ORDINANCE NO. 18805

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 26054-00, which provides for sanitary and storm sewer improvements, water line improvements, street improvements, public parking, street light relocation, sidewalks, public landscaping and other related appurtenances for a complete project in the College Hill Redevelopment District, as more specifically described herein, certain portions of which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, 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 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. 18591.

WHEREAS, on March 22, 2006, the City Council adopted Ordinance No. 18591 which authorized Improvement Project No. 26054-00 with a project budget of one million seven hundred fifty thousand dollars ($1,750,000.00) to be funded by two hundred and fifty thousand dollars ($250,000.00) from the developer which expenditures may be reimbursable from Tax Increment Finance Bond Proceeds and one million five hundred thousand dollars ($1,500,000.00) in general obligation bonds, Combined Water, Water Pollution Control, and Storm Water Utility Operating Funds and other lawfully available funds; and

WHEREAS, it is necessary to increase the amount of the project budget by two million one hundred ninety-nine seven hundred thirty-seven dollars and thirty-six cents ($2,199,737.36) to be able to complete all improvements needed for the project; and

WHEREAS, it is desired to issue and sell revenue bonds of the City to fund the one
million seven hundred ninety-nine thousand seven hundred thirty-seven dollars and thirty-six cents ($1,799,737.36) of improvements contained in the amended project budget of three million nine hundred forty-nine thousand seven hundred thirty-seven dollars and thirty-six cents ($3,949,737.36); and

WHEREAS, the City of Topeka, Shawnee County, Kansas, (the "City") is authorized pursuant to City of Topeka Code § A12-1 to issue and sell general obligation bonds for the purpose of paying for improvement, repair or extension to the City’s public buildings and improvements including streets, sidewalks, 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, the governing body of the City has by its Ordinance No. 18591 deemed and does hereby ratify and affirm it to be necessary and advisable that the City make certain general improvements to its public facilities and to improve its System by the construction of certain sanitary and storm sewer improvements and water line improvements contained in Project No. 26054-00, College Hill Redevelopment, which will include the aforementioned improvements in the System as well as certain street improvements, public parking, street light relocation, sidewalks, public landscaping and other appurtenances at the location generally bounded by SW 17th Street to SW 13th Street
and SW Washburn Avenue to SW Lane Street and doing all things necessary and
incidental thereto (the "Project").

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

Section 1. That a total amended project budget in the amount of three million nine
hundred forty-nine thousand seven hundred thirty-seven dollars and thirty-six cents
($3,949,737.36) as set forth in the project budget attached hereto and on file in the office of
the City Clerk of said City is hereby authorized and approved.

Section 2. That the funding sources for the project as set forth in the project
budget attached hereto and on file in the office of the City Clerk of said City in the amount
of two million one hundred fifty thousand dollars and no cents ($2,150,000.00) of general
obligation bonds and one million seven hundred ninety-nine thousand seven hundred
thirty-seven dollars and thirty-six cents ($1,799,737.36) in revenue bonds of the City are
hereby approved.

Section 3. The general nature of the project is as follows:

The improvements for this project will include sanitary sewer replacements, storm
drainage improvements, water line replacements, public parking, street light relocation,
sidewalks, public landscaping and other appurtenances needed for a complete project.

Section 4. 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 and sell revenue bonds of the City in a total amount not exceeding one million
seven hundred ninety-nine thousand seven hundred thirty-seven dollars and thirty-six cents
($1,799,737.36) 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 5. 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 6. The Council of the City hereby directs that water connection/impact fees, waste water system connection fees and building permit fees (not to exceed $75,000) shall be waived.

Section 7. That City of Topeka Ordinance No. 18591 is hereby specifically repealed.
Section 8. 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 January 30, 2007.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, Interim City Clerk
NOTICE OF INTENTION

to make improvements under Improvement Project No. 26054-00 which provides for the sanitary and storm sewer improvements, water line improvements, street improvements, public parking, street light relocation, sidewalks, public landscaping and other appurtenances needed in the College Hill Redevelopment District generally bounded by SW 17th Street to SW 13th Street and SW Washburn Avenue and SW Lane Street certain portions of 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. 18805 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 of sanitary and storm sewer improvements and water line improvements contained in Project No. 26054-00, College Hill Redevelopment, which will include the aforementioned improvements to the System as well as certain street improvements, public parking, street light relocation, sidewalks, public landscaping and other related appurtenances for a complete project (the "Project").

Notice is further given that as provided by Ordinance No. 18805 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 seven hundred ninety-nine thousand seven hundred thirty-seven dollars and 
forty-three cents ($1,799,737.36) 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 
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 January, 2007.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, Interim City Clerk