

(Published in The Western Butler County Times July 17, 1975)

ORDINANCE NO. 236

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 OR SUBSIDIARY OR SUBSEQUENT NOTES NOT TO EXCEED IN THE AGGREGATE THE SUM OF \$450,820.00 PURSUANT TO THE AUTHORITY OF K.S.A. 12-1662, ET SEQ, IN ANTICIPATION OF FEDERAL AID PAYING A PORTION OF CERTAIN CONSTRUCTION COSTS FOR THE COST AND EXPENSE OCCASIONED BY THE PROCUREMENT OF RIGHT-OF-WAY EITHER BY PURCHASE OR CONDEMNATION AND BY CONSTRUCTION OF SEWERS AND DRAINS AND DISPOSAL WORKS BEYOND THE CORPORATE LIMITS OF THE CITY OF ANDOVER, KANSAS PURSUANT TO AND AS AUTHORIZED BY K.S.A. 12-624 AND ACTS AMENDATORY AND SUPPLEMENTAL THEREOF WHICH TEMPORARY NOTE OR NOTES AND SUBSIDIARY OR SUBSEQUENT NOTES, AS THE CASE MAY BE, SHALL BE SUBMITTED TO AND APPROVED BY THE STATE BOARD OF TAX APPEALS PURSUANT TO K.S.A. 12-1664 AND PROVIDING FOR THE ISSUANCE OF SEPARATE NOTES BY SEPARATE RESOLUTIONS OF THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS AND RESERVING UNTO THE CITY THE RIGHT TO PRESCRIBE SEPARATE RATES OF INTEREST AND PRINCIPAL FOR SEPARATE NOTES AND PRESCRIBING THE METHOD OF INTEREST PAYMENT THEREON AND RESERVING UNTO SAID CITY CERTAIN RIGHTS OF PRE-PAYMENT 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 AUTHORIZING THE SALE AND DELIVERY OF THE SAME TO THE PURCHASER THEREOF AND PRESCRIBING GENERALLY OF THE FORM OF TEMPORARY NOTE OR NOTES AND SUBSIDIARY OR SUBSEQUENT NOTES AS THE CASE MAY BE.

WHEREAS, prior hereto and within the contemplation of K.S.A. 12-1662 through K.S.A. 12-1665 the City of Andover, Kansas has from the Environmental Protection Agency, a federal agency having the authority to make loans, advances, gifts or grants of funds, received fixed and written commitments for the payment of a portion of the costs and expenses occasioned by the procurement of right-of-way either by purchase or condemnation and for the construction of sanitary sewers and disposals beyond the corporate limits of said city for a grant in the amount of \$450,820, and

WHEREAS, the City's share of said costs as aforesaid is \$150,280.00 for which said City intends to issue its general obligation bonds pursuant to the authority of K.S.A. 12-624 as amended and that no election is required prior to the issuance of

such general obligation bonds of said City, and

WHEREAS, the issuance of a temporary bond note or series of subsidiary or subsequent notes not to exceed in the aggregate \$364,000.00 is necessary to pay accrued and accruing costs of said project during the course of construction and prior to the payments of grants pursuant to the fixed and written contract of the federal agency as aforesaid, and

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

WHEREAS, an emergency exists in that the said federal agency desires that contract lettings for said project be had on or before the 1st day of August, 1975 and therefore the effect of Ordinance No. 147 of said City requiring first reading of ordinances should be suspended for the purpose of enactment of this ordinance.

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 federal agency, that is, Environmental Protection Agency, accrued and accruing costs relating to the costs and expenses occasioned by the procurement of right-of-way either by purchase or condemnation

and by the construction of sanitary sewers and drains beyond the corporate limits of the City of Andover, Kansas and to bear the payment of the share thereof to be ultimately paid by the said Environmental Protection Agency as set out in the caption and preamble of this ordinance (the whole of said caption and preamble being made a part of this section of this ordinance as fully as if set out herein), there shall be issued and hereby is authorized the issuance of a temporary note and subsidiary or subsequent notes not to exceed in the aggregate the sum of \$364,000.00, said notes to be issued from time to time as authorized by the resolution of the governing body of the City of Andover, Kansas, which resolution shall specify the principal amount, the date, series designation or identifying number of such note or notes, the rate of interest to be borne by said note or notes and the manner of payment of interest thereon and the authorization of the delivery of the same to the ultimate purchaser thereof.

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 such bond note or series of notes and subsidiary or subsequent notes as authorized by this ordinance shall be callable in advance of maturity forthwith and as soon as practicable upon receipt of sufficient funds from said federal agency and such notes shall state in their face that they mature when the federal aid shall be received and that the rate of interest on the same shall not exceed the maximum rate of interest prescribed by K.S.A. 10-1009 and will be payable semi-annually.

Section 5. Such temporary notes or subsequent notes shall be in the form usual for bonds except that coupons evidencing interest need not be attached, shall be executed or

registered as bonds both with the City Clerk and with the State Treasurer or the State Auditor and shall be payable at the office of the City Treasurer.

Section 6. That each of said notes shall also contain the following recital:

"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."

Section 7. That the Mayor, and in her 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 or subsequent or subsidiary Notes as described by resolution of the governing body, and to do all things necessary if, and when, the issuance of such Note or Notes 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.

Section 8. 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 15th day of July, 1975.

Goldie Buchanan
GOLDIE BUCHANAN, Mayor

ATTEST:

Patricia M. Stuenkel
PATRICIA M. STUENKEL, City Clerk

(SEAL)