

ORDINANCE NO. 178

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A TEMPORARY BOND NOTE OF THE CITY OF ANDOVER, KANSAS, THE SAME BEING DESIGNATED P-1972-A-2, IN THE AGGREGATE PRINCIPAL SUM OF \$2,076.00 TO PAY ACCRUED AND ACCRUING COSTS OF CONSTRUCTION, LEGAL, PLANNING AND OTHER COSTS FOR THE IMPROVEMENT OF THE FOLLOWING STREETS, OR PORTIONS THEREOF, IN THE CITY OF ANDOVER, KANSAS: ALL OF PARALLEL DRIVE FROM A POINT, WHICH POINT IS 25 FEET WEST OF THE INTERSECTION OF THE CENTER LINE OF SAID PARALLEL DRIVE EXTENDED, WITH THE CENTER LINE OF LAKESIDE DRIVE, THENCE SOUTH AND WESTWARD ALONG THE STREET RIGHT-OF-WAY OF SAID PARALLEL DRIVE TO A POINT WHERE THE SAME INTERSECTS WITH THE EAST LINE OF NORTH DRIVE; AND WEST DRIVE FROM A POINT 280 FEET NORTH OF THE CENTER LINE OF CENTRAL AVENUE SOUTHWARD TO THE NORTH LINE OF THE PAVED PORTION OF CENTRAL AVENUE, BY PAVING THE SAME WITH A TWO (2) INCH ASPHALTIC-TYPE WEARING SURFACE OVERLAYING A SIX (6) INCH AB BASE, WHICH IN TURN OVERLAYS A SIX (6) INCH COMPACTED EARTH SUB-BASE, WITH TWO (2) FOOT CURB AND GUTTER INTEGRAL THERETO FOR A WIDTH OF THIRTY-SIX (36) FEET EXCEPTING THAT ON SAID WEST DRIVE, FROM THE NORTH LINE OF THE PAVED PORTION OF CENTRAL AVENUE TO A POINT EIGHTY (80) FEET NORTH OF THE CENTER OF CENTRAL AVENUE, SAID IMPROVEMENT WILL NOT INCLUDE CURB AND GUTTER AND WILL BE ONLY THIRTY-TWO (32) FEET IN WIDTH, WHICH TEMPORARY BOND NOTE IS ISSUED IN ADDITION TO A PREVIOUSLY ISSUED TEMPORARY BOND NOTE OF SAID CITY DESIGNATED P-1972-A HAVING BEEN DATED THE 8TH DAY OF APRIL, 1972 AND BEING IN THE PRINCIPAL SUM OF \$29,671.22 AND WHICH NOTE WAS ISSUED TO PAY THE THEN ACCRUED COSTS OF SAID PROJECT AS ABOVE DESCRIBED.

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 13th day of March, 1972, and thereafter duly published on the 16th day of March, 1972, pursuant to K.S.A. 12-6(a)01, et seq., K.S.A. 1971 Supp. 12-6(a)01, et seq., K.S.A. 1971 Supp. 12-6(a)04, the improvement of certain streets 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 the same and said improvement being hereinafter referred to as Paving Benefit District P-1972-A, said improvements have been authorized, and

WHEREAS, engineer's estimates for the aforesaid paving improvements aggregating the sum of \$50,551.35 are now on file with said City representing the costs of making the aforesaid improvements, and

WHEREAS, prior hereto and on the 8th day of April, 1972, the said City of Andover, Kansas caused to be issued its temporary bond note designated P-1972-A in the principal sum of \$29,671.22 to pay the then accrued and accruing costs against said improvements and that since said date there have accrued additional costs in the amount of \$2,076.00, which costs are of a nature as set out in the caption of this Ordinance and does include the sum of \$741.80 as contemplated interest cost due on said temporary bond note designated P-1972-A which contemplated cost will be due prior to the issuance of bonds to pay for such improvement.

WHEREAS, all of the legal requirements pertaining to said improvements 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 improvements are 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,

NOW THEREFORE,

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

Section 1. That for the purpose of paying the accrued and accruing costs of construction, legal, planning and other costs for the making of paving improvements in said Paving Benefit District P-1972-A, as more specifically described in the caption and preamble of this Ordinance, which caption and preamble by this reference are 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 \$2,076.00, which note shall be designated Series P-1972-A-2 and be dated the 26th day of September, 1972, and to bear interest at the rate of 5% (five percent) per annum, payable semi-annually as hereinafter specified.

Section 2. 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, excepting as set out in the preamble of this Ordinance, which preamble is made a portion of this Section of this Ordinance as fully as it set out herein.

Section 3. That the said Temporary Bond Note, shall bear interest at the rate aforesaid, said interest being payable semi-annually on the 26th day of September and March of each year commencing on the 1st day of April, 1973, 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 4. 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

-----TWO THOUSAND, SEVENTY-SIX AND NO/100-----DOLLARS  
(\$2,076.00)

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. 168, whichever event occurs sooner, or prior thereto is 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 paving improvements in Paving Benefit District P-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 numbered 168, 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 it's Mayor, or in his absence, the President of the Council, attested by it's City Clerk, and it's corporate seal to be hereto affixed this 26th day of September, 1972.

Attest:  
PATRICIA M. STUENKEL,  
City Clerk

EUGENE MILLER, Mayor.

(SEAL)

Section 5. That the Mayor, and in his absence the President of the Council, and 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 as 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 paving improvement as described in Section 1 of this Ordinance.

Section 6. 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 14<sup>th</sup> day of ~~September~~<sup>October</sup>, 1972.

Eugene Miller  
Eugene Miller, Mayor

ATTEST:

Patricia M. Stuenkel  
Patricia M. Stuenkel,  
City Clerk

(SEAL)