ORDINANCE NO. 18109

AN ORDINANCE introduced by Mayor Harry Felker relating to improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, authorizing Sanitary Sewer Improvement Project No. 29096-02 which provides for the construction of certain stormwater collection improvements and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay part of 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 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 improve its System by constructing and otherwise completing certain sanitary sewer system improvements in Sanitary Sewer Improvement Project No. 29096-02 and doing all things necessary and incidental thereto (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 two million four hundred thousand dollars ($2,400,000.00), 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.

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, 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 the general nature of the Project is as follows:
This project will include the general repair and replacement of variable frequency
drives and the installation of two new pumps and the required piping and electrical changes
necessary to support the increased capacity, which will significantly reduce the number of
combined sewer overflows during wet weather events.

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
to sell revenue bonds of the City in an amount not exceeding two million four hundred
thousand dollars ($2,400,000.00) 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 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 its revenue bonds payable from the rates, fees and
charges of the System. The City does hereby express its official intent to reimburse any
expenditures made in connection with the Project from its System enterprise fund or
obligations incurred by on or after the date which is sixty (60) days before the effective date
of this Ordinance from the proceeds of its revenue bonds as aforesaid in the maximum
principal amount previously described in accordance with U.S. Treasury Regulation 1.150-
2. This Ordinance, as the expression of the governing body'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 5. That this Ordinance shall take effect and be in force from and after its
adoption by the Council of the City by at least a two-thirds (2/3) vote of the members
thereof and publication in the official City newspaper.

PASSED and APPROVED by the City Council OCT 2 8 2003

Duane Pomeroy, Deputy Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE 10/15/03 BY 10/15/03
TO BE CODIFIED X
NOT TO BE CODIFIED
NOTICE OF INTENTION

NOTICE OF INTENTION to make improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, by constructing and otherwise completing Sanitary Sewer Improvement Project No. 29096-02 which provides for certain stormwater collection improvements and doing all other things necessary and incidental thereto, and to issue and sell revenue bonds of the City of Topeka, Kansas, for the purpose of paying part of the cost thereof.

Notice is hereby given that as provided by Ordinance No. 18109 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") by constructing and otherwise completing Sanitary Sewer Improvement Project No. 29096-02 which provides for certain sanitary sewer system improvements and doing all things necessary and incidental thereto (the "Project").

Notice is further given that as provided by Ordinance No. 18109 of the City, the Governing Body of the City intends to issue and sell one or more separate series of revenue bonds payable from revenues of the System of the City pursuant to K.S.A. 10-1201 et seq. and all amendments thereto in an aggregate principal amount not exceeding two million four hundred thousand dollars ($2,400,000.00) and to so improve the System by completing the Project.

Unless written protests against the proposed Project 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 complete the Project and issue and sell
its revenue bonds payable from revenues of the System as above stated.

Done by order and direction of the Council of the City of Topeka, Shawnee County,

Kansas, this 30th day of October, 2003.

Duane F. Pomeroy, Deputy Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 10/31/03 BY
TO BE CODIFIED
NOT TO BE CODIFIED