ORDINANCE NO. 18819

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 28509-01 which provides for the installation of two (2), twenty (20) inch water lines on the new Topeka Boulevard Bridge over the Kansas River 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 a portion of the cost thereof pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto and repealing City of Topeka Ordinance No. 18555.

WHEREAS, on January 20, 2006, the City Council adopted Ordinance No. 18555 which authorized Improvement Project No. 28509-01 with a project budget of one million six hundred twenty-eight thousand six hundred dollars ($1,628,600.00) to be funded by three hundred thirty thousand dollars ($330,000.00) in one-half (1/2) cent sales tax revenues and one million two hundred ninety-eight thousand six hundred dollars ($1,298,600.00) in combined water, wastewater and stormwater utility operating funds and any other legally available funds; and

WHEREAS, it is necessary to increase the amount of the project budget by eighty thousand six hundred dollars ($80,600.00) for a total amended project budget of one million seven hundred nine thousand two hundred dollars ($1,709,200.00) 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 one million three hundred forty thousand two hundred dollars ($1,340,200.00) of improvements to its water, wastewater, and stormwater utility system (the “System”) contained in the
amended project budget of one million seven hundred nine thousand two hundred dollars ($1,709,200.00); 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 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. 18555 deemed and does hereby ratify and affirm it to be necessary and advisable that the City make certain general improvements to its System by the improvements contained in Improvement Project No. 28509-01, Topeka Boulevard Bridge, which will include the installation of two (2), twenty (20) inch water lines on the new Topeka Boulevard Bridge over the Kansas River and related appurtenances for a complete project 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 one million seven hundred nine thousand two hundred dollars ($1,709,200.00) 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 thirty-nine thousand dollars ($39,000.00) in combined water, wastewater and stormwater
utility operating funds, one million three hundred forty thousand two hundred dollars ($1,340,200.00) in revenue bonds of the City and three hundred thirty thousand dollars ($330,000.00) in one half (1/2) cent sales tax revenues are hereby approved.

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

Installation of two (2), twenty (20) inch water lines on the new Topeka Boulevard Bridge over the Kansas River at the time of bridge construction.

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 sell revenue bonds of the City in a total amount not exceeding one million three hundred forty thousand two hundred dollars ($1,340,200.00) 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 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 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 6. That City of Topeka Ordinance No. 18555 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 two-thirds (2/3) vote of the members
thereof and publication in the official City newspaper.

PASSED and APPROVED by the City Council February 20, 2007.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk