

ORDINANCE NO. 8101

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,340,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2019-A, OF THE CITY OF LEAVENWORTH, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, AND CHARTER ORDINANCE NO. 56 OF THE CITY, ALL AS AMENDED.

WHEREAS, the Governing Body of the **City of Leavenworth, Kansas**, (the “City”) has, in accordance with the powers of home rule of all cities of the State of Kansas under Section 5 of Article 12 of the Constitution of the State of Kansas, passed and approved, by the vote of not less than two-thirds of the members-elect of the governing body of the City, Charter Ordinance No. 56 of the City, which charter ordinance was published once each week for two consecutive weeks in the official newspaper of the City with such charter ordinance taking effect, without protest, on the sixty-first (61st) day following the publication thereof; and

WHEREAS, Charter Ordinance No. 56 both exempted the City from the provisions of K.S.A. 13-1024a, which was applicable to the City but not uniformly applicable to all Kansas cities and therefor was, in accordance with the City’s powers of home rule, subject to the City’s authority to exempt itself from the whole or any part of said K.S.A. 13-1024a, and, in accordance with such power of home rule, provided substitute and additional provisions on the same subject as in both K.S.A. 13-1024a; and

WHEREAS, the City has, pursuant to Resolution No. B-2187 of the City adopted February 13, 2018, authorized the construction of certain general improvements in the total estimated amount of \$1,818,504 (the “2018 General Improvements”) to be made in the City under the authority of Charter Ordinance No. 56 of the City; and

WHEREAS, the City has, pursuant to Resolution No. B-2192 of the City adopted March 27, 2018, authorized the improvement of a portion of New Lawrence Road, from 20th Street Trafficway and continuing in a northeasterly direction a distance of 1,400 feet, by preparing, grading, constructing, and otherwise completing a new 31 foot wide, back of curb to back of curb, street with a road surface of 8” asphalt placed on 6” of AB-3 over geo-grid reinforcement material on compacted soil sub-grade together with storm drainage, concrete curb and gutter, entrances, and other necessary items at a maximum estimated cost of \$605,000 (the “New Lawrence Road Project”) under the authority of K.S.A. 12-685 et seq. (the 2018 General Improvements and New Lawrence Road Project are collectively referred to as the “2018 Improvements”); and

WHEREAS, the City has heretofore duly authorized, issued and delivered its \$3,460,000 Temporary Notes, Series A2018, dated June 28, 2018, (the “Series A2018 Notes”) pursuant to Resolution No. B-2201 (the “Series A2018 Note Resolution”) adopted June 12, 2018, in accordance with the requirements of K.S.A. 12-1736 et seq., K.S.A. 12-685 et seq. and Charter Ordinance No. 56 of the City in part to temporarily finance the costs of the 2018 Improvements, a portion of which Series A2018 Notes maturing on December 1, 2019, in the amount of \$1,360,000 will be redeemed and paid on July 1, 2019, from proceeds of the Bonds authorized herein and other legally available funds of the City; and

WHEREAS, other legally available funds of the City in the amount of \$188,108 will be used to redeem and pay a portion the City's Series A2018 Notes maturing on June 1, 2022, in the principal amount of \$185,000 together with accrued interest payable thereon on July 1, 2019, to pay a portion of the costs of the New Lawrence Road Project; and

WHEREAS, the Series A2018 Notes are subject to redemption and payment prior to maturity, in whole or in part, at any time on or after March 1, 2019, at the option of the City, at the redemption price of 100% of the principal amount thereof plus accrued interest thereon to the date of redemption; and

WHEREAS, all legal requirements pertaining to the 2018 General Improvements have been complied with and the total cost thereof, including bond issuance costs, is \$1,419,626.20 (the "Project Cost") to be financed with the proceeds of general obligation bonds of the City in the principal amount of \$1,340,000 with the balance of such Project Cost payable from bond premium; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Bonds, Series 2019-A, in the aggregate principal amount of One Million Three Hundred Forty Thousand Dollars (\$1,340,000) for the purpose of providing funds to permanently finance the costs of the 2018 General Improvements, including redeeming and paying a portion of the Series A2018 Notes in the principal amount of \$1,360,000 together with accrued interest payable thereon on July 1, 2019, and paying the costs of issuing the Bonds; and

WHEREAS, the City does hereby authorize the issuance and sale of the bonds to the best bidder.

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

Section 1. That for the purpose of providing funds to permanently finance the costs of the 2018 General Improvements, including redeeming and paying a portion of the Series A2018 Notes in the principal amount of \$1,360,000 together with accrued interest payable thereon on July 1, 2019, and paying the costs of issuing the Bonds, there is hereby authorized and directed to be issued General Obligation Bonds, Series 2019-A, of the City in the aggregate principal amount of One Million Three Hundred Forty Thousand Dollars (\$1,340,000) (the "Bonds") as provided by Charter Ordinance No. 56 of the City and Article 1 of Chapter 10, Kansas Statutes Annotated, all as amended. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution of the Governing Body of the City adopted the same date as the date of the passage and approval of this Ordinance (the "Resolution").

Section 2. That the Mayor and City Clerk are hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be registered as required by law and the Governing Body shall annually make provisions for the payment of the principal of, redemption premium, if any, and interest on the Bonds as the same shall become due by levying a tax upon all the taxable property of the City.

Section 3. That the City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the City

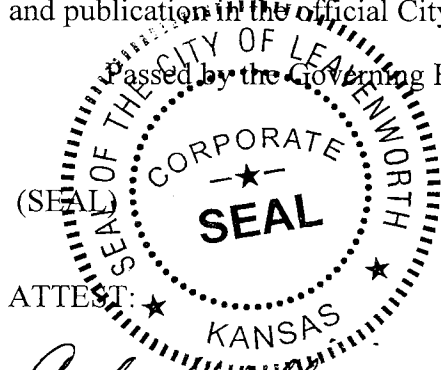
with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 4. That if any portion or provision of this Ordinance or the Bonds shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provisions shall not effect any of the remaining provisions of this Ordinance or the Bonds but this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

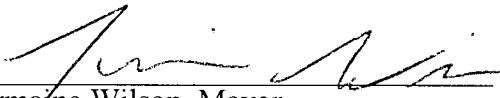
Section 5. That the Bonds shall be issued and sold to the purchaser thereof in accordance with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

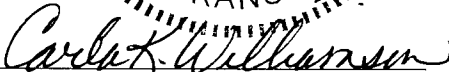
Section 6. That this Ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

Passed by the Governing Body and approved by the Mayor this 11th day of June, 2019.



CITY OF LEAVENWORTH, KANSAS


Jermaine Wilson, Mayor


Carla K. Williamson, City Clerk