

ORDINANCE NO. 180365

Authorizing the defeasance of the City’s Subordinated Taxable Airport Improvement and Refunding Revenue Bonds, Series 2005C; directing the execution of an Escrow Deposit Agreement between the City and Wells Fargo Bank, N.A., relating to the defeasance; approving the selection of defeasance counsel; transferring \$4,371,996.00 from the Unappropriated Fund Balance of Fund No. 8590, the KCI Overhaul Base Fund to Fund No. 8360, the Customer Facility Charges Fund; estimating revenue in the amount of \$4,371,996.00 in Fund No. 8360, the Customer Facility Charges Fund; and appropriating the amount of \$10,371,996.00 from the Unappropriated Fund Balance of Fund No. 8360, the Customer Facility Charges Fund.

WHEREAS, the City previously issued its Subordinated Taxable Airport Improvement and Refunding Revenue Bonds, Series 2005C (the “Series 2005C Bonds”) pursuant to Ordinance No. 050299 of the City (the “2005C Ordinance”); and

WHEREAS, the City wishes to defease the outstanding Series 2005C Bonds by the deposit into escrow of moneys sufficient to pay principal of and interest on the Series 2005C Bonds through the next optional call date thereof, pursuant to an Escrow Deposit Agreement (the “Escrow Agreement”) between the City and Wells Fargo Bank, N.A., as Escrow Agent; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City is hereby authorized to defease the Series 2005C Bonds and to enter into the Escrow Agreement in such form as shall be approved by the Director of Finance of the City.

Section 2. That the Director of Finance is hereby authorized and directed to execute the Escrow Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk or a deputy City Clerk, of the City is hereby authorized and directed to attest to and affix the seal of the City to the Escrow Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 3. That the City hereby approves the selection of Kutak Rock LLP as defeasance counsel to render an opinion that the Series 2005C Bonds are legally defeased under the 2005C Ordinance at such time as the escrow is funded under the Escrow Agreement.

Section 4. That the sum of 4,371,996.00 is hereby appropriated from the Unappropriated Fund Balance of Fund No. 8590 KCI Overhaul Base Fund, to the following account:

AL-8590-129998-908360	Transfer to Customer Facility Charges	\$4,371,996.00
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Section 5. That the revenue in the following account of Fund No. 8360, the Customer Facility Charges Fund, is hereby estimated in the following amount:

19-8360-120000-508590 Transfer from KCI Overhaul Base Fund \$4,371,996.00

Section 6. That the sum of \$10,371,996.00 is hereby appropriated from the Unappropriated Fund Balance of Fund No. 8360, the Customer Facility Charges Fund, to the following account:

19-8360-629600-G	Defeasance of Bonds Airport	\$10,361,996.00
19-8360-129620-B	Cost of Defeasance	<u>10,000.00</u>
	TOTAL	\$10,371,996.00

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Randall J. Landes
Director of Finance

Approved as to form and legality:

Katherine Chandler
Assistant City Attorney