

(Published in the Osage County Herald-Chronicle on May 10, 2012.)

ORDINANCE NO. 2184

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$160,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2012A, OF THE CITY OF BURLINGAME, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125, INCLUSIVE, AND K.S.A. 12-1736 ET SEQ., ALL AS AMENDED.

WHEREAS, the Governing Body of the **City of Burlingame, Kansas**, (the "City") has, pursuant to its Resolution No. 356 adopted and approved April 16, 2012, authorized the repair and replacement of the roofs of City Hall and the Public Library, both public buildings of the City (the "Improvements") under the authority of K.S.A. 12-1736 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 \$160,000 (the "Project Cost") for which general obligation bonds of the City may be issued; and

WHEREAS, the City deems it necessary and advisable to issue its general obligation bonds in the aggregate principal amount of One Hundred Sixty Thousand Dollars (\$160,000) for the purpose of paying the Project Costs; and

WHEREAS, the City has, in accordance with K.S.A. 10-106, as amended, published it's Notice of Intent to Seek Private Placement (the "Notice") of the Bonds; and

WHEREAS, the City does, in accordance with the Notice, hereby authorize the issuance and sale of the Bonds to the Flint Hills Bank of Eskridge, Osage City, Kansas, a commercial banking institution chartered by the State of Kansas, as a limited placement with a financially sophisticated person purchasing the Bonds to hold for investment purposes with no intent to resell the same to other persons.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BURLINGAME, OSAGE COUNTY, KANSAS:

Section 1. That for the purpose of providing funds to pay the cost of making the Improvements hereinbefore described, there is hereby authorized and directed to be issued General Obligation Bonds of the City in the aggregate principal amount of One Hundred Sixty Thousand Dollars (\$160,000) (the "Bonds") as provided by K.S.A. 12-1736 et seq. and Article 1 of Chapter 10, Kansas Statutes Annotated, 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 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 7th day of May, 2012.

CITY OF BURLINGAME, KANSAS

Raymond Hovestadt, Mayor

ATTEST:

Patti Gilbert, City Clerk

(SEAL)