

(Ordinance Summary published in The Hillsboro Star Journal on June 26, 2019, and the full text of the Ordinance made available at www.cityofhillsboro.net for a minimum of one (1) week from the date of publication.)

ORDINANCE NO. 1298

ORDINANCE OF THE CITY OF HILLSBORO, KANSAS AMENDING ORDINANCE NOS. 1207 AND 1282; DESIGNATING CERTAIN ADDITIONAL STREETS AS MAIN TRAFFICWAYS OR MAIN TRAFFICWAY CONNECTIONS; AMENDING ORDINANCE NO. 1289; SUPPLEMENTING THE CITY'S OFFICIAL INTENT TO IMPROVE CERTAIN MAIN TRAFFICWAYS AND ISSUE CERTAIN GENERAL OBLIGATION BONDS FOR THE PAYMENT THEREOF; 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, 2010; 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, 2011; and

WHEREAS, the City has previously designated (i) Wilson Street (from 1st 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 1st Street to 2nd Street), (vii) Lincoln St. (from 1st Street to 3rd Street), (viii) Jefferson Street (from 1st Street to 3rd Street) and (ix) 2nd Street (from Lincoln to Main Street) as a main trafficways, pursuant to Ordinance No. 1282 adopted on September 19, 2017 and the summary of which was published September 27, 2017; 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) Kennedy St. (from A Street to C Street)
- (ii) “C” Street (from Adams St. to Kennedy St.)
- (iii) 1st Avenue (from Adams St. east to the corporate limits of the City)

WHEREAS the City previously adopted Ordinance No. 1289 which authorized the City to (i) repair and replace “B” Street (from Lincoln St. to Adams St.), (ii) repair and resurface “D” Street (from Floral Drive to Prairie Pointe), and (iii) repair and replace Grand Avenue (from Ash Street to Hickory St.) (collectively, the “Original Project”), at an estimated cost of \$2,400,000; and

WHEREAS, the City has also deemed it necessary to enlarge the scope of the Original Project to (i) repair and replace “B” Street (from Lincoln St. to Adams St.), (ii) repair and resurface “D” Street in its entirety, (iii) repair and replace Grand Avenue in its entirety, (iv) repair and replace Wilson Street (from 1st St. to “C” Street), (v) repair and replace 1st St. (from Adams St. east to the City limits), (vi) repair and replace Washington St. (from 1st St. to 2nd St.), (vii) repair and replace Jefferson St. (from 1st St. to 2nd St.), (viii) repair and replace Lincoln St. (from 1st St. to 2nd St.); (ix) repair and replace Kennedy St. (from “A” St. to “C” Street) and (x) “C” Street (from Adams to Kennedy), including any necessary and appurtenant pedestrian ways (collectively, the “Project”); and

WHEREAS, the City has requested bids for the Project (including the additional portions included hereby) and finds it necessary to increase the total estimated cost to \$3,200,000; and

WHEREAS, the City desires to finance 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 additional expenditures will satisfy the “Official Intent Requirement” described in Treasury Regulations Section 1.150-2; and

WHEREAS, in connection with the foregoing, the governing body of the City finds and determines it advisable to supplement and amend its ordinance(s) establishing Main Trafficways within the City.

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

Section 1. Amendment to Section 1 of Ordinance No. 1207 (as previously amended by Ordinance No. 1282). 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 1st Street to C Street)
- (iv) First Street (from Adams St. east to the corporate limits of the City)
- (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 1st Street to 2nd Street)
- (x) Lincoln St. (from 1st Street to 3rd Street)
- (xi) Jefferson Street (from 1st Street to 3rd Street)
- (xii) 2nd Street (from Lincoln to Main Street)
- (xiii) Kennedy St. (from A Street to C Street)
- (xiv) "C" Street (from Adams St. to Kennedy St.)

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, 1207 and/or 1282.

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 the costs thereof, as well as applicable costs of issuance, shall be paid from the proceeds of issuance by the City of the Bonds (as defined above).

Section 3. Amendment to Sections 2 and 3 of Ordinance No. 1289. Sections 2 and 3 of the Ordinance No. 1289 is hereby amended by deleting Sections 2 and 3 and replacing them with the following:

Section 2. Payment of Project Costs. It is hereby further found and determined that the estimated cost of construction of the Project is \$3,200,000 which shall be payable by the city-at-large and paid through the issuance of general obligation bonds of the City.

Section 3. Authorization of the Bonds. It is hereby further found and determined to be necessary and it is hereby authorized, ordered and directed that in order to provide the necessary funds to pay the cost of the Project, there shall be issued general obligation bonds in the estimated principal amount of \$3,125,000.

Section 3. Amending Ordinance. This ordinance supplements and amends Ordinance Nos. 1066, 1195, 1207, 1282 and 1289 to the extent necessary to designate the additional streets as main trafficways or trafficway connections and to increase the scope and estimated cost for the Project. Except to the extent specifically amended hereby, Ordinance Nos. 1066, 1195, 1207, 1282 and 1289 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.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Hillsboro,
Kansas on June 18, 2019.

CITY OF HILLSBORO, KANSAS

[seal]

_____/s/
Louis Thurston, Mayor

ATTEST:

_____/s/
Janice K. Meisinger, City Clerk