

(First published in the Andover Journal March 13, 1975)

ORDINANCE NO. 226

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A TEMPORARY BOND NOTE, OF THE CITY OF ANDOVER, KANSAS, THE SAME BEING DESIGNATED "S-1975-A" IN THE AGGREGATE PRINCIPAL SUM OF EIGHTEEN-THOUSAND THREE-HUNDRED SIXTY-EIGHT DOLLARS AND NO CENTS (\$18,368.00) TO PAY THE ACCRUED AND ACCRUING COSTS OF CONSTRUCTION, LEGAL AND PLANNING, AND OTHER COSTS FOR THE SANITARY SEWER IMPROVEMENT AS AUTHORIZED BY THE RESOLUTION OF THE GOVERNING BODY, ADOPTED ON THE 29TH DAY OF OCTOBER, 1974, PURSUANT TO A PETITION FILED PROPOSING THE FOLLOWING IMPROVEMENTS: THE CONSTRUCTION OF A SANITARY SEWER LINE EXTENTION CONSISTING OF EIGHT INCH SANITARY SEWER LINE TO BE CONSTRUCTED AND INSTALLED AS INDICATED ON A PLAT ATTACHED TO SAID PETITION; THE BENEFIT DISTRICT AS DESCRIBED IN SAID PETITION BEING PROPOSED AS ALL OF RESERVE "A" AND LOTS 1-6, BLOCK 4, KOOB'S TRACT, CITY OF ANDOVER, KANSAS,

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 29th day of October, 1974, and thereafter published in the official city newspaper on the 19th day of December, 1974, pursuant to K.S.A. 12-6(a)01 et seq. a certain sanitary sewer improvement was authorized as more specifically described in the caption of this Ordinance, which caption is made a part of this preamble as if set out herein. The area to be assessed for the said improvement being hereinafter referred to as "Benefit District S-1975-A" constitutes all of Reserve "A" and lots 1-6 Block 4 Koob's Tract of the City of Andover, Kansas, and,

WHEREAS, the engineer's estimates for the aforesaid sewer improvement aggregates \$18,368.00, and is now on file with the City Clerk, representing the cost of making the aforesaid improvement, and,

WHEREAS, contracts have been let and work commenced on said improvement and there are accrued and accruing costs against said improvements in the amount of the engineer's estimate, that is, \$18,368.00, and,

WHEREAS, all legal requirements pertaining to the said improvement have been completed and no protests have been filed as permitted by law after the publication of said Resolution, order the improvements on grounds and from the reason that said improvements were being made pursuant by Petition of all the landowners liable for assessments therefor , and,

WHEREAS, the issuance of a Temporary Bond Note is, or will be required, to finance the same as is authorized by K.S.A. 1974 Supp. 10-123, at the maximum rate of interest as prescribed by K.S.A. 1974 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 obtaining accrued and accruing costs of construction and legal planning and other costs for making of the sewer improvement in said Sanitary Sewer Benefit District S-1975-A and 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 hereby is authorized at this time one Temporary Bond Note of the City of Andover, Kansas in the principal amount of \$18,368.00 which note shall be designated as "series S-1975-A", be dated the 1st day of March, 1975, and shall bear interest at the rate of 6% per annum 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 of 6% per annum said interest being payable semi-annually on the 1st day of September and May of each year commencing on the 1st day of ~~September~~ 1976, 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 (4) 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. Said Temporary Bond Note shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF KANSAS  
COUNTY OF BUTLER

CITY OF ANDOVER

T E M P O R A R Y   N O T E

\* \* \* \* \*

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  
-----Eighteen-Thousand Three-Hundred Sixty-Eight Dollars-----  
and No Cents (\$18,368.00)

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. 226, 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 6% 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 (7) 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 sewer improvements in Sewer Benefit District S-1975-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 226, and of the constitution and laws of the State of Kansas, and more particularly K.S.A. 1971 Supp. 10-123.

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 limitations.

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 8<sup>th</sup> day of March, 1975.

Eugene Miller  
Mayor or President of Council

ATTESTED:

Patricia M. Stueker  
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 sewer~~g~~ improvements 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 8th day of March, 1975.

Eugene Miller  
Mayor or President of Council

ATTEST:

Patricia M. Stuerke  
City Clerk

(Seal)