

1 (Published in the Topeka Metro News March 8, 2006 & March 15, 2006)

2
3 ORDINANCE NO. 18577

4
5 AN ORDINANCE introduced by City Manager Neil Dobler authorizing Improvement
6 Project No. 12053-03 which provides for the removal and replacement
7 of the Topeka Boulevard Bridge over the Kansas River, approving
8 cost estimates of the proposed improvements, and doing all other
9 things necessary and incidental thereto, and authorizing the
10 publication of the Notice of Intention of the City Council of the City of
11 Topeka, Kansas, to make such improvements and to issue and sell
12 revenue bonds of said City to pay the cost thereof pursuant to K.S.A.
13 12-195, *et seq.*, and all amendments thereto.

14
15 WHEREAS, pursuant to K.S.A. 12-187, *et seq.* the electors of Shawnee County did
16 on August 3, 2004 approve a one-half (1/2) cent county-wide retailers' sales tax ("sales
17 tax") to pay for certain road and bridge projects in Shawnee County specifically including
18 the Topeka Boulevard Bridge project; and

19 WHEREAS, K.S.A. 12-195, *et seq.* permits a city which is the recipient of revenues
20 from a county-wide or city retailers' sales tax to issue revenue bonds to provide for the
21 payment of all or any portion of the costs of improvements for which the city is authorized
22 to issue general obligation bonds and to pledge the revenues received from a retailers'
23 sales tax for the payments thereof; and

24 WHEREAS, the City of Topeka, Kansas, (the "City") is, in accordance with certain
25 provisions contained in an interlocal agreement with Shawnee County pursuant to K.S.A.
26 12-2901, *et seq.*, as amended, (The Interlocal Cooperation act), the recipient of funds
27 derived from a local option sales tax pursuant to K.S.A. 12-187, *et seq.*, as amended; and

28 WHEREAS, the City is authorized pursuant to City of Topeka Code § A12-1 to issue
29 general obligation bonds for the purpose of paying for any bridge, viaduct, street, trafficway
30 or sidewalk; and

31 WHEREAS, it is deemed necessary and advisable by the City to remove and
32 replace the Topeka Boulevard Bridge over the Kansas River including all related
33 appurtenances for a complete project and doing all things necessary and incidental thereto
34 (the "Project") and that the preliminary plans, specifications and cost estimates for the
35 Project heretofore duly prepared and filed in the office of the City Clerk of said City which
36 estimates show a total cost of the project to be forty-four million ninety-one thousand eight
37 hundred ten dollars (\$44,091,810.00) of which sixteen million eight hundred twenty-five
38 thousand ten dollars (\$16,825,010.00) shall be paid with federal funds, twenty-six million
39 four hundred sixteen thousand eight hundred dollars (\$26,416,800.00) paid for by sales tax
40 revenue bonds of the City, and eight hundred fifty thousand dollars (\$850,000.00) shall be
41 paid for by sales tax revenue.

42 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
43 TOPEKA, KANSAS:

44 Section 1. That the Council hereby authorizes the construction of the Project
45 pursuant to City of Topeka Code § A12-1 and other lawful authority.

46 Section 2. That estimates of costs of the Project, which estimates are set out on
47 the project budget attached hereto and on file in the office of the City Clerk of said City, be
48 and the same are hereby approved.

49 Section 3. That the general nature of the Project is as follows:

50 The removal and replacement of the Topeka Boulevard Bridge over the Kansas
51 River, and doing all other things necessary and incidental thereto for a completed Project.

52 Section 4. That notice be given by the City Council of the City of its intention to
53 complete the Project in accordance with the plans, specifications and cost estimates and to
54 sell sales tax revenue bonds of the City in a total amount not exceeding twenty-six million

55 four hundred sixteen thousand eight hundred dollars (\$26,416,800.00) to pay a portion of
56 the cost thereof. Further, said notice shall state the City's intention to pledge the revenue
57 of the sales tax for the payment of the sales tax revenue bonds pursuant to K.S.A. 12-195,
58 *et seq.* Such notice shall be signed by the Mayor and attested by the City Clerk and shall
59 be published twice in the official City newspaper. Such notice shall describe the nature of
60 the proposed improvements and shall state the amount of sales tax revenue bonds
61 proposed to be issued for the payment of the cost of the Project and otherwise, the notice
62 shall be in the form as provided by law.

63 Section 4. That unless written protests against such proposed improvements
64 signed by not less than four percent (4%) of the qualified electors of the County are filed
65 with the County Election Officer within thirty (30) days after the second publication of the
66 notice herein authorized, the City both reasonably expects and intends to complete the
67 Project which is hereby authorized and to finance a portion of the costs thereof as
68 hereinbefore described from the proceeds of sales tax revenue bonds payable from the
69 sales tax. The City does hereby express its official intent to reimburse any expenditures
70 made in connection with the Project from sales tax, or obligations incurred by, on or after
71 the date which is sixty (60) days before the effective date of this Ordinance from the
72 proceeds of its revenue bonds as aforesaid in the maximum principal amount previously
73 described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the
74 expression of the City Council's official intent regarding the matters described herein, will
75 be available, for public inspection in the City Clerk's office at City Hall during regular
76 business hours of the City.

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3 NOTICE OF INTENTION

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5 NOTICE OF INTENTION introduced by City Manager Neil Dobler authorizing
6 Improvement Project No. 12053-03 which provides for the
7 removal and replacement of the Topeka Boulevard Bridge over
8 the Kansas River, approving cost estimates of the proposed
9 improvements, and doing all other things necessary and
10 incidental thereto, and authorizing the publication of the Notice
11 of Intention of the City Council of the City of Topeka, Kansas,
12 to make such improvements and to issue and sell revenue
13 bonds of said City to pay the cost thereof pursuant to K.S.A.
14 12-195, *et seq.*, and all amendments thereto.
15

16 Notice is hereby given that as provided by Ordinance No. 18577 of the City of
17 Topeka, Shawnee County, Kansas, (the "City") that the City Council of the City of Topeka,
18 Kansas, intends to make improvements to the Topeka Boulevard Bridge. This Project will
19 include the removal and replacement of the Topeka Boulevard Bridge over the Kansas
20 River and related appurtenances for a complete project (the "Project"). The total Project
21 cost is estimated to be forty-four million ninety-one thousand eight hundred ten dollars
22 (\$44,091,810.00) of which twenty-six million four hundred sixteen thousand eight hundred
23 dollars (\$26,416,800.00) shall be paid for with sales tax revenue bonds of the City, sixteen
24 million eight hundred twenty-five thousand ten dollars (\$16,825,010.00) shall be paid for by
25 federal funds and eight hundred fifty thousand dollars (\$850,000.00) from one-half (1/2)
26 cent sales tax.

27 Notice is further given that the City Council intends to issue and sell one or more
28 separate series of sales tax revenue bonds in an aggregate principal amount not
29 exceeding twenty-six million four hundred sixteen thousand eight hundred dollars
30 (\$26,416,800.00) and to so make public improvements to the City by completing the
31 Project.

32 Notice is further given that the City Council intends to pledge the revenues received
33 by the City derived from the one-half (1/2) cent county-wide retailers' sales tax approved by
34 the electors of Shawnee County on August 3, 2004 for the payment of the sales tax
35 revenue bonds pursuant to K.S.A. 12-195, *et seq.*, and all amendments thereto.

36 Unless written protests against the proposed Project signed by not less than four
37 percent (4%) of the qualified electors of the County are filed with the County Election
38 Officer within thirty (30) days after the second publication of this Notice, the City Council
39 will proceed in accordance with the intention as set forth above to complete the Project and
40 issue and sell its revenue bonds payable from revenues of the system as above stated.

41 Done by order and direction of the Council of the City of Topeka, Shawnee County,
42 Kansas, this 28th day of February, 2006.

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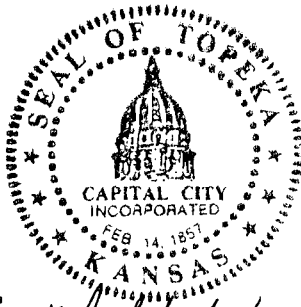
48 ATTEST:

49

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51

52



Iris E. Walker

Iris E. Walker, City Clerk

William W. Buntten
William W. Buntten, Mayor

APPROVED AS TO FORM AND LEGALITY
DATE <u>2/8/06</u> BY <u>BBC</u>
TO BE CODIFIED _____
NOT TO BE CODIFIED <u>T</u>