

(Published in The Topeka Metro News on September 16, 2013.)

### ORDINANCE NO. 19845

**AN ORDINANCE INTRODUCED BY CITY MANAGER JIM COLSON AUTHORIZING THE ISSUANCE OF \$9,790,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2013-B OF THE CITY OF TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, K.S.A. 12-110c, K.S.A. 12-6a01 ET SEQ., AND CHARTER ORDINANCE NO. 89 OF THE CITY, ALL AS AMENDED.**

**WHEREAS**, pursuant to K.S.A. 12-110c, K.S.A. 12-6a01 et seq., as amended, Charter Ordinance No. 89 of the City, 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 "Improvements") to be made in the City, to-wit:

- (a) Water Line Improvement Project No. T-281036.00
- (b) Sanitary Sewer Improvement Project No. T-401025.00;
- (c) Sanitary Sewer Improvement Project No. T-401026.00;
- (d) Sanitary Sewer Improvement Project No. T-401027.00;
- (e) Street Improvement Project No. T-601001.00;
- (f) Street Improvement Project No. T-601024.00;
- (g) Bridge Improvement Project No. T-121000.00;
- (h) Fire Equipment Project No. 17034.03;
- (i) Fire Equipment Project No. 17034-04;
- (j) Trafficway Improvement Project No. T-141009.00;
- (k) Trafficway Improvement Project No. T-141010.00;
- (l) Park Improvement Project No. T-301026.00;
- (m) Park Improvement Project No. T-301029.00;
- (n) Park Improvement Project No. T-301030.00;
- (o) Public Building Improvement Project No. T-131015.00;
- (p) Street Improvement Project No. T-141011.00;
- (q) Street Improvement Project No. T-701006.00;
- (r) Street Improvement Project No. T-701008.00;
- (s) Street Improvement Project No. T-601018.00;
- (t) Street Improvement Project No. T-601033.00; and
- (u) Park Improvement Project No. T-301034.00.

**WHEREAS**, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Improvements, including the payment of a portion of the City's outstanding Series 2012-A Temporary Notes dated September 27, 2012, which are due and payable October 1, 2013, and related expenses are at least \$9,790,000.00 (the "Improvement Costs"), with \$1,813,225.03 of

47 said Improvement Costs to be paid by the owners of the property within the City benefited by the  
48 Improvements (none of which has been paid into the City Treasury on account of the  
49 Improvements), leaving \$9,790,000.00 to be paid for by the issuance of general obligation  
50 bonds; and

51  
52 **WHEREAS**, in accordance with all of the foregoing, the City deems it necessary and  
53 advisable to issue and sell its General Obligation Bonds, Series 2013-B in the aggregate principal  
54 amount of Nine Million Seven Hundred Ninety Thousand Dollars (\$9,790,000) for the purpose  
55 of paying the Improvement Costs.

56  
57 **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE**  
58 **CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS:**  
59

60 **Section 1.** That there is hereby authorized and directed to be issued General Obligation  
61 Bonds, Series 2013-B of the City in the aggregate principal amount of Nine Million Seven  
62 Hundred Ninety Thousand Dollars (\$9,790,000) (the "Bonds") for the purpose of paying the  
63 Improvement Costs as provided by K.S.A. 12-110c, K.S.A. 12-6a01 et seq., Charter Ordinance  
64 No. 89 of the City and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended and  
65 other provisions of the laws of the State of Kansas applicable thereto. The Bonds shall be dated  
66 and bear interest, shall mature and be payable at such times, shall be in such form, shall be  
67 subject to redemption and payment prior to the maturity thereof and shall be issued in the manner  
68 prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the  
69 Governing Body of the City adopted the same date as the date of the passage and approval of this  
70 Ordinance (the "Resolution").  
71

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

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

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

91 **Section 5.** That the Bonds shall be issued and sold to the purchaser thereof in accordance  
92 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 10th day of September, 2013.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

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. 19845 adopted and approved by the governing body of the City on September 10, 2013.

(SEAL)

Brenda Younger, City Clerk