

(Published in the Topeka Metro News February 17, 2014)

ORDINANCE NO. 19883

AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-151016.01 for storm water piping replacement at SE 29th Street between Kansas Avenue and SE Fremont Street approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the Governing Body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 *et seq.* and 10-1201, *et seq.*, and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's waterworks, sanitary and/or stormwater sewage disposal system pursuant to City of Topeka Code § A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof.

WHEREAS, the City is a municipality as defined by K.S.A. 10-101 *et seq.* 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 replacing storm water piping along SE 29th between Kansas Avenue and SE Fremont Street (the "Project"); and

WHEREAS, 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 nine hundred thousand dollars (\$900,000.00) be approved; and

WHEREAS, it is found by the Governing Body that such Project will not cause a duplication of existing utility service furnished by a private utility; and

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

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

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

Section 1. That the estimates of costs of the Project as contained in the project budget, in the total amount of nine hundred thousand dollars (\$900,000.00) which are set out on the project budget attached hereto and on file in the office of the City Clerk of said City, be and the same are hereby approved.

Section 2. This project is Phase II of a project to replace approximately 200 feet of large diameter pipe under the parking area at 131, 133, and 201 SE 29th Street. The project will include, but is not limited to, geotechnical investigation, final design, demolition, excavation, clearing and grubbing, bank stabilization, and construction of required remediation efforts to stabilize and improve the drainage conveyance system along lots

131, 133, 201 SE 29th St and Butcher Creek. It will also include site preparation, surveying and staking, acquisition construction easements, and right of entry.

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 use utility operation funds, and/or to sell revenue bonds and/or general obligation bonds of the City and/or to borrow funds from the KDHE SRF Loan in a total amount not exceeding nine hundred thousand dollars (\$900,000.00) 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 and/or general obligation bonds proposed to be issued and/or loan funds to be borrowed, or any combination thereof 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 and/or general obligation bonds and/or loan funds or any combination thereof, 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

79 expression of the governing body's official intent regarding the matters described herein,
80 will be available, for public inspection in the City Clerk's office at City Hall during regular
81 business hours of the City.

82 Section 5. That this Ordinance shall take effect and be in force from and after its
83 adoption by the Governing Body of the City by at least a two-thirds (2/3) vote of the
84 members thereof and publication in the official City newspaper.

85 PASSED and APPROVED by the Governing Body February 11, 2014.

86 CITY OF TOPEKA, KANSAS

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91 Larry E. Wolgast, Mayor

92 ATTEST:

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96 Brenda Younger, City Clerk

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4 NOTICE OF INTENTION
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6 NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make
7 improvements under Improvement Project No. T-151016.01
8 which provides for storm water piping replacement at SE 29th
9 Street between Kansas Avenue and SE Fremont Street and to
10 use utility operation funds, and to issue and sell revenue bonds
11 of said City pursuant to K.S.A. 10-101 and 10-1201, *et seq.*,
12 and all amendments thereto, and to issue general obligation
13 bonds pursuant to City of Topeka Code § A12-1, and to borrow
14 funds from the Kansas Department of Health and Environment,
15 or any combination thereof, to pay the cost of the project.
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17 Notice is hereby given that as provided by Ordinance No. 19883 of the City of
18 Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends
19 to make improvements to the City-owned water, water pollution control, and stormwater
20 utility system (the "System") under Improvement Project No. T-151016.01 which provides
21 for storm water piping replacement at SE 29th Street between Kansas Avenue and SE
22 Fremont Street (the "Project").

23 Notice is further given that as provided by Ordinance No. 19883 of the City, the
24 Governing Body of the City intends to issue and sell one or more separate series of
25 revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto,
26 and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to
27 borrow funds from the Kansas Department of Health and Environment State Revolving
28 Loan Fund, or any combination thereof, payable from revenues of the System, in an
29 aggregate principal amount not to exceed nine hundred thousand dollars (\$900,000.00)
30 and to so improve the System and make public improvements to the City by completing the
31 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 Kansas
37 Department of Health and Environment, payable from revenues of the System as above
38 stated.

39 Done by order and direction of the Governing Body of the City of Topeka, Shawnee
40 County, Kansas, this 11th day of February, 2014.

41 CITY OF TOPEKA, KANSAS

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46 Larry E. Wolgast, Mayor

47 ATTEST:

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52 Brenda Younger, City Clerk