

**ORDINANCE NO. 18-3363**

**AN ORDINANCE OF THE CITY OF ABILENE, KANSAS, AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF MAIN SEWER IMPROVEMENTS IN THE CITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.**

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**WHEREAS**, K.S.A. 12-618 provides, in part, that the governing body of any city having a population of less than 80,000 shall have power to provide for one or more systems of sewerage, or drainage, or both, for such city, or for any part thereof, with one or more main sewers or drains and sewer or drains outlets, and to build, construct or purchase pumping stations, sewers, sewer service lines and drains by districts or otherwise, as the governing body may determine; and

**WHEREAS**, K.S.A. 12-619 provides, in part, that if the estimated cost of the main sewer or drain of said system now or hereafter constructed shall be relatively large as compared with the estimated cost of the lateral sewers or drains tributary thereto, or if the said main sewer or drain shall be so located that it will or may receive the sewage or drainage from two or more districts, the governing body shall have power to pass an ordinance providing that the cost of such main sewer or drain below a certain designated point shall be borne by the city and paid in the manner provided in K.S.A. 12-624 for the payment of the cost of main sewers and drains now or hereafter constructed beyond the corporate limits of the city; provided, that the said ordinance shall state the point in the line of the main sewer or drain below which the provisions of this section shall apply, shall describe the proposed location of the said main sewer or drain from the said point to the outlet of the same or to the city limits, and shall state the manner of payment of the cost of the said main sewer or drain; and

**WHEREAS**, K.S.A. 12-624 provides, in part, that all costs and expenses occasioned by the acquisition of a right-of-way and by the construction of sewers and drains and disposal works beyond the corporate limits of said city shall be borne by the city as a whole and shall be paid out of the general revenue fund or by the issuance of improvement bonds of the city as the governing body may determine, that bonds to pay said costs may be issued in addition to the \$100,000 authorized by K.S.A. 12-621 for the construction of disposal works and that such additional bonds may be issued in addition to the limit of bonded indebtedness of such cities as defined by statutes; and

**WHEREAS**, the City of Abilene, Kansas (the "City") has a population of approximately 6,380; and

**WHEREAS**, the governing body of the City hereby finds and determines it to be necessary to construct main sewer improvements for the City under authority of K.S.A. 12-619; and

**WHEREAS**, said governing body hereby further finds and determines that the costs of constructing said main sewer improvements will be relatively large as compared to the estimated cost of possible future sewer lateral lines or drains tributary thereto, and that said main sewer improvements may receive in the future sewage or drainage from two or more districts, and that the costs of constructing said main sewer improvements should be chargeable to the city at large and paid by the issuance of general obligation bonds of the City in the manner provided by K.S.A. 12-624 for the costs of main sewer improvements and drains now or hereafter constructed beyond the corporate limits of the City; and

WHEREAS, said governing body hereby further finds and determines it to be necessary to authorize and provide for the construction of main sewer improvements in the City; and to make provision for the payment of the costs thereof by the issuance of general obligation bonds of the City.

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:**

**Section 1. Authorization of Improvements.** It is hereby authorized, ordered and directed that main sewer improvements in the City, including construction and installation of sanitary sewer main lines, laterals, manholes, and improvements related thereto (the "Improvements") be constructed as a part of the sewer system of the City, as provided by K.S.A. 12-618 *et seq.*, in accordance with the plans and specifications therefor, which have been prepared or approved by the City Engineer and placed on file in the office of the Clerk.

**Section 2. Designated Points.** The proposed location and costs of the Improvements located approximately along NW 8<sup>th</sup> Street between N. Van Buren Street and N. Washington Street shall be borne by the City at large, and shall be paid in the manner provided in K.S.A. 12-624, for the costs of main sewers and drains now or hereafter constructed beyond the corporate limits of the City.

**Section 3. Bond Authorization.** The estimated costs of the Improvements are \$277,490.51, including construction, installation, a portion of the construction contingency, survey, design, observation, right-of-way and easement acquisition, and improvements related thereto. The costs of the Improvements, interest on interim financing and associated financing costs shall be payable from the proceeds of general obligation bonds of the City issued under authority of K.S.A. 12-619 and K.S.A. 12-624 (the "Bonds").

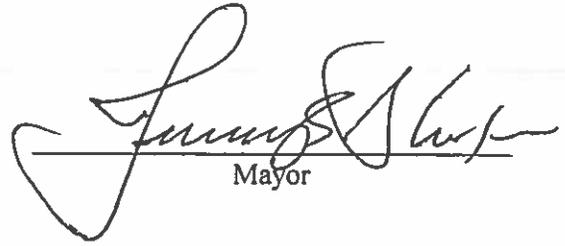
**Section 4. Reimbursement.** The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Ordinance, pursuant to Treasury Regulation § 1.150-2.

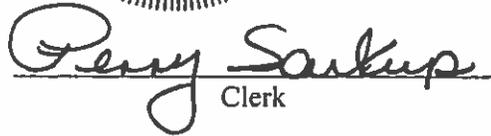
**Section 5. Effective Date.** This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper.

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PASSED by the governing body of the City on September 10, 2018 and APPROVED AND SIGNED by the Mayor.



  
Mayor

  
Clerk

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