

(Published in The Topeka Metro News on September 19, 2011.)

ORDINANCE NO. 19633

AN ORDINANCE INTRODUCED BY ACTING CITY MANAGER DANIEL R. STANLEY AUTHORIZING THE ISSUANCE OF \$3,430,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2011-B (SPECIAL ASSESSMENT IMPROVEMENTS) OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, AND K.S.A. 12-6a01 ET SEQ., ALL AS AMENDED.

WHEREAS, pursuant to K.S.A. 12-6a01 et seq., as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City of Topeka, Kansas, (the "City") has caused the following improvements (the "Special Assessment Improvements") to be made in the City, to-wit:

- (a) Sanitary Sewer Improvement Project No. 40898-01;
- (b) Street Improvement Project No. 70203-00; and
- (a) Street Improvement Project No. 70196-02.

WHEREAS, all legal requirements pertaining to the Special Assessment Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Special Assessment Improvements, including the payment of a portion of the City's outstanding Series 2010-B Temporary Notes dated September 29, 2010, which are due and payable October 1, 2011, and related expenses are at least \$5,312,162.22 (the "Special Assessment Improvement Costs"), of which approximately \$76,542.68 will be paid from other funds lawfully available to the City, with \$3,050,370.73 of said Special Assessment Improvement Costs to be paid by the owners of the property within the City benefited by the Special Assessment Improvements (\$1,805,619.54 of which has been paid into the City Treasury on account of the Special Assessment Improvements) leaving \$3,430,000 to be paid for by the issuance of general obligation bonds; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Bonds, Series 2011-B (Special Assessment Improvements) in the aggregate principal amount of Three Million Four Hundred Thirty Thousand Dollars (\$3,430,000) for the purpose of paying the costs of the Special Assessment Improvements.

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

Section 1. That there is hereby authorized and directed to be issued General Obligation Bonds, Series 2011-B (Special Assessment Improvements) in the aggregate principal amount of

47 Three Million Four Hundred Thirty Thousand Dollars (\$3,430,000) (the “Bonds”) for the
48 purpose of paying the costs of the Special Assessment Improvements as provided by K.S.A. 12-
49 6a01 et seq. and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended and other
50 provisions of the laws of the State of Kansas applicable thereto. The Bonds shall be dated and
51 bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to
52 redemption and payment prior to the maturity thereof and shall be issued in the manner
53 prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the
54 Governing Body of the City adopted the same date as the date of the passage and approval of this
55 Ordinance (the “Resolution”).
56

57 **Section 2.** That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are
58 hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be
59 registered as required by law and the Governing Body shall annually make provisions for the
60 payment of the principal of, redemption premium, if any, and interest on the Bonds as the same
61 shall become due by levying a tax upon all the taxable property of the City.
62

63 **Section 3.** That the City shall, and the officers, agents and employees of the City are
64 hereby authorized and directed to, take such action and execute such other documents,
65 certificates and instruments as may be necessary or desirable to carry out and comply with the
66 provisions of this Ordinance and to carry out, comply with and perform the duties of the City
67 with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the
68 transaction contemplated hereby and thereby.
69

70 **Section 4.** That if any portion or provision of this Ordinance or the Bonds shall for any
71 reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion
72 or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but
73 this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid
74 provision had not been contained herein.
75

76 **Section 5.** That the Bonds shall be issued and sold to the purchaser thereof in accordance
77 with both their bid for the purchase thereof and the terms and conditions of this Ordinance.
78

79 **Section 6.** That this Ordinance shall take effect and be in force from and after its passage
80 and publication in the official City newspaper.

81 (REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)
82

83 Passed and approved by the governing body of the City of Topeka, Kansas, this 13th day
84 of September, 2011.

85 CITY OF TOPEKA, KANSAS
86
87

88
89 _____
William W. Bunten, Mayor

90 ATTEST:
91
92

93 _____
94 Brenda Younger, City Clerk
95

96 (SEAL)
97

98 **I, BRENDA YOUNGER**, City Clerk of the City of Topeka, Shawnee County, Kansas,
99 do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 19633
100 adopted and approved by the governing body of the City on September 13, 2011.

101
102 (SEAL)
103

104 _____
Brenda Younger, City Clerk