

(Published in The Topeka Metro News on April 23, 2012.)

### ORDINANCE NO. 19721

**AN ORDINANCE INTRODUCED BY ACTING CITY MANAGER DANIEL R. STANLEY AUTHORIZING THE ISSUANCE OF \$1,660,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012-B OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, AND K.S.A. 10-427 ET SEQ., ALL AS AMENDED.**

**WHEREAS**, the City of Topeka, Kansas, (the “City”) has heretofore duly authorized, issued and delivered its \$5,070,000 principal amount of Taxable General Obligation Bonds, Series 2005-C (Heartland Park), dated November 29, 2005, (the “Series 2005-C Bonds”) pursuant to its Ordinance No. 18528 adopted October 25, 2005, (the “Series 2005-C Bond Ordinance”) in accordance with the requirements of 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. The terms and conditions of the Series 2005-C Bonds were set forth in a Resolution adopted on October 25, 2005 (the “Series 2005-C Bond Resolution); and

**WHEREAS**, as of April 1, 2012, there remains outstanding of the Series 2005-C Bonds the principal amount of \$2,180,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

#### SERIAL BONDS

<u>MATURITY</u> <u>(August 15)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2012	\$555,000	5.000%
2013	580,000	5.000
2014	610,000	5.000
2015	435,000	5.000

; and

**WHEREAS**, pursuant to Section 301 of the Series 2005-C Bond Resolution, the Series 2005-C Bonds maturing on August 15, 2011, and thereafter, are subject to redemption and payment at the option of the City on, August 15, 2010, and thereafter in whole or in part on any date, at the redemption price equal to the principal amount thereof, plus accrued interest thereon to the date fixed for redemption and payment; and

**WHEREAS**, the City has determined and hereby determines that it is in the best interest of the City and the patrons and taxpayers thereof that all of the Series 2005-C Bonds maturing on August 15, 2013, through and including August 15, 2015, (i.e., \$1,625,000) be paid and redeemed as the same mature and otherwise become subject to redemption and payment on

47 August 15, 2012, (the "Refunded Bonds"), and that taxable general obligation refunding bonds  
48 be issued in the principal amount of \$1,660,000 to be utilized for such purpose; and  
49

50 **WHEREAS**, such redemption and refunding would help the City achieve interest cost  
51 savings on its bonded indebtedness, provide a more orderly plan of financing for the City and  
52 result in a general restructuring of the debt service obligation of the City; and  
53

54 **WHEREAS**, in accordance with all of the foregoing, the City deems it necessary and  
55 advisable to issue and sell its Taxable General Obligation Refunding Bonds, Series 2012-B in the  
56 aggregate principal amount of One Million Six Hundred Sixty Thousand Dollars (\$1,660,000)  
57 for the purpose of currently refunding the Refunded Bonds.  
58

59 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
60 **TOPEKA, SHAWNEE COUNTY, KANSAS:**  
61

62 **Section 1.** That there is hereby authorized and directed to be issued Taxable General  
63 Obligation Refunding Bonds, Series 2012-B of the City in the aggregate principal amount of  
64 One Million Six Hundred Sixty Thousand Dollars (\$1,660,000) (the "Bonds") for the purpose of  
65 currently refunding the Refunded Bonds as provided by K.S.A. 10-427 et seq., and Article 1 of  
66 Chapter 10, Kansas Statutes Annotated, all as amended and other provisions of the laws of the  
67 State of Kansas applicable thereto. The Bonds shall be dated and bear interest, shall mature and  
68 be payable at such times, shall be in such form, shall be subject to redemption and payment prior  
69 to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions,  
70 covenants and agreements set forth in a resolution of the Governing Body of the City adopted the  
71 same date as the date of the passage and approval of this Ordinance (the "Resolution").  
72

73 **Section 2.** That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are  
74 hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be  
75 registered as required by law and the Governing Body shall annually make provisions for the  
76 payment of the principal of, redemption premium, if any, and interest on the Bonds as the same  
77 shall become due by levying a tax upon all the taxable property of the City.  
78

79 **Section 3.** That the City shall, and the officers, agents and employees of the City are  
80 hereby authorized and directed to, take such action and execute such other documents,  
81 certificates and instruments as may be necessary or desirable to carry out and comply with the  
82 provisions of this Ordinance and to carry out, comply with and perform the duties of the City  
83 with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the  
84 transaction contemplated hereby and thereby.  
85

86 **Section 4.** That if any portion or provision of this Ordinance or the Bonds shall for any  
87 reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion  
88 or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but  
89 this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid  
90 provision had not been contained herein.  
91

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

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

Passed and approved by the governing body of the City of Topeka, Kansas, this 17th day of April, 2012.

CITY OF TOPEKA, KANSAS

/s/ William W. Bunten

William W. Bunten, Mayor

ATTEST:

/s/Brenda Younger

Brenda Younger, City Clerk

(SEAL)

**I, BRENDA YOUNGER**, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 19721 adopted and approved by the governing body of the City on April 17, 2012.

(SEAL)

/s/ Brenda Younger

Brenda Younger, City Clerk