

RESOLUTION 201 - 2009

**A RESOLUTION EXEMPTING PROPERTY OWNED BY
SEDGWICK COUNTY, PLATTED AS THE SEDGWICK COUNTY
ARENA ADDITION, WICHITA, KANSAS, MORE COMMONLY
KNOWN AS THE INTRUST BANK ARENA, FROM APPLICATION
OF CERTAIN PROVISIONS OF THE WICHITA CITY CODE**

WHEREAS, the County and City have agreed that a significant aspect of the redevelopment of downtown Wichita is the construction of the Intrust Bank Arena (hereinafter “the Arena”), a modern, first-class, sports and entertainment venue with a 15,000 seat capacity (for basketball) and 20 executive and two party suites designed to provide maximum “fan experience” for all guests; and

WHEREAS, the Arena will be owned and operated by the County and located in the center of a revitalizing area of downtown Wichita, the center city of Sedgwick County; and

WHEREAS, the Arena will be in an area generally bordered by William on the north, Waterman on the south, the Burlington Northern-Santa Fe tracks on the east, and Emporia on the west, and is further described as platted as the Sedgwick County Arena Addition, Wichita, Kansas; and

WHEREAS, under K.S.A. 19-101a(a)(4), the County cannot exercise its home rule powers in any manner that would impair or supersede the exercise of the City's home rule powers without the consent of the City; and

WHEREAS, by City of Wichita Resolution No. 09-374, adopted by the City Council and signed by the Mayor on December 8, 2009, the City has consented to the exercise of home rule powers by the county to allow the county to exempt itself from the application of certain provisions of the Wichita City Code; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the County exercises its county home rule powers within the boundaries of the property owned by the County, platted as the Sedgwick County Arena Addition, Wichita, Kansas, more commonly known as, and referred to hereafter as the Intrust Bank Arena, to the extent consented to by the City and as follows:

SECTION 1. The County exempts the Intrust Bank Arena property from application of the following provisions in the Wichita City Code:

- a) Title 4 Intoxicating Liquors and Beverages;
- b) Chapter 3.30 Entertainment Establishments; and
- c) Chapter 3.95 Itinerant Merchants.

SECTION 2. This resolution shall become effective upon adoption and publication in the official County newspaper. The County Clerk is hereby requested to submit a copy of the resolution to the City Clerk.

Commissioners present and voting were:

DAVID M. UNRUH	_____ aye _____
TIM R. NORTON	_____ aye _____
KARL PETERJOHN	_____ aye _____
KELLY PARKS	_____ aye _____
GWEN WELSHIMER	_____ aye _____

Dated this 9th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

_____/s/_____
KELLY B. ARNOLD, County Clerk

_____/s/_____
KELLY PARKS, Chairman
Commissioner, Fourth District

_____/s/_____
GWEN WELSHIMER, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:

_____/s/_____
ROBERT W. PARNACOTT
Assistant County Counselor

_____/s/_____
DAVID M. UNRUH
Commissioner, First District

_____/s/_____
TIM R. NORTON
Commissioner, Second District

_____/s/_____
KARL PETERJOHN
Commissioner, Third District