

10-20-08 CD

ORDINANCE NO. 541

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CERTAIN EQUIPMENT LEASE AGREEMENT BETWEEN THE CITY OF BASEHOR, KANSAS, AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF LEASING CERTAIN COMMUNICATION EQUIPMENT; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE EQUIPMENT LEASE AGREEMENT.

WHEREAS, K.S.A. 2007 Supp. 75-5073 *et seq.*, (the "Act") authorizes the Secretary of Transportation (the "Secretary") of the State of Kansas (the "State" or "Lessor") to establish a communication revolving fund to provide assistance to governmental units for certain communications projects; and

WHEREAS, the City of Basehor, Kansas (the "Lessee"), is a "Governmental Unit" and a "Public Safety Agency" as said terms are defined in the Act; and

WHEREAS, the governing body of the Lessee hereby finds and determines that it is necessary and desirable to enter into a certain equipment lease agreement with the State for the purposes as expressly described and set out therein (the "Equipment Lease Agreement"), and to complete and execute certain other documents relating thereto, and to take certain actions required in order to implement the Equipment Lease Agreement; and

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

Section 1. Authorization of Equipment Lease Agreement. The Lessee is hereby authorized to enter into the Equipment Lease Agreement with the State of Kansas acting by and through the Kansas Department of Transportation to lease certain communication equipment (as described and defined in said Equipment Lease Agreement) from the Lessor. The Mayor and City Clerk are hereby authorized to execute the Equipment Lease Agreement in substantially the form presented to the governing body at its meeting held on the date of this Ordinance, with such changes or modifications thereto as may be approved by the Mayor and the Lessee's legal counsel, the Mayor's execution of the final Equipment Lease Agreement being conclusive evidence of such approval.

Section 2. Further Authority. The Mayor, City Clerk, other officials and legal counsel of the Lessee are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 3. Governing Law. This Ordinance and the Equipment Lease Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 4. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body and publication in the official city newspaper.

PASSED by the governing body of the City of Basehor, Kansas on October 6, 2008, and approved by the Mayor.

(SEAL)


Chris Garcia, Mayor

ATTEST:


Mary A. Mogle, City Clerk



APPROVED AS TO FORM AND LEGALITY


Patrick Reavey, City Legal Counsel