Falcon Lakes

ORIGINAL

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ORDINANCE NO. 433

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $3,415,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2004, OF THE CITY OF BASEHOR, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, K.S.A. 10-427 ET SEQ., K.S.A. 12-6a01 ET SEQ., ALL AS AMENDED.

WHEREAS, the Governing Body of the **City of Basehor, Kansas**, (the "City") has constructed certain street, sidewalk, sanitary sewer and storm drainage improvements (the "Improvements") in the City under the authority of K.S.A. 12-6a01 et seq., as amended; and

WHEREAS, all legal requirements pertaining to the Improvements have been complied with and the total cost of making the Improvements has been ascertained to be $3,435,431.82 (the "Project Cost"); and

WHEREAS, $3,240,473.04 of the Project Cost has been assessed by the City against those lots and parcels of land specially benefited thereby, none of which was paid to the City by the owners of such property; and

WHEREAS, $215,431.82 of such Project Costs was paid from unexpended proceeds of temporary notes of the City to be redeemed and paid with the proceeds of the Bonds authorized herein leaving unpaid the balance of the Project Cost in the amount of $3,220,000.00 for which general obligation bonds of the City may be issued; and

WHEREAS, the City has heretofore duly authorized, issued and delivered its $256,592.37 principal amount of General Obligation Bonds, Series 1997A (Sewers), dated August 1, 1997, (the "Series 1997A Bonds") pursuant to its Ordinance and Resolution adopted August 7, 1997, in accordance with the requirements of K.S.A. 12-6a01 et seq., as amended (collectively the "Refunded Bond Ordinance"); and

WHEREAS, as of January 1, 2004, there remains outstanding of the Series 1997A Bonds the principal amount of $205,000 bearing interest payable semiannually on May 1 and November 1 each year and maturing serially on November 1, as follows:

SCANNED
1-12-07

YEAR	AMOUNT	INTEREST RATE
2004	$10,000	4.55%
2005	10,000	4.60
2006	10,000	4.65
2007	10,000	4.75
2008	15,000	4.80
2009	15,000	4.80
2010	15,000	4.85
2011	15,000	5.00
2012	15,000	5.05
2013	15,000	5.15
2014	15,000	5.20
2015	20,000	5.25
2016	20,000	5.30
2017	20,000	5.35

WHEREAS, pursuant to Section 203 of the Refunded Bond Ordinance, the State Treasurer of the State of Kansas, Topeka, Kansas, was designated as the City's Paying Agent and Bond Registrar for the payment of the principal of and interest on the Series 1997A Bonds; and

WHEREAS, pursuant to Section 301 of the Refunded Bond Ordinance, the Series 1997A Bonds maturing on November 1, 2008, and thereafter are subject to redemption and payment at the option of the City on November 1, 2007, or on any interest payment date thereafter at the principal amount thereof plus accrued interest to the date of redemption; and

WHEREAS, the City has determined and hereby determines that it is in the best interest of the City and the patrons and taxpayers thereof that the Series 1997A Bonds maturing on November 1, 2008, through and including November 1, 2017, (i.e., $165,000) (the "Refunded Bonds") be paid and redeemed as the same become subject to redemption and payment on November 1, 2007, and that general obligation refunding bonds be issued in the principal amount of $195,000 to be utilized together with other legally available and unencumbered funds of the City for such purpose and to pay interest on the Bonds through and including September 1, 2007; and

WHEREAS, pursuant to Section 301 of the Refunded Bond Ordinance, the City deems it necessary and advisable to call the Refunded Bonds maturing on and after November 1, 2008, for redemption and payment on November 1, 2007 (the "Redemption Date"); and

WHEREAS, such redemption and refunding would help the City achieve interest cost savings on its bonded indebtedness, provide a more orderly plan of financing for the City and result in a general restructuring of the debt service obligation of the City; and

WHEREAS, the proceeds derived from the sale of the general obligation refunding bonds herein authorized shall, subject to the provisions of an escrow trust agreement authorized herein, be placed in an escrow trust account to be established as herein authorized for the purpose of paying and redeeming the Refunded Bonds as to both principal and interest as the same become due, all as more particularly described herein; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and advisable to issue and sell its General Obligation Refunding and Improvement Bonds, Series 2004, in the aggregate principal amount of Three Million Four Hundred Fifteen Thousand Dollars ($3,415,000) for the purpose of (1) paying the cost of the Improvements, (2) refunding

the City's Refunded Bonds, (3) paying a portion of the interest on the Bonds through and including September 1, 2007, and (4) paying the costs of issuing the Bonds.

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

Section 1. That for the purpose of providing funds to (1) pay the cost of making the Improvements, (2) refunding the Refunded Bonds, (3) paying a portion of the interest on the Bonds through and including September 1, 2007, and (4) pay the cost of issuing the Bonds, there is hereby authorized and directed to be issued General Obligation Refunding and Improvement Bonds of the City in the aggregate principal amount of Three Million Four Hundred Fifteen Thousand Dollars ($3,415,000) (the "Bonds") as provided by K.S.A. 10-427 et seq., Article 1 of Chapter 10, Kansas Statutes Annotated, and K.S.A. 12-6a01 et seq., 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 12th day of January, 2004.

CITY OF BASEHOR, KANSAS

(SEAL)

Joseph Scherer, Mayor

ATTEST:

Mary A. Mogle, City Clerk

SEAL OF THE CITY OF BASEHOR, KANSAS
CORPORATE
SEAL