

1 (Published in the Topeka Metro News November 25, 2013)

2
3 **ORDINANCE NO. 19861**

4
5 AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement
6 Project No. T-151003.01 which provides for drainage improvements to
7 SW Woodbury South Court, approving cost estimates of the proposed
8 improvements, and doing all other things necessary and incidental
9 thereto, and authorizing the use of utility operation funds and
10 authorizing the publication of the Notice of Intention of the governing
11 body of the City of Topeka, Kansas, to issue and sell revenue bonds
12 of said City to make such improvements which constitutes
13 improvements to the municipally owned water, water pollution control,
14 and stormwater utility system of the City of Topeka, Shawnee County,
15 Kansas, pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all
16 amendments thereto, authorizing issuance of general obligation bonds
17 to pay the costs of the project which further constitutes a general
18 improvement to the City's sanitary and/or stormwater and sewage
19 disposal system pursuant to City of Topeka Code § A12-1, and
20 authorizing the borrowing of funds from the KDHE SRF Loan to pay
21 the cost thereof as well as repealing Ordinance No. 19552.
22

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

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

29 WHEREAS, it is deemed by the governing body of the City to be necessary and
30 advisable that the City to improve its System by drainage improvements for SW Woodbury
31 South Court. Drainage Improvement Project No. T-151003.01 will provide for the design
32 and construction of improvements to the channel south of SW Woodbury South Court and
33 continue northeasterly approximately 300 feet, including related appurtenances for a
34 complete project and doing all things necessary and incidental thereto (the "Project") and

35 that the preliminary plans, specifications and cost estimates for the Project heretofore duly
36 prepared and filed in the office of the City Clerk of said City, which estimates show a total
37 cost of the improvements to be approximately eight hundred ninety-nine thousand four
38 hundred fifty-eight dollars (\$899,458.00), be approved; and

39 WHEREAS, it is found by the governing body that such Project will not cause a
40 duplication of existing utility service furnished by a private utility; and

41 WHEREAS, the City of Topeka, Shawnee County, Kansas, is authorized pursuant to
42 City of Topeka Code § A12-1, to issue general obligation bonds for the purposes of paying
43 for improvement, repair or extension to the City's waterworks system and sanitary and
44 stormwater sewage disposal system; and

45 WHEREAS, the City desires to issue and sell revenue bonds and/or general
46 obligation bonds of the City and/or to borrow funds from the KDHE SRF Loan to fund the
47 cost of the improvements or any combination thereof.

48 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
49 TOPEKA, KANSAS:

50 Section 1. That the estimates of costs of the Project as contained in the project
51 budget, in the total amount of eight hundred ninety-nine thousand four hundred fifty-eight
52 dollars (\$899,458.00), which are set out on the project budget attached hereto and on file in
53 the office of the City Clerk of said City, be and the same are hereby approved.

54 Section 2. That Drainage Improvement Project No. T-151003.01 will provide for
55 the design and construction of improvements to the channel south of SW Woodbury South
56 Court and continue northeasterly approximately 300 feet, including related appurtenances
57 for a complete project and doing all things necessary and incidental thereto.

58 Section 3. That notice be given by the governing body of the City of its intention to
59 complete the Project in accordance with the plans, specifications and cost estimates and to
60 use utility operation funds and/or to sell revenue bonds and/or general obligation bonds of
61 the City and/or to borrow funds from the State of Kansas Loan Funds in a total amount not
62 exceeding eight hundred ninety-nine thousand four hundred fifty-eight dollars (\$899,458.00)
63 to pay the cost thereof. Such notice shall be signed by the Mayor and attested by the City
64 Clerk and shall be published in the official City newspaper. Such notice shall describe the
65 nature of the proposed improvements and shall state the amount of revenue and/or general
66 obligation bonds proposed to be issued and/or loan funds to be borrowed, or any
67 combination thereof for the payment of the cost of the project and otherwise, the notice
68 shall be in the form as provided by law.

69 Section 4. That unless written protests against such proposed improvements
70 signed by not less than twenty percent (20%) of the qualified electors of the City are filed
71 with the City Clerk within fifteen (15) days after publication of the notice herein authorized
72 the City both reasonably expects and intends to finance the costs as hereinbefore
73 described from the proceeds of revenue bonds and/or general obligation bonds and/or loan
74 funds or any combination thereof, payable from the rates, fees and charges of the System.

75 The City does hereby express its official intent to reimburse any expenditures made in
76 connection with the Project from System enterprise fund, or obligations incurred by, on or
77 after the date which is sixty (60) days before the effective date of this Ordinance from the
78 proceeds of its revenue bonds as aforesaid in the maximum principal amount previously
79 described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the
80 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 adoption by the Council of the City by at least a two-thirds (2/3) vote of the members thereof and publication in the official City newspaper.

Section 6. That Ordinance No. 19552, passed and approved on April 26, 2011, with a project budget of \$400,000 is hereby repealed.

PASSED and APPROVED by the Governing Body on November 19, 2013.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

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3 NOTICE OF INTENTION

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5 NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make
6 improvements under Improvement Project No. T-151003.01
7 which provides for the drainage improvement to SW Woodbury
8 South Court and to use utility operating funds and to issue and
9 sell revenue bonds of said City pursuant to K.S.A. 10-101 and
10 10-1201, *et seq.*, and all amendments thereto, and to issue
11 general obligation bonds pursuant to City of Topeka Code §
12 A12-1, and to borrow funds from the KDHE SRF Loan, or any
13 combination thereof, to pay the cost of the project.
14

15 Notice is hereby given that as provided by Ordinance No. 19861 of the City of
16 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends
17 to make improvements to the City-owned water, water pollution control, and stormwater
18 utility system (the "System") under Improvement Project No. T-151003.01 which provides
19 for the drainage improvement to SW Woodbury South Court. This project will provide for
20 the design and construction of improvements to the channel south of SW Woodbury South
21 Court and continuing northeasterly approximately 300 feet and related appurtenances for a
22 complete project (the "Project").

23 Notice is further given that as provided by Ordinance No. 19861 of the City, the
24 Governing Body of the City intends to use utility operating funds and/or to issue and sell
25 one or more separate series of revenue bonds of the City pursuant to K.S.A. 10-1201 *et*
26 *seq.* and all amendments thereto, and/or to issue general obligation bonds pursuant to City
27 of Topeka code § A12-1, and/or to borrow funds from the State of Kansas Loan Funds, or
28 any combination thereof, payable from revenues of the System, in an aggregate principal
29 amount not to exceed eight hundred ninety-nine thousand four hundred fifty-eight dollars
30 (\$899,458.00) and to so improve the System and make public improvements to the City by

31 completing the Project.

32 Unless written protests against the proposed Project signed by not less than twenty
33 percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen
34 (15) days after the publication of this Notice, the Governing Body will proceed in
35 accordance with the intention as set forth above to complete the Project and issue and sell
36 its revenue bonds and/or general obligation bonds and/or borrow funds from the State of
37 Kansas Loan Funds, 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 19th day of November, 2013

40 CITY OF TOPEKA, KANSAS

41
42
43 _____
44 Larry E. Wolgast, Mayor

45 ATTEST:

46
47 _____
48 Brenda Younger, City Clerk