

(Published in The Topeka Metro News on November 10, 2006.)

ORDINANCE NO. 18744

AN ORDINANCE INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING THE ISSUANCE OF \$13,670,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2006-A, AND \$7,570,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2006-B, OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, K.S.A. 12-685 ET SEQ., K.S.A. 12-6a01 ET SEQ., THE HOME RULE AUTHORITY GRANTED TO THE CITIES OF THE STATE OF KANSAS BY SECTION 5 OF ARTICLE 12 OF THE KANSAS CONSTITUTION, AND CHARTER ORDINANCE NO. 89 OF THE CITY, ALL AS AMENDED.

WHEREAS, pursuant to K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., all as amended, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution and Charter Ordinance No. 89 of the City of Topeka, Kansas, (the “City”) and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City has caused the following improvements (the “Internal Improvements”) to be made in the City, to-wit:

- (a) Bridge Project No. 12062;
- (b) Public Building Improvement Project No. 13144 (Phase 1);
- (c) Park Improvement Project No. 30172 (Phase 4);
- (d) Park Improvement Project No. 30182;
- (e) Park Improvement Project No. 30252;
- (f) Park Improvement Project No. 30255;
- (g) Park Improvement Project No. 30256;
- (h) Park Improvement Project No. 30257;
- (i) Park Improvement Project No. 30259;
- (j) Park Improvement Project No. 30262;
- (k) Park Improvement Project No. 30265;
- (l) Sanitary Sewer Project No. 40596 (Phase 4);
- (m) Sanitary Sewer Project No. 40782 (Phase 2);
- (n) Sanitary Sewer Project No. 40906 (Phase 1);
- (o) Sanitary Sewer Project No. 40906 (Phase 2);
- (p) Sanitary Sewer Project No. 40907 (Phase 1);
- (q) Sanitary Sewer Project No. 40917 (Phase 1);
- (r) Street Improvement Project No. 60343 (Phase 2);
- (s) Street Improvement Project No. 60389 (Phase 3);
- (t) Street Improvement Project No. 60468 (Phase 5);

- 47 (u) Street Improvement Project No. 60468 (Phase 6);
- 48 (v) Street Improvement Project No. 60572;
- 49 (w) Street Improvement Project No. 60572 (Phase 2);
- 50 (x) Street Improvement Project No. 60591 (Phase 1);
- 51 (y) Street Improvement Project No. 60594;
- 52 (z) Street Improvement Project No. 60599 (Phase 1);
- 53 (aa) Street Improvement Project No. 60613;
- 54 (bb) Trafficway Improvement Project No. 14102;
- 55 (cc) Trafficway Improvement Project No. 70142 (Phase 1);
- 56 (dd) Trafficway Improvement Project No. 70142 (Phase 2);
- 57 (ee) Trafficway Improvement Project No. 70142 (Phase 3); and
- 58 (ff) Trafficway Improvement Project No. 70200 (Phase 1).

59
60 **WHEREAS**, all legal requirements pertaining to the Internal Improvements have been
61 complied with, and the governing body of the City now finds and determines that the total cost of
62 the Internal Improvements, including the payment of a portion of the City’s outstanding Series
63 2005-A Temporary Note dated November 29, 2005, which is due and payable November 29,
64 2006, and related expenses are at least \$18,664,055 (the “Internal Improvement Costs”), of
65 which approximately \$4,994,055 will be paid from other funds lawfully available to the City,
66 with \$3,144,946.00 of said Internal Improvement Costs to be paid by the owners of the property
67 within the City benefited by the Internal Improvements (none of which has been paid into the
68 City Treasury on account of the Internal Improvements) leaving \$13,670,000 to be paid for by
69 the issuance of general obligation bonds; and

70
71 **WHEREAS**, pursuant to the home rule authority granted to the cities of the State of
72 Kansas by Section 5 of Article 12 of the Kansas Constitution and Charter Ordinance No. 89 of
73 the City (Section A12-1 of the Code of the City) and other provisions of the laws of the State of
74 Kansas applicable thereto the City has authorized the construction of a city parking garage (City
75 Public Building Project No. 13137) together with all things necessary and incidental thereto (the
76 “Parking Garage Improvements”); and

77
78 **WHEREAS**, all legal requirements pertaining to the Parking Garage Improvements have
79 been complied with, and the governing body of the City now finds and determines that the total
80 costs of the Parking Garage Improvements and related expenses are at least \$7,570,000 (the
81 “Parking Garage Improvement Costs”), to be paid for by the issuance of general obligation
82 bonds; and

83
84 **WHEREAS**, in accordance with all of the foregoing, the City deems it necessary and
85 advisable to issue and sell (1) its General Obligation Bonds, Series 2006-A in the aggregate
86 principal amount of Thirteen Million Six Hundred Seventy Thousand Dollars (\$13,670,000) for
87 the purpose of paying the cost of the Internal Improvements and (2) its General Obligation
88 Bonds, Series 2006-B in the aggregate principal amount of Seven Million Five Hundred Seventy
89 Thousand Dollars (\$7,570,000) for the purpose of paying the cost of the Parking Garage
90 Improvements.

91

92 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
93 **TOPEKA, SHAWNEE COUNTY, KANSAS:**
94

95 **Section 1.** That there is hereby authorized and directed to be issued (1) General
96 Obligation Bonds, Series 2006-A of the City in the aggregate principal amount of Thirteen
97 Million Six Hundred Seventy Thousand Dollars (\$13,670,000) (the “Series 2006-A Bonds”) for
98 the purpose of paying the Internal Improvement Costs as provided by the home rule authority
99 granted to the cities of the State of Kansas under Section 5 of Article 12 of the Kansas
100 Constitution, Charter Ordinance No. 89 of the City, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et
101 seq. and Article 1 of Chapter 10, Kansas States Annotated, all as amended and (2) General
102 Obligation Bonds, Series 2006-B of the City in the aggregate principal amount of Seven Million
103 Five Hundred Seventy Thousand Dollars (\$7,570,000) (the “Series 2006-B Bonds”) (the Series
104 2006-A Bonds and Series 2006-B Bonds are collectively the “Bonds”) for the purpose of paying
105 the Parking Garage Improvement Costs as provided by the home rule authority granted to the
106 cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution and Charter
107 Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and other provisions of the
108 laws of the State of Kansas applicable thereto. The Bonds shall be dated and bear interest, shall
109 mature and be payable at such times, shall be in such form, shall be subject to redemption and
110 payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to
111 the provisions, covenants and agreements set forth in a resolution of the Governing Body of the
112 City adopted the same date as the date of the passage and approval of this Ordinance (the
113 “Resolution”).
114

115 **Section 2.** That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are
116 hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be
117 registered as required by law and the Governing Body shall annually make provisions for the
118 payment of the principal of, redemption premium, if any, and interest on the Bonds as the same
119 shall become due by levying a tax upon all the taxable property of the City.
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121 **Section 3.** That the City shall, and the officers, agents and employees of the City are
122 hereby authorized and directed to, take such action and execute such other documents,
123 certificates and instruments as may be necessary or desirable to carry out and comply with the
124 provisions of this Ordinance and to carry out, comply with and perform the duties of the City
125 with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the
126 transaction contemplated hereby and thereby.
127

128 **Section 4.** That if any portion or provision of this Ordinance or the Bonds shall for any
129 reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion
130 or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but
131 this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid
132 provision had not been contained herein.
133

134 **Section 5.** That the Bonds shall be issued and sold to the purchaser thereof in accordance
135 with both their bid for the purchase thereof and the terms and conditions of this Ordinance.
136

137 **Section 6.** That this Ordinance shall take effect and be in force from and after its passage
138 and publication in the official City newspaper.

139 Passed and approved by the Council of the City of Topeka, Kansas, this 7th day of
140 November, 2006.

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142

CITY OF TOPEKA, KANSAS

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145

/s/ William W. Bunten

146

William W. Bunten, Mayor

147 **ATTEST:**

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150 /s/ Iris E. Walker

151 **Iris E. Walker, City Clerk**

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153 **(SEAL)**

154

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156 **I, IRIS E. WALKER**, City Clerk of the City of Topeka, Shawnee County, Kansas, do
157 hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 18744
158 adopted and approved by the City Council on November 7, 2006.

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/s/ Iris E. Walker

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Iris E. Walker, City Clerk