

1 (Published in the Topeka Metro News May 2, 2011)  
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3 **ORDINANCE NO. 19552**  
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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing  
6 Improvement Project No. T-151003.01 which provides for drainage  
7 improvements to SW Woodbury South Court, approving cost  
8 estimates of the proposed improvements, and doing all other things  
9 necessary and incidental thereto, and authorizing the use of utility  
10 operation funds and authorizing the publication of the Notice of  
11 Intention of the governing body of the City of Topeka, Kansas, to  
12 issue and sell revenue bonds of said City to make such improvements  
13 which constitutes improvements to the municipally owned water,  
14 water pollution control, and stormwater utility system of the City of  
15 Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and  
16 10-1201, *et seq.*, and all amendments thereto, authorizing issuance of  
17 general obligation bonds to pay the costs of the project which further  
18 constitutes a general improvement to the City's sanitary and/or  
19 stormwater and sewage disposal system pursuant to City of Topeka  
20 Code § A12-1, and authorizing the borrowing of funds from the KDHE  
21 SRF Loan to pay the cost thereof.  
22

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

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

29 WHEREAS, it is deemed by the governing body of the City to be necessary and  
30 advisable that the City to improve its System by drainage improvements for SW Woodbury  
31 South Court. This project will provide for the design and construction of improvements to  
32 the channel south of SW Woodbury South Court and continue northeasterly approximately  
33 300 feet, including related appurtenances for a complete project and doing all things  
34 necessary and incidental thereto (the "Project") and that the preliminary plans,

specifications and cost estimates for the Project heretofore duly prepared and filed in the office of the City Clerk of said City, which estimates show a total cost of the improvements to be approximately four hundred thousand dollars (\$400,000.00), be approved; and

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

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

WHEREAS, the City desires to issue and sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the KDHE SRF Loan to fund the cost of the improvements or any combination thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the estimates of costs of the Project as contained in the project budget, in the total amount of four hundred thousand dollars (\$400,000.00), which are set out on the project budget attached hereto and on file in the office of the City Clerk of said City, be and the same are hereby approved.

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

This project will provide for the design and construction of improvements to the channel south of SW Woodbury South Court and continue northeasterly approximately 300 feet, including related appurtenances for a complete project and doing all things necessary and incidental thereto.

Section 3.

That notice be given by the governing body of the City of its intention to complete the Project in accordance with the plans, specifications and cost estimates and to use utility operation funds and/or to sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the State of Kansas Loan Funds in a total amount not exceeding four hundred thousand dollars (\$400,000.00) to pay the cost thereof. Such notice shall be signed by the Mayor and attested by the City Clerk and shall be published in the official City newspaper. Such notice shall describe the nature of the proposed improvements and shall state the amount of revenue and/or general obligation bonds proposed to be issued and/or loan funds to be borrowed, or any combination thereof for the payment of the cost of the project and otherwise, the notice shall be in the form as provided by law.

Section 4.

That unless written protests against such proposed improvements signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen (15) days after publication of the notice herein authorized the City both reasonably expects and intends to finance the costs as hereinbefore described from the proceeds of revenue bonds and/or general obligation bonds and/or loan funds or any combination thereof, payable from the rates, fees and charges of the System.

The City does hereby express its official intent to reimburse any expenditures made in connection with the Project from System enterprise fund, or obligations incurred by, on or after the date which is sixty (60) days before the effective date of this Ordinance from the proceeds of its revenue bonds as aforesaid in the maximum principal amount previously described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the expression of the governing body's official intent regarding the matters described herein,

81 will be available, for public inspection in the City Clerk's office at City Hall during regular  
82 business hours of the City.

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

86 PASSED and APPROVED by the Governing Body on April 26, 2011.

87 CITY OF TOPEKA, KANSAS

88  
89 William W. Bunten, Mayor

90 ATTEST:

91  
92  
93 Brenda Younger, City Clerk

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3 NOTICE OF INTENTION  
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5 NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make  
6 improvements under Improvement Project No. T-151003.01  
7 which provides for the drainage improvement to SW Woodbury  
8 South Court and to use utility operating funds and to issue and  
9 sell revenue bonds of said City pursuant to K.S.A. 10-101 and  
10 10-1201, *et seq.*, and all amendments thereto, and to issue  
11 general obligation bonds pursuant to City of Topeka Code §  
12 A12-1, and to borrow funds from the KDHE SRF Loan, or any  
13 combination thereof, to pay the cost of the project.  
14

15 Notice is hereby given that as provided by Ordinance No. 19552 of the City of  
16 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends  
17 to make improvements to the City-owned water, water pollution control, and stormwater  
18 utility system (the "System") under Improvement Project No. T-151003.01 which provides  
19 for the drainage improvement to SW Woodbury South Court. This project will provide for  
20 the design and construction of improvements to the channel south of SW Woodbury South  
21 Court and continuing northeasterly approximately 300 feet and related appurtenances for a  
22 complete project (the "Project").

23 Notice is further given that as provided by Ordinance No. 19552 of the City, the  
24 Governing Body of the City intends to use utility operating funds and/or to issue and sell  
25 one or more separate series of revenue bonds of the City pursuant to K.S.A. 10-1201 *et*  
26 *seq.* and all amendments thereto, and/or to issue general obligation bonds pursuant to City  
27 of Topeka code § A12-1, and/or to borrow funds from the State of Kansas Loan Funds, or  
28 any combination thereof, payable from revenues of the System, in an aggregate principal  
29 amount not to exceed four hundred thousand dollars (\$400,000.00) and to so improve the  
30 System and make public improvements to the City by completing the Project.

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

37 Done by order and direction of the Governing Body of the City of Topeka, Shawnee  
38 County, Kansas, this 26th day of April, 2011

39 CITY OF TOPEKA, KANSAS

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41 \_\_\_\_\_  
42 William W. Bunten, Mayor

43 ATTEST:

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45 \_\_\_\_\_  
46 Brenda Younger, City Clerk