

(Published in *The Hillsboro Star-Journal* on August 15, 2018)

ORDINANCE NO. 1289

AN ORDINANCE OF THE CITY OF HILLSBORO, KANSAS, AUTHORIZING THE CITY TO MAKE MAIN TRAFFICWAY IMPROVEMENTS; AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN AN APPROXIMATE PRINCIPAL AMOUNT OF \$2,400,000 TO PAY THE COSTS OF THE MAIN TRAFFICWAY IMPROVEMENTS.

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, the Main Trafficway Act provides that the City has the power to improve or reimprove any main trafficway, and provides that all costs authorized shall be paid by the City-at-Large from the general improvement fund, the general revenue fund, an internal improvement fund, or any other fund or funds available for such purpose, or by the issuance of general obligation bonds; 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 (ix) “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 governing body of 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 trafficway, pursuant to Ordinance No. 1282 adopted on September 19, 2017 and published September 27, 2017; and

WHEREAS, the City has found within the City it necessary to authorize the (i) repair and replacement of “B” Street (from Lincoln St. to Adams St.), (ii) repair and resurfacing of “D” Street (from Floral Drive to Prairie Pointe), and (iii) repair and replacement of Grand Avenue (from Ash Street to Hickory St.) (collectively, the “Project”); and to provide for payment of a portion of the cost thereof; and

WHEREAS, it is necessary pay the City’s share of the costs of the Project by issuing general obligation bonds of the City.

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

Section 1. Authorization of Project. The Project (as defined above) is authorized and directed to be completed pursuant to the Main Trafficway Act in accordance with certain estimates, plans and specifications before the governing body on this date.

Section 2. Payment of Project Costs. It is hereby further found and determined that the estimated cost of construction of the Project is \$2,400,000 of 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 total aggregate principal amount of \$2,400,000.

Section 4. Temporary Notes. It is hereby further authorized, ordered and directed that in the absence of otherwise available funds, in order to temporarily finance the estimated costs of the Improvements until the levying and collection of the special assessments and the issuance of the general obligation bonds as hereinbefore provided, there may be issued temporary improvement notes (the “Notes”), such notes to be issued from time to time upon subsequent resolution or resolutions 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 (not exceeding four years from the date of the notes and redeemable at any time prior to the stated maturity thereof). Such Notes shall be issued and provision shall be made therefor as funds are needed and required for the orderly construction of the Improvements; and the Mayor and City Clerk are hereby authorized, ordered and directed to prepare and execute each of such Notes in accordance with the terms of this Ordinance and the terms of the subsequent resolution or resolutions providing for same; and shall deliver the Notes to persons having claims against the City in connection with the Improvements, or may sell the Notes at private or public sale and apply the proceeds therefrom to the payment of the actual costs and expenses of the Improvements. 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 and K.S.A. 685 *et seq.*, inclusive, as amended and supplemented, and shall contain all other usual and required recitals and covenants and be in the form required therefor by said K.S.A. 10-123; and said Notes may be issued in combinations

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 5. Official Intent. This Ordinance supplements and amends Ordinance No. 1282 and Resolution No. 2017-09 of the City to the extent necessary to confirm and ratify the City's continuing intent and reasonable expectation to pay or otherwise reimburse its costs of the Project from the proceeds of the City's general obligation bonds, to include the Notes authorized herein.

Section 6. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval and publication hereof one time in the City's official newspaper.

ADOPTED AND APPROVED by the governing body of the City of Hillsboro, Kansas this 7th day of August, 2018.

CITY OF HILLSBORO, KANSAS

[seal]

/s/Louis Thurston
Louis Thurston, Mayor

ATTEST:

/s/Janice K. Meisinger
Janice K. Meisinger, City Clerk