the City to said documents.

Section 3. Further Authority. The City shall, and the officers, employees and agents of the City and Gilmore & Bell, P.C., the City's bond counsel, are hereby authorized and directed to, take such action, expend such funds and execute such other documents, deeds, agreements, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and the transactions contemplated therein and to carry out, comply with and perform the duties of the City with respect to the Development Agreement, as amended, and related documents.

Section 4. Effective Date. This Resolution shall take effect and be in full force after its adoption by the Governing Body.

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ADOPTED by the City Council of the City of Wichita, Kansas, on December 6, 2016.

(SEAL)

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Jennifer Magaña, Director of Law and
City Attorney

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 16-[___] (the “Resolution”) of the City of Wichita, Kansas, adopted by the Governing Body on December 6, 2016, as the same appears of record in my office, and that the Resolution has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: December 6, 2016.

Karen Sublett, City Clerk

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