

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

**ORDINANCE NO. 19885**

AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281028.00 for water main extension SW 37<sup>th</sup> Street through Clarion Park to SW 41<sup>st</sup> and Wanamaker Road 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 by constructing a water main extension from SW Fairlawn and SW 37<sup>th</sup> Street through Clarion Park to 41<sup>st</sup> Street and Wanamaker Road (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 two million six hundred seventy thousand dollars (\$2,670,000.00) 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 two million six hundred seventy thousand dollars (\$2,670,000.00) 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 consists of installing about 5300-ft of 18-inch and 2800-ft of 24-inch water main to provide a critical redundancy transmission main, or loop, from the Fairlawn Booster Pump Station (BPS) servicing the Indian Hills and Sherwood elevated storage tanks, also known as the West Pressure Zone. This project is essential for providing adequate fire protection and water service to existing residential and lucrative commercial development along SW Wanamaker Rd and intersecting arterials. This

service area is located generally west of the I-470 corridor and north of SW 45th Street to Kansas River. This main will also afford critical water main support and pressure zone realignment for future City development and expansion to the Kanza Fire Commerce Park area for long-term growth capacity in south and west Topeka in accordance with Water Distribution System Master Plan (2002).

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 two million six hundred seventy thousand dollars (\$2,670,000.00) 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

81 connection with the Project from System enterprise fund, or obligations incurred by, on or  
82 after the date which is sixty (60) days before the effective date of this Ordinance from the  
83 proceeds of its revenue bonds as aforesaid in the maximum principal amount previously  
84 described in accordance with U.S. Treasury Regulation 1.150-2. This Ordinance, as the  
85 expression of the governing body's official intent regarding the matters described herein,  
86 will be available, for public inspection in the City Clerk's office at City Hall during regular  
87 business hours of the City.

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

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

92 CITY OF TOPEKA, KANSAS

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96 Larry E. Wolgast, Mayor

97 ATTEST:

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100 Brenda Younger, City Clerk

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## NOTICE OF INTENTION

NOTICE OF INTENTION of the governing body of the City of Topeka, Kansas, to make improvements under Improvement Project No. T-281028.00 which provides for water main extension SW 37<sup>th</sup> Street through Clarion Park to SW 41<sup>st</sup> and Wanamaker Road and to use utility operation funds, and to issue and sell revenue bonds of said City pursuant to K.S.A. 10-101 and 10-1201, *et seq.*, and all amendments thereto, and to issue general obligation bonds pursuant to City of Topeka Code § A12-1, and to borrow funds from the Kansas Department of Health and Environment, or any combination thereof, to pay the cost of the project.

Notice is hereby given that as provided by Ordinance No. 19885 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") under Improvement Project No. T-281028.00 which provides for water main extension SW 37<sup>th</sup> Street through Clarion Park to SW 41<sup>st</sup> and Wanamaker Road. This project will consists of installing about 5300-ft of 18-inch and 2800-ft of 24-inch water main to provide a critical redundancy transmission main, or loop, from the Fairlawn Booster Pump Station (BPS) servicing the Indian Hills and Sherwood elevated storage tanks, also known as the West Pressure Zone (the "Project").

Notice is further given that as provided by Ordinance No. 19885 of the City, the Governing Body of the City intends to issue and sell one or more separate series of revenue bonds of the City pursuant to K.S.A. 10-1201 *et seq.* and all amendments thereto, and/or to issue general obligation bonds pursuant to City of Topeka code § A12-1, and/or to borrow funds from the Kansas Department of Health and Environment State Revolving Loan Fund, or any combination thereof, payable from revenues of the System, in an

32 aggregate principal amount not to exceed two million six hundred seventy thousand dollars  
33 (\$2,670,000.00) and to so improve the System and make public improvements to the City  
34 by completing the Project.

35 Unless written protests against the proposed Project signed by not less than twenty  
36 percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen  
37 (15) days after the publication of this Notice, the Governing Body will proceed in  
38 accordance with the intention as set forth above to complete the Project and issue and sell  
39 its revenue bonds and/or general obligation bonds and/or borrow funds from the Kansas  
40 Department of Health and Environment, payable from revenues of the System as above  
41 stated.

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

44 CITY OF TOPEKA, KANSAS

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48 Larry E. Wolgast, Mayor

49 ATTEST:

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53 Brenda Younger, City Clerk