

1 (Published in the Topeka Metro News February 28, 2007)

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3 **ORDINANCE NO. 18819**

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the
6 project budget and authorizing as amended Improvement Project No.
7 28509-01 which provides for the installation of two (2), twenty (20)
8 inch water lines on the new Topeka Boulevard Bridge over the Kansas
9 River which constitute improvements to the municipally owned water,
10 water pollution control, and stormwater utility system of the City of
11 Topeka, Shawnee County, Kansas, approving cost estimates of the
12 proposed improvements, and doing all other things necessary and
13 incidental thereto, and authorizing the publication of the Notice of
14 Intention of the governing body of the City of Topeka, Kansas, to
15 make such improvements and to issue and sell revenue bonds of said
16 City to pay a portion of the cost thereof pursuant to K.S.A. 10-101 and
17 10-1201, *et seq.*, and all amendments thereto and repealing City of
18 Topeka Ordinance No. 18555.
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20 WHEREAS, on January 20, 2006, the City Council adopted Ordinance No. 18555
21 which authorized Improvement Project No. 28509-01 with a project budget of one million six
22 hundred twenty-eight thousand six hundred dollars (\$1,628,600.00) to be funded by three
23 hundred thirty thousand dollars (\$330,000.00) in one-half (1/2) cent sales tax revenues and
24 one million two hundred ninety-eight thousand six hundred dollars (\$1,298,600.00) in
25 combined water, wastewater and stormwater utility operating funds and any other legally
26 available funds; and

27 WHEREAS, it is necessary to increase the amount of the project budget by eighty
28 thousand six hundred dollars (\$80,600.00) for a total amended project budget of one million
29 seven hundred nine thousand two hundred dollars (\$1,709,200.00) to be able to complete
30 all improvements needed for the project; and

31 WHEREAS, it is desired to issue and sell revenue bonds of the City to fund one
32 million three hundred forty thousand two hundred dollars (\$1,340,200.00) of improvements
33 to its water, wastewater, and stormwater utility system (the "System") contained in the

34 amended project budget of one million seven hundred nine thousand two hundred dollars
35 (\$1,709,200.00); and

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

38 WHEREAS, the City is authorized by the laws of the State of Kansas to issue and
39 sell revenue bonds of the City for the improvement of its System pursuant to K.S.A. 10-
40 1201 *et seq.* and all amendments thereto; and

41 WHEREAS, the governing body of the City has by its Ordinance No. 18555 deemed
42 and does hereby ratify and affirm it to be necessary and advisable that the City make
43 certain general improvements to its System by the improvements contained in
44 Improvement Project No. 28509-01, Topeka Boulevard Bridge, which will include the
45 installation of two (2), twenty (20) inch water lines on the new Topeka Boulevard Bridge
46 over the Kansas River and related appurtenances for a complete project and doing all
47 things necessary and incidental thereto (the "Project").

48 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
49 TOPEKA, KANSAS:

50 Section 1. That a total amended project budget in the amount of one million seven
51 hundred nine thousand two hundred dollars (\$1,709,200.00) as set forth in the project
52 budget attached hereto and on file in the office of the City Clerk of said City is hereby
53 authorized and approved.

54 Section 2. That the funding sources for the Project as set forth in the project
55 budget attached hereto and on file in the office of the City Clerk of said City in the amount
56 of thirty-nine thousand dollars (\$39,000.00) in combined water, wastewater and stormwater

57 utility operating funds, one million three hundred forty thousand two hundred dollars
58 (\$1,340,200.00) in revenue bonds of the City and three hundred thirty thousand dollars
59 (\$330,000.00) in one half (1/2) cent sales tax revenues are hereby approved.

60 Section 3. The general nature of the Project is as follows:

61 Installation of two (2), twenty (20) inch water lines on the new Topeka Boulevard
62 Bridge over the Kansas River at the time of bridge construction.

63 Section 4. That notice be given by the governing body of the City of its intention to
64 complete the Project in accordance with the plans, specifications and cost estimates and to
65 sell revenue bonds of the City in a total amount not exceeding one million three hundred
66 forty thousand two hundred dollars (\$1,340,200.00) to pay the cost thereof. Such notice
67 shall be signed by the Mayor and attested by the City Clerk and shall be published in the
68 official City newspaper. Such notice shall describe the nature of the proposed
69 improvements and shall state the amount of revenue bonds proposed to be issued for the
70 payment of the cost of the Project and otherwise, the notice shall be in the form as provided
71 by law.

72 Section 5. That unless written protests against such proposed improvements
73 signed by not less than twenty percent (20%) of the qualified electors of the City are filed
74 with the City Clerk within fifteen (15) days after publication of the notice herein authorized
75 the City both reasonably expects and intends to finance the costs as hereinbefore
76 described from the proceeds of revenue bonds payable from the rates, fees and charges of
77 the System. The City does hereby express its official intent to reimburse any expenditures
78 made in connection with the Project from System enterprise fund, or obligations incurred
79 by, on or after the date which is sixty (60) days before the effective date of this Ordinance

80 from the proceeds of its revenue bonds as aforesaid in the maximum principal amount
81 previously described in accordance with U.S. Treasury Regulation 1.150-2. This
82 Ordinance, as the expression of the governing body's official intent regarding the matters
83 described herein, will be available, for public inspection in the City Clerk's office at City Hall
84 during regular business hours of the City.

85 Section 6. That City of Topeka Ordinance No. 18555 is hereby specifically
86 repealed.

87 Section 7. That this Ordinance shall take effect and be in force from and after its
88 adoption by the Council of the City by at least a two-thirds (2/3) vote of the members
89 thereof and publication in the official City newspaper.

90 PASSED and APPROVED by the City Council February 20, 2007.

91 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk