

ORDINANCE NO. 895

AN ORDINANCE OF THE CITY OF WELLSVILLE, KANSAS, AUTHORIZING THE CONSTRUCTION OF CERTAIN STORM SEWERS AND DRAINS, TOGETHER WITH ALL THINGS NECESSARY AND INCIDENTAL THERETO, AND THE FINANCING OF THE COSTS THEREOF, ALL PURSUANT TO K.S.A. 12-618, 12-631r AND 12-631s, ALL AS AMENDED.

WHEREAS, the City of Wellsville, Franklin County, Kansas, (the "City") is a municipality as defined by K.S.A. 10-101; and

WHEREAS, the City, having a population of less than 80,000 persons, is authorized by the laws of the State of Kansas to issue and sell General Obligation Bonds of the City for the improvement of its sewerage and drainage system pursuant to K.S.A. 12-618, 12-631r and 12-631s and all amendments thereto (collectively, the "Act"); and

WHEREAS, the Governing Body of the City has not divided the City into more than one sewer district, and, as such, the City constitutes one sewer district, and therefore the City is exempt from the provisions of K.S.A. 12-618 in so far as providing for the levying of a tax or assessment against specific lots and pieces or property in separate sewer districts of the City; and

WHEREAS, pursuant to the Act, whenever, in the judgment of its governing body, any city deems it necessary to build and construct storm sewers and/or drains for the purpose of managing the storm drainage areas of such city, such city, by ordinance, shall order and provide that such storm sewers or drains be constructed and shall designate the commencement, the outline and the point or points of outlet or escape of such sewers and drains; and

WHEREAS, pursuant to the Act, the governing body of the City deems it necessary to build and construct certain storm sewers and drains designated as the 4th and Walnut Storm Sewer Project consisting of approximately 800 lineal feet of storm sewer pipe ranging in size from 12" to 60" in diameter, with associated inlets and junction boxes; plus the construction of approximately 400 lineal feet of open channel storm sewer improvements; to include the demolition and removal of existing storm drainage facilities, the acquisition of easements, the removal and replacement of pavements and sidewalks, the relocation of utilities, grading, erosion control, traffic control, and signage, and administrative items directly related to the project scope, together with all other things necessary and incidental thereto, including the acquisition of any necessary easements therefore, for purpose of carrying off storm water in the City (the "Improvements"); and

WHEREAS, the estimated cost of the Improvements is Three Hundred Ten Thousand Five Hundred Dollars (\$310,500) (the "Improvement Costs"); and

WHEREAS, pursuant to the Act, the Improvement Costs are payable from any legally available and unencumbered funds of the City, from the City issuing and selling its general obligation bonds or a combination thereof.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WELLSVILLE, KANSAS THAT:

Section 1. That the Improvements be constructed and otherwise completed, including the acquisition of any easements necessary therefore, all in accordance with the plans and specifications therefor of the City's consulting engineer.

Section 2. That general obligation bonds of the City be issued in accordance with the terms and conditions of the Act and the general bond law of the State of Kansas in an amount not exceeding \$310,500 to pay all or part of the cost of the Improvements including the costs of issuing the bonds.

Section 3. That the City both reasonably expects and intends to finance the costs of the Improvements from the proceeds of general obligation bonds of the City. The City does hereby express its official intent to reimburse any such pre-issuance original expenditures (as defined in Treas. Reg. 1.150-2(c)) made by it on or after the date which is 60 days before the date of this Ordinance from the proceeds of such bonds in the estimated maximum principal amount of \$310,500. The City will issue such bonds for such purposes and make the reimbursements within eighteen (18) months after the date the expenditure to be reimbursed was paid or, if later, eighteen (18) months after the date on which the property resulting from the expenditure was placed in service. Provided, that, in any event, the City must make the reimbursement allocation within three (3) years after the date the expenditure was paid. 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 4. This Ordinance shall be effective upon its passage and approval by the governing body of the City and its publication in the official City newspaper.

PASSED AND APPROVED this ____ day of October, 2018.

CITY OF WELLSVILLE, KANSAS

Mayor

ATTEST:

City Clerk

(SEAL)

PREPARED AND APPROVED BY:



Philip B. Wolfe, City Bond Counsel