(Published in The Topeka Metro News on September 6, 2010.)

ORDINANCE NO. 19462


WHEREAS, pursuant to K.S.A. 12-110c, the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution and Charter Ordinance No. 89 of the City of Topeka, Kansas, (the “City”) and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City has caused the following improvements (the “Internal Improvements”) to be made in the City, to-wit:

(a) Bridge Improvement Project No. 12064-00
(b) Fire Equipment Improvement Project No. 17034-02;
(c) Trafficway Improvement Project No. 14128-02;
(d) Trafficway Improvement Project No. 14133-00;
(e) Trafficway Improvement Project No. 14136-00;
(f) Park Improvement Project No. 30287-00;
(g) Park Improvement Project No. 30288-01;
(h) Park Improvement Project No. 30291-00;
(i) Park Improvement Project No. 30295-00;
(j) Park Improvement Project No. 30297-00;
(k) Park Improvement Project No. 60653-00;
(l) Park Improvement Project No. 30300-00;
(m) Public Building Improvement Project No. 13174-00;
(n) Street Improvement Project No. 24126-00; and

WHEREAS, all legal requirements pertaining to the Internal Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Internal Improvements, including the payment of a portion of the City’s outstanding Series 2009-B Temporary Notes dated October 28, 2009, which are due and payable November 1, 2010, and related expenses are at least $4,745,000 (the “Internal Improvement Costs”), of which
approximately $175,000 will be paid from other funds lawfully available to the City leaving
$4,570,000 to be paid for by the issuance of general obligation bonds; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and
advisable to issue and sell its Taxable General Obligation Bonds (Build America Bonds – Direct
Payment to Issuer) Series 2010-C in the aggregate principal amount of Four Million Five
Hundred Seventy Thousand Dollars ($4,570,000) for the purpose permanently financing the
Internal Improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS:

Section 1. That there is hereby authorized and directed to be issued Taxable General
Obligation Bonds (Build America Bonds – Direct Payment to Issuer) Series 2010-C in the
aggregate principal amount of Four Million Five Hundred Seventy Thousand Dollars
($4,570,000) (the “Bonds”) for the purpose of paying Internal Improvement Costs as provided by
K.S.A. 12-110c, the home rule authority granted to the cities of the State of Kansas under
Section 5 of Article 12 of the Kansas Constitution, Charter Ordinance No. 89 of the City,
(Section A12-1 of the Code of the City) and Article 1 of Chapter 10, Kansas Statutes Annotated,
all as amended and other provisions of the laws of the State of Kansas applicable thereto. The
Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such
form, shall be subject to redemption and payment prior to the maturity thereof and shall be
issued in the manner prescribed and subject to the provisions, covenants and agreements set forth
in a resolution of the Governing Body of the City adopted the same date as the date of the
passage and approval of this Ordinance (the “Resolution”).

Section 2. That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are
hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be
registered as required by law and the Governing Body shall annually make provisions for the
payment of the principal of, redemption premium, if any, and interest on the Bonds as the same
shall become due by levying a tax upon all the taxable property of the City.

Section 3. That the City shall, and the officers, agents and employees of the City are
hereby authorized and directed to, take such action and execute such other documents,
certificates and instruments as may be necessary or desirable to carry out and comply with the
provisions of this Ordinance and to carry out, comply with and perform the duties of the City
with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the
transaction contemplated hereby and thereby.

Section 4. The City hereby elects to have Section 54AA of the Code apply to the Series
2010-C Bonds so that they may be “Build America Bonds” under Section 54AA(d) of the
Internal Revenue Code of 1986, as amended (the “Code”). The City is further making the
irrevocable election to have Section 54AA(g) of the Code apply to the Series 2010-C Bonds so
that they may be “qualified bonds” under Code Section 54AA(g) in order to receive the
refundable credits allowed to issuers pursuant to Sections 54AA(g)(1) and 6431 of the Code with
respect to “qualified bonds.”
Section 5. That if any portion or provision of this Ordinance or the Bonds shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 6. That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

Section 7. That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.
Passed and approved by the governing body of the City of Topeka, Kansas, this 31st day of August, 2010.

CITY OF TOPEKA, KANSAS

______________________________
William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk

(SEAL)

I, BRENDA YOUNGER, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 19462 adopted and approved by the governing body of the City on August 31, 2010.

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Brenda Younger, City Clerk