

1 (Published in the Topeka Metro News February 2, 2007)
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4 **ORDINANCE NO. 18805**

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6 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the
7 project budget and authorizing as amended Improvement Project No.
8 26054-00, which provides for sanitary and storm sewer
9 improvements, water line improvements, street improvements, public
10 parking, street light relocation, sidewalks, public landscaping and
11 other related appurtenances for a complete project in the College Hill
12 Redevelopment District, as more specifically described herein, certain
13 portions of which constitute improvements to the municipally owned
14 water, water pollution control, and stormwater utility system of the City
15 of Topeka, Shawnee County, Kansas, and authorizing the publication
16 of the Notice of Intention of the governing body of the City of Topeka,
17 Kansas, to make such improvements and to issue and sell revenue
18 bonds of said City to pay part of the cost thereof pursuant to City of
19 Topeka Code § A12-1 and pursuant to K.S.A. 10-101 and 10-1201, *et*
20 *seq.*, and all amendments thereto and repealing City of Topeka
21 Ordinance No. 18591.
22

23 WHEREAS, on March 22, 2006, the City Council adopted Ordinance No. 18591
24 which authorized Improvement Project No. 26054-00 with a project budget of one million
25 seven hundred fifty thousand dollars (\$1,750,000.00) to be funded by two hundred and fifty
26 thousand dollars (\$250,000.00) from the developer which expenditures may be
27 reimbursable from Tax Increment Finance Bond Proceeds and one million five hundred
28 thousand dollars (\$1,500,000.00) in general obligation bonds, Combined Water, Water
29 Pollution Control, and Storm Water Utility Operating Funds and other lawfully available
30 funds; and

31 WHEREAS, it is necessary to increase the amount of the project budget by two
32 million one hundred ninety-nine seven hundred thirty-seven dollars and thirty-six cents
33 (\$2,199,737.36) to be able to complete all improvements needed for the project; and

34 WHEREAS, it is desired to issue and sell revenue bonds of the City to fund the one

35 million seven hundred ninety-nine thousand seven hundred thirty-seven dollars and thirty-
36 six cents (\$1,799,737.36) of improvements contained in the amended project budget of
37 three million nine hundred forty-nine thousand seven hundred thirty-seven dollars and
38 thirty-six cents (\$3,949,737.36); and

39 WHEREAS, the City of Topeka, Shawnee County, Kansas, (the "City") is authorized
40 pursuant to City of Topeka Code § A12-1 to issue and sell general obligation bonds for the
41 purpose of paying for improvement, repair or extension to the City's public buildings and
42 improvements including streets, sidewalks, waterworks system and sanitary and
43 stormwater sewage disposal system; and

44 WHEREAS, the City is a municipality as defined by K.S.A. 10-101 and 10-1201 *et*
45 *seq.* and all amendments thereto; and

46 WHEREAS, the City is authorized by the laws of the State of Kansas to issue and
47 sell revenue bonds of the City for the improvement of its water, water pollution control, and
48 stormwater utility system (the "System") pursuant to K.S.A. 10-1201 *et seq.* and all
49 amendments thereto; and

50 WHEREAS, the governing body of the City has by its Ordinance No. 18591 deemed
51 and does hereby ratify and affirm it to be necessary and advisable that the City make
52 certain general improvements to its public facilities and to improve its System by the
53 construction of certain sanitary and storm sewer improvements and water line
54 improvements contained in Project No. 26054-00, College Hill Redevelopment, which will
55 include the aforementioned improvements in the System as well as certain street
56 improvements, public parking, street light relocation, sidewalks, public landscaping and
57 other appurtenances at the location generally bounded by SW 17th Street to SW 13th Street

58 and SW Washburn Avenue to SW Lane Street and doing all things necessary and
59 incidental thereto (the "Project").

60 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
61 TOPEKA, KANSAS:

62 Section 1. That a total amended project budget in the amount of three million nine
63 hundred forty-nine thousand seven hundred thirty-seven dollars and thirty-six cents
64 (\$3,949,737.36) as set forth in the project budget attached hereto and on file in the office of
65 the City Clerk of said City is hereby authorized and approved.

66 Section 2. That the funding sources for the project as set forth in the project
67 budget attached hereto and on file in the office of the City Clerk of said City in the amount
68 of two million one hundred fifty thousand dollars and no cents (\$2,150,000.00) of general
69 obligation bonds and one million seven hundred ninety-nine thousand seven hundred
70 thirty-seven dollars and thirty-six cents (\$1,799,737.36) in revenue bonds of the City are
71 hereby approved.

72 Section 3. The general nature of the project is as follows:

73 The improvements for this project will include sanitary sewer replacements, storm
74 drainage improvements, water line replacements, public parking, street light relocation,
75 sidewalks, public landscaping and other appurtenances needed for a complete project.

76 Section 4. That notice be given by the governing body of the City of its intention
77 to complete the Project in accordance with the plans, specifications and cost estimates and
78 to issue and sell revenue bonds of the City in a total amount not exceeding one million
79 seven hundred ninety-nine thousand seven hundred thirty-seven dollars and thirty-six cents
80 (\$1,799,737.36) to pay part of the cost thereof. Such notice shall be signed by the Mayor

81 and attested by the City Clerk and shall be published in the official City newspaper. Such
82 notice shall describe the nature of the proposed improvements and shall state the amount
83 of revenue bonds proposed to be issued for the payment of the cost of the project and
84 otherwise, the notice shall be in the form as provided by law.

85 Section 5. That unless written protests against such proposed improvements
86 signed by not less than twenty percent (20%) of the qualified electors of the City are filed
87 with the City Clerk within fifteen (15) days after publication of the notice herein authorized
88 the City both reasonably expects and intends to finance the costs as hereinbefore
89 described from the proceeds of its general obligations bonds and the proceeds of revenue
90 bonds payable from the rates, fees and charges of the System. The City does hereby
91 express its official intent to reimburse any expenditures made in connection with the
92 Project from its general obligation bond or System enterprise fund, as applicable, or
93 obligations incurred by, on or after the date which is sixty (60) days before the effective
94 date of this Ordinance from the proceeds of its revenue bonds as aforesaid in the
95 maximum principal amount previously described in accordance with U.S. Treasury
96 Regulation 1.150-2. This ordinance, as the expression of the governing body's official
97 intent regarding the matters described herein, will be available, for public inspection in the
98 City Clerk's office at City Hall during regular business hours of the City.

99 Section 6. The Council of the City hereby directs that water connection/impact
100 fees, waste water system connection fees and building permit fees (not to exceed \$75,000)
101 shall be waived.

102 Section 7. That City of Topeka Ordinance No. 18591 is hereby specifically
103 repealed.

104 Section 8. That this ordinance shall take effect and be in force from and after its
105 adoption by the Council of the City by at least a two-thirds (2/3) vote of the members
106 thereof and publication in the official City newspaper.

107 PASSED and APPROVED by the City Council January 30, 2007.

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CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

113 ATTEST:

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Brenda Younger, Interim City Clerk

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4 NOTICE OF INTENTION

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6 NOTICE OF INTENTION to make improvements under Improvement Project No. 26054-
7 00 which provides for the sanitary and storm sewer
8 improvements, water line improvements, street improvements,
9 public parking, street light relocation, sidewalks, public
10 landscaping and other appurtenances needed in the College
11 Hill Redevelopment District generally bounded by SW 17th
12 Street to SW 13th Street and SW Washburn Avenue and SW
13 Lane Street certain portions of which constitute improvements
14 to the municipally owned water, water pollution control, and
15 stormwater utility system of the City of Topeka, Shawnee
16 County, Kansas, approving cost estimates of the proposed
17 improvements, and doing all other things necessary and
18 incidental thereto, and authorizing the publication of the Notice
19 of Intention of the governing body of the City of Topeka,
20 Kansas, to make such improvements and to issue and sell
21 revenue bonds of said City to pay the cost thereof pursuant to
22 K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments
23 thereto.

24
25 Notice is hereby given that as provided by Ordinance No. 18805 of the City of
26 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends
27 to make improvements to the City-owned water, water pollution control, and stormwater
28 utility system (the "System") by the construction of sanitary and storm sewer improvements
29 and water line improvements contained in Project No. 26054-00, College Hill
30 Redevelopment, which will include the aforementioned improvements to the System as
31 well as certain street improvements, public parking, street light relocation, sidewalks, public
32 landscaping and other related appurtenances for a complete project (the "Project").

33 Notice is further given that as provided by Ordinance No. 18805 of the City, the
34 governing body of the City intends to issue and sell one or more separate series of
35 revenue bonds payable from revenues of the System of the City pursuant to K.S.A. 10-

36 1201 *et seq.* and all amendments thereto in an aggregate principal amount not exceeding
37 one million seven hundred ninety-nine thousand seven hundred thirty-seven dollars and
38 thirty-six cents (\$1,799,737.36) and to so improve the System and make public
39 improvements to the City by completing the Project.

40 Unless written protests against the proposed Project signed by not less than twenty
41 percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen
42 (15) days after the publication of this Notice, the governing body will proceed in accordance
43 with the intention as set forth above to complete the Project and issue and sell its revenue
44 bonds payable from revenues of the System as above stated.

45 Done by order and direction of the Council of the City of Topeka, Shawnee County,
46 Kansas, this 30th day of January, 2007.

47 CITY OF TOPEKA, KANSAS

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49 _____
50 William W. Bunten, Mayor
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52 ATTEST:

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56 Brenda Younger, Interim City Clerk