ORDINANCE NO. 18610

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 12053-03 which provides for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River, 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 City 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 pursuant to K.S.A. 12-195, et seq., and all amendments thereto, and repealing City of Topeka Ordinance No. 18577.

WHEREAS, pursuant to K.S.A. 12-187, et seq. the electors of Shawnee County did on August 3, 2004 approve a one-half (1/2) cent county-wide retailers' sales tax ("sales tax") to pay for certain road and bridge projects in Shawnee County specifically including the Topeka Boulevard Bridge project; and

WHEREAS, K.S.A. 12-195, et seq. permits a city which is the recipient of revenues from a county-wide or city retailers' sales tax to issue revenue bonds to provide for the payment of all or any portion of the costs of improvements for which the city is authorized to issue general obligation bonds and to pledge the revenues received from a retailers' sales tax for the payments thereof; and

WHEREAS, the City of Topeka, Kansas, (the "City") is, in accordance with certain provisions contained in an interlocal agreement with Shawnee County pursuant to K.S.A. 12-2901, et seq., as amended, (The Interlocal Cooperation act), the recipient of funds derived from a local option sales tax pursuant to K.S.A. 12-187, et seq., as amended; and

WHEREAS, the City is authorized pursuant to City of Topeka Code § A12-1 to issue general obligation bonds for the purpose of paying for any bridge, viaduct, street, trafficway or sidewalk; and
WHEREAS, it is deemed necessary and advisable by the City to remove and replace the Topeka Boulevard Bridge over the Kansas River including all 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 project to be fifty-one million ninety-one thousand eight hundred ten dollars ($51,091,810.00) of which sixteen million eight hundred twenty-five thousand ten dollars ($16,825,010.00) shall be paid with federal funds, thirty-three million four hundred sixteen thousand eight hundred dollars ($33,416,800.00) paid for by sales tax revenue bonds of the City, and eight hundred fifty thousand dollars ($850,000.00) shall be paid for by sales tax revenue.

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

Section 1. That the Council hereby authorizes the construction of the Project pursuant to City of Topeka Code § A12-1 and other lawful authority.

Section 2. That estimates of costs of the Project, 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 3. That the general nature of the Project is as follows:

The removal and replacement of the Topeka Boulevard Bridge over the Kansas River, and doing all other things necessary and incidental thereto for a completed Project.

Section 4. That notice be given by the City Council of the City of its intention to complete the Project in accordance with the plans, specifications and cost estimates and to sell sales tax revenue bonds of the City in a total amount not exceeding thirty-three million
four hundred sixteen thousand eight hundred dollars ($33,416,800.00) to pay a portion of
the cost thereof. Further, said notice shall state the City's intention to pledge the revenue
of the sales tax for the payment of the sales tax revenue bonds pursuant to K.S.A. 12-195,
et seq. Such notice shall be signed by the Mayor and attested by the City Clerk and shall
be published twice in the official City newspaper. Such notice shall describe the nature of
the proposed improvements and shall state the amount of sales tax 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 5. That unless written protests against such proposed improvements
signed by not less than four percent (4%) of the qualified electors of the County are filed
with the County Election Officer within thirty (30) days after the second publication of the
notice herein authorized, the City both reasonably expects and intends to complete the
Project which is hereby authorized and to finance a portion of the costs thereof as
hereinbefore described from the proceeds of sales tax revenue bonds payable from the
sales tax. The City does hereby express its official intent to reimburse any expenditures
made in connection with the Project from sales tax, 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 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 6. That City of Topeka Ordinance No. 18577 is hereby specifically
repealed.
Section 7. 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 majority vote of the members thereof and publication twice in the official City newspaper.

PASSED and APPROVED by the City Council ______ APR 11 2006 ______

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 4/14/06 BY 3BC
TO BE CODIFIED
NOT TO BE CODIFIED X
NOTICE OF INTENTION

introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 12053-03 which provides for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River, 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 City 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 pursuant to K.S.A. 12-195, et seq., and all amendments thereto.

Notice is hereby given that as provided by Ordinance No. 18610 of the City of Topeka, Shawnee County, Kansas, (the "City") that the City Council of the City of Topeka, Kansas, intends to make improvements to the Topeka Boulevard Bridge. This Project will include the removal and replacement of the Topeka Boulevard Bridge over the Kansas River and related appurtenances for a complete project (the "Project"). The total Project cost is estimated to be fifty-one million ninety-one thousand eight hundred ten dollars ($51,091,810.00) of which thirty-three million four hundred sixteen thousand eight hundred dollars ($33,416,800.00) shall be paid for with sales tax revenue bonds of the City, sixteen million eight hundred twenty-five thousand ten dollars ($16,825,010.00) shall be paid for by federal funds and eight hundred fifty thousand dollars ($850,000.00) from one-half (1/2) cent sales tax.

Notice is further given that the City Council intends to issue and sell one or more separate series of sales tax revenue bonds in an aggregate principal amount not exceeding thirty-three million four hundred sixteen thousand eight hundred dollars ($33,416,800.00) and to so make public improvements to the City by completing the Project.
Notice is further given that the City Council intends to pledge the revenues received by the City derived from the one-half (1/2) cent county-wide retailers' sales tax approved by the electors of Shawnee County on August 3, 2004 for the payment of the sales tax revenue bonds pursuant to K.S.A. 12-195, et seq., and all amendments thereto.

Unless written protests against the proposed Project signed by not less than four percent (4%) of the qualified electors of the County are filed with the County Election Officer within thirty (30) days after the second publication of this Notice, the City Council 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 11th day of April, 2006.

[Seal of Topeka]

William W. Buntun, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 4/14/06 BY 1358
TO BE CODIFIED
NOT TO BE CODIFIED X