

ORDINANCE NO. 323

AN ORDINANCE AUTHORIZING THE CITY OF BASEHOR, KANSAS TO ENTER INTO A LOAN AGREEMENT WITH THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT, FOR THE PURPOSE OF OBTAINING A LOAN FROM THE STATE TO PAY A PORTION OF THE COSTS OF A WASTEWATER TREATMENT WORKS PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT AND THE LOAN EVIDENCED THEREBY.

WHEREAS, the City of Basehor, Kansas is a municipal corporation duly created and validly existing under the laws of the State of Kansas; and

WHEREAS, pursuant to the provisions of K.S.A. 65-3321 to 65-3329, inclusive, as amended (the "Act"), the City of Basehor, Kansas has submitted an application to the Secretary of the Kansas Department of Health and Environment ("KDHE"), to obtain a loan from the Kansas Water Pollution Control Revolving Fund established by the Act in order to provide funds to acquire, construct, improve, repair, rehabilitate or extend the City of Basehor, Kansas wastewater treatment system by rehabilitation of sanitary sewer collection system throughout the City, sewage treatment facility improvements and interceptor sewer improvements; and

WHEREAS, The City of Basehor, Kansas has taken all steps necessary and complied with all requirements of the Act and the provisions of K.A.R. 28-16-110 through 28-16-138 applicable thereto necessary to qualify for the hereinafter described Loan; and

WHEREAS, KDHE has approved a loan for the Project to the City of Basehor, Kansas in an amount not to exceed Three Million One Hundred Sixty Thousand, Five Hundred Fifty-one Dollars (\$3,160,551.00) State Revolving Loan; and

WHEREAS, the governing body of the City of Basehor, Kansas hereby finds and determines that it is necessary and desirable in connection with the Loan that the City of Basehor, Kansas enter into a Loan Agreement and certain other documents, and that the City of Basehor, Kansas take certain other actions, including the establishment of a dedicated source of revenues for repayment of the Loan, and approve the execution of certain other documents as herein provided;

SCANNED

1-18-07 *gt*

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS AS FOLLOWS:

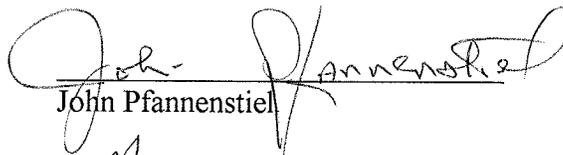
Section 1. Authorization and Approval of Loan Agreement. The governing body hereby approves, in substantially the form presented to and reviewed by it at this meeting, that Loan Agreement effective as of April 20, 1998 the State Revolving Loan, between KDHE, acting on behalf of the State of Kansas, and the City of Basehor, Kansas, pursuant to which KDHE will make the Loan to the City of Basehor, Kansas to provide funds to acquire, construct, improve, repair, rehabilitate or extend the Project, in consideration of Loan Repayments and Additional Repayments as set forth therein. The City of Basehor, Kansas is hereby authorized to enter into the Loan Agreement which such changes therein as shall be approved by the officers of the City of Basehor, Kansas executing such Loan Agreement, such officers' signatures thereon being conclusive evidence of their approval thereof.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Act, the City of Basehor, Kansas hereby establishes a dedicated source of revenue for repayment of the Loan. The City of Basehor, Kansas shall collect such rates, fees and charges for the use and services furnished by or through the City of Basehor's Wastewater Treatment System, including all improvements and additions thereto hereafter constructed or acquired by the City of Basehor, Kansas, or levy ad valorem taxes as will provide revenues sufficient to (i) pay the cost of the operation and maintenance of the Wastewater Treatment System, (ii) pay the principal of and interest on the Loan as and when the same become due, and (iii) pay all other amounts due at any time under this Loan Agreement. The City of Basehor, Kansas has pledged its full faith, credit and resources for the prompt payment of all amounts becoming due at any time under this Loan Agreement, and the Loan shall be a general obligation of the City of Basehor, Kansas payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the City of Basehor, Kansas.

Section 3. Further Authority. The City of Basehor, Kansas shall, and the officers, agents and employees of the City of Basehor, Kansas are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of the City of Basehor, Kansas with respect to the Loan Agreement.

Section 4. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City of Basehor, Kansas and published one time in the Basehor Sentinel newspaper.

Adopted by the governing body of the City of Basehor, Kansas and approved by the Mayor
this 20th day of April, 1998.



John Pfannenstiel

Mayor

Title

(seal)

ATTEST:



Mary A. Mogle

City Clerk

Title