

ORDINANCE NO. 291

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF WATHENA, KANSAS, AND C M CORPORATION WHICH WILL PROVIDE FOR THE FURNISHING OF CERTAIN FIRE AND POLICE PROTECTION BY SAID CITY TO SAID CORPORATION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA:

SECTION 1. The Mayor and the City Clerk of the City of Wathena, Kansas, be and they are hereby authorized and empowered, on behalf of the City of Wathena, to execute and attest a certain agreement by and between the City of Wathena (hereinafter "City") and C M Corporation (hereinafter "C M") which agreement shall provide for the furnishing of certain fire and police protection services by the City to C M all as provided in Section 2 below.

SECTION 2. Such agreement (excluding introductory, preamble and introductory clauses) shall be in substance and form as follows:

"1. During any year in which the Facility leased to C M by the City pursuant to the Lease and Agreement dated as of July 1, 1972, is exempt from ad valorem taxes, C M hereby agrees to pay to the City for police and fire protection the sum of \$3,600.00 for each such year. Such payment shall be payable directly to the City Clerk on or before December 31st of each such year and shall be deposited by the City Clerk in the General Fund and used for the purposes for which such payment is made as set out above; but no specific designation or segregation of said amount shall be necessary, and it shall be conclusively presumed that such payment has been rendered by the City to C M for each such year.

2. The payment of taxes by C M on any part of C M's property not constituting a part of the Facility shall not affect this Agreement. However, if any part of the Facility as such for any year is subject to the imposition of ad valorem taxes, then and in that event C M shall be entitled to a credit for the amount of such ad valorem taxes, such credit to reduce to the extent of such credit the amount of payment which would otherwise be due under the terms of this Agreement. In any year when such ad valorem taxes on the Facility as such equal or exceed the payment set out above, no such payment for police and fire protection shall be made by C M to the City. Upon the expiration of the ten- (10) year period during which the property is entitled to ad valorem tax exemption or on the losing of such tax exemption by changes in Kansas statutes or otherwise, this Agreement shall be cancelled and of no further effect.

3. Notwithstanding the above, the City will cooperate with C M in applying for a tax exemption on the Facility and otherwise cooperate in retaining such tax exemption as provided by the Lease and Agreement described above."

SECTION 3. This Ordinance shall be in force from and after its adoption and publication in the official city newspaper.

Passed by the Council and approved by the Mayor on the 7th day of August, 1972.

Mayor

ATTEST:

City Clerk

(CITY SEAL)