

(Published in the Topeka Metro News April 8, 2013)

**ORDINANCE NO. 19807**

AN ORDINANCE introduced by Jim Colson, City Manager, authorizing Improvement Project No. T-281060.00 which provides for watermain replacement work in various locations citywide, which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto.

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

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

WHEREAS, it is deemed by the governing body of the City to be necessary and advisable that the City to improve its System by replacing watermains at various locations citywide. This project will include, but is not limited to, planning, engineering, construction, inspection, updating GIS system mapping and related appurtenances for a complete project and doing all things 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 two million five hundred thousand dollars (\$2,500,000.00), be approved; and

WHEREAS, it is found by the governing body that such Project will not cause a

33 duplication of existing utility service furnished by a private utility; and

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

37 WHEREAS, the City desires to issue and sell revenue bonds to fund the cost of the  
38 improvements.

39 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
40 TOPEKA, KANSAS:

41 Section 1. That the estimates of costs of Improvement Project T-281060.00 as  
42 contained in the project budget, which estimates are set out on the project budget attached  
43 hereto and on file in the office of the City Clerk of said City, be and the same are hereby  
44 approved.

45 Section 2. That the general nature of the Project is watermain replacement work  
46 at the following locations:

47 SW 37th STREET from Wanamaker Rd east to Fairlawn Rd;  
48 SE GOLDEN AVE from 6th Ave south to 10th St;  
49 SW GAGE BLVD from 29th St south to 45th St;  
50 SW TOPEKA BLVD from 15th St south to 21st St;  
51 SW BYRON ST from Lincoln east to dead end;  
52 SW GRAND CT from 6th Ave south to West Drive;  
53 SW SUNSET RD from Shunga Dr north to Hillcrest Rd;  
54 SW EDGEWATER TERR from 21st to 23rd to Sunset Rd;  
55 SW 11th STREET from Oakley Ave west to Frazier Ave;  
56 SW SALINE STREET from 11th south to Dorr St;  
57 SW DORR STREET from Oakley Ave to Saline St;  
58 SW GAMWELL ROAD from 40th St north to Worwick Town Rd;  
59 SW WORWICK TOWN ROAD from 40th St north to Gamwell Rd;  
60 SW WEBSTER AVE from 17th St south to 18th St;  
61 SE MONROE STREET from 24th St south to 25<sup>th</sup> St;  
62 SW RANDOLPH AVE south from 6th St to 7th St to 8<sup>th</sup> St to dead end;  
63 NW STORY STREET from Cross St north.

64 This project will include, but is not limited to, planning, engineering, construction,

inspection, updating GIS system mapping and related appurtenances for a complete project and doing all things necessary and incidental thereto for a complete project.

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 sell revenue bonds of the City in a total amount not exceeding two million five hundred thousand dollars (\$2,500,000.00) 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 bonds proposed to be issued 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 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, will be available, for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

Section 5. That this Ordinance shall take effect and be in force from and after its

89 adoption by the Council of the City by at least a two-thirds (2/3) vote of the members  
90 thereof and publication in the official City newspaper.

91 PASSED and APPROVED by the Governing Body on March 26, 2013.

92 CITY OF TOPEKA, KANSAS

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94 William W. Bunten, Mayor

95 ATTEST:

96 \_\_\_\_\_  
97  
98 Brenda Younger, City Clerk

(Published in the Topeka Metro News April 1, 2013)

### NOTICE OF INTENTION

NOTICE OF INTENTION to make improvements under Improvement Project No. T-281060.00 which provides for the watermain replacement work at various locations citywide, which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto.

Notice is hereby given that as provided by Ordinance No. 19807 of the City of Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends to make improvements to the City-owned water, water pollution control, and stormwater utility system (the "System") by the replacement of watermains at various locations citywide. This project will include, but is not limited to, planning, engineering, construction, inspection, updating GIS system mapping and related appurtenances for a complete project and doing all things necessary and incidental thereto for a complete project (the "Project").

Notice is further given that as provided by Ordinance No. 19807 of the City, the Governing Body of the City intends to issue and sell one or more separate series of revenue bonds payable from revenues of the System of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto in an aggregate principal amount not exceeding two million five hundred thousand dollars (\$2,500,000.00) and to so improve the System and make 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 payable from revenues of the System as above stated.

38 Done by order and direction of the Governing Body of the City of Topeka, Shawnee  
39 County, Kansas, this 26th day of March, 2013.

40 CITY OF TOPEKA, KANAS  
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43 \_\_\_\_\_  
44 William W. Bunten, Mayor

45 ATTEST:

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48 Brenda Younger, City Clerk