ORDINANCE NO. 18

AN ORDINANCE introduced by Mayor Harry Felker approving cost estimates of the proposed 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 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, the governing body of the City has previously authorized by ordinance or resolution various public improvement projects which provide for improvements to the System (the "Projects") which are set forth on Exhibit A, attached hereto and incorporated herein; 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 the Projects and that the preliminary plans, specifications and cost estimates for the Projects heretofore approved by the City Council as part of the original ordinances or resolutions, show a total cost of the improvements to be approximately thirty-two million two hundred
sixteen thousand eight hundred thirty-one dollars ($32,216,831.00), 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 as contained in the project budgets of the
ordinances and resolutions authorizing the Projects are on file in the office of the City Clerk
of said City, are hereby approved.

Section 2. That notice be given by the governing body of the City of its intention
to complete the Projects in accordance with the plans, specifications and cost estimates
and to sell revenue bonds of the City in an amount not exceeding twenty-seven million one
hundred eighty-six thousand six hundred thirty-nine dollars ($27,186,639.00) 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 Projects 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 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 4. 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 28 2003_________.

ATTEST:

OCT 28 2003

Duane F. Pomeroy, Deputy Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE _________________________ BY ___________.

TO BE CODIFIED _____ NOT TO BE CODIFIED ______
<table>
<thead>
<tr>
<th>Project Number</th>
<th>Approved Amount</th>
<th>Project Costs to be Bonded</th>
<th>Project Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>150550-1</td>
<td>$5,500,000</td>
<td>$5,922,200</td>
<td>Stormwater/Master Drainage and N. Topeka Street - 5,922,200</td>
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<tr>
<td>150553</td>
<td>$1,072,241</td>
<td>$1,340,950</td>
<td>Stormwater/Master Drainage - 1,340,950</td>
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<td>150566</td>
<td>$3,255,000</td>
<td>$3,485,000</td>
<td>Stormwater/Master Drainage - 3,485,000</td>
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<tr>
<td>500154</td>
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<td>$1,852,000</td>
<td>Stormwater/Quinton Heights - 1,852,000</td>
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<tr>
<td>150201</td>
<td>$2,255,000</td>
<td>$2,592,200</td>
<td>Stormwater/Warnermaker Drainage Basin - 2,592,200</td>
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<tr>
<td>150203</td>
<td>$1,485,000</td>
<td>$1,711,440</td>
<td>Stormwater/Warnermaker Drainage Basin - 1,711,440</td>
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<tr>
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<td>$1,730,380</td>
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<tr>
<td>17114</td>
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<td>$1,666,961</td>
<td>Stormwater/Warnermaker Drainage Basin - 1,666,961</td>
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<tr>
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<tr>
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<td>$1,440,532</td>
<td>$1,666,961</td>
<td>Wastewater/Replacement of Stormwater System - 1,666,961</td>
</tr>
</tbody>
</table>

**Utility Revenue Bond Total:** $32,216,831

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**Projects:**

1. Combined Water, WPC and Stormwater Utility Projects
2. Stormwater
   - Master Drainage
   - Garfield Wetlands
   - Jackson St. System
   - Quinton Heights
   - Warnermaker Drainage Basin

3. Stormwater Total
4. Wastewater
   - Ash St. Pump Station Bar Screen
   - Farnam Interceptor - UPRR
   - Roosevelt Interceptor

5. Water
   - Water Main Replacements:
     - Grid Development:
       - Shunga to Fairview
       - Shunga to 6th St.
     - Oakley St. to WTP
     - Gordon-Van to Topeka Blvd.

6. Water Total

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**Utility Revenue Bond Total:** $32,216,831
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 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. 18111 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 certain stormwater collection, sanitary sewer, and water distribution improvements and doing all things necessary and incidental thereto (the "Project").

Notice is further given that as provided by Ordinance No. 18111 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 twenty-seven million one hundred eighty-six thousand six hundred thirty-nine dollars ($27,186,639.00) 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 1/30/03 BY BL
TO BE CODIFIED
NOT TO BE CODIFIED √