

(Published in The Topeka Metro News on August 24, 2015.)

ORDINANCE NO. 19963

**AN ORDINANCE INTRODUCED BY CITY MANAGER JIM COLSON
AUTHORIZING THE ISSUANCE OF \$56,340,000 AGGREGATE
PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES
2015-A OF THE CITY OF TOPEKA, KANSAS, UNDER THE
AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, K.S.A. 12-6a01 ET
SEQ., K.S.A. 10-427 ET SEQ., AND CHARTER ORDINANCE NO. 89 OF
THE CITY, ALL AS AMENDED.**

WHEREAS, pursuant to K.S.A. 12-6a01 et seq., Charter Ordinance No. 89 of the City (Section A12-1 of the Code 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 authorized and caused those improvements described in Exhibit A attached to this Ordinance (the "Improvements") to be made in the City.

WHEREAS, the authorization of the Improvements pursuant to the authorizing authority and in the respective amounts set forth in Exhibit A hereto, is hereby approved, ratified, and affirmed.

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 2014-A Temporary Notes dated September 25, 2014, which are due and payable October 1, 2015, and related expenses are at least \$_____ (the "Improvement Costs"), with \$8,729,949.78 of said Improvement Costs to be paid by the owners of the property within the City benefited by the Improvements (\$16,815.49 of which has been paid into the City Treasury on account of the Improvements), and \$_____ to be paid from other funds of the City, leaving \$_____ to be paid for by the issuance of general obligation bonds; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$56,745,000 principal amount of General Obligation Refunding Bonds, Series 2009-B, dated October 28, 2009, (the "Series 2009-B Bonds") pursuant to its Ordinance No. 19317 adopted October 6, 2009, (the "2009-B Bond Ordinance") in accordance with the requirements of K.S.A. 10-427 et seq., as amended. The terms and conditions of the Series 2009-B Bonds were set forth in Resolution No. 8207 of the City adopted on October 6, 2009, (the "Series 2009-B Bond Resolution"); and

WHEREAS, as of August 15, 2015, there remains outstanding of the Series 2009-B Bonds the principal amount of \$7,030,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIAL BONDS

<u>MATURITY</u> <u>(August 15)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2016	\$1,150,000	2.75%
2017	1,180,000	3.00
2018	1,020,000	3.00
2019	820,000	3.00
TERM BONDS		
2021	\$1,045,000	3.25%
2024	1,240,000	3.50
2031	575,000	4.00

WHEREAS, pursuant to Section 301 of the Series 2009-B Bond Resolution, the Series 2009-B Bonds maturing on August 15, 2015, and thereafter, are subject to redemption and payment at the option of the City on, August 15, 2014, and thereafter in whole or in part on any date, at the redemption price equal to the principal amount thereof, plus accrued interest thereon to the date fixed for redemption and payment; and

WHEREAS, pursuant to Section 203 of the Series 2009-B Bond Resolution, the State Treasurer of the State of Kansas, Topeka, Kansas, was designated as the City's Paying Agent and Bond Registrar for the payment of the principal of and interest on the Series 2009-B Bonds; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$1,650,000 principal amount of General Obligation Bonds, Series 2010-A, dated September 29, 2010, (the "Series 2010-A Bonds") pursuant to its Ordinance No. 19461 adopted August 31, 2010, (the "Series 2010 Bond Ordinance") in accordance with the requirements of K.S.A. 12-6a01 et seq., as amended. The terms and conditions of the Series 2010-A Bonds were set forth in Resolution No. 8279 of the City adopted on August 31, 2010, (the "Series 2010 Bond Resolution"); and

WHEREAS, as of August 15, 2015, there remains outstanding of the Series 2010-A Bonds the principal amount of \$1,305,000 bearing interest payable semiannually on February 15 and August 15 of each year and maturing serially on August 15, as follows:

SERIAL BONDS

<u>MATURITY</u> <u>(August 15)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
2016	\$70,000	1.625%
2017	75,000	2.000
2018	75,000	2.250
2019	75,000	2.500

93	2020	80,000	2.750
94	2021	80,000	3.000
95	2022	80,000	3.000
96	2023	85,000	3.125
97	2024	90,000	3.250
98	2025	90,000	3.500
99	2026	95,000	3.500
100	2027	95,000	3.625

101			
102		TERM BONDS	
103	2030	\$315,000	4.000%
104			

105 **WHEREAS**, the City of Topeka, Kansas, (the “City”) has heretofore duly authorized,
106 issued and delivered its \$34,985,000 principal amount of General Obligation Refunding Bonds,
107 Series 2010-B, dated September 29, 2010, (the “Series 2010-B Bonds”) pursuant to the Series
108 2010 Bond Ordinance in accordance with the requirements of K.S.A. 10-427 et seq., as amended.
109 The terms and conditions of the Series 2010-B Bonds were set forth in the Series 2010 Bond
110 Resolution; and

111
112 **WHEREAS**, as of August 15, 2015, there remains outstanding of the Series 2010-B
113 Bonds the principal amount of \$31,885,000 bearing interest payable semiannually on February
114 15 and August 15 of each year and maturing serially on August 15, as follows:

115			
116		SERIAL BONDS	
117			
118	MATURITY	PRINCIPAL	INTEREST
119	<u>(August 15)</u>	<u>AMOUNT</u>	<u>RATE</u>
120	2016	\$1,445,000	1.625%
121	2017	1,470,000	2.000
122	2018	1,500,000	2.250
123	2019	2,585,000	2.500
124	2020	2,645,000	2.750
125	2021	2,720,000	3.000
126	2022	2,810,000	3.000
127	2023	2,905,000	3.125
128	2024	2,980,000	3.250
129	2025	3,085,000	3.500
130	2026	1,680,000	3.500
131	2027	1,625,000	3.625

132			
133		TERM BONDS	
134	2030	\$4,375,000	4.000%
135	2036	60,000	4.375
136			

137 **WHEREAS**, pursuant to Section 301 of the Series 2010 Bond Resolution, the Series
138 2010-A Bonds and Series 2010-B Bonds maturing on August 15, 2016, and thereafter, are
139 subject to redemption and payment at the option of the City on, August 15, 2015, and thereafter
140 in whole or in part on any date, at the redemption price equal to the principal amount thereof,
141 plus accrued interest thereon to the date fixed for redemption and payment; and

142

143 **WHEREAS**, pursuant to Section 203 of the Series 2010 Bond Resolution, the State
144 Treasurer of the State of Kansas, Topeka, Kansas, was designated as the City's Paying Agent and
145 Bond Registrar for the payment of the principal of and interest on the Series 2010-A Bonds and
146 Series 2010-B Bonds; and

147
148 **WHEREAS**, the City has determined and hereby determines that it is in the best interest
149 of the City and the patrons and taxpayers thereof that (1) the Series 2009-B Bonds maturing on
150 August 15, 2016, through and including August 15, 2031, (i.e., \$7,030,000) (2) the Series 2010-
151 A Bonds maturing on August 15, 2016, through and including August 15, 2030, (i.e.,
152 \$1,305,000) and (3) the Series 2010-B Bonds maturing on August 15, 2016, through and
153 including August 15, 2036, (i.e., \$31,885,000) (collectively referred to as the "Refunded Bonds")
154 be paid and redeemed as the same mature and otherwise become subject to redemption and
155 payment on September 21, 2015, and that general obligation refunding bonds be issued in the
156 principal amount of \$_____ for such purpose; and

157
158 **WHEREAS**, such redemption and refunding would help the City achieve interest cost
159 savings on its bonded indebtedness, provide a more orderly plan of financing for the City and
160 result in a general restructuring of the debt service obligation of the City; and

161
162 **WHEREAS**, in accordance with all of the foregoing, the City deems it necessary and
163 advisable to issue and sell its General Obligation Bonds, Series 2015-A in the aggregate
164 principal amount of _____ Dollars (\$_____) for the purpose
165 of (1) paying a portion of the Improvement Costs, (2) currently refunding the Refunded Bonds
166 and (3) paying the costs of issuing the Bonds.

167
168 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
169 **TOPEKA, SHAWNEE COUNTY, KANSAS:**

170
171 **Section 1.** That the authorization of the Improvements pursuant to the authorizing
172 authority in the amounts authorized, all as set forth in the attached Exhibit A, is hereby approved,
173 ratified, and affirmed.

174
175 **Section 2.** That there is hereby authorized and directed to be issued General Obligation
176 Bonds, Series 2015-A of the City in the aggregate principal amount of _____
177 Dollars (\$_____) (the "Bonds") for the purpose of (1) paying a portion of the Improvement
178 Costs, (2) currently refunding the Refunded Bonds and (3) paying the costs of issuing the Bonds
179 as provided by K.S.A. 12-6a01 et seq., K.S.A. 10-427 et seq., Charter Ordinance No. 89 of the
180 City (Section A12-1 of the Code of the City), and Article 1 of Chapter 10, Kansas Statutes
181 Annotated, all as amended and other provisions of the laws of the State of Kansas applicable
182 thereto. The Bonds shall be dated and bear interest, shall mature and be payable at such times,
183 shall be in such form, shall be subject to redemption and payment prior to the maturity thereof
184 and shall be issued in the manner prescribed and subject to the provisions, covenants and
185 agreements set forth in a resolution of the Governing Body of the City adopted the same date as
186 the date of the passage and approval of this Ordinance (the "Resolution").

188 **Section 3.** That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are
189 hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be
190 registered as required by law and the Governing Body shall annually make provisions for the
191 payment of the principal of, redemption premium, if any, and interest on the Bonds as the same
192 shall become due by levying a tax upon all the taxable property of the City.
193

194 **Section 4.** That the City shall, and the officers, agents and employees of the City are
195 hereby authorized and directed to, take such action and execute such other documents,
196 certificates and instruments as may be necessary or desirable to carry out and comply with the
197 provisions of this Ordinance and to carry out, comply with and perform the duties of the City
198 with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the
199 transaction contemplated hereby and thereby.
200

201 **Section 5.** That if any portion or provision of this Ordinance or the Bonds shall for any
202 reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion
203 or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but
204 this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid
205 provision had not been contained herein.
206

207 **Section 6.** That the Bonds shall be issued and sold to the purchaser thereof in accordance
208 with both their bid for the purchase thereof and the terms and conditions of this Ordinance.
209

210 **Section 7.** That this Ordinance shall take effect and be in force from and after its passage
211 and publication in the official City newspaper.

212 (REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)
213

214 Passed and approved by the governing body of the City of Topeka, Kansas, this 18th day
215 of August, 2015.

216
217 CITY OF TOPEKA, KANSAS
218

219
220
221 _____
222 Larry E. Wolgast, Mayor

223 ATTEST:
224

225 _____
226 Brenda Younger, City Clerk
227

228 (SEAL)
229

230 **I, BRENDA YOUNGER**, City Clerk of the City of Topeka, Shawnee County, Kansas,
231 do hereby certify that the above and foregoing is a true and correct copy of Ordinance No.
232 _____ adopted and approved by the governing body of the City on August 18, 2015.
233

234 (SEAL)
235

236 _____
237 Brenda Younger, City Clerk
238

EXHIBIT A

<u>Project Number & Description</u>	<u>Authorizing Authority</u>	<u>Project Authorization</u>	<u>Amount Authorized</u>
<u>Special Assessment Projects</u>			
Project No. T-131022.00	K.S.A. 12-6a01 et seq.	Res. #8443	\$ 2,786,546.92
Project No. T-151001.00	K.S.A. 12-6a01 et seq.	Res. #8120	142,116.63
Project No. T-281004.00	K.S.A. 12-6a01 et seq.	Res. #8080	765,381.94
Project No. 606321	K.S.A. 12-6a01 et seq.	Res. #8025	5,089,251.41
<u>Citywide Bikeways Project</u>			
Project No. T-861005.00	Charter Ordinance No. 89	Res. #8563	420,000.00
<u>Street/Sidewalk Projects</u>			
Project No. T-241021.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8582	150,000.00
Project No. T-241025.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625 CIP Page No. 23	150,000.00
Project No. T-601020.01	Charter Ordinance No. 89 (City Code A12-1)	Ord. #19608	1,000,000.00
Project No. T-601020.02	Charter Ordinance No. 89 (City Code A12-1)	Res. #8481	3,759,000.00
Project No. T-601020.03	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625 CIP Page No. 30	888,032.00
Project No. T-601029.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8467	1,400,000.00
Project No. T-601040.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8578	180,000.00
Project No. T-701010.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8583	200,000.00
Project No. T-701010.01	Charter Ordinance No. 89 (City Code A12-1)	Res. 8625 CIP Page No. 27	300,000.00
<u>Park Projects</u>			
Project No. T-301044.00	Charter Ordinance No. 89 (City Code A12-1)	Res. #8625 CIP page No. 32	<u>231,300.00</u>
TOTAL			<u>\$17,461,628.90</u>