

1 (Published in the Topeka Metro News July 25, 2007)

2
3 **ORDINANCE NO. 18931**

4
5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr.,
6 amending the project budget and authorizing as amended
7 Improvement Project No. 70142-03, Part B which provides for
8 the reconstruction and widening of California Avenue including
9 the upsizing of a waterline which constitutes improvements to
10 the municipally owned water, water pollution control, and
11 stormwater utility system of the City of Topeka, Shawnee
12 County, Kansas, approving cost estimates of the proposed
13 improvements, and doing all other things necessary and
14 incidental thereto, and authorizing the publication of the Notice
15 of Intention of the governing body of the City of Topeka,
16 Kansas, to make such improvements and to issue and sell
17 revenue bonds of said City to pay for a portion of the cost
18 thereof all pursuant to Section A12-1 of the Code of the City of
19 Topeka, K.S.A. 10-101 and 10-1201, *et seq.*, and all
20 amendments thereto, and repealing City of Topeka Ordinance
21 No. 18752.
22

23 WHEREAS, Council approved Ordinance No. 18752 which authorized Improvement
24 Project No. 70142-03, Part B providing for the widening of California Avenue; and

25 WHEREAS, it is necessary to increase the project budget by three hundred sixty two
26 thousand dollars (\$362,000) to upsize the waterline along California Avenue from 28th
27 Street to 29th Street and to change the source of funding for the improvements to the City
28 owned water, water pollution control, and stormwater utility system from operating funds to
29 utility revenue bonds; and

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

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

36 WHEREAS, the City is authorized by Section A12-1 of the City of Topeka Code to

37 issue its general obligation bonds to pay for improvement, repair, or extension of its
38 waterworks system; and

39 WHEREAS, it is deemed by the governing body of the City to be necessary and
40 advisable that the City reconstruct and widen California Avenue from S.E. 28th Street to
41 S.E. 33rd Street. This project will include widening street lanes, new pavement, sidewalks,
42 construction of new storm sewer, upsizing a waterline from 12" to 18", and all related
43 appurtenances for a complete project and doing all things necessary and incidental thereto;
44 and

45 WHEREAS, the upsizing of the waterline constitutes improvements to the System;
46 and

47 WHEREAS, the preliminary plans, specifications, and cost estimates for the Project
48 have been duly prepared and filed in the office of the City Clerk of said City; and

49 WHEREAS, the estimates show a total amended cost of the improvements to be
50 approximately three million six hundred thirty-nine thousand one hundred dollars
51 (\$3,639,100.00); and

52 WHEREAS, it is found by the governing body that such Project will not cause a
53 duplication of existing utility service furnished by a private utility.

54 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
55 TOPEKA, KANSAS:

56 Section 1. That the estimates of costs of the Project as contained in the amended
57 project budget in the total amount of three million six hundred thirty-nine thousand one
58 hundred dollars (\$3,639,100.00), which estimates are set out on the amended project
59 budget attached hereto and on file in the office of the City Clerk of said City, be and the
60 same are hereby approved all pursuant to Section A12-1 of the Code of the City of Topeka,
61 K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto.

62 Section 2. That the general nature of the Project is as follows:

63 This project will reconstruct and widen S.E. California Avenue to five lanes between
64 S.E. 28th Street and S.E. 30th Street and then three lanes between S.E. 30th Street and S.E.
65 33rd Street. The project will provide for new pavement, sidewalks, storm sewers, as well as
66 upsizing a waterline from 12" to 18" and all other incidentals necessary for a complete
67 project.

68 Section 3. That notice be given by the governing body of the City of its intention to
69 complete the Project in accordance with the plans, specifications and cost estimates and to
70 sell revenue bonds of the City in a total amount not exceeding five hundred twelve
71 thousand dollars (\$512,000.00) to pay a portion of the cost thereof. Such notice shall be
72 signed by the Mayor and attested by the City Clerk and shall be published in the official City
73 newspaper. Such notice shall describe the nature of the proposed improvements and shall
74 state the amount of revenue bonds proposed to be issued for the payment of a portion of
75 the cost of the project and otherwise, the notice shall be in the form as provided by law.

76 Section 4. That unless written protests against such proposed improvements
77 signed by not less than twenty percent (20%) of the qualified electors of the City are filed
78 with the City Clerk within fifteen (15) days after publication of the notice herein authorized
79 the City both reasonably expects and intends to finance the costs as hereinbefore
80 described from the proceeds of revenue bonds payable from the rates, fees and charges of
81 the System. The City does hereby express its official intent to reimburse any expenditures
82 made in connection with the Project from System enterprise fund, or obligations incurred
83 by, on or after the date which is sixty (60) days before the effective date of this Ordinance
84 from the proceeds of its revenue bonds as aforesaid in the maximum principal amount
85 previously described in accordance with U.S. Treasury Regulation 1.150-2. This
86 Ordinance, as the expression of the governing body's official intent regarding the matters

87 described herein, will be available, for public inspection in the City Clerk's office at City Hall
88 during regular business hours of the City.

89 Section 5. That City of Topeka Ordinance No. 18752 is hereby repealed.

90 Section 6. That this Ordinance shall take effect and be in force from and after its
91 adoption by the Council of the City by at least a two-thirds (2/3) vote of the members
92 thereof and publication in the official City newspaper.

93 PASSED and APPROVED by the City Council July 17, 2007.

94 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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101

102 _____
Brenda Younger, 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. 70142-
7 03, Part B which provides for the reconstruction and widening
8 of California Avenue including the upsizing of a waterline which
9 constitutes improvements to the municipally owned water,
10 water pollution control, and stormwater utility system of the City
11 of Topeka, Shawnee County, Kansas, approving cost
12 estimates of the proposed improvements, and doing all other
13 things necessary and incidental thereto, and authorizing the
14 publication of the Notice of Intention of the governing body of
15 the City of Topeka, Kansas, to make such improvements and
16 to issue and sell revenue bonds of said City to pay for a portion
17 of the cost thereof pursuant to Section A12-1 of the Code of
18 the City of Topeka, K.S.A. 10-101 and 10-1201, *et seq.*, and all
19 amendments thereto.
20

21 Notice is hereby given that as provided by Ordinance No. 18931 of the City of
22 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends
23 to make improvements to the City-owned water, water pollution control, and stormwater
24 utility system (the "System") by upsizing a waterline from 12" to 18" as part of the
25 reconstruction and widening of California Avenue to five lanes between S.E. 28th Street and
26 S.E. 30th Street and then three lanes between S.E. 30th Street and S.E. 33rd Street. This
27 project will include new pavement, sidewalks, storm sewers, upsizing a waterline, and all
28 other incidentals necessary for a complete project (the "Project").

29 Notice is further given that as provided by Ordinance No. 18931 of the City, the
30 Governing Body of the City intends to issue and sell one or more separate series of
31 revenue bonds payable from revenues of the System of the City pursuant to K.S.A. 10-
32 1201, *et seq.*, and all amendments thereto in an aggregate principal amount not exceeding
33 five hundred twelve thousand dollars (\$512,000.00) and to so improve the System and

34 make public improvements to the City by completing the Project.

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

40 Done by order and direction of the Council of the City of Topeka, Shawnee County,
41 Kansas, this 17th day of July, 2007

42 CITY OF TOPEKA, KANSAS

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45 _____
46 William W. Bunten, Mayor

47 ATTEST:
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50 _____
51 Brenda Younger, City Clerk