

1 (Published in the Topeka Metro News November 5, 2008)

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3 **ORDINANCE NO. 19179**

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5 **AN ORDINANCE** introduced by City Manager Norton N. Bonaparte, Jr., authorizing  
6 Improvement Project No. T-401009.00 (HTE #409650) for the  
7 construction of the Southwest Interceptor approving cost estimates of  
8 the proposed improvements, and doing all other things necessary and  
9 incidental thereto, and authorizing the publication of the Notice of  
10 Intention of the governing body of the City of Topeka, Kansas, to  
11 issue and sell revenue bonds of said City to make such improvements  
12 which constitutes improvements to the municipally owned water,  
13 water pollution control, and stormwater utility system of the City of  
14 Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and  
15 10-1201, *et seq.*, and all amendments thereto, authorizing issuance of  
16 general obligation bonds to pay the costs of the project which further  
17 constitutes a general improvement to the City's sanitary and/or  
18 stormwater sewage disposal system pursuant to City of Topeka Code  
19 § A12-1, and authorizing the borrowing of funds from the State of  
20 Kansas Loan Funds to pay the cost thereof.

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

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

28 WHEREAS, it is deemed by the governing body of the City to be necessary and  
29 advisable that the City to improve its System by extending the sanitary sewer coverage into  
30 the area southwest of Topeka by constructing the Southwest Interceptor. This project will  
31 include, but is not limited to, sanitary sewers varying in size, related trenching and backfill,  
32 street crossing, standard manholes, rock excavation, design, survey, easement acquisition,  
33 inspection and any related appurtenances needed for a complete project and doing all  
34 things necessary and incidental thereto (the "Project") and that the preliminary plans,

35 specifications and cost estimates for the Project heretofore duly prepared and filed in the  
36 office of the City Clerk of said City, which estimates show a total cost of the improvements  
37 to be approximately one million nine hundred sixty thousand dollars (\$1,960,000.00), of  
38 which one million five hundred thousand dollars (\$1,500,000.00) will be funded by the City  
39 and four hundred sixty thousand dollars (\$460,000.00) will be funded by USD 437 and a  
40 private developer, be approved; and

41 WHEREAS, it is found by the governing body that such Project will not cause a  
42 duplication of existing utility service furnished by a private utility; and

43 WHEREAS, the City of Topeka, Shawnee County, Kansas, is authorized pursuant to  
44 City of Topeka Code § A12-1, to issue general obligation bonds for the purposes of paying  
45 for improvement, repair or extension to the City's sanitary sewage disposal system; and

46 WHEREAS, the City desires to issue and sell revenue bonds and/or general  
47 obligation bonds of the City and/or to borrow funds from the State of Kansas Loan Funds to  
48 fund the cost of the improvements or any combination thereof.

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

51 Section 1. That the estimates of costs of the Project as contained in the project  
52 budget, in the total amount of one million nine hundred sixty thousand dollars  
53 (\$1,960,000.00) which are set out on the project budget attached hereto and on file in the  
54 office of the City Clerk of said City, be and the same are hereby approved.

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

56 To extend the sanitary sewer coverage into the area southwest of Topeka by  
57 constructing the Southwest Interceptor. This project will include, but is not limited to,

58 sanitary sewers varying in size, related trenching and backfill, street crossing, standard  
59 manholes, rock excavation, design, survey, easement acquisition, inspection and any  
60 related appurtenances needed for a complete project.

61 Section 3. That notice be given by the governing body of the City of its intention  
62 to complete the Project in accordance with the plans, specifications and cost estimates and  
63 to sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds  
64 from the State of Kansas Loan Funds in a total amount not exceeding one million five  
65 hundred thousand dollars (\$1,500,000.00) to pay the cost thereof. Such notice shall be  
66 signed by the Mayor and attested by the City Clerk and shall be published in the official  
67 City newspaper. Such notice shall describe the nature of the proposed improvements and  
68 shall state the amount of revenue and/or general obligation bonds proposed to be issued  
69 and/or loan funds to be borrowed, or any combination thereof for the payment of the cost  
70 of the project and otherwise, the notice shall be in the form as provided by law.

71 Section 4. That unless written protests against such proposed improvements  
72 signed by not less than twenty percent (20%) of the qualified electors of the City are filed  
73 with the City Clerk within fifteen (15) days after publication of the notice herein authorized,  
74 the City both reasonably expects and intends to finance the costs as hereinbefore  
75 described from the proceeds of revenue bonds and/or general obligation bonds and/or loan  
76 funds or any combination thereof, payable from the rates, fees and charges of the System.  
77 The City does hereby express its official intent to reimburse any expenditures made in  
78 connection with the Project from System enterprise fund, or obligations incurred by, on or  
79 after the date which is sixty (60) days before the effective date of this Ordinance from the  
80 proceeds of its revenue bonds as aforesaid in the maximum principal amount previously

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

85 Section 5. That this Ordinance shall take effect and be in force from and after its  
86 adoption by the Council of the City by at least a two-thirds (2/3) vote of the members  
87 thereof and publication in the official City newspaper.

88 PASSED and APPROVED by the City Council October 28, 2008.

89 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk

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4 NOTICE OF INTENTION

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6 NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make  
7 improvements under Improvement Project No. T-401009.00  
8 (HTE #409650) which provides for the construction of the  
9 Southwest Interceptor and to issue and sell revenue bonds of  
10 said City pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and  
11 all amendments thereto, and to issue general obligation bonds  
12 pursuant to City of Topeka Code § A12-1, and to borrow funds  
13 from the State of Kansas Loan Funds, or any combination  
14 thereof, to pay the cost of the project.

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16 Notice is hereby given that as provided by Ordinance No. 19179 of the City of  
17 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends  
18 to make improvements to the City-owned water, water pollution control, and stormwater  
19 utility system (the "System") under Improvement Project No. T-401009.00 (HTE #409650)  
20 which provides for extending the sanitary sewer coverage into the area southwest of  
21 Topeka by constructing the Southwest Interceptor. This project will include, but is not  
22 limited to, sanitary sewers varying in size, related trenching and backfill, street crossing,  
23 standard manholes, rock excavation, design, survey, easement acquisition, inspection and  
24 any related appurtenances needed for a complete project (the "Project").

25 Notice is further given that as provided by Ordinance No. 19179 of the City, the  
26 Governing Body of the City intends to issue and sell one or more separate series of  
27 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,  
28 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or  
29 to borrow funds from the State of Kansas Loan Funds, or any combination thereof, payable  
30 from revenues of the System, in an aggregate principal amount not to exceed one million  
31 five hundred thousand dollars (\$1,500,000.00) and to so improve the System and make

32 public improvements to the City by completing the Project.

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

39 Done by order and direction of the Council of the City of Topeka, Shawnee County,  
40 Kansas, this 28th day of October 28, 2008

41 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk