

(PUBLISHED IN THE *BUTLER COUNTY TIMES-GAZETTE* ON SEPTEMBER 10, 2019)

ORDINANCE NO. 2156

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF AUGUSTA, KANSAS, DESIGNATING A MAIN TRAFFICWAY, AUTHORIZING CERTAIN IMPROVEMENTS TO THE MAIN TRAFFICWAY AND AMENDING AND SUPPLEMENTING NOTE RESOLUTION NO. 2017-28 OF THE CITY, ADDING SUCH MAIN TRAFFICWAY IMPROVEMENTS TO THE IMPROVEMENTS DESCRIBED THEREIN AND AUTHORIZING THE USE OF NOTES ISSUED THEREUNDER TO FINANCE SUCH ADDITIONAL IMPROVEMENTS.

WHEREAS, K.S.A. 12-685 *et seq.* (the “Act”) provides that the governing body of any city is authorized and empowered to designate and establish, by ordinance, as a main trafficway, any existing or proposed street, boulevard, avenue or part thereof, within such city, the primary function of which is, or shall be, the movement of through traffic between areas of concentrated activity within the city or between such areas within the city and traffic facilities outside the city performing the function of a major trafficway; and such designation by the governing body shall be final and conclusive; and

WHEREAS, the governing body of the City of Augusta, Kansas (the “City”), hereby finds and determines that Ohio Street within the City should be designated and established as a main trafficway, as provided by and under the authority of the Act; and

WHEREAS, the Act provides that the governing body of any city shall have the power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of the Act and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, building any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts and drainage, trafficway illumination, traffic control devices, pedestrian ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

WHEREAS, the Act provides that all costs of improvements or reimprovements authorized thereunder, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the city at large and may be funded, among others, by the issuance of general obligation bonds; and

WHEREAS, said governing body of the City hereby finds and determines that it is necessary to enhance, maintain and reconstruct Ohio Street from Belmont Avenue north to the City limits (the “Ohio Street Improvements”), and to provide for the payment of the costs thereof by the issuance of general obligation bonds; and

WHEREAS, the governing body of the City hereby finds and determines that it is necessary and advisable to amend Resolution No. 2017-28 of the City, to add the Ohio Street Improvements to the Improvements described therein, and thereby allow Ohio Street Improvement costs to be financed by the General Obligation Temporary Notes, Series 2017-1 (the “Notes”), issued under such Resolution (the “Series 2017-1 Resolution”).

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

Section 1. Designation. It is hereby authorized, ordered and directed, under the authority of the Act, that Ohio Street located within the limits of the City is hereby designated and established as a main trafficway.

Section 2. Project Authorization. It is hereby authorized, ordered and directed that Ohio Street be improved by undertaking the Ohio Street Improvements.

Section 3. Project Financing. The estimated costs of the Ohio Street Improvements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies and administrative expenses is \$1,465,802. The costs of the Ohio Street Improvements and associated financing costs shall be payable from the proceeds of general obligation bonds of the Issuer issued under authority of the Act, with any balance expected to be paid from available proceeds of a City sales tax.

Section 4. Amendment of Series 2017-1 Resolution. The definition of “Improvements,” as set forth in the Series 2017-1 Resolution is hereby amended to include the Ohio Street Improvements, which will constitute “Substitute Improvements” under such Resolution. Proceeds of the Notes are hereby authorized to be expended to pay costs of the Ohio Street Improvements. It is expected that the Note proceeds and available sales tax proceeds will not be sufficient to pay all of the costs of the Ohio Street Improvements, and that up to \$200,000 of such costs will need to be paid from a future general obligation bond or temporary note issue.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City, approval by the Mayor and publication in the official City newspaper. City staff and the City’s Bond Counsel are hereby authorized and directed to take necessary actions to supplement the Transcript of Proceedings for the Notes.

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PASSED by the governing body of the City on September 3, 2019 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on September 3, 2019; that the record of the final vote on its passage is found on page ____ of journal ____; and that it was published in the *Butler County Times Gazette* on September __, 2019.

DATED: September __, 2019.

Clerk

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(Published in *the Butler County Times Gazette* on September __, 2019)

SUMMARY OF ORDINANCE NO. ____

On September 3, 2019, the governing body of the City of Augusta, Kansas, passed an ordinance entitled:

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF AUGUSTA, KANSAS, DESIGNATING A MAIN TRAFFICWAY, AUTHORIZING CERTAIN IMPROVEMENTS TO THE MAIN TRAFFICWAY AND AMENDING AND SUPPLEMENTING NOTE RESOLUTION NO. 2017-28 OF THE CITY, ADDING SUCH MAIN TRAFFICWAY IMPROVEMENTS TO THE IMPROVEMENTS DESCRIBED THEREIN AND AUTHORIZING THE USE OF NOTES ISSUED THEREUNDER TO FINANCE SUCH ADDITIONAL IMPROVEMENTS.

The Ordinance declares that Ohio Street located within the limits of the City is designated and established as a main trafficway, authorizes improvements to north Ohio Street, authorizes general obligation bonds to pay the costs of such improvements and amends an earlier resolution of the City to allow the proceeds of certain general obligation temporary notes to be spent on the costs of such improvements. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 113 E. 6th, P.O. Box 489, Augusta, Kansas 67010. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.augustaks.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED September __, 2019

City Attorney