

(Published in *The Wichita Eagle* on October 24, 2008.)

**ORDINANCE NO. 48-099**

**AN ORDINANCE OF THE CITY OF WICHITA, KANSAS AUTHORIZING THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS TO PAY THE COSTS OF PREPARATION OF A COMPREHENSIVE CITYWIDE DIGITAL STORM WATER DRAINAGE STRUCTURE INVENTORY; FURTHER AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES OF THE CITY FROM TIME TO TIME AS FUNDS ARE NEEDED FOR SUCH PURPOSE, AND REPLACING RESOLUTIONS 06-706 AND 08-414 OF THE CITY.**

WHEREAS, Article 12, Section 5 of the Kansas Constitution empowers cities to determine their local affairs and government; and

WHEREAS, the City of Wichita, Kansas (the "City) desires to make certain related improvement to its drainage records by inventorying the City's storm water sewer system as a GIS layer; and

WHEREAS, the City has previously indicated its intention to complete and finance the costs of said inventory by approval of Resolutions 07-706 on December 22, 2006 and 08-414 on August 5, 2008, but wishes to enlarge the previous cost estimates and invoke its Home Rule authority in support of the financing; and

WHEREAS, the Governing Body of the City has found and determined that it is necessary and desirable, and in the interest and for the general economic welfare of the City and its inhabitants, that the City obtain the inventory study to help provide an easily accessible database of the City's infrastructure system that will help staff to perform more tasks; and

WHEREAS, under the authority of Article 12, Section 5 of the Kansas Constitution, the Governing Body of the City hereby further finds and determines that it is necessary and desirable and in the interest and for the general economic welfare of the City and its inhabitants, that general obligation bonds of the City in an amount not to exceed \$3,000,000, exclusive of the cost of interest on borrowed money (the "Bonds") be authorized and issued for the purpose of paying costs associated with the preparation of such inventory study, said Bonds to be issued in accordance with the provisions of K.S.A. 10-101 et seq., as amended and supplemented.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS;**

**SECTION 1.** The Governing Body hereby finds and determines that it is necessary and desirable to authorize the issuance of general obligation bonds under the authority of Article 12, Section 5 of the Kansas Constitution in an amount not to exceed \$3,000,000, exclusive of the cost of interest on borrowed money, for the purpose of paying costs associated with the preparation of a storm water sewer inventory, including location, geometry and condition assessment, which will yield data to be used to create a storm water GIS layer (the "Project"). Such Bonds shall be sold and delivered in accordance with the provisions of K.S.A. 10-101 et seq., as amended and supplemented.

**SECTION 2.** It is hereby further authorized, ordered and directed that in order to temporarily finance the costs of the Project prior to the completion thereof and until issuance of the Bonds as hereinbefore provided, there shall be issued temporary improvement notes (the "Notes), the aggregate amount of which shall not exceed \$3,000,000, such Notes to be issued from time to time upon subsequent ordinance 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 thereof. Such Notes shall be issued and provisions shall be made therefore as funds are needed and required for the orderly completion of the Project. 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, as amended and supplemented, and Article 12, Section 5 of the Kansas Constitution, and shall contain all other usual and required recitals and covenants and be in the form required therefore by said K.S.A. 10-123, as amended and supplemented; 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 interest.

**SECTION 3.** This Ordinance carries forward the financing intent expressed in Resolutions 06-706 and 08-414, but with the enlarged authority expressed hereinabove, and replaces such Resolutions.

**SECTION 4.** This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City paper.

**PASSED AND APPROVED** by the governing body of the City of Wichita, Kansas this 21st day of October, 2008.

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Carl Brewer, Mayor

Attest:

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**Karen Sublett, City Clerk**

**(Seal)**

**Approved as to Form:**

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**Gary Rebenstorf, Director of Law**