

ORDINANCE NO. 947

AN ORDINANCE OF THE CITY OF LANSING, KANSAS, AUTHORIZING AND PROVIDING FOR THE ALTERATION, REPAIR OR RECONSTRUCTION OF CERTAIN EXISTING SANITARY SEWERS IN THE CITY; AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF INTERCEPTOR SEWER IMPROVEMENTS IN THE CITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

WHEREAS, K.S.A. 12-631a, as amended (the "Act"), provides, in part, that whenever, in the opinion of the governing body of any city in the state of Kansas it shall become necessary to alter, repair or reconstruct any existing sewer which serves two or more sewer districts, where sewer districts may have been created, or which serves a substantial portion of the city, the governing body of such city may provide for the alteration, repair or reconstruction of any such sewer; or if any such sewer, after having been constructed for twenty years or more, is found to be inadequate, and in the opinion of the governing body the inadequacy of such sewer can be corrected at a lesser cost by the construction of another sewer in the same watershed, the governing body of such city may provide for the construction of a supplemental sewer; and

WHEREAS, in order to pay for the construction of sewers pursuant to the Act, the governing body of such city may, if in the opinion of the governing body the cost of such alteration, repair, construction or reconstruction should be borne by the city at large, pay the cost thereof out of the general fund of said city, and if the general fund is insufficient to pay such cost, or if the governing body deems it necessary, such governing body may issue general improvement bonds in the manner provided by law to pay such cost; and

WHEREAS, the governing body of the City of Lansing, Kansas (the "City") hereby finds and determines it to be necessary to authorize and provide for the alteration, repair or reconstruction of certain sewers as part of the 7-Mile Action Plan (the "Project"); and

WHEREAS, the Project reconstructs a sewer that was originally constructed 20 or more years ago that serves a substantial portion of the City and is inadequate at the present time; and

WHEREAS, there is not sufficient monies in the general fund of the City to pay the costs of the Project and the governing body deems it necessary and advisable to issue general obligation bonds of the City pursuant to the Act in order to pay the costs of the Project; and

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 has a population of approximately 11,642; and

WHEREAS, the governing body of the City hereby finds and determines it to be necessary to construct interceptor 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 interceptor 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 interceptor sewer improvements may receive in the future sewage or drainage from two or more districts, and that the costs of constructing said interceptor 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 interceptor 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 LANSING, KANSAS:

Section 1. Authorization of Sewer Reconstruction Project. It is hereby authorized, ordered and directed that the Project shall be constructed as a part of the sewer system of the City as provided by the Act 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. The Project consists of the following:

(City Project 13-07) consists of the installation of approximately 35 l.f. of 8-inch dia. Pipe, 337 l.f. of 12-inch dia. Pipe, 2,207 l.f. of 15-inch dia. Pipe, 1,543 l.f. of 18-inch dia. Pipe, 26 l.f. of 21-inch dia. Pipe, 6482 l.f. of 36" dia. Pipe, 57 l.f. of 54-inch dia. Pipe, 150 l.f. of 24-inch dia. Bored steel casing pipe, and 220 l.f. of 54-inch dia. Bored steel casing pipe and associated items of work; all within in the City limits.

The location of the Project is shown on the maps attached hereto as **"Phase I Improvements"** and **"Phase III Improvements"**.

Section 2. Authorization of Interceptor Improvements. It is hereby authorized, ordered and directed that interceptor sewer improvements in the City (the "Interceptor 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. The costs of the Interceptor Improvements shall be borne by the City at large.

The Interceptor Improvements consist of the following:

Installation of approximately 2,175 linear feet of 36" PVC sewer pipe, 10 manholes, and associated items of work; all within in the City limits.

The Interceptor Improvements shall begin at the existing wastewater treatment plant (located on Wolcott Road) and travel westward approximately 2,175 feet to a point approximately 500 feet south of the existing eastern terminus of Emile Street. The Interceptor Improvements are shown on the map attached hereto as "**Phase II Improvements**".

Section 3. Bond Authorization. The estimated costs of the Project and the Interceptor Improvements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies and administrative expenses is \$4,395,000. The costs of the Project and the Interceptor 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, K.S.A. 12-624 and K.S.A. 12-631a (the "Bonds").

Section 4. Reimbursement. The City expects to make expenditures on and after the date of this Ordinance, and intends to use the proceeds of any Bonds issued under the authority of this Ordinance to reimburse expenditures made on or after the date that is 60 days before the date of passage of this Ordinance pursuant to U.S. Treasury Regulation §1.150-2.

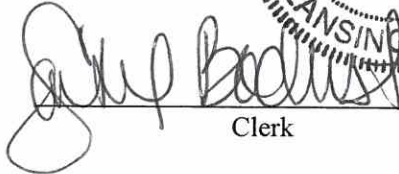
Section 5. Effective Date. This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper.

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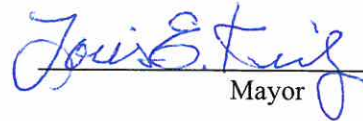
PASSED by the governing body of the City on July 16, 2015 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

ATTEST:


Clerk

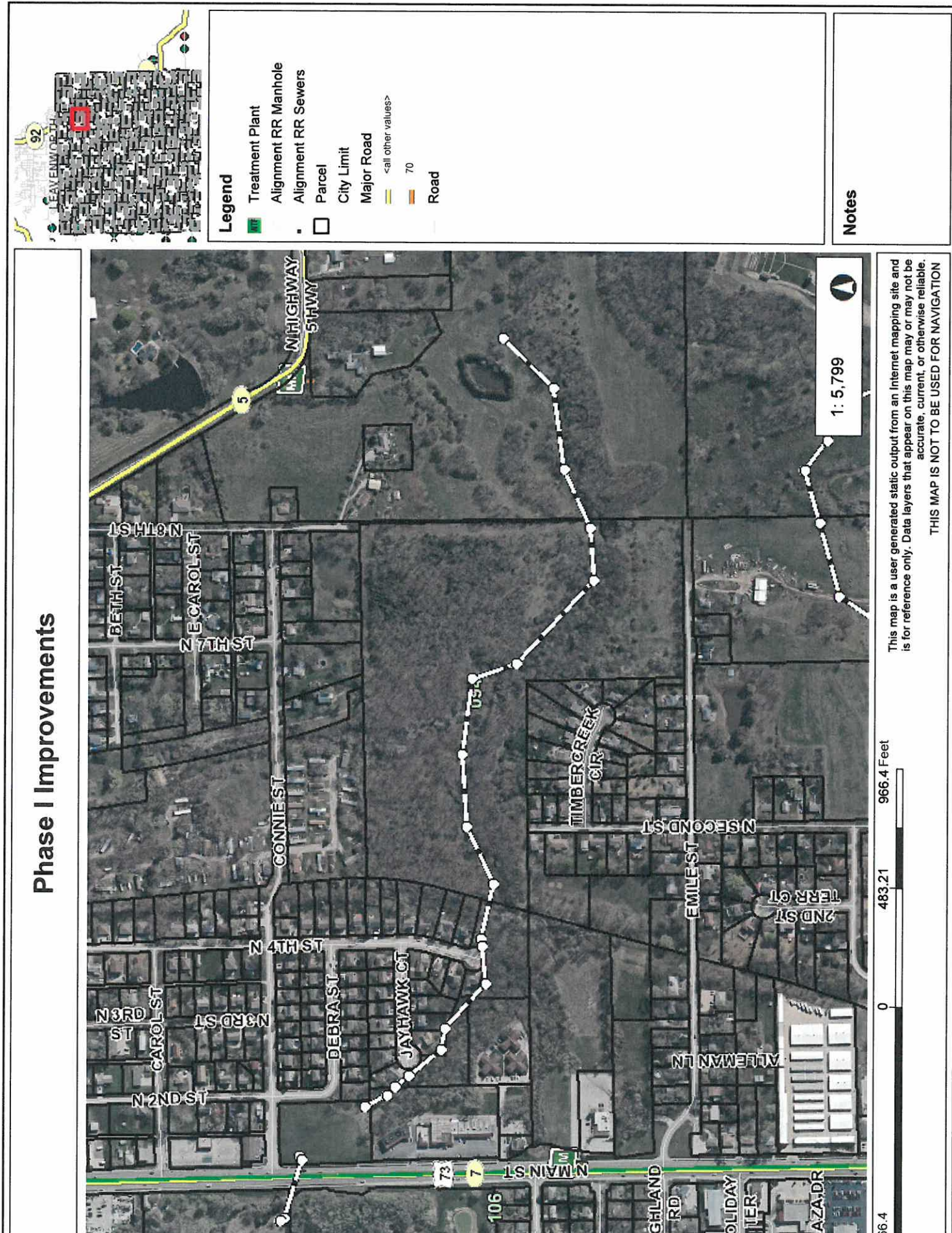



Mayor

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EXHIBITS TO ORDINANCE

[INSERT MAPS FROM PHASES I-III OF 7 MILE CREEK PROJECT]



Phase I Improvements

Legend

- Treatment Plant
- Alignment RR Manhole
- Alignment RR Sewers
- Parcel
- City Limit
- Major Road
- Road

Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Scale: 1: 5,799

Scale bar: 0, 483.21, 966.4 Feet

Phase I Improvements

Legend

- Treatment Plant
- Alignment RR Manhole
- Alignment RR Sewers
- Parcel
- City Limit
- Major Road
- Road

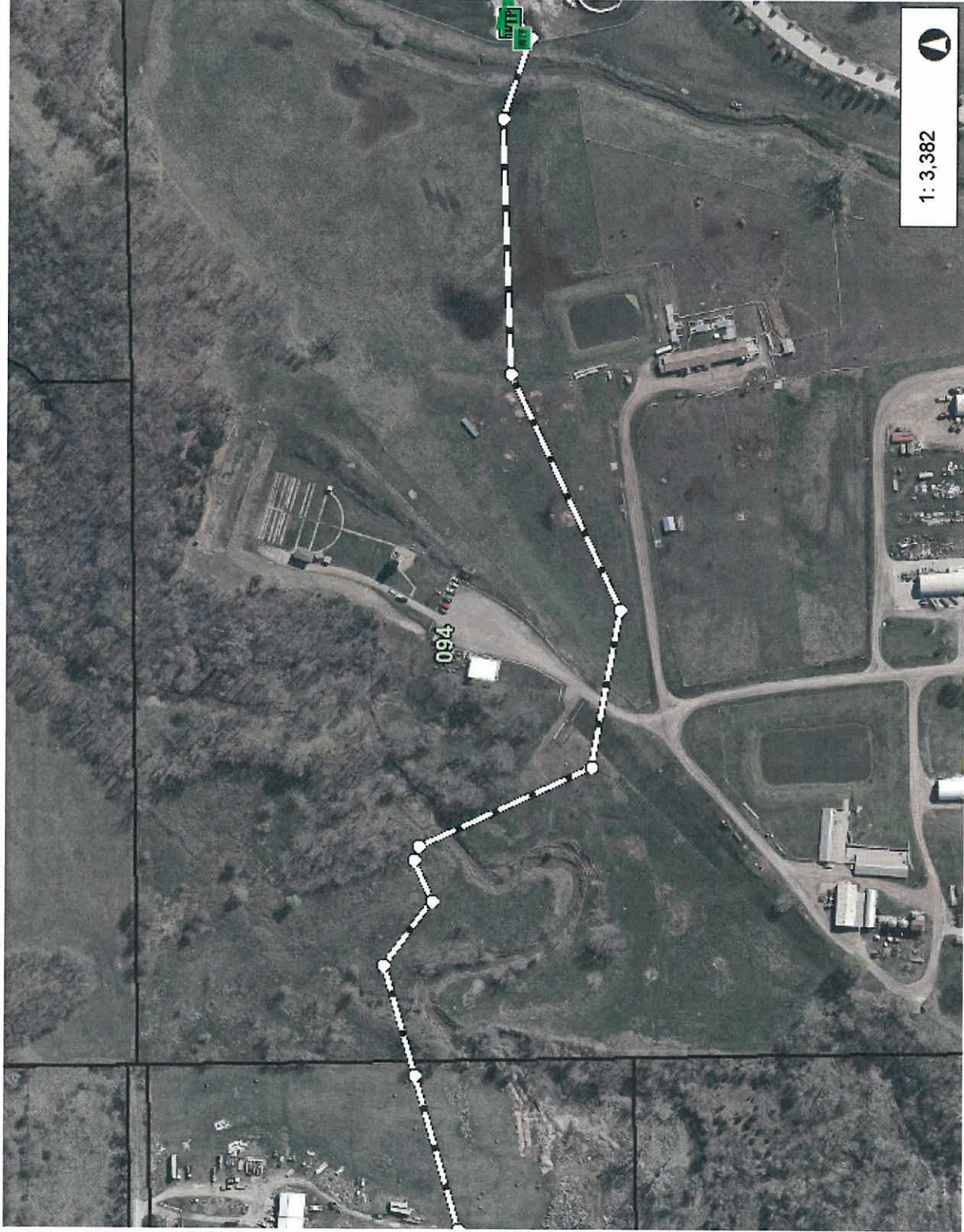
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Scale: 1: 5,799

Scale bar: 0, 483.21, 966.4 Feet

Phase II Improvements



Legend

- Treatment Plant
- Alignment RR Manhole
- Alignment RR Sewers
- Parcel
- City Limit
- Major Road
- <all other values>
- 70
- Road

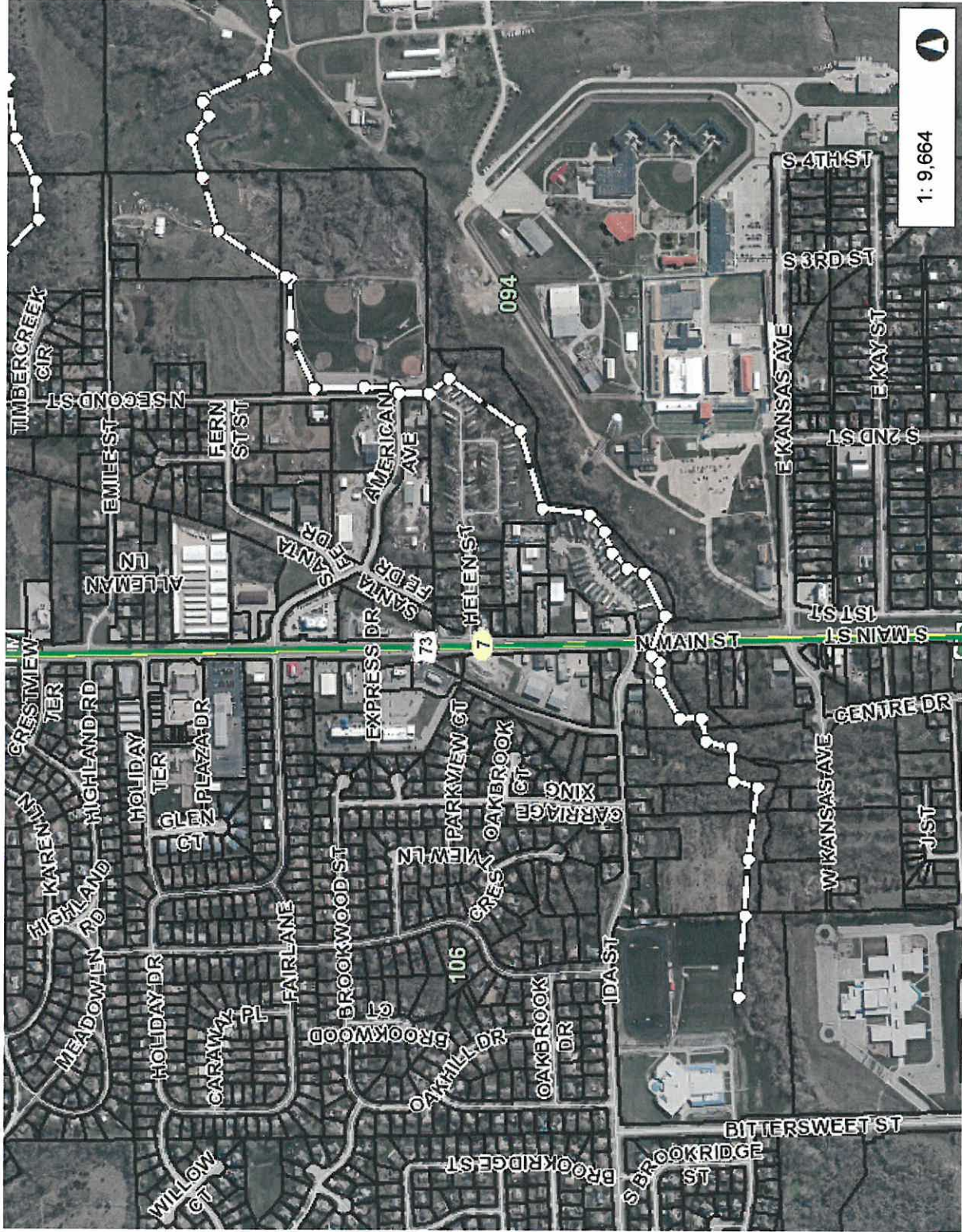
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563.7 0 281.87 563.7 Feet

Phase III Improvements



Notes

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July 21, 2015

(Published in *The Leavenworth Times* on ~~July 16, 2015~~)

SUMMARY OF ORDINANCE NO. 947

On July 16, 2015, the governing body of the City of Lansing, Kansas passed an ordinance entitled:

AN ORDINANCE OF THE CITY OF LANSING, KANSAS, AUTHORIZING AND PROVIDING FOR THE ALTERATION, REPAIR OR RECONSTRUCTION OF CERTAIN EXISTING SANITARY SEWERS IN THE CITY; AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF INTERCEPTOR SEWER IMPROVEMENTS IN THE CITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

The Ordinance authorizes the construction of sewer improvements in the City and financing the costs thereof by the issuance of general obligation bonds of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 800 First Terrace, Lansing, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.lansing.ks.us.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: _____, 20__.

City Attorney