

(Published in The Ottawa Herald on November \_\_, 2018.)

**ORDINANCE NO. 902**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,940,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2018, OF THE CITY OF WELLSVILLE, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 to 125, INCLUSIVE, K.S.A. 12-618, K.S.A. 12-631r, K.S.A. 12-631s, K.S.A. 12-685 ET SEQ. AND K.S.A. 65-163u, ALL AS AMENDED.**

**WHEREAS**, the Governing Body of the City of Wellsville, Kansas, (the "City") has pursuant to Ordinance No. 895 passed and approved October 10, 2018, and published as required by law, authorized certain storm sewer and drain improvements designated as the 4<sup>th</sup> and Walnut Storm Sewer Project, the estimated cost of which is \$310,500 (the "4<sup>th</sup> and Walnut Storm Sewer Project") under the authority of K.S.A. 12-618, 12-631r, and 12-631s, all as amended; and

**WHEREAS**, the City has pursuant to Ordinance No. 896 passed and approved October 10, 2018, and published as required by law, authorized improvements to its municipally owned sanitary sewer system designated as the Pine Street Sanitary Sewer Project, the estimated cost of which is \$276,000 (the "Pine Street Sanitary Sewer Project") under the authority of K.S.A. 12-618, as amended; and

**WHEREAS**, the City has pursuant to Ordinance No. 897 passed and approved October 10, 2018, and published as required by law, authorized certain storm sewer and drain improvements designated as the South Main Street Storm Sewer Project, the estimated cost of which is \$96,500 (the "South Main Street Storm Sewer Project") under the authority of K.S.A. 12-618, 12-631r, and 12-631s, all as amended; and

**WHEREAS**, the City has pursuant to Ordinance No. 898 passed and approved October 10, 2018, and published as required by law, authorized certain main trafficway improvements to Pendleton Avenue between Main Street and K-33 Highway designated as the Pendleton Avenue Main Trafficway Project, the estimated cost of which is \$829,500 (the "Pendleton Avenue Main Trafficway Project") under the authority of K.S.A. 12-685 et seq., as amended; and

**WHEREAS**, the City has pursuant to Ordinance No. 899 passed and approved October 10, 2018, and published as required by law, authorized certain improvements to its municipally owned sewer system under the authority of K.S.A. 12-618, as amended and its municipally-owned water supply system under the authority of K.S.A. 65-163u, as amended, designated as the K-33 Water and Sanitary Sewer Project, the estimated cost of which is \$437,500 (the "K-33 Water and Sanitary Sewer Project") (the 4<sup>th</sup> and Walnut Storm Sewer Project, the Pine Street Sanitary Sewer Project, the South Main Street Storm Sewer Project, the Pendleton Avenue Main Trafficway Project, and the K-33 Water and Sanitary Sewer Project are collectively referred to as the "Improvements"); and

**WHEREAS**, all legal requirements pertaining to the Improvements have been complied with and the total cost of making the Improvements has been ascertained to be \$1,950,000 (the "Improvement Cost") all of which will be paid by the City; and

**WHEREAS**, the City deems it necessary and advisable to issue its general obligation bonds in the aggregate principal amount of One Million Nine Hundred Forty Thousand Dollars (\$1,940,000) for the purpose of paying the balance of the Project Costs; and

**WHEREAS**, the City has, in accordance with K.S.A. 10-106, as amended, published its Notice of Intent to Seek Private Placement (the "Notice") of the Bonds; and

**WHEREAS**, the City does, in accordance with the Notice, hereby authorize the issuance and sale of the Bonds to Commerce Bank, Kansas City, Missouri, a commercial banking institution chartered by the State of Missouri.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WELLSVILLE, FRANKLIN COUNTY, KANSAS:**

**Section 1.** That for the purpose of providing funds to pay the cost of making the Improvements hereinbefore described, there is hereby authorized and directed to be issued General Obligation Bonds of the City in the aggregate principal amount of One Million Nine Hundred Forty Thousand Dollars (\$1,940,000) (the "Bonds") as provided by K.S.A. 12-618, K.S.A. 12-631r, K.S.A. 12-631s, K.S.A. 12-685 et seq., K.S.A. 65-163u and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended. 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 and 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 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.** 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 5.** 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 6.** That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

**PASSED** by the Governing Body and approved by the Mayor this 31st day of October, 2018.

CITY OF WELLSVILLE, KANSAS

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

PREPARED AND APPROVED BY:

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Philip B. Wolfe, Bond Counsel to the City