ORDINANCE NO. 17757

AN ORDINANCE introduced by Mayor Felker approving cost estimates of the proposed improvements to the municipally owned waterworks system of the City of Topeka, Shawnee County, Kansas, by removing and replacing existing deteriorating water mains and installing new transmission mains within the water distributions system to improve quality and reliability of the system and doing all other things necessary and incidental thereto, and authorizing the publication of the notice of intention of the Council of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof.

WHEREAS, the City of Topeka, Shawnee County, Kansas, (the “City”) is a municipality as defined by K.S.A. 10-101 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 waterworks system pursuant to K.S.A. 10-1201 et seq., and all amendments thereto; and

WHEREAS, it is deemed by the Council of the City to be necessary and advisable that the City improve its waterworks system by removing and replacing the existing deteriorating water mains with new water transmission mains which will improve the quality and reliability of the water distribution system and also will assure capability of the water distribution system to meet consumption and fire protection demands; and doing all things necessary and incidental thereto in conjunction with the replacement of deteriorating water mains (the “Project”) and that 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 seven million,
seventy-sixty-four thousand, seven-hundred fifty dollars ($7,764,750.00), to be
approved; and

WHEREAS, it is found by the Council of the City of Topeka that such project will not
cause a duplication of existing utility service furnished by a private utility.

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

Section 1. That the estimates of costs of the Project, which estimates are now on
file in the office of the City Clerk of said City, be and the same are hereby approved.

Section 2. That notice be given by the Council of the City of its intention to
complete the Project in accordance with the plans, specifications and cost estimates and
to sell revenue bonds of the City in an amount not exceeding seven million, seven-hundred
sixty-four thousand, seven-hundred fifty dollars ($7,764,750.00) to pay part of 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 bonds proposed to be
issued for the payment of the cost of the project and otherwise, the notice shall be in the
form as provided by law.

Section 3. That unless written protests against such proposed improvements
signed by not less that 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 its revenue bonds payable from the rates, fees and charges
of its waterworks system. The City both reasonably expects and intends to finance the
costs of the Project from the proceeds of Waterworks Utility Revenue Bonds of the City.
The City does hereby express its official intent to reimburse any such capital expenditures made or obligations incurred by it on or after the date which is sixty (60) days before the date of this Ordinance from the proceeds of such bonds in the estimated maximum principal amount of seven million, seven-hundred sixty-four thousand, seven-hundred fifty dollars ($7,764,750.00). The City will issue such bonds for such purposes and make the reimbursements within eighteen (18) months after the date the expenditure to be reimbursed was paid or, if later, eighteen (18) months after the date on which the property resulting from the expenditure was placed in service. Provided, that, in any event, the City must make the reimbursement allocations within three (3) years after the date the expenditure was paid. This Ordinance, as the expression of the City Council's official intent regarding the matters described herein, will be available for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

Section 4. That this Ordinance shall take effect and be in force from and after its adoption by the governing body of the City by at least a two-thirds (2/3) vote of the members thereof and publication in the official City newspaper.

Done by order and direction of the Council of the City of Topeka, Kansas this 13th day of November, 2001.

[Signature]
Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

[Stamp]
NOTICE OF INTENTION

Notice of Intention to make improvements to the municipally owned waterworks system of the City of Topeka, Shawnee County, Kansas, by removing and replacing the existing deteriorating water mains and installing new transmission mains within the water distributions system to improve quality and reliability of the system and doing all other things necessary and incidental thereto, and to issue and sell revenue bonds of the City of Topeka, for the purpose of paying the cost thereof.

Notice is hereby given that as provided by Ordinance No. 1757 of the City of Topeka, Shawnee County, Kansas, (the “City”) that the Council of the City intends to make improvements to the City-owned waterworks system (the “System”) by removing and replacing the existing deteriorating water mains and installing new transmission mains within the water distributions system to improve quality and reliability of the system and doing all things necessary and incidental thereto.

Notice is further given that the total cost of such improvements is approximately seven million, seven-hundred sixty-four thousand, seven-hundred fifty dollars ($7,764,750.00).

Notice is further given that as provided by Ordinance No. 1757 of the City, the Council of the City intends to issue and sell Waterworks Utility Revenue Bonds of the City pursuant to K.S.A. 10-1201 et seq., and all amendments thereto, in a principal amount not exceeding seven million, seven-hundred sixty-four thousand, seven-hundred fifty dollars ($7,764,750.00) and to so improve the System.

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 the publication of this Notice, the Governing Body will proceed in accordance with the intention as set forth above to effect such improvements and will issue and sell its Waterworks System Revenue Bonds as above-stated.

Done by order and direction of the Council of the City of Topeka, Shawnee County, Kansas, this 13th day of November, 2001.

[Seal of Topeka]

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

[Seal of Kansas]

APPROVED AS TO FORM AND LEGALITY
DATE 11/02/01 BY
TO BE CODIFIED
NOT TO BE CODIFIED ☒