ORDINANCE NO. 17733

A HOME RULE ORDINANCE introduced by Mayor Felker authorizing the City of Topeka, Kansas, to provide for the construction and installation, including all things necessary and incidental thereto, of a fiber optic network for telecommunication services to City facilities; and payment of all costs incidental to and incurred by the City of Topeka, Kansas for said improvements by the City-at-large through the issuance, sale and delivery of general obligation bonds of the City to pay for any or all costs related to said improvements.

WHEREAS, pursuant to Article 12, Section 5 of the Kansas Constitution (the “Act”), cities of the State of Kansas, are empowered to determine their local affairs and government, including the levying of taxes, excises, fees, charges and other exactions, except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by an enactment of the legislature of the State of Kansas applicable uniformly to all cities of the same class; and

WHEREAS, the governing body of the City of Topeka, Kansas, a City of the first class (the “City”), in order to protect and promote the public health, safety and welfare deems it advisable and necessary to provide fiber optic cable in order to provide a network for telecommunication services to the City facilities (the “Project”); and

WHEREAS, the construction, reconstruction, improvement or betterment, including all things necessary and incidental thereto, to complete any such Project and the payment therefor from any legally available and unencumbered funds of the City, from the proceeds derived from the City issuing, selling and delivering its general obligation bonds, or a combination thereof, including the City’s issuance of its temporary notes, pursuant to K.S.A.10-123, is not limited or prohibited by an enactment of the legislature of the State of Kansas applicable uniformly to all cities of the same class as the City.

JBORD/FIBEROPTIC 09/28/01
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
TOPEKA, KANSAS, THAT:

Section 1. That the City is hereby authorized to acquire, construct, reconstruct,
improve, equip or otherwise complete one or more Projects consisting of directional boring
for underground installation and aerial installation of fiber optic cable to create a network
in order to provide a network for telecommunication services to the City facilities and any
other matters necessary and incidental thereto all in compliance with the plans and
specifications therefor of the City.

Section 2. That any or all of the costs incurred by the City arising out of any such
Project, which are estimated to be $1,700,000, may be paid for by the City-at-large from
any legally available and unencumbered funds of the City, from the proceeds derived from
the City issuing and selling its general obligation bonds or a combination thereof, including
the issuance of the City’s temporary notes pursuant to K.S.A. 10-123.

Section 3. This ordinance shall be of full force and effect after its passage and
approval by the Council of the City of Topeka, Kansas, and its publication in the official City
newspaper.

PASSED and APPROVED by the Council of the City of Topeka, Kansas, this 9th
day of October, 2001.

CITY OF TOPEKA, KANSAS

Harry Felker, Mayor

ATTEST:

EJis Walker

JBORD/FIBEROPTIC 09/28/01
Iris E. Walker, City Clerk

I, Iris E. Walker, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. ____________, adopted and approved by the City Council on _______________, 2001.

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 1/08/01  BY __________
TO BE CODIFIED ____________
NOT TO BE CODIFIED X