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ORDINANCE NO.

319

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A TEMPORARY BOND NOTE OF THE CITY OF ANDOVER, KANSAS, THE SAME BEING DESIGNATED P-1974-A IN THE AGGREGATE PRINCIPAL SUM OF \$12,270.19 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: (A) PHILLIP STREET, FROM ITS INTERSECTION WITH THE NORTH LINE OF CENTRAL AVENUE TO ITS INTERSECTION WITH THE SOUTH LINE OF ELLEN LANE, AND: (B) PHILLIP STREET, FROM ITS INTERSECTION WITH THE NORTH LINE OF ELLEN LANE NORTHWARD TO ITS INTERSECTION WITH THE SOUTH LINE OF WILLOW ROAD EXTENDED, AND: (C) ELLEN LANE, FROM ITS INTERSECTION WITH THE WEST LINE OF PHILLIP STREET EXTENDED EASTWARD TO THE WEST LINE OF PROSPERITY LANE: AND: (D) WILLOW ROAD FROM THE NORTHEAST CORNER OF LOT 17, LAKESIDE TRACTS TO THE CITY OF ANDOVER, KANSAS WESTWARD FOR A DISTANCE OF 250 FEET, BY PAVING ALL SUCH STREETS, OR PORTIONS OF STREETS; SAID PAVING IMPROVEMENTS TO BE COMPRISED OF 6 INCHES OF 95 PERCENT COMPACTED EARTH OVERLAID WITH 4½ INCHES OF 95 PERCENT COMPACTED CRUSHED ROCK, OR EQUIVALENT OR BETTER, BASE OVERLAID WITH A DOUBLE ASPHALTIC SEAL. THE WEARING SURFACE ON THE PORTION DESCRIBED UNDER (A) ABOVE TO HAVE A WEARING SURFACE OF 22 FEET IN WIDTH WITH A 2½ FEET COMPACTED GRAVEL SHOULDER ON EACH SIDE; AND THE REMAINING PORTIONS OF SAID IMPROVEMENTS TO HAVE A 20 FEET WEARING SURFACE WITH A 6" COMPACTED GRAVEL SHOULDER ON EACH SIDE, AND TO PAY THE ACCRUED AND ACCRUING 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 duly adopted by said Governing Body on the 17th day of September, 1973 pursuant to K.S.A. 12-6(a)01, et seq. as amended, 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-1974-A, said improvements have been authorized, and

WHEREAS, engineer's estimate for the aforesaid paving improvements aggregating the sum of \$12,600.00 are now on file with said City representing the costs of making the aforesaid improvements, and

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 made ~~permitted~~ pursuant to the Petition of 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. 1974 Supp. 10-123 *(a) no less than the minimum amount of money as is needed to meet the paving needs of the Paving Benefit District P-1974-A.)*

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, interest and other costs for the making of paving improvements in said Paving Benefit District P-1974-A, as more specifically described in the caption and preamble of this Ordinance and be dated the 1st day of October, 1974, and to bear interest at the rate of 6% (six percent) per annum beginning ~~January~~ January 1, 1976, 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.

Section 3. That the said Temporary Bond Note, shall bear interest at the rate aforesaid, said interest being payable semi-annually on the 1st day of January, 1976, and the 1st day of July and January of each year, 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 full or in part, 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 twelve thousand, two hundred seventy dollars and nineteen cents (\$12,270.19)

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 to pay paving improvement costs, and as referred to in Ordinance No. 219, whichever event occurs sooner, or prior thereto is called for payment, in full or in part, as hereinafter provided for with interest thereon from the date of this note at the rate of 6% (six percent) per annum, payable on the 1st day of January 1976 and semi-annually thereafter 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.

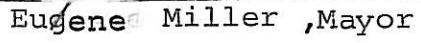
The said City may call this note for payment, in full or in part, at any time before maturity by serving written notice to that effect on the holder of this note or by publication once in a newspaper of general circulation in said City at least seven days before the date of such call, and may redeem 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-1974-A and is issued by authority of and in full compliance and conformative with provisions, restrictions and limitations of the pertinent Resolution as enacted by said City on the 17th day of September, 1973, and of the constitution and laws of the State of Kansas, and more particularly K.S.A. 1974 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 \_\_\_\_\_, 1974.

ATTEST:

 Eugene Miller, Mayor

Patricia M. Stuenkel, City Clerk  
(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 Andover Journal, the official City paper.

The above Ordinance passed and adopted by the Governing Body of the City of Andover, Kansas on the 12<sup>th</sup> day of October, 1974.

Eugene Miller  
Eugene Miller, Mayor

ATTEST:

Patricia M. Stuenkel  
Patricia M. Stuenkel, City Clerk

(SEAL)