

( First published in The Andover Journal, January 3, 1974.)

ORDINANCE NO. 208

AN ORDINANCE DECLARING 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 TEMPORARY BOND NOTE OF THE CITY OF ANDOVER, KANSAS, THE SAME BEING DESIGNATED "SERIES GS-1973-A", IN THE AGGREGATE PRINCIPAL SUM OF \$22,000.00 TO PAY THE ACCRUED AND ACCRUING COSTS OF FURNISHING A PORTION OF THE SYSTEM OF DISPOSAL WORKS FOR THE PURIFICATION OF SEWAGE OF THE CITY OF ANDOVER, KANSAS, WHICH HAS PRIOR HERETO BEEN AUTHORIZED PURSUANT TO K.S.A. 1972 SUPP. 12-621; AND PRESCRIBING THE METHOD OF INTEREST PAYMENT THEREON AND RESERVING UNTO SAID CITY CERTAIN RIGHTS OF PREPAYMENT OF PRINCIPAL, EITHER IN WHOLE OR IN PART, PRIOR TO MATURITY, AND PROVIDING FOR A MAXIMUM PERIOD OR PERIODS OF REDEMPTION OF THE SAME IN FULL; AND PROVIDING FOR THE SALE AND DELIVERY OF THE SAME TO THE PURCHASER THEREOF; AND PRESCRIBING THE FORM OF SAID TEMPORARY BOND NOTE.

WHEREAS, the Governing Body of the City of Andover, Kansas has prior hereto authorized the making of certain sewer improvements to provide for a system of disposal works for the purification of the sewage of the City of Andover, Kansas or a part thereof, pursuant of K.S.A. 1972 Supp. 12-621, and

WHEREAS, pursuant thereto approved estimates are on file for the making of such improvements; and the City is therefore authorized to issue temporary bond notes of said City pursuant to K.S.A. 1972 Supp. 10-123, and

WHEREAS, the issuance of said temporary bond notes will not exceed the aggregate amount of bonds which are to be issued or are unissued for the payment of such improvement, and

WHEREAS, the issuance of temporary bond note or notes are or will be required to finance the same as authorized by said K.S.A. 1972 Supp. 10-123 at a rate of interest not to exceed the maximum rate of interest prescribed by K.S.A. 1972 Supp. 10-1009, and

WHEREAS, an emergency exists in that certain accrued and accruing indebtednesses need to be paid by said City in relationship to the above described improvement and therefore the effect of Ordinance No. 147 of said City 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 certain accrued and accruing costs relating to the providing of said system of disposal works for the purification of sewage of said City there shall be issued and is hereby authorized at this time one temporary bond note in the principal amount of \$22,000.00, which note shall be designated "Series GS-1973-A and dated the 1st day of February, 1973 and semi-annually thereafter on the 1st days of August and February of each year for so long as said temporary bond note remains outstanding and unpaid.

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. Such note shall mature not later than the due date of the first installment of any bond or bonds issued to pay for such sewer system, 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 hereinafter specified in the form of note as hereinafter set out, which form of note is fully incorporated as a part of this ordinance.

Section 5. That the form of 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

TWENTY-TWO THOUSAND and .00/100 (\$22,000.00)

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. 1972 Supp 12-621, and as referred to in Ordinance No. 208, 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  $5\frac{1}{2}\%$  per annum, payable on the 1st day of February, 1975 and semi-annually thereafter on the first days of August and February of each year 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; the City of Andover, Kansas reserves the right to pay all or any part of the above principal sum at any time prior to the 1st day of February, 1975 and thereafter on any interest payment date as provided on the face of this note, 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 accrued and accruing costs for a system of disposal works for the purification of sewage of said City and issued by the authority of and in full compliance with provisions, restrictions and limitations of Ordinance No. 208 of said City, and of the constitution and laws of the State of Kansas and more particularly K.S.A. 1972 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 \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_.

(SEAL)

\_\_\_\_\_  
Mayor

Attest:

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

Section 6. That the Mayor, and in his absence, the President of the Council, and the 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 (the Andover State Bank, Andover, Kansas) 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 relating to the providing of a system of disposal works for the purification of sewage of said City as described in Section 2 of this Ordinance.

Section 7. This Ordinance shall take effect and be in full force from and after its publication once in the Andover Journal, the official City paper.

The above Ordinance passed and adopted by the Governing Body of the City of Andover, Kansas on the 27<sup>th</sup> day of December, 1973.

(SEAL)

Eugene Miller  
\_\_\_\_\_  
Mayor

ATTEST:

Patricia M. Stuenkel  
\_\_\_\_\_  
City Clerk