

(Published in The Topeka Metro News on August 25, 2014.)

ORDINANCE NO. 19917

AN ORDINANCE INTRODUCED BY CITY MANAGER JIM COLSON AUTHORIZING THE ISSUANCE OF \$5,590,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2014-A 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., 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) Sanitary Sewer Improvement Project No. T-401011.00;
- (b) Firefighting Training Equipment Project No. T-131029.00;
- (c) Sidewalk Improvement Project No. T-241016.00;
- (d) Street Improvement Project No. 70123-1;
- (e) Street Improvement Project No. T-601028.00;
- (f) Street Improvement Project No. T-601035.00;
- (g) Park Improvement Project No. T-301031.01; and
- (h) Park Improvement Project No. T-301041.00.

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 2013-A Temporary Notes dated September 30, 2013, which are due and payable October 1, 2014, and related expenses are at least \$5,590,296.70 (the "Improvement Costs"), with \$18,148.25 of said Improvement Costs to be paid by the owners of the property within the City benefited by the Improvements (none of which has been paid into the City Treasury on account of the Improvements), and \$296.70 to be paid from other funds of the City, leaving \$5,590,000.00 to be paid for by the issuance of general obligation bonds; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Bonds, Series 2014-A in the aggregate principal amount of Five Million Five Hundred Ninety Thousand Dollars (\$5,590,000) for the purpose of paying the Improvement Costs.

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

47 **Section 1.** That there is hereby authorized and directed to be issued General Obligation
48 Bonds, Series 2014-A of the City in the aggregate principal amount of Five Million Five
49 Hundred Ninety Thousand Dollars (\$5,590,000) (the “Bonds”) for the purpose of paying the
50 Improvement Costs as provided by K.S.A. 12-110c, K.S.A. 12-6a01 et seq., Charter Ordinance
51 No. 89 of the City and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended and
52 other provisions of the laws of the State of Kansas applicable thereto. The Bonds shall be dated
53 and bear interest, shall mature and be payable at such times, shall be in such form, shall be
54 subject to redemption and payment prior to the maturity thereof and shall be issued in the manner
55 prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the
56 Governing Body of the City adopted the same date as the date of the passage and approval of this
57 Ordinance (the “Resolution”).
58

59 **Section 2.** That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are
60 hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be
61 registered as required by law and the Governing Body shall annually make provisions for the
62 payment of the principal of, redemption premium, if any, and interest on the Bonds as the same
63 shall become due by levying a tax upon all the taxable property of the City.
64

65 **Section 3.** That the City shall, and the officers, agents and employees of the City are
66 hereby authorized and directed to, take such action and execute such other documents,
67 certificates and instruments as may be necessary or desirable to carry out and comply with the
68 provisions of this Ordinance and to carry out, comply with and perform the duties of the City
69 with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the
70 transaction contemplated hereby and thereby.
71

72 **Section 4.** That if any portion or provision of this Ordinance or the Bonds shall for any
73 reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion
74 or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but
75 this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid
76 provision had not been contained herein.
77

78 **Section 5.** That the Bonds shall be issued and sold to the purchaser thereof in accordance
79 with both their bid for the purchase thereof and the terms and conditions of this Ordinance.
80

81 **Section 6.** That this Ordinance shall take effect and be in force from and after its passage
82 and publication in the official City newspaper.
83

84 Passed and approved by the governing body of the City of Topeka, Kansas, this 19th day
85 of August, 2014.

86
87 CITY OF TOPEKA, KANSAS
88

89
90
91 _____
92 Larry E. Wolgast, Mayor

93 ATTEST:
94

95 _____
96 Brenda Younger, City Clerk
97

98 (SEAL)
99

100 **I, BRENDA YOUNGER**, City Clerk of the City of Topeka, Shawnee County, Kansas,
101 do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 19917
102 adopted and approved by the governing body of the City on August 19, 2014.
103

104 (SEAL)
105

106 _____
Brenda Younger, City Clerk