

RESOLUTION NO. 05-28-20B

RESOLUTION AUTHORIZING THE CITY OF EDGERTON, KANSAS TO ENTER INTO A FIRST AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF A TRUCK STOP AND RELATED FACILITIES

WHEREAS, the City of Edgerton, Kansas (the "City"), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the City has previously entered into an Amended and Restated Development Agreement dated December 2, 2019 (the "Original Agreement") with My Store III Inc., a Kansas corporation (the "Developer"), for the development of a truck stop and related facilities (the "Project") located east of Homestead Lane and north of Interstate 35; and

WHEREAS, the City and the Developer desire to expand the definition of Project in the Original Agreement and also desire to increase the Developer TIF cap;

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

Section 1. Approval of First Amendment to Amended and Restated Development Agreement. The City Council hereby approves the First Amendment to the Amended and Restated Development Agreement (the "First Amendment") in substantially the form attached hereto as **Exhibit A**. The First Amendment amends the Original Agreement by expanding the definition of the Project and increased the Developer TIF cap to \$1,750,000.

Section 2. Execution of First Amendment. The Mayor of the City is hereby authorized to enter into the First Amendment, in substantially the form presented to and reviewed by the City Council at this meeting (a copy of which upon execution shall be filed in the office of the City Clerk), with such changes therein as shall be approved by the Mayor, the Mayor's signature thereon being conclusive evidence of his approval thereof. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the First Amendment.

Section 3. Further Authority. The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the City with respect to the First Amendment.

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

ADOPTED this 28th day of May, 2020.

[SEAL]

ATTEST:



City Clerk



CITY OF EDGERTON, KANSAS

By: 

Mayor

Approved as to form:



Scott W. Anderson, Bond Counsel

EXHIBIT A

**FORM OF FIRST AMENDMENT TO
AMENDED AND RESTATED DEVELOPMENT AGREEMENT**