

1 (Published in the Topeka Metro News April 14, 2006 & April 21, 2006)

2
3 ORDINANCE NO. 18610

4
5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the
6 project budget and authorizing as amended Improvement Project No.
7 12053-03 which provides for the removal and replacement of the
8 Topeka Boulevard Bridge over the Kansas River, approving cost
9 estimates of the proposed improvements, and doing all other things
10 necessary and incidental thereto, and authorizing the publication of
11 the Notice of Intention of the City Council of the City of Topeka,
12 Kansas, 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. 12-195,
14 *et seq.*, and all amendments thereto, and repealing City of Topeka
15 Ordinance No. 18577.
16

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

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

26 WHEREAS, the City of Topeka, Kansas, (the "City") is, in accordance with certain
27 provisions contained in an interlocal agreement with Shawnee County pursuant to K.S.A.
28 12-2901, *et seq.*, as amended, (The Interlocal Cooperation act), the recipient of funds
29 derived from a local option sales tax pursuant to K.S.A. 12-187, *et seq.*, as amended; and

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

33 WHEREAS, it is deemed necessary and advisable by the City to remove and
34 replace the Topeka Boulevard Bridge over the Kansas River including all related
35 appurtenances for a complete project and doing all things necessary and incidental thereto
36 (the "Project") and that the preliminary plans, specifications and cost estimates for the
37 Project heretofore duly prepared and filed in the office of the City Clerk of said City which
38 estimates show a total cost of the project to be fifty-one million ninety-one thousand eight
39 hundred ten dollars (\$51,091,810.00) of which sixteen million eight hundred twenty-five
40 thousand ten dollars (\$16,825,010.00) shall be paid with federal funds, thirty-three million
41 four hundred sixteen thousand eight hundred dollars (\$33,416,800.00) paid for by sales tax
42 revenue bonds of the City, and eight hundred fifty thousand dollars (\$850,000.00) shall be
43 paid for by sales tax revenue.

44 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
45 TOPEKA, KANSAS:

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

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

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

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

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

57 four hundred sixteen thousand eight hundred dollars (\$33,416,800.00) to pay a portion of
58 the cost thereof. Further, said notice shall state the City's intention to pledge the revenue
59 of the sales tax for the payment of the sales tax revenue bonds pursuant to K.S.A. 12-195,
60 *et seq.* Such notice shall be signed by the Mayor and attested by the City Clerk and shall
61 be published twice in the official City newspaper. Such notice shall describe the nature of
62 the proposed improvements and shall state the amount of sales tax revenue bonds
63 proposed to be issued for the payment of the cost of the Project and otherwise, the notice
64 shall be in the form as provided by law.

65 Section 5. That unless written protests against such proposed improvements
66 signed by not less than four percent (4%) of the qualified electors of the County are filed
67 with the County Election Officer within thirty (30) days after the second publication of the
68 notice herein authorized, the City both reasonably expects and intends to complete the
69 Project which is hereby authorized and to finance a portion of the costs thereof as
70 hereinbefore described from the proceeds of sales tax revenue bonds payable from the
71 sales tax. The City does hereby express its official intent to reimburse any expenditures
72 made in connection with the Project from sales tax, or obligations incurred by, on or after
73 the date which is sixty (60) days before the effective date of this Ordinance from the
74 proceeds of its revenue bonds as aforesaid in the maximum principal amount previously
75 described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the
76 expression of the City Council's official intent regarding the matters described herein, will
77 be available, for public inspection in the City Clerk's office at City Hall during regular
78 business hours of the City.

79 Section 6. That City of Topeka Ordinance No. 18577 is hereby specifically
80 repealed.

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2
3 NOTICE OF INTENTION

4
5 NOTICE OF INTENTION introduced by City Manager Norton N. Bonaparte, Jr.,
6 authorizing Improvement Project No. 12053-03 which provides
7 for the removal and replacement of the Topeka Boulevard
8 Bridge over the Kansas River, approving cost estimates of the
9 proposed improvements, and doing all other things necessary
10 and incidental thereto, and authorizing the publication of the
11 Notice of Intention of the City Council of the City of Topeka,
12 Kansas, to make such improvements and to issue and sell
13 revenue bonds of said City to pay the cost thereof pursuant to
14 K.S.A. 12-195, *et seq.*, and all amendments thereto.
15

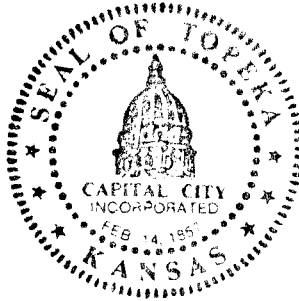
16 Notice is hereby given that as provided by Ordinance No. 18610 of the City of
17 Topeka, Shawnee County, Kansas, (the "City") that the City Council of the City of Topeka,
18 Kansas, intends to make improvements to the Topeka Boulevard Bridge. This Project will
19 include the removal and replacement 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 fifty-one million ninety-one thousand eight hundred ten dollars
22 (\$51,091,810.00) of which thirty-three million four hundred sixteen thousand eight hundred
23 dollars (\$33,416,800.00) 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 thirty-three million four hundred sixteen thousand eight hundred dollars
30 (\$33,416,800.00) 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 11th day of April, 2006.



43
44
45 William W. Bunten
46 William W. Bunten, Mayor
47

48 ATTEST:

49
50 Iris E. Walker
51 Iris E. Walker, City Clerk
52

APPROVED AS TO FORM AND LEGALITY
DATE <u>4/4/06</u> BY <u>BSC</u>
TO BE CODIFIED _____
NOT TO BE CODIFIED <u>X</u>