ORDINANCE NO. 18931

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 70142-03, Part B which provides for the reconstruction and widening of California Avenue including the upsizing of a waterline which constitutes 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 for a portion of the cost thereof all pursuant to Section A12-1 of the Code of the City of Topeka, K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, and repealing City of Topeka Ordinance No. 18752.

WHEREAS, Council approved Ordinance No. 18752 which authorized Improvement Project No. 70142-03, Part B providing for the widening of California Avenue; and

WHEREAS, it is necessary to increase the project budget by three hundred sixty two thousand dollars ($362,000) to upsize the waterline along California Avenue from 28th Street to 29th Street and to change the source of funding for the improvements to the City owned water, water pollution control, and stormwater utility system from operating funds to utility revenue bonds; 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 City is authorized by Section A12-1 of the City of Topeka Code to
issue its general obligation bonds to pay for improvement, repair, or extension of its
waterworks system; and

WHEREAS, it is deemed by the governing body of the City to be necessary and
advisable that the City reconstruct and widen California Avenue from S.E. 28th Street to
S.E. 33rd Street. This project will include widening street lanes, new pavement, sidewalks,
construction of new storm sewer, upsizing a waterline from 12” to 18”, and all related
appurtenances for a complete project and doing all things necessary and incidental thereto;
and

WHEREAS, the upsizing of the waterline constitutes improvements to the System;
and

WHEREAS, the preliminary plans, specifications, and cost estimates for the Project
have been duly prepared and filed in the office of the City Clerk of said City; and

WHEREAS, the estimates show a total amended cost of the improvements to be
approximately three million six hundred thirty-nine thousand one hundred dollars
($3,639,100.00); 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 amended
project budget in the total amount of three million six hundred thirty-nine thousand one
hundred dollars ($3,639,100.00), which estimates are set out on the amended project
budget attached hereto and on file in the office of the City Clerk of said City, be and the
same are hereby approved all pursuant to Section A12-1 of the Code of the City of Topeka,
K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto.
Section 2. That the general nature of the Project is as follows:

This project will reconstruct and widen S.E. California Avenue to five lanes between S.E. 28th Street and S.E. 30th Street and then three lanes between S.E. 30th Street and S.E. 33rd Street. The project will provide for new pavement, sidewalks, storm sewers, as well as upsizing a waterline from 12” to 18” and all other incidentals necessary 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 five hundred twelve thousand dollars ($512,000.00) to pay a portion 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 a portion 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 City of Topeka Ordinance No. 18752 is hereby 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 July 17, 2007.

CITY OF TOPEKA, KANSAS

______________________________
William W. Bunten, Mayor

ATTEST:

______________________________
Brenda Younger, City Clerk
NOTICE OF INTENTION

NOTICE OF INTENTION to make improvements under Improvement Project No. 70142-03, Part B which provides for the reconstruction and widening of California Avenue including the upsizing of a waterline which constitutes 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 for a portion of the cost thereof pursuant to Section A12-1 of the Code of the City of Topeka, K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto.

Notice is hereby given that as provided by Ordinance No. 18931 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 upsizing a waterline from 12” to 18” as part of the reconstruction and widening of California Avenue to five lanes between S.E. 28th Street and S.E. 30th Street and then three lanes between S.E. 30th Street and S.E. 33rd Street. This project will include new pavement, sidewalks, storm sewers, upsizing a waterline, and all other incidentals necessary for a complete project (the “Project”).

Notice is further given that as provided by Ordinance No. 18931 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 five hundred twelve thousand dollars ($512,000.00) 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 as above stated.

Done by order and direction of the Council of the City of Topeka, Shawnee County, Kansas, this 17th day of July, 2007

CITY OF TOPEKA, KANSAS

_____________________________________
William W. Bunten, Mayor

ATTEST:

_____________________________________
Brenda Younger, City Clerk