

RESOLUTION NO. 2011-06

A RESOLUTION OF THE CITY OF BALDWIN CITY, KANSAS; AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF A CERTAIN MAIN TRAFFICWAY WITHIN THE CITY OF BALDWIN CITY, KANSAS; PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF; AND AMENDING AND SUPPLEMENTING BOND RESOLUTION NO. 09-07-07 OF THE CITY, ADDING A CERTAIN PROJECT TO THE IMPROVEMENTS DESCRIBED THEREIN AND AUTHORIZING THE USE OF BONDS ISSUED THEREUNDER TO FINANCE SUCH ADDITIONAL PROJECT.

WHEREAS, K.S.A. 12-687 provides that the governing body of any city shall have the power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 *et seq.*, and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, building any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts and drainage, trafficway illumination, traffic control devices, pedestrian ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

WHEREAS, K.S.A. 12-685 *et seq.* provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-685 *et seq.*, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the city at large and may be funded, among others, by the issuance of general improvement bonds; and

WHEREAS, the City Council (the "Governing Body") of the City of Baldwin City, Kansas (the "City" or the "Issuer"), has heretofore by Ordinance No. _____ of the City found and determined that a certain street within the City should be designated and established as a main trafficway as provided by and under the authority of K.S.A. 12-685 *et seq.*; and

WHEREAS, said Governing Body hereby further finds and determines that it is necessary to improve or reimprove said main trafficway (as defined below, the "Elm Street Project"), as provided by and under the authority of K.S.A. 12-685 *et seq.*, and to provide for the payment of the costs thereof as provided by and under the authority of K.S.A. 12-685 *et seq.*; and

WHEREAS, the Governing Body, pursuant to Resolution No. 09-07-07 (the "Bond Resolution"), issued General Obligation Bonds, Series 2007-A and General Obligation and Refunding Bonds, Series 2007-B, of the City (jointly, the "Series 2007 Bonds"), in part to finance the costs of certain culvert, street, bridge and land acquisition improvements (as defined in the Bond Resolution, the "Improvements"); and

WHEREAS, the Governing Body has completed the Improvements, but has not spent all of the proceeds of the Series 2007 Bonds and now finds that it is necessary and advisable to add the Elm Street Project to the description of the Improvements for which Series 2007 Bonds were issued and for which proceeds are available; and

WHEREAS, Section 1102 of the Bond Resolution provides that without notice to or the consent of any bond owners, the City may amend or supplement the Bond Resolution to more precisely identify the Improvements.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS:

Section 1. Project Authorization. It is hereby deemed and declared to be necessary to improve or reimprove Elm Street by improving the bridge and culvert located between 10th and 11th Streets (the "Elm Street Project"); and it is hereby authorized, ordered and directed that said main trafficway be improved or reimproved under the authority of the K.S.A. 12-685 *et seq.* Such improvements or reimprovements shall be made in accordance with plans and specifications therefor prepared or approved by the City Engineer.

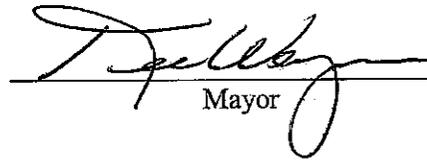
Section 2. Financing Authority. The estimated cost of the Elm Street Project is at least \$311,400, and the Governing Body authorizes the issuance of general obligation bonds of the City pursuant to K.S.A. 12-685 *et seq.* to pay the cost of the Elm Street Project. Said bonds may be used to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 3. Amendment of Improvement Description and Bond Resolution. The description and definition of Improvements, as set forth in the Bond Resolution, is hereby amended to include the Elm Street Project described herein. Elm Street Project costs are therefore authorized to be paid from the proceeds of the Series 2007 Bonds. This Resolution amends and supplements the Bond Resolution by more precisely identifying the Improvements, as prescribed in Section 1102 thereof, and, as amended and supplemented hereby, the Bond Resolution is ratified and confirmed.

Section 4. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Governing Body of the City.

ADOPTED by the Governing Body of the City of Baldwin City, Kansas, on May 2, 2011.





Mayor



Clerk