

**BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 09-014

WHEREAS, the Board of Franklin County Commissioners desires to enter into a lease-purchase agreement with Shirley, LLC, a Kansas Limited Liability Company concerning the following described real property:

Commencing at a point six hundred fifty five (665) feet south of the SE corner of Block 24, University Addition #2 to the City of Ottawa, Kansas,; thence south five hundred eighty five (585) feet along the west line of Main Street City of Ottawa, thence west four hundred feet (400) to the right of way of the A.T. & S.F. Railway; thence north along the east four hundred (400) feet to the place of beginning, excepting therefrom the following described tracts:

A.Commencing at the S.W. corner thereof, thence east one hundred (100) feet, thence north 100 hundred (100) feet; thence west one hundred feet more or less, to the east line of the rail road right of way; thence south along the said right of way to the place of beginning.

B.Excepting therefrom commencing at the S.E. corner of the first above described tract of land; thence west one hundred fifty (150) feet; thence north one hundred forty (140) feet; thence east one hundred fifty (150) feet to the west line of MAIN Street, City of Ottawa, thence south one hundred forty (140) feet; to the place of beginning.

C.Excepting therefrom commencing at the NE corner of the first above described tract; thence south fifty seven (57) feet along the west line of Main Street, City of Ottawa; thence west one hundred seventy (170) feet to a point of beginning.

:and

WHEREAS, the proposed agreement is for a term exceeding the current fiscal year of the municipality (Franklin County) and therefore pursuant to K.S.A. 10-1116c requires the approval of a majority vote of all members of the governing body; and,

WHEREAS, the proposed agreement involved the acquisition of land, is for a term of three or more years, and provides for the payment in any year in excess of \$100,000.00, to K.S.A. 10-1116c requires the total of all payments shall be published once each week for two consecutive weeks in a newspaper of general circulation within said municipality;

BE IT THEREFORE RESOLVE BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY

THAT the Board of Franklin County Commissioners as the governing body for Franklin County hereby states:

- 1.Its intent to enter into said lease-purchase agreement;
- 2.That pursuant to this agreement the Board of Franklin County Commissioners shall pay 67 payments of \$12,203.95 and one payment of \$5,751.18;
- 3.That the total of all payments to be made pursuant to this agreement shall be \$823,415.18;
- 4.That of the above \$823,415.83: that \$108,163.87 shall be interest and \$715,251.96 shall be principal;
- 5.That the purpose of the agreement is to continue/acquire the use and eventually ownership of the above described real estate;
- 6.This resolution shall be published once each week for two consecutive weeks in a newspaper of general

circulation in Franklin County;

7. That if a protest petition signed by not less than 5% of the qualified voters of Franklin County is filed with the appropriate election officer within 30 days following the last publication of this resolution, the agreement shall not take effect unless approved by a majority of qualified voters of Franklin County voting at an election thereon.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 4th day of March 2009.

/s/ John E Taylor
John E. Taylor
Chairman

Received and recorded this the 4th day of March 2009.

Shari Perry

/s/ Shari Perry

County Clerk