

*(Ordinance Summary published in The Hillsboro Star Journal on September 27, 2017, and the full text of the Ordinance made available at [www.cityofhillsboro.net](http://www.cityofhillsboro.net) for a minimum of one (1) week from the date of publication.)*

ORDINANCE NO. 1282

ORDINANCE OF THE CITY OF HILLSBORO, KANSAS DESIGNATING CERTAIN ADDITIONAL STREETS AS MAIN TRAFFICWAYS OR MAIN TRAFFICWAY CONNECTIONS; DECLARING ITS OFFICIAL INTENT TO ISSUE CERTAIN GENERAL OBLIGATION BONDS; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, DELIVER AND ATTEST TO THE EXECUTION OF SUCH DOCUMENTS AS ARE NECESSARY IN CONNECTION WITH SUCH DESIGNATION AND DECLARATION.

WHEREAS, K.S.A. 12-685 *et seq.* (the “Main Trafficway Act”) authorizes the governing body of the City of Hillsboro, Kansas (the “City”) to designate by ordinance, any existing or proposed street or part thereof within the City as a main trafficway. The primary function of a main trafficway is, or will be, the movement of traffic (i) between areas of concentrated activity, or (ii) between such areas within the City and traffic facilities outside the City; and

WHEREAS, K.S.A. 12-686 authorizes the governing body of the City to designate by ordinance certain portions of existing streets as trafficway connections and to connect any street with any of the main trafficways and/or connect any two (2) main trafficways and designate and establish the same as trafficway connections. The primary function of a trafficway connection is, or will be to: (i) provide adequate connections with or between main trafficways or (ii) relieving traffic congestion at certain points on said main trafficways; and

WHEREAS, the City has previously designated Main Street within the corporate limits of the City as a main trafficway, pursuant to Ordinance No. 1066 adopted on April 1, 2003 and published April 10, 2003; and

WHEREAS, the City has previously designated Ash Street within the corporate limits of the City as a main trafficway, pursuant to Ordinance No. 1195 adopted on October 5, 2010 and published April 10, 2003; and

WHEREAS, the City has previously designated (i) Adams Street from Highway 56 to First Street, (ii) First Street from Ash Street to Adams Street, (iii) Industrial Road from Highway 56 to the railroad right-of-way, (iv) “A” Street from Main Street to Washington Street, (v) Eisenhower Street from “C” Street to “A” Street, (vi) “A” Street from Eisenhower Street to Jefferson Street, (vii) Third Street from Ash Street to Adams St., (viii) Commerce Street from Industrial Road to Santa Fe Street, and (viii) “D” Street within the corporate limits of the City as a main trafficway, pursuant to Ordinance No. 1207 adopted on April 5, 2011 and published April 13, 2010; and

WHEREAS, the governing body of the City has determined it necessary to additionally designate the following streets (or portions thereof) as main trafficways or trafficway connections as defined by the Main Trafficway Act:

- (i) Wilson Street (from 1<sup>st</sup> Street to C Street)
- (ii) First Street (from Adams St. to Wilson St.)
- (iii) “B” Street (from Lincoln St. to Adams St.)
- (iv) Grand Avenue within the corporate limits of the City
- (v) Adams Street (from B Street to 1st Street)
- (vi) Washington St. (from 1<sup>st</sup> Street to 2nd Street)
- (vii) Lincoln St. (from 1<sup>st</sup> Street to 3<sup>rd</sup> Street)
- (viii) Jefferson Street (from 1<sup>st</sup> Street to 3<sup>rd</sup> Street)
- (ix) 2<sup>nd</sup> Street (from Lincoln to Main Street)

WHEREAS, the City has found within the City it necessary and desirable to:

- (a) repair and replace Wilson Street (from 1<sup>st</sup> Street to “C” Street),
- (b) repair and replace 1st Street (from Adams St. to Wilson St.),
- (c) repair and replace “B” Street (from Lincoln St. to Adams St.),
- (d) repair and replace Grand Avenue (from Washington St. to Adams St.),
- (e) repair and resurface “D” Street (from Floral Drive to Prairie Pointe),
- (f) repair and replace Grand Avenue (from Ash Street to Hickory St.),
- (g) repair and replace Adams St. (from “B” Street to 1<sup>st</sup> Street)
- (h) repair and replace Washington Street (from 1<sup>st</sup> Street to 2<sup>nd</sup> Street, including the intersection at 1<sup>st</sup> Street)
- (i) repair and replace Lincoln Street (from 1<sup>st</sup> to 3rd Street)
- (j) repair and replace Jefferson Street, storm water culvert and sidewalk at the railroad right of way, and
- (k) repair and replace 2<sup>nd</sup> Street (from Main Street to Lincoln Street);

(collectively, the “Project”); and

WHEREAS, the City desires to finance a portion of the costs of constructing and installing the Project through the issuance by the City of certain tax-exempt debt obligations consisting of general obligation bonds (the “Bonds”) pursuant to the Act; and

WHEREAS, the United States Department of the Treasury has promulgated regulations that, among other things, impose requirements on the City when it desires to reimburse expenditures made for capital improvements from the proceeds of tax-exempt debt obligations issued for the benefit of the City; and

WHEREAS, the City intends to adopt this resolution to ensure that its declaration of its intent to reimburse such expenditures will satisfy the “Official Intent Requirement” described in Treasury Regulations Section 1.150-2.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HILLSBORO, KANSAS, AS FOLLOWS:

Section 1. Amendment to Section 1 of Ordinance No. 1207. Section 1 of Ordinance No. 1207 is hereby amended by deleting Section 1 and replacing it with the following:

Section 1. Designation of Main Trafficways. It has been found and determined that the main function of the following streets within the corporate limits of the Hillsboro, Kansas is the movement of through traffic within the City; and therefore, it is hereby authorized, ordered and directed that :

- (i) Main Street within the corporate limits of the City
- (ii) Ash Street within the corporate limits of the City
- (iii) Wilson Street (from 1<sup>st</sup> Street to C Street)
- (iv) First Street (from Adams St. to Wilson St.)
- (v) “B” Street (from Lincoln St. to Adams St.)
- (vi) Grand Avenue within the corporate limits of the City
- (vii) “D” Street within the corporate limits of the City
- (viii) Adams Street (from B Street to First Street)
- (ix) Washington St. (from 1<sup>st</sup> Street to 2nd Street)
- (x) Lincoln St. (from 1<sup>st</sup> Street to 3<sup>rd</sup> Street)
- (xi) Jefferson Street (from 1<sup>st</sup> Street to 3<sup>rd</sup> Street)
- (xii) 2<sup>nd</sup> Street (from Lincoln to Main Street)

shall be and hereby are designated and established as main trafficways, as provided by K.S.A. 12-685. The above and foregoing main trafficways are intended as a comprehensive list of Main Trafficways within the City and are not intended to repeal or replace main trafficways previously designated by Ordinance Nos. 1066, 1195 and/or 1207.

Section 2. Authorization of the Project. That the City shall cause the Project (as defined above) and comprising the improvement of main trafficways to be constructed and installed and that a portion of the costs thereof (to the extent not otherwise paid from applicable grant proceeds), as well as applicable costs of issuance, shall be paid from the proceeds of issuance by the City of Hillsboro, Kansas of the Bonds (as defined above).

Section 3. Amending Ordinance. This ordinance supplements and amends Ordinance Nos. 1066, 1195 and 1207 to the extent necessary to designate the additional streets as main

trafficways or trafficway connections. Except to the extent specifically amended hereby, Ordinance Nos. 1066, 1195 and 1207 shall remain in full force and effect.

Section 4. Official Intent Requirement. That the City intends that this Ordinance shall serve as any and all necessary declaration pursuant to the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder (including Section 1.150-2) of its reasonable and official intent and expectation to pay or otherwise reimburse its costs of purchasing and acquiring the Project from the proceeds of such Bonds.

Section 5. Reimbursement Debt. That the City reasonably expects to be reimbursed for such expenditures made prior to the issuance of the Bonds with proceeds of Bonds ultimately issued for the benefit of the City (the “Reimbursement Debt”).

Section 6. Time Limits. That the City expects that the Reimbursement Debt will be incurred no later than the later of (i) the date that is eighteen (18) months after the date on which it makes the capital expenditures of the City intended to be reimbursed with the proceeds of the Reimbursement Debt, or (ii) the date that is eighteen months after the date on which the Project is placed in service but that is no more than three years after the original date of such expenditures; or (iii) such other date that is permitted by law.

Section 7. Related Documents. That the City is authorized to enter into and perform such agreements, certificates, documents, deeds and other instruments of conveyance, requests, notices and other paper as may be reasonably necessary in connection with the construction and installation of the Project, and its intent to issue the Bonds.

Section 8. Additional Authorizations. That the Mayor is hereby authorized and directed on behalf of the City to execute and deliver or otherwise approve such agreements, certificates, documents, deeds and other instruments of conveyance, requests, notices and other paper as may be reasonably necessary in connection with the construction and installation of the Project, and its intent to issue the Bonds. That the City Clerk is hereby authorized and directed to attest to the execution of such agreements, certificates, documents, deeds and other instruments of conveyance, requests, notices and other paper as may be reasonably necessary in connection with the construction and installation of the Project, and its intent to issue the Bonds.

Section 9. Other Actions. That the City shall, and the officers, agents and employees thereof, are authorized and directed to, take such actions, expend such moneys and execute such other documents, certificates and instruments as may be necessary or desirable in connection with the construction and installation of the Project, and its intent to issue the Bonds.

Section 10. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary hereof certified as legally accurate and sufficient by the City Attorney.

*[Remainder of Page Intentionally Left Blank]*

PASSED, ADOPTED AND APPROVED by the governing body of the City of Hillsboro,  
Kansas this 19th day of September, 2017.

CITY OF HILLSBORO, KANSAS

[seal]

By \_\_\_\_\_/s/\_\_\_\_\_  
Delores Dalke, Mayor

ATTEST:

By \_\_\_\_\_/s/\_\_\_\_\_  
Janice K. Meisinger, City Clerk

## **EXCERPT OF MINUTES**

The governing body of the City of Hillsboro, Kansas met in regular session at the usual meeting place in the City on September 19, 2017, at 4:00 p.m., with the Mayor Delores Dalke presiding, and the following members of the governing body present:

and the following members absent:

Thereupon, there was presented to the governing body a Resolution entitled:

ORDINANCE OF THE CITY OF HILLSBORO, KANSAS DESIGNATING CERTAIN ADDITIONAL STREETS AS MAIN TRAFFICWAYS OR MAIN TRAFFICWAY CONNECTIONS; DECLARING ITS OFFICIAL INTENT TO ISSUE CERTAIN GENERAL OBLIGATION BONDS; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, DELIVER AND ATTEST TO THE EXECUTION OF SUCH DOCUMENTS AS ARE NECESSARY IN CONNECTION WITH SUCH DESIGNATION AND DECLARATION.

Thereupon, the Ordinance was considered and discussed; and on motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Ordinance was passed by a majority vote of the members present, it was given No. 1282, and directed to be signed by the Mayor and attested by the City Clerk. The City Clerk was directed to cause the publication of the Ordinance one time in the City's official newspaper.

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CITY CLERK'S  
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the September 19, 2017 meeting of the governing body of the City of Hillsboro, Kansas.

[seal]

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Jan Meisinger, City Clerk

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### **Ordinance No. 1282 Summary**

On September 19, 2017, the City of Hillsboro, Kansas adopted Ordinance No. 1282 designating certain additional streets as main trafficways throughout the City. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 118 E. Grand or at [www.cityofhillsboro.net](http://www.cityofhillsboro.net). This summary is certified legally accurate and sufficient by the Hillsboro City Attorney pursuant to K.S.A. 12-3001, *et seq.*

SUMMARY CERTIFIED:

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Joshua J. Boehm, City Attorney