

(Published in The Leavenworth Times on March 13, 2020.)

**ORDINANCE NO. 8124**

**AN ORDINANCE OF THE CITY OF LEAVENWORTH, KANSAS, AUTHORIZING THE CONSTRUCTION OF CERTAIN STORMWATER UTILITY SYSTEM IMPROVEMENTS, TOGETHER WITH ALL THINGS NECESSARY AND INCIDENTAL THERETO, AND THE FINANCING OF THE COSTS THEREOF, ALL PURSUANT TO K.S.A. 12-631r, 12-631s, 13-1055a, AND 13-1055b, ALL AS AMENDED.**

**WHEREAS**, the City of Leavenworth, Leavenworth County, Kansas, (the “City”) is a municipality as defined by K.S.A. 10-101; and

**WHEREAS**, the City has in accordance with applicable law established a stormwater utility for the City and provided for and heretofore constructed stormwater utility system improvements to serve the citizens and residents of the City (the “Stormwater Utility”); and

**WHEREAS**, the City has the authority pursuant to K.S.A. 12-631r, 12-631r, 13-1055a, and 13-1055b, all as amended, (collectively, the “Act”) to both construct, install, and otherwise complete Stormwater Utility improvements, including but not limited to storm sewers, drains, channels, retention basins, and all other things necessary and incidental thereto, to provide for the controlled drainage, retention, and disposition of storm water runoff in and throughout the City and finance the costs thereof from the proceeds of legally available funds of the City including the proceeds of general obligation bonds of the City issued pursuant to the authority of the Act for such purposes; and

**WHEREAS**, the City in the exercise of the authority granted to it pursuant to the Act has found it necessary and does hereby determine to issue general obligation bonds, including temporary notes of the City, in the estimated maximum principal amount of \$3,165,000 to finance the estimated total cost (i.e., \$3,165,000) of designing, rebuilding, rehabilitating, constructing, and reconstructing certain Stormwater Utility System improvements, together with the demolition, replacement, and reconstruction of existing site infrastructure, including but not limited to, sidewalk, pavement, and curb and gutter repairs as required by such Stormwater Utility System improvements at Independence Court and 2<sup>nd</sup> and Chestnut in the City ( collectively, the “Project”); and

**WHEREAS**, the costs of the Project are pursuant to the Act payable from any legally available and unencumbered funds of the City, from the City issuing general obligation bonds of the City, or a combination thereof.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS:**

**Section 1.** That the Project be constructed and otherwise completed, including the acquisition of any land and/or easements necessary therefore, all in accordance with the plans and specifications of the City’s public works department.

**Section 2.** That general obligation bonds of the City be issued in accordance with the terms and conditions of the Act and the general bond law of the State of Kansas in an amount not exceeding \$3,165,000 to pay all or part of the cost of the Project.

**Section 3.** That the City both reasonably expects and intends to finance the costs of the Project from the proceeds of general obligation bonds of the City. The City does hereby express its official intent to reimburse any such pre-issuance original expenditures (as defined in Treas. Reg. 1.150-2(c)) made by it on or after the date which is 60 days before the date of this Ordinance from the proceeds of such bonds in the estimated maximum principal amount of \$3,165,000. The City will issue such bonds for such purposes and make the reimbursements within eighteen (18) months after the date the expenditure to be reimbursed was paid or, if later, eighteen (18) months after the date on which the property resulting from the expenditure was placed in service. Provided, that, in any event, the City must make the reimbursement allocation within three (3) years after the date the expenditure was paid. This Ordinance, as the expression of the governing body's official intent regarding the matters described herein, will be available for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

**Section 4.** This Ordinance shall be effective upon its passage and approval by the governing body of the City and its publication in the official City newspaper.

**PASSED AND APPROVED** this 10th day of March, 2020.

CITY OF LEAVENWORTH, KANSAS

/s/ Myron J. "Mike" Griswold  
Myron J. "Mike" Griswold, Mayor

ATTEST:

/s/ Carla K. Williamson  
Carla K. Williamson, CMC, City Clerk

(SEAL)