AN ORDINANCE introduced by Mayor James A. McClinton authorizing Storm Sewer Project No. 50006-06, Phase 2 which provides for improvements to traffic signals at 4th and 5th Streets, construction of sidewalk, pedestrian lights and landscaping and 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, 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 general obligation and revenue bonds of said City to pay part of the cost thereof pursuant to City of Topeka Code § A12-1 and pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto and repealing City of Topeka Ordinance No. 18002.

WHEREAS, the City of Topeka, Shawnee County, Kansas, (the “City”) is authorized pursuant to City of Topeka Code § A12-1 to issue its general obligation bonds for the purpose of paying for improvement to, among other things, the City’s streets, trafficways, sidewalks, electric or electronic traffic control system, and improvement to the City’s waterworks system and sanitary and stormwater sewage disposal system; and

WHEREAS, 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 make certain general improvements to its public facilities and to improve its System by replacement of the undersized Jackson Street Storm Sewer System
from 4th Street to 8th Street, construction of bioretention cells on the west side of Jackson
Street from 5th Street to 8th Street, replacement of the traffic signals at 4th Street and 5th
Street, construction of sidewalk, landscape improvements, pedestrian lighting and
replacement of the existing seventy (70) year old water line on the west side of Jackson
Street (Storm Sewer Project No. 50006-06, Phase 2) 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 three
million five hundred twenty-five thousand dollars ($3,525,000.00), 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 set out on the project budget attached hereto and 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:
The replacement of the undersized Jackson Street Storm Sewer System from 4th
Street to 8th Street, construction of bioretention cells on the west side of Jackson Street
from 5th Street to 8th Street, replacement of the traffic signals at 4th Street and 5th Street,
construction of sidewalk, landscape improvements, pedestrian lighting and replacement of
the existing seventy (70) year old water line on the west side of Jackson Street.

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 issue general obligation bonds and to sell revenue bonds of the City in a total amount
not exceeding three million five hundred twenty-five thousand dollars ($3,525,000.00) 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 general and
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 general obligations bonds and the proceeds of 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 general obligation bond or System enterprise fund, as applicable, 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 City of Topeka Ordinance No. 18002 is hereby specifically
repealed.

Section 6. 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

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE 10/5/04 BY BBC
TO BE CODIFIED NOT TO BE CODIFIED X
NOTICE OF INTENTION

to make improvements under Storm Sewer Project No. 50006-06, Phase 2 which provides for improvements to traffic signals at 4th and 5th Streets, construction of sidewalks, pedestrian lights and landscaping and for 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 general obligation and 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. 18352 of the City of Topeka, Shawnee County, Kansas, (the "City") that the Governing Body of the City intends to make improvements to the City's streets, trafficways, sidewalks, electric or electronic traffic control system and improvements to the City-owned water, water pollution control, and stormwater utility system (the "System") by replacement of the undersized Jackson Street Storm Sewer System from 4th Street to 8th Street, construction of bioretention cells on the west side of Jackson Street from 5th Street to 8th Street, replacement of the traffic signals at 4th Street and 5th Street, construction of sidewalk, landscape improvements, pedestrian lighting and replacement of the existing seventy (70) year old water line on the west side of Jackson Street and doing all things necessary and incidental thereto (the "Project").

Notice is further given that as provided by Ordinance No. 18353 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 and issue general obligation bonds of the City.
pursuant to City of Topeka Code § A12-1, in an aggregate principal amount not exceeding
three million five hundred twenty-five thousand dollars ($3,525,000.00) and to so improve
the System and make public improvements to the City 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 and general obligation bonds of
the City as above stated.

Done by order and direction of the Council of the City of Topeka, Shawnee County,
Kansas, this 23rd day of November, 2004.

ATTEST:

Iris E. Walker, City Clerk

[Seal]

James A. McClinton, Mayor

APPROVED AS TO FORM AND LEGALITY
DATE 2004
TO BE CODIFIED
NOT TO BE CODIFIED X