ORDINANCE NO. 18519

AN ORDINANCE introduced by City Manager Neil Dobler authorizing Phase 2 of Improvement Project No. 28578-01 which provides for the construction of a new 16'/18" transmission main along SE 37th Street from California Avenue to Adams Street and south on Adams Street to SE 40th Street and Quincy Street which constitute 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 revenue bonds of said City to pay the cost thereof pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto.

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 to improve its System by construction at SE 37th Street from California Avenue to Adams Street and south on Adams Street to SE 40th Street and Quincy Street. This project will include construction of a new 16'/18" transmission main along SE 37th Street from California Avenue to Adams Street and south on Adams Street to SE 40th Street and Quincy Street and related appurtenances for a complete project 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 one million twenty eight thousand two hundred dollars
($1,028,200.00), 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:

Construction at 37th Street from California Avenue to Adams Street and south on
Adams Street to SE 40th Street and Quincy Street. This project will include construction of
a new 16"/18" transmission main along SE 37th Street from California Avenue to Adams
Street and south on Adams Street to SE 40th Street and Quincy Street and related
appurtenances for a complete project.

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 a total amount not exceeding one million twenty eight
thousand two hundred dollars ($1,028,200.00) to pay 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 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 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

______________________________
William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk
NOTICE OF INTENTION

to make improvements under Phase 2 of Improvement Project No. 28578-01 which provides for the construction of a new 16"/18" transmission main along SE 37th Street from California Avenue to Adams Street and south on Adams Street to SE 40th Street and Quincy Street which constitute 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 revenue bonds of said City to pay the cost thereof pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto.

Notice is hereby given that as provided by Ordinance No. 18519 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 the construction at SE 37th Street from California Avenue to Adams Street and south on Adams Street to SE 40th Street and Quincy Street. This project will include construction of a new 16"/18" transmission main along SE 37th Street from California Avenue to Adams Street and south on Adams Street to SE 40th Street and Quincy Street and related appurtenances for a complete project (the "Project").

Notice is further given that as provided by Ordinance No. 18519 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 one million twenty eight thousand two hundred dollars ($1,028,200.00) 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 as above stated.

Done by order and direction of the Council of the City of Topeka, Shawnee County,
Kansas, this 27th day of September, 2005.

[Signature]
William W. Bunten, Mayor

ATTEST:

[Signature]
Iris E. Walker, City Clerk