

ORDINANCE NO. 47-276

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS, AMENDING SECTIONS 1 AND 2 OF ORDINANCE NO. **45-294** OF THE CITY, IN ORDER TO RESTATE THE ESTIMATED COST OF IMPROVEMENTS AND THE MANNER OF PAYMENT OF SAID IMPROVEMENTS THEREIN AUTHORIZED.

WHEREAS, the Governing Body of the City of Wichita, Kansas (the "City"), has heretofore on May 15, 2001, adopted Ordinance No. **44-971** of the City, declaring **Kellogg (U.S. 54) from Gouverneur to I-135 (KTA)**, to be a Main Trafficway within the City of Wichita, Kansas, and said Ordinance No. **44-971** was thereafter duly published in the City's official newspaper, as required by law; and

WHEREAS, the City adopted Ordinance No. **44-971** declaring that a public necessity existed for, and that the public safety, service and welfare would be advanced by the making of certain improvements to said Main Trafficway of the City of Wichita, Kansas; and

WHEREAS, the City adopted Ordinance No. 45-294 on April 9, 2002, to increase the estimated cost of said improvement.

WHEREAS, The City hereby finds and determines that the estimated costs of said improvements has changed, and the City desires to restate the costs of said improvements; and

WHEREAS, The City hereby finds and determines it to be necessary to amend Ordinance No. **45-294** to restate the costs of the improvements;

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

SECTION 1. Section 1 of Ordinance No. 45-294 of the City of Wichita, Kansas, as adopted on April 9, 2002, is amended to read as follows:

"SECTION 3. The total cost of the above-described improvements is estimated to be **One Hundred Forty-Five Million Dollars (\$145,000,000)**. The local share is estimated to be **One Hundred Ten Million Three Hundred Forty-Eight Thousand Dollars (\$110,348,000)**."

SECTION 2. Section 2 of Ordinance No. **45-294** of the City of Wichita, Kansas, as adopted on April 9, 2002, is amended to read as follows:

"SECTION 5. The cost to be paid by the City at large shall be all costs of the improvements authorized under the provisions of K.S.A. 12-685 et seq., and any amendments thereto, and all other costs properly attributable to such project. All such costs shall be paid by the City at large from the general improvement fund, general revenue fund, internal improvement fund, or any other fund or funds available for such purpose, or by the issuance of general improvement bonds and/or the issuance of retail sales tax revenue bonds pursuant to K.S.A. 12-195 and/or the

issuance of temporary notes pursuant to K.S.A. 10-123 in anticipation of the issuance of general improvement bonds or retail sales tax revenue bonds. The total amount of any bonds and/or notes issued to pay all or a portion of the costs hereunder shall not exceed **One Hundred Ten Million Three Hundred Forty-Eight Thousand Dollars (\$110,348,000)**, exclusive of the cost of interest on borrowed money.”

SECTION 3. Section 1 of Ordinance No. **45-294** and Section 2 of Ordinance **45-294** are hereby repealed and declared to be null and void and of no further force and effect. All of the rest and remainder of said Ordinance No. **45-294** is hereby ratified and confirmed in its entirety.

SECTION 4. This Ordinance shall take effect and be in force from and after its passage and approval by the Governing Body and publication in the official newspaper of the City.

ADOPTED at Wichita, Kansas, November 7, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law