

RESOLUTION NO. 22-1045

A RESOLUTION APPROVING THE RELEASE OF CERTAIN LAND FROM THE LIEN OF A LEASE AGREEMENT WITH CATHOLIC CARE CAMPUS, INC. AND THE CONVEYANCE OF SUCH LAND BY THE CITY TO CATHOLIC CARE CAMPPUS, INC.

WHEREAS, the City of Olathe, (the “City”) is the fee owner of certain real property commonly known as Santa Marta Senior Living Community (the “Santa Marta Facility”), which real property is leased to Catholic Care Campus, Inc., a Kansas nonprofit corporation (the “Corporation”) pursuant to a Lease Agreement dated as of March 15, 2006 (with all amendments and supplements thereto, the “Lease Agreement”); and

WHEREAS, the City has issued revenue bonds from time to time at the request of the Corporation to finance and refinance the acquisition and construction of improvements to the Santa Marta Facility, which revenue bonds have been issued pursuant to a Bond Trust Indenture dated as of March 15, 2006 (with all amendments and supplements thereto, the “Bond Indenture”), between the City and UMB Bank, N.A., as trustee (the “Bond Trustee”), for the purpose of making the proceeds of the revenue bonds issued thereunder available to the Corporation under the Lease Agreement; and

WHEREAS, the Corporation has agreed under the Lease Agreement to make rental payments to the City, which Lease Agreement and all payments thereunder (other than payment of fees and expenses of the City) are assigned by the City without recourse to the Bond Trustee pursuant to the Bond Indenture, at the times and in the amounts necessary to pay the principal of and interest on all revenue bonds outstanding from time to time under the Bond Indenture; and

WHEREAS, the Corporation has requested that the City release a portion of the land and any improvements thereon subject to the Lease Agreement from the lien of the Lease Agreement and convey such land and any improvements thereon to the Corporation, all in accordance with the terms of the Lease Agreement, the Bond Indenture and the Master Indenture (as defined in the Bond Indenture), all at the expense of the Corporation, which land is described on **Exhibit A** hereto (the land and any improvements thereon to be conveyed to the Corporation being referred to herein as the “Released Real Property”); and

WHEREAS, the owner of all the outstanding revenue bonds under the Bond Indenture has consented to the release of the Released Real Property and the conveyance thereof to the Corporation; and

WHEREAS, the City Council of the City of Olathe, Kansas (the “Governing Body”) desires to authorize the transfer and conveyance of the Released Real Property, pursuant to the terms of this Resolution; and, to authorize any officer or official of the City as are necessary, to execute any and all deeds, deeds of release, instruments, releases, affidavits, and other documents as may be necessary or desirable to facilitate the transfer of the Released Real Property from the City to the Corporation and the release of the lien of the Lease Agreement and any other bond financing documents referenced therein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OLATHE, KANSAS:

Section 1. The release of the Released Real Property from the lien of the Lease Agreement and the transfer and conveyance thereof from the City to the Corporation is hereby approved.


Section 2. The officers and officials of the City are authorized to execute such other documents, notices, deeds and releases as may be necessary or desirable to effect the release of the Released Real Property and to convey legal title to the Released Real Property to the Corporation in accordance with the terms of the this Resolution.

Section 3. This Resolution shall become effective upon adoption by the Governing Body.

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ADOPTED by the City Council of the City of Olathe, Kansas, on June 21, 2022

(SEAL)


John W Bacon (Jun 22, 2022 09:44 CDT)

John Bacon, Mayor

ATTEST:



Brenda Long,
City Clerk



EXHIBIT A

Legal Description of Released Real Property

TRACT III [UNPLATTED TRACT "1"]

A tract of land lying within the Southeast One-Quarter of Section 16, Township 13 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of the said Southeast One-Quarter; thence South 87 degrees 55 minutes 45 seconds West, along the North line of said Southeast One-Quarter a distance of 1511.04 feet to the Northwest corner of Lot 4, SANTA MARTA CATHOLIC CARE CAMPUS, a subdivision in the City of Olathe, Johnson County, Kansas, said point being the Point of Beginning; thence South 02 degrees 04 minutes 15 seconds East, along the West line of said Lot 4 a distance of 40.00 feet to a point; thence continuing along the West line of said Lot 4, South 41 degrees 58 minutes 39 seconds West a distance of 339.17 feet to a point; thence continuing along the West line of said Lot 4, South 19 degrees 47 minutes 40 seconds West a distance of 91.79 feet to a point of curvature on the North right-of-way line of 116th Street as established in said plat of SANTA MARTA CATHOLIC CARE CAMPUS; thence Westerly along said North right-of-way line along a curve to the left having an initial tangent bearing of North 70 degrees 12 minutes 20 seconds West, a radius of 530.00 feet, a central angle of 14 degrees 58 minutes 52 seconds and an arc length of 138.58 feet to a point; thence continuing along said North right-of-way line, North 85 degrees 11 minutes 12 seconds West a distance of 128.51 feet to a point of curvature on the East right-of-way line of Greenwood Drive as established in said plat of SANTA MARTA CATHOLIC CARE CAMPUS; thence Northwesterly, along said East right-of-way line for this and the next four (4) courses, along a curve to the left having an initial tangent bearing of North 09 degrees 39 minutes 51 seconds West, a radius of 120.00 feet, a central angle of 67 degrees 21 minutes 55 seconds and an arc length of 141.09 feet to a point; thence North 03 degrees 00 minutes 00 seconds West a distance of 59.12 feet to a point of curvature; thence North along a curve to the right, tangent to the previously described course, having a radius of 295.00 feet, a central angle of 09 degrees 57 minutes 37 seconds and an arc length of 51.28 feet to a point; thence North 06 degrees 57 minutes 37 seconds East a distance of 100.85 feet to a point of curvature; thence North along a curve to the right tangent to the previously described course, having a radius of 970.00 feet, a central angle of 00 degrees 33 minutes 49 seconds and an arc length of 9.54 feet to a point the North line of said Southeast One-Quarter, said point being the Southwest corner of Lot 196, HOMESTEAD CREEK, 5TH PLAT, a subdivision in the City of Olathe, Johnson County, Kansas; thence North 87 degrees 55 minutes 45 seconds East along the North line of said Southeast One-Quarter and the South line of said HOMESTEAD CREEK, 5TH PLAT a distance of 599.21 feet to the Point of Beginning, and containing 3.6348 acres, more or less.