

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY OF INDEPENDENCE, MISSOURI TO ENTER INTO A LEASE PURCHASE TRANSACTION AND AUTHORIZING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Independence, Missouri (the "City"), desires to obtain money to reimburse itself for costs of acquiring land and an existing building (the "Site") to serve as office and meeting space for the City and to pay for the costs of renovating, improving, furnishing and equipping the Site for such purposes (altogether, the "Project"); and

WHEREAS, in order to facilitate the Project and to pay the cost thereof, it is necessary and desirable for the City to take the following actions:

1. Enter into a Base Lease (the "Base Lease"), with Webster Bank, National Association (the "Bank"), pursuant to which the City will lease the Site to the Bank;
2. Enter into a Lease Purchase Agreement (the "Lease Purchase Agreement"), with the Bank, pursuant to which the City will lease the Site and the Project from the Bank with an option to purchase;
3. Enter into an Escrow Agreement (the "Escrow Agreement") with the Bank and an escrow agent, pursuant to which the proceeds of the Lease Purchase Agreement will be deposited and disbursed for costs of the Project and closing costs for the financing; and
4. Enter into a Placement Agent Agreement with Drexel Hamilton, LLC relating to the placement of the Lease Purchase Agreement with the Bank.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1 – Approval of Documents. The Base Lease, the Lease Purchase Agreement, the Escrow Agreement and the Placement Agent Agreement (collectively, the "Lease Documents") are hereby approved in substantially the forms on file with the City Clerk, with such changes therein as are approved by the City Manager, the City Manager's execution thereof to be conclusive evidence of the approval thereof. The City Manager is hereby authorized and directed to execute and deliver and the City Clerk is authorized to attest and seal such documents on behalf of and as the act and deed of the City. The City Council hereby approves the fixed interest rate of 5.18% for the Lease Purchase Agreement.

SECTION 2 – Further Authority. The City will, and the officials 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 Ordinance and to carry out, comply with and perform the duties of the City with respect to the Lease Documents.

SECTION 3 – Effective Date. This Ordinance shall take effect and be in full force as set forth in the City Charter.

PASSED ON THIS _____ DAY OF JANUARY, 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council of the
City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager