

RESOLUTION NO. 7245

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4 **A RESOLUTION INTRODUCED BY MAYOR HARRY**
5 **FELKER EXPRESSING THE INTENT OF THE CITY OF**
6 **TOPEKA, KANSAS, TO ISSUE ITS HOUSING AND**
7 **HEALTH CARE REVENUE BONDS IN THE MAXIMUM**
8 **PRINCIPAL AMOUNT OF \$2,225,000 TO BOTH FINANCE**
9 **VARIOUS IMPROVEMENTS BENEFITING THE**
10 **CONGREGATIONAL HOME, INC., AND PROMOTE,**
11 **STIMULATE AND DEVELOP THE ECONOMIC**
12 **WELFARE OF BOTH THE CITY AND THE STATE OF**
13 **KANSAS.**

14
15 **WHEREAS**, the City of Topeka, Shawnee County, Kansas, (the "City") is authorized
16 and empowered pursuant to the provisions of K.S.A. 12-1740 to 12-1749(d), inclusive, as
17 amended, (the "Act") to both issue its housing and health care revenue bonds to finance the cost
18 of acquiring, constructing, furnishing, equipping and otherwise completing certain facilities and
19 enter into lease agreements with any person, firm or corporation for the use and acquisition of
20 such facilities in order to promote, stimulate and develop the economic welfare and prosperity of
21 both the City and the State of Kansas through, among other things, the promotion and
22 advancement of physical health; and

23 **WHEREAS**, The Congregational Home, Inc., a Kansas not-for-profit corporation,
24 (commonly and hereinafter referred to as "Brewster Place") has pursuant to a resolution of its
25 board of directors (the "Board Resolution") requested that the City issue its housing and health
26 care revenue bonds in the maximum amount of Two Million Two Hundred Twenty-five
27 Thousand Dollars (\$2,225,000) (the "Bonds") to (i) to finance the rehabilitation, remodeling,
28 furnishing and equipping of certain elderly housing and health care facilities (collectively, the
29 "Facility") located at 1205 SW 29th Street, Topeka, Kansas, and (ii) pay certain expenses
30 associated with the issuance of the Bonds (the "Project"); and

1 **WHEREAS**, the City does hereby find and determine it to be advisable and in the best
2 interest of the City and its inhabitants that such Bonds of the City, as and in the maximum
3 amount requested by Brewster Place be authorized and issued to finance the Project; and

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

7 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**
8 **TOPEKA, SHAWNEE COUNTY, KANSAS, AS FOLLOWS:**

9 **Section 1.** That the Council of the City of Topeka, Kansas, hereby finds and determines
10 that the Project will promote, stimulate and develop the general economic welfare of the City and
11 be in furtherance of the public purposes as set forth in the Act.

12 **Section 2.** That housing and health care revenue bonds of the City in the maximum
13 principal amount of \$2,225,000 be issued to permanently finance the Project to be leased to
14 Brewster Place pursuant to and in accordance with the Act.

15 **Section 3.** That the terms of all ordinances, trust indentures, lease agreements and other
16 documents required in the issuance of the Bonds shall be as agreed to by and between the City
17 and Brewster Place. This will acknowledge that Brewster Place has selected Davidson
18 Securities, Inc., a division of Gold Capital Management, Inc., Wichita, Kansas, to underwrite the
19 Bonds and such selection is the sole responsibility of Brewster Place.

20 **Section 4.** That the City officials are hereby directed and authorized to proceed with the
21 necessary negotiations relating to the Lease Agreement with Brewster and with the preparation
22 of all other necessary documents relating thereto for final action by the Governing Body of the
23 City. All terms and conditions of the Bonds and the sale thereof must be acceptable to and ap-
24 proved by the Governing Body of the City and Brewster Place.

25 **Section 5.** That the City Clerk and Nichols and Wolfe Chartered, bond counsel, are
26 hereby authorized and directed to prepare and cause to be filed and published, where necessary,

1 all statements and notices required by the provisions of both K.S.A. 12-1740 et seq., as amended,
2 and applicable federal law.

3 **Section 6.** That the City will not be liable or otherwise responsible for the payment of
4 any costs or expenses incurred by or in connection with the issuance of such Bonds.

5 **Section 7.** That the issuance of the Bonds by the City shall, in addition to all other
6 requirements of the City, be subject to any limitations imposed upon the City by either federal or
7 Kansas law, including any regulations, rulings or executive orders which might appertain thereto.

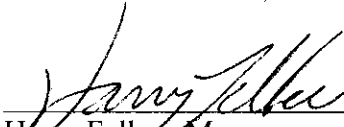
8 **Section 8.** That the declarations of official intent expressed in both the Board Resolution
9 and herein are a declaration to reimburse certain expenditures from the proceeds of the Bonds
10 made for purposes of Trea. Reg. 1.150-2 and Section 103 and Sections 141 through 150 of the
11 Internal Revenue Code of 1986, as amended.

12 **Section 9.** That this Resolution will be available for public inspection during regular
13 business hours of the City at City Hall and shall be of force and effect from and after its adoption
14 and approval.

15 **Section 10.** That this Resolution shall be of force and effect immediately upon its
16 adoption and approval.

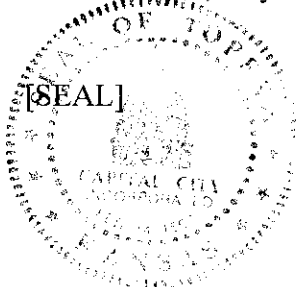
17 **ADOPTED** by the Council of the City of Topeka, Kansas, this 16th day of July, 2002

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19 CITY OF TOPEKA, KANSAS

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23 Harry Felker, Mayor

24 ATTEST:

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28 Iris E. Walker, City Clerk



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2 ACKNOWLEDGEMENT AND ACCEPTANCE
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4 The provisions of this resolution are hereby acknowledged and accepted as the
5 declaration of the official intent of The Congregational Home, Inc., a Kansas not-for-profit
6 corporation.

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8 Dated this _____ day of July, 2002.
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11 THE CONGREGATIONAL HOME, INC.
12 A Kansas not-for-profit corporation
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16 By _____
17 Max Prosser, President
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