

An Ordinance Amending Ordinance No. 05-723 of the City of South Hutchinson Kansas; Approving the Forms and Authorizing the Execution of a Supplemental Indenture Supplementing and Amending That Certain Trust Indenture Dated As Of September 1, 2005 by and Between the City of South Hutchinson, Kansas and First National Bank of Hutchinson, Hutchinson Kansas.; Authorizing the Execution and Delivery of Amended Economic Development Revenue Bonds, Series 2005 Bonds (Dahlsten Truck Line, Inc.) As Provided in Said Supplemental Indenture.

WHEREAS, the City of South Hutchinson, Kansas (the ACity@) is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), to acquire, construct and improve and equip certain facilities (as defined in the Act) for commercial, hospital, industrial and manufacturing purposes, and to enter into leases and lease purchase agreements with any persons, firms or corporations for said facilities, and to issue revenue bonds for the purpose of paying the cost of any such facilities, and to refund revenue bonds so issued; and

WHEREAS, pursuant to Ordinance No. 05-723 of the City, said City previously issued its Economic Development Revenue Bonds, Series 2005 (the "2005 Bonds") in the original principal amount of \$600,000 for the purpose of paying the costs of acquiring a site and constructing and equipping thereon a trucking terminal and a service center within the environs of the City (the AProject@), which Project is owned by the City and leased to Dahlsten Truck Line, Inc., a Nebraska corporation (the ATenant@) pursuant to the provisions of a certain Lease Agreement, dated as of September 1, 2005 (the "Lease"); and

WHEREAS, the 2005 Bonds were issued and are secured under the provisions of a certain Trust Indenture dated as of September 1, 2005 (the AIndenture@) by and between the City as Issuer and First National Bank of Hutchinson, Hutchinson, Kansas as Trustee (the ATrustee@); and

WHEREAS, all of the Outstanding Series 2005 Bonds are owned by The First National Bank of Hutchinson, Hutchinson, Kansas (the ABondowner@);

WHEREAS, the Tenant has requested, and the Bondowner has consented to and approved, certain amendments of the outstanding 2005 Bonds and related amendments to the provisions of the Indenture.

Now, Therefore, Be it Ordained by the governing body of the City of South Hutchinson, Kansas that:

Section 1. **Definition of Terms.** All terms and phrases not otherwise defined herein shall have the respective meanings set forth in the Indenture and the Lease.

Section 2. **Authorization of Supplemental Indenture and Supplemental Lease.** The City is hereby authorized to enter into the Supplemental Indenture dated as of August 1, 2009 (the A2009 Supplemental Indenture@), by and between the City and The First National Bank of Hutchinson, as Trustee, which 2009 Supplemental Indenture supplements and amends the Indenture as provided therein. The City is hereby further authorized to enter into the Supplemental Lease dated as of August 1, 2009 (the A2009 Supplemental Lease@), by and between the City and Dahlsten Truck Line, Inc., a Nebraska corporation, as Tenant, which 2009 Supplemental Lease supplements and amends the Lease as provided therein.

Section 3. **Execution of Agreements and Amended 2005 Bonds.** The Mayor or Vice Mayor is hereby authorized and directed to execute and deliver the 2009 Supplemental Indenture and the 2009 Supplemental Lease herein authorized for and on behalf, and as the act and deed, of the City and to further execute and deliver the Amended Series 2005 Bonds as provided in said 2009 Supplemental Indenture and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance. The City Clerk or the Deputy City Clerk of the City are hereby authorized and directed to attest the execution of the 2009 Supplemental Indenture, the 2009 Supplemental Lease, the Amended 2005 Bonds 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 4. **Further Authority.** The City shall, and the officers, agents and employees of the City are hereby authorized and directed to take such action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the 2005 Bonds, the Trust Indenture and the Lease, each as amended, all as necessary to carry out and give effect to the transactions contemplated hereby and thereby.

Section 5. **Ratification of the Indenture and Lease.** The 2009 Supplemental Indenture and the 2009 Supplemental Lease supplement and amend the Indenture and Lease only to the extent and for the purposes set forth therein. Except to the extent modified hereby, the terms and provisions of said Indenture and Lease are hereby ratified and confirmed.

Section 6. **Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the City's governing body and publication one time in the official newspaper of the City.

Passed and Approved by the Governing Body of the City of South Hutchinson, Kansas this 4th day of August, 2009

City of South Hutchinson, Kansas
By: /s/ Robert Snyder, Mayor

Attest:

/s/ Denise McCue
City Clerk
(Seal)