

ORDINANCE NO. B-336

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO AN UNIMPROVED INTERVENING CONNECTING STREET (*I.E.*, BIRCH STREET) IN THE CITY OF VICTORIA, KANSAS, AS HERETOFORE DETERMINED ADVISABLE AND AUTHORIZED TO BE MADE BY RESOLUTION NO. C-175 OF THE CITY, UNDER THE AUTHORITY OF K.S.A. 12-6a01 *ET SEQ.*, AS AMENDED AND SUPPLEMENTED, INCLUDING SPECIFICALLY K.S.A. 12-6a04(1) and K.S.A. 12-6a06; PROVIDING FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS; AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES OF THE CITY, IN AN AGGREGATE PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$13,500, FROM TIME TO TIME AS FUNDS ARE NEEDED FOR THE ORDERLY CONSTRUCTION OF THE IMPROVEMENTS.

WHEREAS, the Governing Body of the City of Victoria, Kansas (the "City"), has heretofore by Resolution No. C-175, duly adopted January 10, 1994, and published in the official city newspaper as required by law on January 13, 1994, found and determined it to be advisable and authorized and order the improvement of a that unimproved portion of Birch Street, an intervening connecting street between Tenth Street and Eleventh Street in the City, as provided by K.S.A. 12-6a01 *et seq.*, as amended and supplemented, including specifically K.S.A. 12-6a04(1) and K.S.A. 12-6a06, at a total estimated cost of \$13,500, a portion of which costs will be levied and assessed against properties benefiting from the improvements and the remaining portion of which shall be chargeable to the City-at-large; and

WHEREAS, said Governing Body hereby finds and determines it to be necessary to authorize the construction of the improvements; to provide for the payment of the costs thereof; and to authorize and provide for the issuance of temporary improvement notes from time to time as funds are needed for the orderly construction of the improvements;

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VICTORIA, KANSAS:

SECTION 1. It is hereby authorized, ordered and directed that the improvements to a portion of Birch Street determined advisable and authorized by Resolution No. C-175, at a total estimated cost of Thirteen Thousand Five Hundred Dollars (\$13,500), shall be constructed in accordance with the plans and specifications and estimate of costs therefor which are hereby approved by the Governing Body and directed to be placed on file in the office of the City Clerk where they shall be available for public inspection.

SECTION 2. It is hereby authorized, ordered and directed that the costs of the improvements to a portion of Birch Street which are chargeable to the benefit district as established by said Resolution No. C-175, when finally determined, shall be levied and assessed to the respective properties liable therefor as set forth in said Resolution, in the manner provided by K.S.A. 12-6a01 *et seq.*, as amended and supplemented; and that for the purpose of providing funds to pay any portion of such special assessments which are not paid in cash within the Thirty (30) day period after the levying thereof as provided by law and the portion of the costs which are chargeable to the City-at-large, general obligation bonds of the City shall be issued in the manner authorized and provided by law; provided that, said general obligation bonds may be issued in combination with other general obligation bonds being issued by the City as shall be determined by the Governing Body at the time of such issuance to be in the best interests of the City.

SECTION 3. It is hereby further authorized, ordered and directed that in order to temporarily finance the estimated costs of the improvements to a portion of Birch Street until the levy and collection of the special assessments and the issuance of the general obligation bonds as hereinbefore provided, there shall be issued temporary improvement notes (the "notes"), the aggregate amount of which shall not exceed the sum of Thirteen Thousand Five Hundred Dollars (\$13,500), such notes to be issued from time to time upon subsequent resolution or resolutions of the City which shall provide and set forth the details of the notes, including the fixing of the dates, terms, denominations, interest rates and maturity dates (not exceeding four years from the date of the notes and redeemable at any time prior to the stated maturity) thereof. Such notes shall be issued and provision shall be made therefor as funds are needed and required for the orderly construction of the improvements; and the Mayor and City Clerk are hereby authorized, ordered and directed to prepare and execute each of such notes in accordance with the terms of this Ordinance and the terms of the subsequent resolution or resolutions providing for same; and shall deliver the notes to persons having claims against the City in connection with the improvements or may sell the notes at private or public sale and apply the proceeds therefrom to the payment of the actual costs and expenses of the improvements. Any notes issued under the authority of this Section shall be issued under and will contain a recital that they are issued under the authority of K.S.A. 10-123, and K.S.A. 12-6a01 *et seq.*, as amended and supplemented, including specifically K.S.A. 12-6a04(1) and K.S.A. 12-6a06, and shall contain all other usual and required recitals and covenants and be in the form required therefor by said K.S.A. 10-123; and said notes may be issued in combination with any other temporary notes being issued by the City as shall be determined by the Governing Body at the time of such issuance to be in the City's best interests.

SECTION 4. This Ordinance shall be in force and take effect from and after its adoption and approval and publication one time in the City's official newspaper.

ADOPTED AND APPROVED by the Governing Body of the City of Victoria, Kansas, on
January 10, 1994.

(Seal)
ATTEST:



ALLEN DREILING, Mayor



ALICE K. SANDER, City Clerk