

RESOLUTION NO. 7225

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4 A RESOLUTION INTRODUCED BY MAYOR HARRY FELKER EXPRESSING THE
5 INTENT OF THE CITY OF TOPEKA, KANSAS, TO ISSUE ITS INDUSTRIAL
6 REVENUE BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$15,000,000 TO
7 BOTH FINANCE VARIOUS IMPROVEMENTS BENEFITING HILL'S PET
8 NUTRITION, INC., AND PROMOTE, STIMULATE AND DEVELOP THE ECONOMIC
9 WELFARE OF BOTH THE CITY AND THE STATE OF KANSAS.

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11 WHEREAS, the City of Topeka, Kansas, (the "City") is authorized and empowered
12 pursuant to the provisions of K.S.A. 12-1740 to 12-1749(d), inclusive, as amended (the
13 "Act"), to both issue its industrial revenue bonds to finance the cost of acquiring,
14 constructing, furnishing and equipping certain facilities and enter into lease agreements with
15 any person, firm or corporation for the use and acquisition of such facilities in order to
16 promote, stimulate and develop the economic welfare and prosperity of both the City and the
17 State of Kansas; and

18 WHEREAS, Hill's Pet Nutrition, Inc., ("Hill's") has requested that the City issue its
19 industrial revenue bonds in one or more separate series in the maximum amount of Fifteen
20 Million Dollars (\$15,000,000) (the "Bonds") to finance the cost of acquiring, constructing,
21 installing, furnishing and equipping certain facilities and improvements thereon the
22 ("Project") to benefit Hill's; and

23 WHEREAS, the City does hereby find and determine it to be advisable and in the
24 best interest of the City and its inhabitants that such Bonds of the City, as and in the
25 maximum amount so requested, be authorized and issued to finance the Project; and

26 WHEREAS, such Bonds when, as and if issued by the City will be payable solely
27 and only from the moneys and revenues received by the City from the fees charged and
28 rentals received for the use of the Project and not from any other fund or source.

29 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
30 TOPEKA, SHAWNEE COUNTY, KANSAS, AS FOLLOWS:

31 Section 1. That the governing body of the City (the "Council") hereby finds and
32 determines that the Project will promote, stimulate and develop the general economic
33 welfare of the City and be in furtherance of the public purposes as set forth in the Act.

34 Section 2. That industrial revenue bonds of the City in the maximum principal
35 amount of \$15,000,000 be issued in one or more separate series to finance the Project to be
36 leased to Hill's pursuant to and in accordance with the Act.

37 Section 3. That the terms of all ordinances, trust indentures, lease agreements and
38 other documents required in the issuance of the Bonds (the "Bond Documents") shall be as
39 agreed to by and between the City and Hill's. The selection of the purchaser of the Bonds
40 shall be the sole responsibility of Hill's.

41 Section 4. That the City officials are hereby directed and authorized to proceed with
42 the necessary negotiations relating to the Bond Documents with Hill's and with the
43 preparation of all other necessary documents relating thereto for final action by the Council
44 of the City. All terms and conditions of the Bonds and the sale thereof must be acceptable to
45 and approved by the Council of the City and Hill's.

46 Section 5. That the City Clerk and Nichols and Wolfe Chartered, bond counsel, are
47 hereby authorized and directed to prepare and cause to be filed and published, where
48 necessary, all statements and notices required by the provisions of both K.S.A. 12-1740 et
49 seq., as amended.

50 Section 6. That as the Project site(s) and facilities are entitled to an exemption from
51 ad valorem taxation for a period of ten (10) years beginning after the calendar year in which
52 the Bonds are issued in accordance with the provisions of K.S.A. 79-201a, as amended, the
53 City shall, subject to the requirements of applicable law, agree to an abatement of ad valorem
54 taxes for the full ten (10) years such Project site(s) and facilities are entitled to an exemption
55 from ad valorem taxation and, in lieu of such ad valorem taxes, Hill's shall make an annual
56 payment in lieu of such ad valorem taxes each year for such 10 year period.

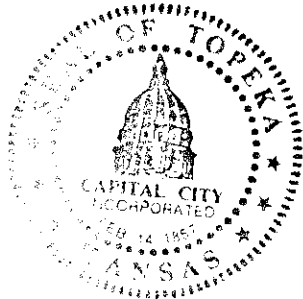
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57 Section 7. That the City will not be liable or otherwise responsible for the payment
58 of any costs or expenses incurred by or in connection with the issuance of such Bonds.

59 Section 8. That the issuance of the Bonds by the City shall, in addition to all other
60 requirements of the City, be subject to any limitations imposed upon the City by either feder-
61 al or Kansas law, including any regulations, rulings or executive orders which might
62 appertain thereto.

63 Section 9. That this Resolution shall be of force and effect immediately upon its
64 adoption and approval.

65 ADOPTED AND APPROVED THIS 26th day of March, 2002.

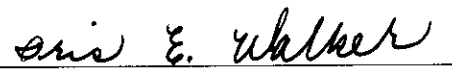


CITY OF TOPEKA, KANSAS



Harry Felker, Mayor

73 ATTEST:

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78 Iris E. Walker, City Clerk

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81 [SEAL]

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84 I, IRIS E. WALKER, City Clerk of the City of Topeka, Kansas, do hereby certify
85 that the above and foregoing is a true and correct copy of Resolution No. _____, adopted
86 and approved by the City Council on March 26, 2002.

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Iris E. Walker, City Clerk

