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(Published in the Osage County Herald-Chronicle on Sept. 15th, 2011)

ORDINANCE NO. 2173

AN ORDINANCE APPROVING COST ESTIMATES AND AUTHORIZING THE PROPOSED PHASE 2 IMPROVEMENTS TO THE MUNICIPALLY OWNED SEWERAGE SYSTEM OF THE CITY OF BURLINGAME, OSAGE COUNTY, KANSAS, BY MAKING CERTAIN IMPROVEMENTS TO THE CITY'S SEWER SYSTEM AND DOING ALL OTHER THINGS NECESSARY AND INCIDENTAL THERETO, AUTHORIZING THE CITY TO ISSUE AND SELL THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE PART OF THE COSTS THEREOF, PURSUANT TO K.S.A. 12-618 AND ALL AMENDMENTS THERETO.

WHEREAS, the City of Burlingame, Osage County, Kansas, (the "City") is a municipality as defined by K.S.A. 10-101 and K.S.A. 12-618 et seq., and all amendments thereto, and

WHEREAS, the City is authorized by the laws of the State of Kansas to issue and sell General Obligation Bonds of the City to finance costs incurred by the City for the improvement of its sewer system pursuant to K.S.A. 12-618 et seq., and all amendments thereto (the "Act"), and

WHEREAS, the Governing Body of the City has not divided the City into more than one sewer district, and as such the City constitutes one sewer district, and therefore the City is exempt from the provisions of the Act in so far as providing for the levying of a tax or assessment against specific lots and pieces of property in separate sewer districts of the City, and

WHEREAS, it is deemed by the Governing Body of the City to be necessary and advisable that the City improve its sanitary sewerage system by repairing and/or removing and replacing gravity-flow sewer collection lines and manholes through-out the City and doing all other things necessary and incidental thereto (the "Phase 2 Project"), and

WHEREAS, the preliminary plans, specifications and estimates for the Phase 2 Project have been duly prepared and filed in the office of the City Clerk of said City, which estimates shows a total cost of the Phase 2 Project to be Two Million Seven Hundred Thousand Dollars (\$2,700,000), and

WHEREAS, it is found by the Governing Body that such project will not cause a duplication of existing utility services furnished by a private utility, and

WHEREAS, the total estimated cost of the Phase 2 Project is to be paid in part from the proceeds of a \$500,000 Community Development Block Grant to the City, the proceeds of a \$550,000 USDA Rural Development Grant to the City with the balance to be paid from the proceeds of general obligation bonds to be issued by the City and sold to USDA Rural Development, all pursuant to the Act.

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

Section 1. That the estimates of costs of the Phase 2 Project, which estimates are now on file in the office of the City Clerk of said City, in the total estimated amount of \$2,700,000 be and the same are hereby approved.

Section 2. That it is necessary and desirable that the Phase 2 Project be completed and that general obligation bonds and temporary notes as required of the City to be issued and sold pursuant to the Act, in an amount not to exceed \$1,650,000 to pay part of the costs of the Phase 2 Project with the balance of the costs to be paid from proceeds of a \$500,000 Community Development Block Grant to the City and a \$550,000 USDA Rural Development Grant to the City.

Section 3. The City both reasonably expects and intends to finance \$1,650,000 of the costs of the Phase 2 Project from the proceeds of general obligation bonds of the City. The City does hereby express its official intent to reimburse any such capital expenditures made or obligations incurred by it on or after the date which is 60 days before the date of this Resolution from the proceeds of such bonds in the estimated maximum principal amount of \$1,650,000. The City will issue such bonds for such purposes and make the reimbursements within eighteen (18) months after the date the expenditure to be reimbursed was paid or, if later, eighteen (18) months after the date on which the property resulting from the expenditure was placed in service. Provided, that, in any event, the City must make the reimbursement allocation within three (3) years after the date the expenditure was paid. That this ordinance as the expression of the governing body's official intent regarding the matters described herein will be available from public inspection in the City Clerk's Office at City hall during regular business hours of the City.

Section 4. That this ordinance shall take effect and be in force from and after its adoption and publication in the official City newspaper.

Passed by the Governing Body and approved by the Mayor this 6th day of September, 2011.

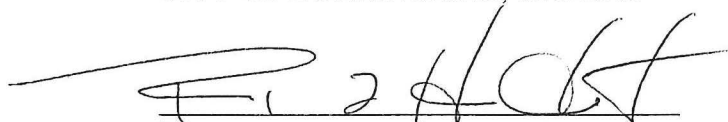
(SEAL)

ATTEST:



City Clerk

CITY OF BURLINGAME, KANSAS



Mayor

(Published in the Osage County Herald-Chronicle on 9-15, 2011) 190411 1

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WHEREAS, the City of Burlingame, Osage County, Kansas, (the "City") is a municipality as defined by K.S.A. 10-101 and K.S.A. 12-618 et seq., and all amendments thereto, and

WHEREAS, the City is authorized by the laws of the State of Kansas to issue and sell General Obligation Bonds of the City to finance costs incurred by the City for the improvement of its sewer system pursuant to K.S.A. 12-618 et seq., and all amendments thereto (the "Act"), and

WHEREAS, the Governing Body of the City has not divided the City into more than one sewer district, and as such the City constitutes one sewer district, and therefore the City is exempt from the provisions of the Act in so far as providing for the levying of a tax or assessment against specific lots and pieces of property in separate sewer districts of the City, and

WHEREAS, it is deemed by the Governing Body of the City to be necessary and advisable that the City improve its sanitary sewerage system by repairing and/or removing and replacing gravity-flow sewer collection lines and manholes through-out the City and doing all other things necessary and incidental thereto (the "Phase 2 Project"), and

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WHEREAS, it is found by the Governing Body that such project will not cause a duplication of existing utility services furnished by a private utility, and

WHEREAS, the total estimated cost of the Phase 2 Project is to be paid in part from the proceeds of a \$500,000 Community Development Block Grant to the City, the proceeds of a \$550,000 USDA Rural Development Grant to the City with the balance to be paid from the proceeds of general obligation bonds to be issued by the City and sold to USDA Rural Development, all pursuant to the Act.

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

Section 1. That the estimates of costs of the Phase 2 Project, which estimates are now on file in the office of the City Clerk of said City, in the total estimated amount of \$2,700,000 be and the same are hereby approved.

Section 2. That it is necessary and desirable that the Phase 2 Project be completed and that general obligation bonds and temporary notes as required of the City to be issued and sold pursuant to the Act, in an amount not to exceed \$1,650,000 to pay part of the costs of the Phase 2 Project with the balance of the costs to be paid from proceeds of a \$500,000 Community Development Block Grant to the City and a \$550,000 USDA Rural Development Grant to the City.

Section 3. The City both reasonably expects and intends to finance \$1,650,000 of the costs of the Phase 2 Project from the proceeds of general obligation bonds of the City. The City does hereby express its official intent to reimburse any such capital expenditures made or obligations incurred by it on or after the date which is 60 days before the date of this Resolution from the proceeds of such bonds in the estimated maximum principal amount of \$1,650,000. The City will issue such bonds for such purposes and make the reimbursements within eighteen (18) months after the date the expenditure to be reimbursed was paid or, if later, eighteen (18) months after the date on which the property resulting from the expenditure was placed in service. Provided, that, in any event, the City must make the reimbursement allocation within three (3) years after the date the expenditure was paid. That this ordinance as the expression of the governing body's official intent regarding the matters described herein will be available from public inspection in the City Clerk's Office at City hall during regular business hours of the City.

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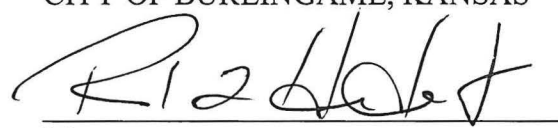
Passed by the Governing Body and approved by the Mayor this 6th day of September, 2011.

(SEAL)

ATTEST:



City Clerk

CITY OF BURLINGAME, KANSAS


Mayor

AFFIDAVIT OF PUBLICATION

THE STATE OF KANSAS,
OSAGE COUNTY } SS.

EXHIBIT "A"

(Published In The Osage County
Herald-Chronicle Thursday, Sept.
15, 2011.)

ORDINANCE NO. 2173

AN ORDINANCE APPROVING
COST ESTIMATES AND AUTHO-
RIZING THE PROPOSED PHASE
2 IMPROVEMENTS TO THE
MUNICIPALLY OWNED SEWER-
AGE SYSTEM OF THE CITY OF
BURLINGAME, OSAGE COUNTY,
KANSAS, BY MAKING CERTAIN
IMPROVEMENTS TO THE CITY'S
SEWER SYSTEM AND DOING
ALL OTHER THINGS NECESSARY
AND INCIDENTAL THERETO, AU-
THORIZING THE CITY TO ISSUE
AND SELL THE CITY'S GEN-
ERAL OBLIGATION BONDS TO
FINANCE PART OF THE COSTS
THEREOF, PURSUANT TO K.S.A.
12-618 AND ALL AMENDMENTS
THERE TO.

WHEREAS, the City of Burlingame,
Osage County, Kansas, (the "City")
is a municipality as defined by
K.S.A. 10-101 and K.S.A. 12-618 et
seq., and all amendments thereto,
and

WHEREAS, the City is authorized
by the laws of the State of Kansas
to issue and sell General Obligation
Bonds of the City to finance costs
incurred by the City for the improve-
ment of its sewer system pursuant
to K.S.A. 12-618 et seq., and all
amendments thereto (the "Act"), and

WHEREAS, the Governing Body
of the City has not divided the City
into more than one sewer district,
and as such the City constitutes
one sewer district, and therefore the
City is exempt from the provisions
of the Act in so far as providing for
the levying of a tax or assessment
against specific lots and pieces of
property in separate sewer districts
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WHEREAS, it is deemed by the
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City improve its sanitary sewer-
age system by repairing and/or
removing and replacing gravity-flow
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al thereto (the "Phase 2 Project"), and

WHEREAS, the preliminary plans,
specifications and estimates for the
Phase 2 Project have been duly
prepared and filed in the office of
the City Clerk of said City, which
estimates shows a total cost of the
Phase 2 Project to be Two Million
Seven Hundred Thousand Dollars
(\$2,700,000), and

WHEREAS, it is found by the Gov-
erning Body that such project will
not cause a duplication of existing
utility services furnished by a private
utility, and

proceeds of a \$550,000 USDA
Rural Development Grant to the City
with the balance to be paid from
the proceeds of general obligation
bonds to be issued by the City and
sold to USDA Rural Development,
all pursuant to the Act.

NOW, THEREFORE, BE IT OR-
DAINED BY THE GOVERNING
BODY OF THE CITY OF BURLIN-
GAME, KANSAS:

Section 1. That the estimates of
costs of the Phase 2 Project, which
estimates are now on file in the
office of the City Clerk of said City,
in the total estimated amount of
\$2,700,000 be and the same are
hereby approved.

Section 2. That it is necessary and
desirable that the Phase 2 Project
be completed and that general ob-
ligation bonds and temporary notes
as required of the City to be issued
and sold pursuant to the Act, in an
amount not to exceed \$1,650,000
to pay part of the costs of the Phase
2 Project with the balance of the
costs to be paid from proceeds of
a \$500,000 Community Develop-
ment Block Grant to the City and a
\$550,000 USDA Rural Development
Grant to the City.

Section 3. The City both reason-
ably expects and intends to finance
\$1,650,000 of the costs of the
Phase 2 Project from the proceeds
of general obligation bonds of the
City. The City does hereby express
its official intent to reimburse any
such capital expenditures made or
obligations incurred by it on or after
the date which is 60 days before
the date of this Resolution from the
proceeds of such bonds in the esti-
mated maximum principal amount
of \$1,650,000. The City will issue
such bonds for such purposes and
make the reimbursements within
eighteen (18) months after the date
the expenditure to be reimbursed
was paid or, if later, eighteen (18)
months after the date on which
the property resulting from the
expenditure was placed in service.
Provided, that, in any event, the
City must make the reimbursement
allocation within three (3) years after
the date the expenditure was paid.
That this ordinance as the expres-
sion of the governing body's official
intent regarding the matters de-
scribed herein will be available from
public inspection in the City Clerk's
Office at City hall during regular
business hours of the City.

Section 4. That this ordinance shall
take effect and be in force from and
after its adoption and publication in
the official City newspaper.

Passed by the Governing Body and
approved by the Mayor this 6th day
of September, 2011.

CITY OF BURLINGAME, KANSAS
(SEAL)

/s/ Ray Hovestadt
Ray Hovestadt
Mayor

Catherine Faimon, being first duly sworn, Deposes and says "That she is The
Publisher of

**The Osage County
Herald-Chronicle**

a weekly newspaper printed in the State of Kansas, and published in and
of general circulation in Osage County, Kansas, with a general paid
circulation in Osage County, Kansas, and that said newspaper is not a
trade, religious or fraternal publication.

Said newspaper is published weekly at least 50 times a year and has
been admitted at the post office of Osage City, Kansas, in said County as
second class matter.

That the attached notice is a true copy thereof and was published in the
regular and entire issue of said newspaper for 1 consecutive
week(s). The first publication thereof being made as aforesaid on the day
of Sept 15, 2011, with subsequent publications made on
the following dates:

_____, 20 _____, 20
_____, 20 _____, 20
_____, 20 _____, 20
Catherine Faimon
Catherine Faimon

Subscribed and sworn to before me this 5 day of Jan.
2012

Rosanne Blackie
Notary Public

My commission expires: 2-4-13
Printer's Fee \$ _____
Additional Copies \$ _____

ROSANNE BLACKIE
Notary Public, State of
My Appl. Expires 2-4-13

Affidavit and proof of publication examined, approved and filed this ____ of
20 ____

District Magistrate Judge