Published in _____ on _____, 1997 once)

ORDINANCE NO. __500__

A HOME RULE ORDINANCE OF THE CITY OF WATHENA, KANSAS AUTHORIZING THE PURCHASE AND ACQUISITION OF REAL ESTATE AND THE GRANT THEREOF TO A CERTAIN COMPANY FOR ECONOMIC DEVELOPMENT PURPOSES; AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS FOR SUCH PURPOSES.

WHEREAS, the governing body of the City of Wathena, Kansas (the "City") has considered the needs of the City and its environs for the retention and expansion of existing businesses and industries and the securing and development of new businesses and industries, in order to enhance and provide for the general and economic welfare of the citizens of the City; and

WHEREAS, K.S.A. 12-1617h (the "Act") authorizes the City to levy a tax and expend public funds for such economic development purposes, but by its terms is not the exclusive means of providing such funds and recognizes and acknowledges that the City may, in its discretion, exercise any other lawful authority to provide funds for such purposes; and

WHEREAS, Article 12, §5 of the Constitution of the State of Kansas (the "Home Rule Amendment") empowers cities to determine their local affairs and government and provides that such power and authority granted thereby to cities shall be liberally construed for the purpose of giving to cities the largest measure of self-government; and

WHEREAS, the City is a city within the meaning of the Home Rule Amendment; and

WHEREAS, the governing body of the City has found and determined that it is in the interest of the public health, safety and welfare of the City to authorize the purchase and acquisition of certain real estate described on *Schedule 1* attached hereto (the "Site") and to grant and convey that Site to Skyjack, Inc. (the "Company"), upon terms and conditions deemed advisable to the governing body of the City, as an economic development inducement for the Company to locate and construct a manufacturing facility near the City; and

WHEREAS, the governing body of the City has further found and determined that it is necessary and advisable and in the interest of the public health, safety and welfare of the City to authorize the issuance of general obligation bonds of the City to finance a portion of the costs of purchasing and acquiring the Site.

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

Section 1. Authorization of Site Acquisition and Grant. The purchase and acquisition of the Site is authorized at an estimated cost of $120,000, and the granting and conveying of the Site to the Company to induce the location of a manufacturing facility in the City is also authorized, all upon terms and conditions deemed advisable by the governing body of the City

Section 2. Authorization of Bonds. The costs of purchasing and acquiring the Site may be paid in part from the proceeds of the sale of general obligation bonds of the City (the "Bonds"), which are authorized to be issued for such purposes pursuant to the authority of the Act and the Home Rule Amendment in an amount not to exceed $100,000, and which may be issued in one or more series, in such principal amounts as are determined by subsequently enacted ordinances of the governing body of the City.

Section 3. Reimbursement Authorization. The proceeds of such Bonds may be used to reimburse the City for funds expended in purchasing and acquiring the Site on or after the date that is 60 days before the date of reimbursement Resolution No. 97-1 of the City, as provided in U.S. Treasury Regulations §1.150-2.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after its passage by a majority of the governing body of the City, its signature by the Mayor, and its publication once in the official City newspaper as provided by law.

PASSED and APPROVED by a majority of the governing body of the City of Wathena, Kansas and **SIGNED** by the Mayor this _18th_ day of _November_ 1997.

[SEAL]

_____
Mayor

Attest:

_____
City Clerk

SCHEDULE 1

The Northwest Quarter of the Northwest Quarter of Section 35, Township 3, Range 22, SUBJECT to railroad right-of-way-and right-of-way for public road, Doniphan County, Kansas