

ORDINANCE NO. B-345

AN ORDINANCE AUTHORIZING THE RECONSTRUCTION, REPAIR AND RESURFACING OF A PORTION OF SIXTH STREET IN THE CITY OF VICTORIA, KANSAS, AS HERETOFORE DECLARED NECESSARY BY RESOLUTION NO. C-176 OF THE CITY, UNDER THE AUTHORITY OF K.S.A. 12-614 *ET SEQ.*; PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF; AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES OF THE CITY, IN AN AGGREGATE PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$25,900, 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-176, duly adopted January 10, 1994, and published in the City's official newspaper once each week for two consecutive weeks as required by law on January 13 and 20, 1994, having found that Sixth Street was originally curbed, guttered and a base and surface constructed in accordance with specifications, and further having found that the surface and general condition of such paved street and its curb and gutter by reason of the wear and tear of traffic is in a condition which requires reconstructing, repairing and resurfacing in order to preserve the bases of same and to provide a reasonably smooth wearing surface, found and declared it to be necessary and advisable to provide for the reconstruction of the valley gutter along the east side of Iron Street and the repair and resurfacing of a portion of Sixth Street in the City, all as provided by K.S.A. 12-614 *et seq.*; and

WHEREAS, the Governing Body hereby finds and determines that within the Thirty (30) day period following the last said publication date of Resolution No. C-176, no sufficient petition in opposition of the reconstructing, repairing and resurfacing of said Sixth Street was filed in the office of the City Clerk; and that it is necessary to authorize the construction of the said reconstruction, repair and resurfacing 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 has been found and determined to be necessary and advisable, and it is hereby authorized, ordered and directed, that the valley gutter along the east side of Iron Street shall be reconstructed and Sixth Street from Iron Street to the east side of the alley between Jefferson Street and Kansas Street shall be repaired and resurfaced, all of said Sixth Street being within the corporate limits of the City, such reconstruction, repairs and resurfacing to be made in accordance

with plans and specifications therefor which have been prepared by Evans, Bierly, Hutchison & Associates, P.A., Great Bend, Kansas, at an estimated cost, including expenses of financing, of Twenty-Five Thousand Nine Hundred Dollars (\$25,900); that said plans and specifications and estimate of costs have been approved by the Governing Body and the City Clerk directed to place copies on file in her office for public inspection; and that the entire costs of such reconstruction, repair and resurfacing to said portion of Sixth Street shall be chargeable to the City-at-large and shall be paid from the proceeds of general obligation bonds as provided by K.S.A. 12-614 *et seq.*

**SECTION 2.** It is hereby authorized, ordered and directed that the costs of the reconstruction, repair and resurfacing of Sixth Street as aforesaid shall be chargeable to the City-at-large, as provided by K.S.A. 12-614 *et seq.*; and that for the purpose of providing funds to pay such costs, 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 reconstruction, repair and resurfacing of Sixth Street until 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 Twenty-Five Thousand Nine Hundred Dollars (\$25,900), 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. 12-614 *et seq.*, 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  
May 9, 1994.

(Seal)  
ATTEST:

  
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ALLEN DREILING, Mayor

  
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ALICE K. SANDER, City Clerk