

TRIPPLETT WOOLF GARRETSON, LLC

RESOLUTION NO. 23-21

OF THE
GOVERNING BODY
OF THE
CITY OF ANDOVER, KANSAS

RELATING TO AD VALOREM PROPERTY TAX ABATEMENT
IN CONNECTION WITH NOT TO EXCEED
\$1,800,000
INDUSTRIAL REVENUE BONDS
(EVERIDGE, LLC)

RESOLUTION NO. 23-21

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ANDOVER,
KANSAS APPROVING AN AD VALOREM PROPERTY TAX EXEMPTION
FOR PROPERTY ACQUIRED WITH THE PROCEEDS OF CERTAIN
INDUSTRIAL REVENUE BONDS.

WHEREAS, the governing body of the City of Andover, Kansas (the "City") desires to promote, stimulate and develop the general economic welfare and prosperity of the City, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1740 *et seq.*, as amended (the "Act"), and all acts amendatory thereof or supplemental thereto, said City is authorized to issue revenue bonds of the City; and

WHEREAS, pursuant to Resolution No. 23-19 of the City, the City has indicated its preliminary intent to issue certain industrial revenue bonds in an aggregate principal amount of not to exceed \$1,800,000 (herein the "Bonds") pursuant to the Act to pay costs incurred in connection with purchasing, acquiring, constructing, furnishing, and equipping an industrial facility consisting of an expansion of an existing facility located at 215 E. 13th Street in Andover, Kansas (the "Project"), to be owned or leased by the City and leased to Everidge, LLC, a Delaware limited liability company (the "Tenant"); and

WHEREAS, the City has caused a notice of its consideration of the issuance of the Bonds and the accompanying ad valorem property tax abatement on the Project to be published in the official newspaper of the City at least seven days prior to the date hereof and has notified Butler County, Kansas, Butler Community College and Unified School District No. 385 of its consideration thereof; and

WHEREAS, the City has caused a cost benefit analysis to be prepared in connection with its consideration of ad valorem property tax abatement on the Project, which cost benefit analysis includes an analysis of the effect on state revenues; and

WHEREAS, the City has conducted a public hearing on the issue of both the issuance and delivery of the Bonds, as well as the accompanying ad valorem property tax exemption, and all persons present were afforded the opportunity to be heard on such matters.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. Tax Exemption. Subject to Kansas law and the conditions set forth herein, the City intends that the Project acquired with the proceeds of the Bonds be 100% exempted from ad valorem property taxation (except any ad valorem property tax levied by a school district

pursuant to the provisions of K.S.A. 72-53,113) for a ten-year period commencing the calendar year after the year in which the Bonds are issued.

SECTION 2. Special Assessments. Any special assessment levied against the real property portion of the Project, if any, shall not abate and shall continue to be the obligation of the Tenant, payable in the manner provided by law.

SECTION 3. Approval of Exemption. This Resolution is conditioned on the Tenant making proper application for and the issuance by the Board of Tax Appeals of the State of Kansas of an order exempting the Project from *ad valorem* taxation in accordance with Kansas law, including particularly K.S.A. 79-201a *Second* and/or K.S.A. 79-201a *Twenty-Fourth*.

SECTION 4. Other Actions Required. The Mayor and City Clerk are hereby authorized and directed to take all such other actions not inconsistent herewith as may be appropriate or desirable to accomplish the purposes contemplated by this Resolution.

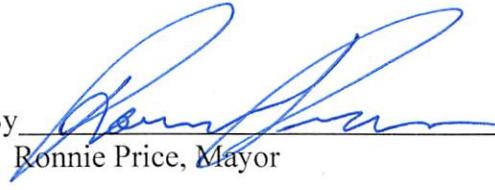
SECTION 5. Effective Date. This Resolution shall become effective upon its approval and passage by the governing body of the City.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover,
Kansas this 25th day of July, 2023.



CITY OF ANDOVER, KANSAS

By 
Ronnie Price, Mayor

ATTEST:

By 
Lance A. Onstott, Deputy City Clerk

EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas met in regular session, at the usual meeting place in the City on July 25, 2023, at 7:00 p.m., with Mayor Ronnie Price presiding, and the following members of the governing body present:

Michael Henry, Joseph Forred, Troy Tabor, and Tim Berry

and the following members absent:

Mike Warrington and Shelby Carselowey

Among other business, in accordance with a notice published on July 15, 2023 in *The Butler County Times-Gazette* and at www.andoverks.com, and a notice to the Board of County Commissioners of Butler County, Kansas, Butler Community College, and the Board of Education of Unified School District No. 385 mailed via certified mail, return receipt requested on July 14, 2023, a public hearing was convened by the governing body relating to the granting of a tax exemption for property financed by and relating to the issuance by the City of Andover, Kansas of its Industrial Revenue Bonds in the principal amount of not to exceed \$1,800,000 (the “Bonds”) for the purpose of financing the costs of purchasing, acquiring, constructing, furnishing, and equipping a industrial facility consisting of an expansion of an existing facility located at 215 E. 13th Street in Andover, Kansas (the “Project”).

All interested persons were afforded the opportunity to present their views on the granting of the tax exemption for the Project.

After all interested persons were afforded the opportunity to present their views on the granting of the tax exemption for the Project and following a discussion of the Cost Benefit Analysis dated June 13, 2023, which Cost Benefit Analysis included an analysis of the proposed effect on state revenues with respect to the granting of an ad valorem property tax exemption for the Project, the public hearing was closed.

Thereupon, among other business, there came on for consideration and discussion the following:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS, APPROVING AN AD VALOREM PROPERTY TAX EXEMPTION FOR PROPERTY ACQUIRED WITH THE PROCEEDS OF CERTAIN INDUSTRIAL REVENUE BONDS.

Thereupon, the Resolution was considered and discussed, and on motion of Michael Henry, seconded by Joseph Forred, the Resolution was adopted by vote of the majority of all members present.

Thereupon, the Resolution, having been adopted by a majority vote of the members of the governing body present, it was given No. 23-21, and was directed to be signed by the Mayor and attested by the Deputy City Clerk.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the July 25, 2023 meeting of the governing body of the City of Andover, Kansas.





Lance A. Onstott, Deputy City Clerk