

(Published in The Topeka Metro News on November 9, 2007.)

ORDINANCE NO. 18983

AN ORDINANCE INTRODUCED BY CITY MANAGER NORTON N. BONAPARTE, JR. AUTHORIZING THE ISSUANCE OF \$15,085,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2007-D, OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, K.S.A. 12-110c, 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. 12-110c, 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) Water Line Improvement Project No. 28571-00;
- (b) Sanitary Sewer Improvement Project No. 40025-06;
- (c) Sanitary Sewer Improvement Project No. 40925-00;
- (d) Sanitary Sewer Improvement Project No. 40932-00;
- (e) Street Improvement Project No. 60525-01;
- (f) Street Improvement Project No. 60598-01;
- (g) Street Improvement Project No. 60598-02;
- (h) Street Improvement Project No. 60611-02;
- (i) Street Improvement Project No. 60611-03;
- (j) Street Improvement Project No. 60614-01;
- (k) Bridge Improvement Project No. 12060-00;
- (l) Bridge Improvement Project No. 12060-01;
- (m) Public Safety Improvement Project No. 13153-00;
- (n) Public Safety Improvement Project No. 17033-07;
- (o) Trafficway Improvement Project No. 14116-00;
- (p) Trafficway Improvement Project No. 14116-01;
- (q) Trafficway Improvement Project No. 14118-00;
- (r) Park Improvement Project No. 30127-12;
- (s) Park Improvement Project No. 30239-01;
- (t) Park Improvement Project No. 30264-00;
- (u) Park Improvement Project No. 30269-00;

- 47 (v) Park Improvement Project No. 30270-00;
- 48 (w) Park Improvement Project No. 30271-00;
- 49 (x) Park Improvement Project No. 30274-00;
- 50 (y) Park Improvement Project No. 30275-00;
- 51 (z) Park Improvement Project No. 30276-00;
- 52 (aa) Street Improvement Project No. 70197-01;
- 53 (bb) Street Improvement Project No. 70183-00;
- 54 (cc) Park Improvement Project No. 30245-00;
- 55 (dd) Park Improvement Project No. 30260-00;
- 56 (ee) Neighborhood Improvement Project No. 60627-00;
- 57 (ff) Street Improvement Project No. 84340-00;
- 58 (gg) College Hill Improvement Project No. 26054-00; and
- 59 (hh) Park Improvement Project No. 60580-03.

60

61 **WHEREAS**, all legal requirements pertaining to the Internal Improvements have been
62 complied with, and the governing body of the City now finds and determines that the total cost of
63 the Internal Improvements, including the payment of a portion of the City’s outstanding Series
64 2006-A Temporary Note dated November 28, 2006, which is due and payable December 1,
65 2007, and related expenses are at least \$18,366,629.53 (the “Internal Improvement Costs”), of
66 which approximately \$3,248,559.78 will be paid from other funds lawfully available to the City,
67 with \$2,143,430.14 of said Internal Improvement Costs to be paid by the owners of the property
68 within the City benefited by the Internal Improvements (\$33,069.75 of which has been paid into
69 the City Treasury on account of the Internal Improvements) leaving \$15,085,000.00 to be paid
70 for by the issuance of general obligation bonds; and

71

72 **WHEREAS**, in accordance with all of the foregoing, the City deems it necessary and
73 advisable to issue and sell its General Obligation Bonds, Series 2007-D in the aggregate
74 principal amount of Fifteen Million Eighty-five Thousand Dollars (\$15,085,000) for the purpose
75 of paying the cost of the Internal Improvements.

76

77 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
78 **TOPEKA, SHAWNEE COUNTY, KANSAS:**

79

80 **Section 1.** That there is hereby authorized and directed to be issued General Obligation
81 Bonds, Series 2007-D of the City in the aggregate principal amount of Fifteen Million Eighty-
82 five Thousand Dollars (\$15,085,000) (the “Bonds”) for the purpose of paying the Internal
83 Improvement Costs as provided by the home rule authority granted to the cities of the State of
84 Kansas under Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of
85 the City, (Section A12-1 of the Code of the City) K.S.A. 12-110c, K.S.A. 12-685 et seq., K.S.A.
86 12-6a01 et seq. and Article 1 of Chapter 10, Kansas States Annotated, all as amended and other
87 provisions of the laws of the State of Kansas applicable thereto. The Bonds shall be dated and
88 bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to
89 redemption and payment prior to the maturity thereof and shall be issued in the manner
90 prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the
91 Governing Body of the City adopted the same date as the date of the passage and approval of this
92 Ordinance (the “Resolution”).

93
94 **Section 2.** That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are
95 hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be
96 registered as required by law and the Governing Body shall annually make provisions for the
97 payment of the principal of, redemption premium, if any, and interest on the Bonds as the same
98 shall become due by levying a tax upon all the taxable property of the City.
99

100 **Section 3.** That the City shall, and the officers, agents and employees of the City are
101 hereby authorized and directed to, take such action and execute such other documents,
102 certificates and instruments as may be necessary or desirable to carry out and comply with the
103 provisions of this Ordinance and to carry out, comply with and perform the duties of the City
104 with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the
105 transaction contemplated hereby and thereby.
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107 **Section 4.** That if any portion or provision of this Ordinance or the Bonds shall for any
108 reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion
109 or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but
110 this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid
111 provision had not been contained herein.
112

113 **Section 5.** That the Bonds shall be issued and sold to the purchaser thereof in accordance
114 with both their bid for the purchase thereof and the terms and conditions of this Ordinance.
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116 **Section 6.** That this Ordinance shall take effect and be in force from and after its passage
117 and publication in the official City newspaper.

118 Passed and approved by the Council of the City of Topeka, Kansas, this 6th day of
119 November, 2007.

120 **CITY OF TOPEKA, KANSAS**

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William W. Bunten, Mayor

124 **ATTEST:**

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Brenda Younger, City Clerk

128
129 **(SEAL)**

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131 **I, BRENDA YOUNGER,** City Clerk of the City of Topeka, Shawnee County, Kansas,
132 do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 18983
133 adopted and approved by the City Council on November 6, 2007.

134
135 **(SEAL)**

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Brenda Younger, City Clerk