

(First published in The Western Butler County Times, May 18, 1972.)

ORDINANCE NO. 171

AN ORDINANCE DIRECTING AN EMERGENCY AND SUSPENDING THE EFFECT OF ORDINANCE NO. 147 OF THE CITY OF ANDOVER, KANSAS AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A TEMPORY BOND NOTE OR NOTES OF THE CITY OF ANDOVER, KANSAS, THE SAME BEING DESIGNATED "S-1972-A", IN AN AGGREGATE PRINCIPAL SUM NOT TO EXCEED \$14,799.45, TO PAY THE ACCRUED AND ACCRUING COSTS OF CONSTRUCTION, LEGAL, PLANNING AND OTHER COSTS FOR THE FOLLOWING IMPROVEMENT IN THE CITY OF ANDOVER, KANSAS: THE CONSTRUCTION OF SANITARY SEWER LATERALS AND MAINS WHICH SHOULD BE KNOWN AS SANITARY SEWER DISTRICT S-1972-A, CONSISTING OF AN EIGHT INCH VCP SEWER PIPE WITH INTERMITTENT MANHOLES EXTENDING FROM THE PRESENTLY EXISTING SEWER MAIN AT A POINT NEAR OR ON THE KANSAS TURNPIKE AUTHORITY RIGHT-OF-WAY, AT OR NEAR ITS INTERSECTION WITH THE ST. LOUIS AND SAN FRANCISCO RAILWAY RIGHT-OF-WAY IN THE CITY OF ANDOVER, KANSAS, AND TO EXTEND SOUTHWARD AND EASTWARD THEREFROM TO SERVE THE PROPERTY INCLUDED IN THE BOUNDARIES KNOWN AS SANITARY SEWER BENEFIT DISTRICT S-1972-A.

WHEREAS, By proceedings duly had and taken by the Governing Body of the City of Andover, Kansas, including the Resolution of Advisability duly adopted by said Governing Body on the 14th day of April, 1972, as well as the Resolution of the Governing Body of said City authorizing the improvement to be made as passed and adopted on the 14th day of April, 1972, and thereafter duly published on the 20th day of April, 1972, pursuant to K.S.A. 12-(a)01, et seq., K.S.A. 1971 Supp. 12-6(a)01, and K.S.A. 1971 Supp. 12-6(a)04, the construction of certain sanitary sewers in the City of Andover, Kansas, as more specifically described in the caption of this Ordinance, which caption is made a part of the preamble as fully as if set out herein, and the area to be assessed for district the same and said improvement being hereinafter referred to as Sanitary Sewer Benefit District S-1972-A, and

WHEREAS, engineer's estimates for the aforesaid sanitary sewer improvement aggregating the sum of \$15,463.80 are now on file with said City representing the cost of making the aforesaid improvements, and

WHEREAS, contracts have been let and work commenced on said improvements and there are accrued and accruing costs against said improvement in the amount of \$14,799.45, and

WHEREAS, all of the legal requirements pertaining to said improvement have been completed and no protests have been filed or are permitted by law after the publication of said resolution ordering the improvements on the grounds of, and for the reason that, the said improvement is being

made pursuant to a petition of all the landowners liable for assessment therefore, and

WHEREAS, the issuance of a temporary bond note, or notes, is or will be required to finance the same as authorized by K.S.A. 1971 Supp. 10-123, at a maximum rate of interest as prescribed by K.S.A. 1971 Supp. 10-1009,

WHEREAS, an emergency exists in that certain accrued and accruing indebtedness needs to be paid by said City in relation to the above described improvement project and that ^{therefore} the effect of Ordinance No. 147 should be suspended,

NOW THEREFORE,

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

Section 1. That an emergency is hereby declared and the effect of Ordinance No. 147 of the City of Andover, Kansas is hereby suspended and the first reading of said Ordinance is hereby waived by the Governing Body of said City.

Section 2. That for the purpose of paying the accrued and accruing costs of construction, legal, planning and other costs for the construction of sanitary sewers in said Sanitary Sewer Benefit District S-1972-A, as more specifically described in the caption and preamble of this Ordinance, which caption and preamble by this reference is made a part of this section as fully as if set out herein, there shall be issued and is hereby authorized at this time one temporary bond note of the City of Andover, Kansas, in the principal amount of \$14, 799.45, which note shall be designated Series S-1972-A and be dated the 20th day of May, 1972, and to bear interest at the rate of five percent (5%), payable semi-annually as hereinafter specified.

Section 3. That it is hereby found and determined that no temporary bond notes or obligations of the City of Andover, Kansas, have been issued prior hereto for the purpose of paying aforesaid costs.

Section 4. That the said Temporary Bond Note shall bear interest at the rate aforesaid, said interest being payable semi-annually on the

1st day of November, and May of each year commencing on the 1st day of November, 1972, for so long as said note is outstanding and unredeemed by said City, and such note shall mature not later than the due date of the first installment of any bond or bonds issued to pay for such improvements, OR four years from the date of said note, whichever date is sooner, and such note shall be callable for payment in advance of maturity in the manner specified in the form of note as hereinafter set out.

Section 5. That the form of the said Temporary Bond Note shall be substantially as follows:

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF BUTLER

CITY OF ANDOVER

TEMPORARY NOTE

KNOW ALL MEN BY THESE PRESENTS:

That the City of Andover, in the County of Butler, State of Kansas, for value received, hereby acknowledges itself to be indebted and promises to pay to the bearer the sum of

FOURTEEN THOUSAND, SEVEN HUNDRED NINETY-NINE and .45/100 (\$14,799.45)

in lawful money of the United States of America, on four (4) years from the date hereof OR the due date of the first installment of any bonds issued through the authority of K.S.A. 12-6(a) 01, et seq., K.S.A. 1971 Supp. 12-6(a)01, and K.S.A. 1971 Supp. 12-6(a)04 and as referred to in Ordinance No. 171, whichever event occurs sooner, or prior thereto if called for payment as hereinafter provided for, with interest thereon from the date of this note at the rate of 5% per annum, payable semi-annually hereafter until the said principal sum shall have been paid, both principal and interest on this note being payable at the office of the City Treasurer of the City of Andover, Kansas; and the City of Andover, Kansas, is held and firmly bound by these presents and its faith and credit are hereby irrevocably pledged for the prompt payment of said principal and interest at maturity. The said City may call this note for payment at any time before maturity by serving written notice to that effect on the holder of this note or by publication once in a newspaper of general circulation in said City at least seven days before the date of such call, and may redeem this note on the date of such call for the amount of the principal and the interest accrued to that date and interest shall cease on such date.

This note is issued by the City of Andover, Kansas, for the purpose of paying the actual accrued and accruing unpaid costs for sanitary sewer improvements in Sanitary Sewer Benefit District S-1972-A and is issued by authority of and in full compliance and conformative with provisions, restrictions and limitations of the Ordinance of said City Number 171, and of the constitution and laws of the State of Kansas, and more particularly K.S.A. 1971 Supp. 10-123.

And it is hereby declared and certified that all notes, proceedings, conditions and things required to be done and to exist precedent to the issuance of this note have been properly had and done and performed and do exist in due and regular form and manner as required by the laws and constitution of the State of Kansas; that this note is negotiable and constitutes a general obligation of said City; and that the total indebtedness of the City of Andover, Kansas, including this note, does not exceed any statutory or constitutional limitation.

IN TESTIMONY WHEREOF, The City of Andover, in the State of Kansas, by its Governing Body, has caused this note to be signed by its Mayor, or in his absence, the President of the Council, attested by its City Clerk, and its corporate seal to be hereto affixed this 20th day of May, 1972.

Mayor or President of Council

ATTEST:

City Clerk

Section 6. That the Mayor, and in his absence, the President of the Council, and City Clerk or in her absence, the acting City Clerk of the City of Andover, Kansas, are hereby authorized, directed and empowered to prepare and execute such Temporary Bond Note as described in this Ordinance, and to do all things necessary if, and when, the issuance of such note is made and to sell and deliver the same at private sale for par and accrued interest according to law and to the lawful purchaser thereof upon receipt of the purchase price, and apply the proceeds of such sale to the payment of the actual costs and expenses of accrued and accruing sanitary sewer improvements as described in Section 1, of this Ordinance.

Section 7. This Ordinance shall take effect and be in full force from and after its publication once in The Western Butler County Times, the official City paper.

The above Ordinance passed and adopted by the Governing Body of the City of Andover, Kansas, on the 13th day of May, 1972.

Eugene Miller

Mayor

ATTEST:

Patricia M. Shanks

City Clerk