

(Published in The Topeka Metro News on May 20, 2013.)

ORDINANCE NO. 19818

**AN ORDINANCE INTRODUCED BY CITY MANAGER JIM COLSON
AUTHORIZING THE ISSUANCE OF \$20,335,000 AGGREGATE
PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING
BONDS, SERIES 2013-A 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 \$24,570,000 principal amount of General Obligation Improvement and Refunding Bonds, Series 2008-A, dated October 29, 2008, (the “Series 2008-A Bonds”) pursuant to its Ordinance No. 19169 adopted October 7, 2008, (the “Series 2008-A Bond Ordinance”) in accordance with the requirements of K.S.A. 10-427 et seq., as amended, and K.S.A. 12-6a01 et seq., as amended, 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 2008-A Bonds were set forth in a Resolution adopted on October 7, 2008, (the “Series 2008-A Bond Resolution); and

WHEREAS, the City, pursuant to its Ordinance No. 19461 adopted August 31, 2010, advanced refunded the non-refunding portion of the Series 2008-A Bonds, allocated on a pro-rata basis to construction purposes, maturing on August 15, 2012, August 15, 2013, and August 15, 2019, through and including, August 15, 2030, (i.e., \$16,565,000) which are to be paid and redeemed August 15, 2013; and

WHEREAS, the City, pursuant to its Ordinance No. 19720 adopted April 17, 2012, advanced refunded the non-refunding portion of the Series 2008-A Bonds, allocated on a pro-rata basis to construction purposes, maturing on August 15, 2014, through and including, August 15, 2018, (i.e., \$3,765,000) which are to be paid and redeemed August 15, 2013; and

WHEREAS, as of May 1, 2013, there remains outstanding of the Series 2008-A Bonds the principal amount of \$3,510,000 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>
2013	\$ 35,000	3.750%
2014	50,000	4.000
2015	200,000	4.250
2016	210,000	4.000
2017	215,000	4.250
2018	225,000	4.375
2019	170,000	5.250
2020	180,000	5.250
2021	185,000	5.000
2022	195,000	5.000
2023	205,000	5.000
2024	215,000	5.250
2025	230,000	5.400
2026	240,000	5.500
2027	250,000	5.500
2028	265,000	5.550
2029	215,000	5.600
2030	225,000	5.600

WHEREAS, pursuant to Section 301 of the Series 2008-A Bond Resolution, the Series 2008-A Bonds maturing on August 15, 2014, and thereafter, are subject to redemption and payment at the option of the City on, August 15, 2013, 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 of Topeka, Kansas, (the “City”) has heretofore duly authorized, issued and delivered its \$3,345,000 principal amount of General Obligation Bonds, Series 2009-A, dated October 28, 2009, (the “Series 2009-A Bonds”) pursuant to its Ordinance No. 19317 adopted October 6, 2009, (the “Series 2009 Bond Ordinance”) in accordance with the requirements of Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City, (Section A12-1 of the Code of the City) K.S.A. 12-6a01 et seq., all as amended and supplemented. The terms and conditions of the Series 2009-A Bonds were set forth in a Resolution adopted on October 6, 2009, (the “Series 2009 Bond Resolution”); and

WHEREAS, as of May 1, 2013, there remains outstanding of the Series 2009-A Bonds the principal amount of \$2,960,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIES 2009-A BONDS

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
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SERIAL BONDS

2013	\$130,000	4.00%
2014	140,000	4.00
2015	145,000	2.50
2016	145,000	2.75
2017	150,000	3.00
2018	155,000	3.00
2019	160,000	3.00

TERM BONDS

2021	335,000	3.25
2024	545,000	3.50
2029	1,055,000	4.00

; and

WHEREAS, pursuant to Section 301 of the Series 2009 Bond Resolution, the Series 2009-A Bonds maturing on August 15, 2015, and thereafter, are subject to redemption and payment at the option of the City on, August 15, 2014, 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 heretofore duly authorized, issued and delivered its \$56,745,000 principal amount of General Obligation Refunding Bonds, Series 2009-B, dated October 28, 2009, (the "Series 2009-B Bonds") pursuant to the Series 2009 Bond Ordinance in accordance with the requirements of K.S.A. 10-427 et seq., as amended. The terms and conditions of the Series 2009-B Bonds were set forth in Series 2009 Bond Resolution; and

WHEREAS, as of May 1, 2013, there remains outstanding of the Series 2009-B Bonds the principal amount of \$37,145,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIES 2009-B BONDS

MATURITY (August 15)	PRINCIPAL AMOUNT	INTEREST RATE
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SERIAL BONDS

2013	\$6,825,000	4.00%
2014	6,470,000	4.00
2015	3,280,000	2.50
2016	3,375,000	2.75
2017	3,465,000	3.00
2018	3,000,000	3.00
2019	2,405,000	3.00

TERM BONDS

2021	3,055,000	3.25
2024	3,625,000	3.50
2031	1,645,000	4.00

WHEREAS, the Series 2009-B Bonds currently refunded certain then outstanding current refunding and construction issues of the City of which, two issues (i.e., a portion of the City's 2003-B Bonds and the City's 2004-B Bonds) advance refunded certain prior issues of the City, and, as such, the pro-rata portion of the Series 2009-B Bonds attributable to such prior advance refundings cannot and will not be advance refunded by the Series 2013-A Bonds; and

WHEREAS, pursuant to Section 301 of the Series 2009 Bond Resolution, the Series 2009-B Bonds maturing on August 15, 2015, and thereafter, are subject to redemption and payment at the option of the City on, August 15, 2014, 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, pursuant to Section 203 of the Series 2008-A Bond Resolution and the Series 2009 Bond Resolution, the State Treasurer of the State of Kansas, Topeka, Kansas, was designated as the City's Paying Agent and Bond Registrar for the payment of the principal of and interest on the Series 2008-A Bonds, Series 2009-A Bonds, and Series 2009-B Bonds; 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 (1) the Series 2008-A Bonds maturing on August 15, 2013, through and including August 15, 2030, (i.e., \$3,510,000) be paid and redeemed as the same mature and otherwise become subject to redemption and payment on August 15, 2013, (2) the Series 2009-A Bonds maturing on August 1, 2013 and August 15, 2016,

through and including August 15, 2029, (i.e., \$2,675,000) be paid and redeemed as the same mature and otherwise become subject to redemption and payment on August 15, 2014, and (3) that portion of the Series 2009-B Bonds allocable on a pro-rata basis to construction and current refunding purposes maturing on August 15, 2013, and August 15, 2016, through and including August 15, 2031, (i.e., \$14,400,000) be paid and redeemed as the same mature and otherwise become subject to redemption and payment on August 15, 2014, (collectively the “Refunded Bonds”), and that general obligation refunding bonds be issued in the principal amount of \$20,335,000 for such purpose; and

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

WHEREAS, the proceeds derived from the sale of the general obligation refunding bonds herein authorized to advance refund the Series 2009-A Bonds and that portion of the Series 2009-B Bonds to be advance refunded shall, subject to the provisions of an escrow trust agreement authorized herein, be placed in an escrow trust account to be established as herein authorized for the purpose of paying and redeeming the Series 2009-A Bonds and that portion of the Series 2009-B Bonds to be advance refunded as to both principal and interest as the same mature and otherwise become due, all as more particularly described herein; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Refunding Bonds, Series 2013-A in the aggregate principal amount of Twenty Million Three Hundred Thirty-five Thousand Dollars (\$20,335,000) for the purpose of refunding the Refunded Bonds.

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

Section 1. That there is hereby authorized and directed to be issued General Obligation Refunding Bonds, Series 2013-A of the City in the aggregate principal amount of Twenty Million Three Hundred Thirty-five Thousand Dollars (\$20,335,000) (the “Bonds”) for the purpose of refunding the Refunded Bonds as provided by K.S.A. 10-427 et seq., and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended and other provisions of the laws of the State of Kansas applicable thereto. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the “Resolution”).

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

217 **Section 3.** That the City shall, and the officers, agents and employees of the City are
218 hereby authorized and directed to, take such action and execute such other documents,
219 certificates and instruments as may be necessary or desirable to carry out and comply with the
220 provisions of this Ordinance and to carry out, comply with and perform the duties of the City
221 with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the
222 transaction contemplated hereby and thereby.

223
224 **Section 4.** That if any portion or provision of this Ordinance or the Bonds shall for any
225 reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion
226 or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but
227 this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid
228 provision had not been contained herein.

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

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

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237 Passed and approved by the governing body of the City of Topeka, Kansas, this 14th day
238 of May, 2013.

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240 CITY OF TOPEKA, KANSAS

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244 _____
Larry E. Wolgast, Mayor

245 ATTEST:

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248 _____
249 Brenda Younger, City Clerk

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251 (SEAL)

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253 **I, BRENDA YOUNGER**, City Clerk of the City of Topeka, Shawnee County, Kansas,
254 do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 19818
255 adopted and approved by the governing body of the City on May 14, 2013.

256
257 (SEAL)

258 _____
259 Brenda Younger, City Clerk