

RESOLUTION NO. 21-29

A RESOLUTION OF THE CITY OF LEE'S SUMMIT, MISSOURI, AFFIRMATIVELY ASSENTING TO THE ISSUANCE OF REVENUE BONDS PAYABLE FROM REVENUES TO BE DERIVED FROM THE OPERATION OF THE MIDDLE BIG CREEK SUBDISTRICT SEWER SYSTEM IN AN AMOUNT NOT TO EXCEED \$106,000,000 FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING OR EXTENDING SEWER SYSTEM SERVING THE MIDDLE BIG CREEK SEWER SUBDISTRICT, INCLUDING, BUT NOT LIMITED TO THE IMPROVEMENTS DESCRIBED HEREIN, IN ACCORDANCE WITH SECTION 204.569(3), REVISED MISSOURI STATUTES.

WHEREAS, the Little Blue Valley Sewer District (the "District") is a common sewer district and body corporate and politic, organized and existing under the constitution and laws of the State of Missouri, within portions of Jackson and Cass Counties, Missouri, under the provisions of Section 204.250 *et seq.*, RSMo.; and,

WHEREAS, the Middle Big Creek Sewer Subdistrict (the "Subdistrict") was organized pursuant to the provisions of Chapter 204, including particularly Section 204.565 *et seq.*, RSMo. (the "Act"), by order of the Circuit Court of Cass County, Missouri entered on December 11, 1992, Case No. CV192-985CC (the "1992 Decree"), upon petition of the governing bodies of the District, the Cities of Greenwood, Lake Winnebago, Lee's Summit and Raymore, Missouri, the Mullendike Sewer District, the Dikeland Sewer District, Cass County, Missouri and Jackson County, Missouri; and,

WHEREAS, the 1992 Decree (i) has been recorded in the real estate records of the Recorder of Deeds of Jackson County, Missouri and of the Recorder of Deeds of Cass County, Missouri, which constitute the only counties in which the Subdistrict is located, and (ii) has been filed with the governing bodies of Jackson County, Missouri and Cass County, Missouri; and,

WHEREAS, the Subdistrict was expanded pursuant to the provisions of the Act, by order of the Circuit Court of Cass County, Missouri entered on November 10, 2008, Case No. 08CA-CV04016 (the "2008 Decree," collectively with the 1992 Decree, the "Decree"), upon petition of the governing bodies of the District, the Cities of Greenwood, Lake Winnebago, Lee's Summit, Raymore, and Pleasant Hill, Missouri, the Mullendike Sewer District, the Dikeland Sewer District, Cass County, Missouri and Jackson County, Missouri; and,

WHEREAS, the Decree, which (i) has been recorded in the real estate records of the Recorder of Deeds of Jackson County, Missouri and of the Recorder of Deeds of Cass County, Missouri, which constitute the only counties in which the Subdistrict is located, and (ii) has been filed with the governing bodies of Jackson County, Missouri and Cass County, Missouri, sets forth the political subdivisions which are participants of the Subdistrict; and,

WHEREAS, the District now owns and operates a revenue producing sewerage system serving the Subdistrict and its inhabitants, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired for the benefit of the Subdistrict (the "System"); and,

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WHEREAS, District desires to extend and improve the System through the addition of sewer lines, the installation of meters and the expansion of the Middle Big Creek Wastewater Treatment Facility (collectively, the "Improvements"); and,

WHEREAS, the District has determined that it is in the best interests of the District to finance the Improvements through the issuance of the District's revenue bonds payable from the revenues to be derived from the operation of the Subdistrict System; and,

WHEREAS, in accordance with Section 204.569(3) of the Revised Statutes of Missouri, the District has submitted to the customers the question of whether the District shall issue revenue bonds payable from the revenues to be derived from the operation of the Subdistrict System in the amount not to exceed \$106,000,000 for the purpose of financing the Improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the City hereby provides its written affirmative assent to the following question submitted by the District:

Shall Little Blue Valley Sewer District issue its sewerage system revenue bonds in a not to exceed principal amount of \$106,000,000 for the purpose of acquiring, constructing, improving or extending the sewer system serving the Middle Big Creek Subdistrict, including, but not limited to the addition of sewer lines, the installation of meters and the expansion of the Middle Big Creek Wastewater Treatment Facility, the cost of operation and maintenance of said sewerage system and the principal of and interest on said revenue bonds to be payable solely from the revenues derived from the operation of the Subdistrict's sewerage system, including all future improvements and extensions thereto?

SECTION 2. In accordance with Section 204.569(3), approval of the proposition shall require the written assent of three-quarters of the customers. Customers are defined as the following:

Cass County	Dikeland Sewer District
City of Greenwood	City of Lake Winnebago
City of Lee's Summit	Mullendike Sewer District
City of Pleasant Hill	City of Raymore

SECTION 3. That the Mayor of the City of Lee's Summit, Missouri, and other officers, agents, consultants or employees of the City of Lee's Summit, Missouri, are hereby authorized and directed to take such further action, and to execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

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SECTION 4. That this resolution shall be in full force and effect immediately upon its passage and adoption, and approval by the Mayor.

PASSED and ADOPTED by the City Council of the City of Lee's Summit, Missouri, this day of _____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*