

ORDINANCE NO. 2176

AN ORDINANCE APPROVING COST ESTIMATES OF THE PROPOSED IMPROVEMENTS TO THE MUNICIPALLY OWNED ELECTRICAL PLANT AND DISTRIBUTION SYSTEM OF THE CITY OF BURLINGAME, OSAGE COUNTY, KANSAS, BY CONSTRUCTING CERTAIN IMPROVEMENTS TO THE SYSTEM AND DOING ALL OTHER THINGS NECESSARY AND INCIDENTAL THERETO, AND AUTHORIZING THE PUBLICATION OF THE NOTICE OF INTENTION OF THE GOVERNING BODY OF THE CITY OF BURLINGAME, KANSAS, TO MAKE SUCH IMPROVEMENTS AND TO ISSUE AND SELL REVENUE BONDS OF SAID CITY TO PAY PART OF THE COST THEREOF.

WHEREAS, the City of Burlingame, Osage County, Kansas, (the "City") is a municipality as defined by K.S.A. 10-101 and 10-1201 et seq. and all amendments thereto; and

WHEREAS, the City is authorized by the laws of the State of Kansas to issue and sell Revenue Bonds of the City for the improvement of its electrical plant and distribution system pursuant to K.S.A. 10-1201 et seq. and all amendments thereto; and

WHEREAS, it is deemed by the Governing Body of the City to be necessary and advisable that the City improve its electrical plant and distribution system by constructing certain improvements to the system and doing all things necessary and incidental thereto (the "Project") and that the preliminary plans, specifications and cost estimates for the Project heretofore duly prepared and filed in the office of the City Clerk of said City, which estimates show a total cost of the Project to be approximately One Million, Forty-one Thousand Dollars (\$1,041,000.00), be approved; and

WHEREAS, it is found by the Governing Body that the Project will not cause a duplication of existing utility service furnished by a private utility; and

WHEREAS, the Governing Body of the City has heretofore applied for a Community Development Block Grant in the amount of Four Hundred Thousand Dollars (\$400,000) to pay part of the cost of the Project; and

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

Section 1. That the estimates of costs of the Project, which estimates are now on file in the office of the City Clerk of said City, be and the same are hereby approved.

Section 2. That notice be given by the Governing Body of the City of its intention to improve its electrical plant and distribution system in accordance with the plans, specifications and cost estimates therefore and to sell revenue bonds of the City in an amount not exceeding \$641,000 to pay part of the estimated \$1,041,000 cost thereof with the balance of such costs (i.e., \$400,000) to be paid from the proceeds of a Community Development Block Grant to the City. Such notice shall be signed by the Mayor and attested by the City Clerk and shall be published in the official City newspaper. Such notice shall describe the nature of the proposed improvements and shall state the amount of revenue bonds proposed to be issued for the payment of the cost of the project and otherwise, the notice shall be in the form as provided by law.

Section 3. That unless written protests against such proposed improvements signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen days after publication of the notice herein authorized the City both reasonably expects and intends to finance the costs as hereinbefore described from the proceeds of its revenue bonds payable from the rates, fees and charges of its electrical plant and distribution system. The City does hereby express its official intent to reimburse any expenditures made or obligations incurred by it subsequent to the date of this ordinance from the proceeds of its revenue bonds as aforesaid in the maximum principal amount previously described. This ordinance, as the expression of the governing body's official intent regarding the matters described herein, will be available, for public inspection in the City Clerk's office at City Hall during regular business hours of the City.

(Published in the Topeka Capital-Journal
on Wednesday, October 5, 2011)



AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, SHAWNEE COUNTY,

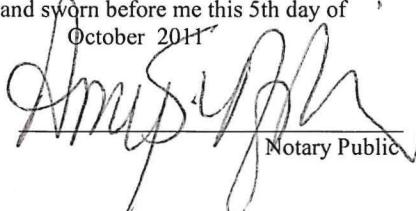
Linda Girardin, being first duly sworn, deposes and says: That She is the Legal Clerk of the TOPEKA CAPITAL-JOURNAL, a daily newspaper printed in the State of Kansas, and published in and of general circulation in SHAWNEE County, Kansas, with a general paid circulation on a monthly basis in SHAWNEE County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Topeka in said County as second class matter.

That the attached notice is a true copy thereof and was published the regular and entire issues of said newspaper for one consecutive day, the first publication thereof being made as aforesaid on the 5th day of October 2011 with subsequent publications being made on the following dates:



Subscribed and sworn before me this 5th day of
October 2011



Notary Public

My commission expires: _____
Printer's Fee\$ _____
Additional Copies: \$ _____



ORDINANCE NO. 2176
**AN ORDINANCE APPROVING COST ESTIMATES
OF THE PROPOSED IMPROVEMENTS TO THE
MUNICIPALLY OWNED ELECTRICAL PLANT
AND DISTRIBUTION SYSTEM OF THE CITY
OF BURLINGAME, OSAGE COUNTY, KANSAS,
BY CONSTRUCTING CERTAIN IMPROVEMENTS
TO THE SYSTEM AND DOING ALL
OTHER THINGS NECESSARY AND INCIDENTAL
THERETO, AND AUTHORIZING THE
PUBLICATION OF THE NOTICE OF
INTENTION OF THE GOVERNING BODY OF
THE CITY OF BURLINGAME, KANSAS, TO
MAKE SUCH IMPROVEMENTS AND TO ISSUE
AND SELL REVENUE BONDS OF SAID CITY
TO PAY PART OF THE COST THEREOF.**

WHEREAS, the City of Burlingame, Osage County, Kansas, ("the City") is a municipality as defined by K.S.A. 10-101 and 10-1201 et seq. and all amendments thereto; and

WHEREAS, the City is authorized by the laws of the State of Kansas to issue and sell Revenue Bonds of the City for the improvement of its electrical plant and distribution system pursuant to K.S.A. 10-1201 et seq. and all amendments thereto; and

WHEREAS, it is deemed by the Governing Body of the City to be necessary and advisable that the City improve its electrical plant and distribution system by constructing certain improvements to the system and doing all things necessary and incidental thereto (the "Project") and that the preliminary plans, specifications and cost estimates for the Project heretofore duly prepared and filed in the office of the City Clerk of said City, which estimates show a total cost of the Project to be approximately One Million, Forty-one Thousand Dollars (\$1,041,000.00), be approved; and

WHEREAS, it is found by the Governing Body that the Project will not cause a duplication of existing utility service furnished by a private utility; and

WHEREAS, the Governing Body of the City has heretofore applied for a Community Development Block Grant in the amount of Four Hundred Thousand Dollars (\$400,000) to pay part of the cost of the Project; and

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

Section 1. That the estimates of costs of the Project, which estimates are now on file in the office of the City Clerk of said City, be and the same are hereby approved.

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Section 3. That unless written protests against such proposed improvements signed by not less than twenty percent (20%) of the qualified electors of the City are filed with the City Clerk within fifteen days after publication of the notice herein authorized the City both reasonably expects and intends to finance the costs as hereinbefore described from the proceeds of its revenue bonds payable from the rates, fees and charges of its electrical plant and distribution system. The City does hereby express its official intent to reimburse any expenditures made or obligations incurred by it subsequent to the date of this ordinance from the proceeds of its revenue bonds as aforesaid in the maximum principal amount previously described. This ordinance, as the expression of the governing body's official intent regarding the matters described herein, will be available, for 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 by the governing body of the City by at least a two-thirds vote of the members thereof and publication in the official City newspaper.

PASSED by the Governing body and approved by the Mayor this 3rd day of October, 2011.

CITY OF BURLINGAME, KANSAS

Ray Hovestadt
Mayor

(SEAL)

ATTEST:

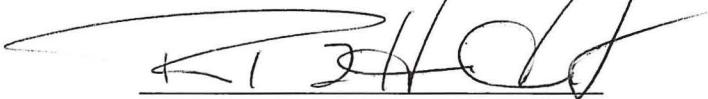
Patti Gilbert

City Clerk

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CITY OF BURLINGAME, KANSAS



Mayor

(SEAL)

ATTEST:

Patti Gilbert

City Clerk

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ORDAINED BY THE GOVERNING
BODY OF THE CITY OF BURLIN-
GAME, KANSAS:

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CITY OF BURLINGAME,
KANSAS

/s/ Ray Hovestadt
Ray Hovestadt
Mayor

ATTEST:
/s/ Patti Gilbert
Patti Gilbert
City Clerk

(SEAL)

AFFIDAVIT OF PUBLICATION — The Osage County Herald-Chronicle, Osage City, Kansas. STATE OF KANSAS, OSAGE COUNTY, ss.

(Published in The Osage County Herald-Chronicle, Thursday, Oct. 6, 2011.)

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WHEREAS, the Governing Body of the City has heretofore applied for a Community Development Block Grant in the amount of Four Hundred Thousand Dollars (\$400,000) to pay part of the cost of the Project; and

Catherine R. Fairmon

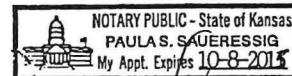
of lawful age, being first duly sworn, deposeth and says that she is the publisher of the Osage County Herald-Chronicle, a biweekly newspaper published in the city of Osage City, County of Osage, State of Kansas, and of general circulation in said county, and that said newspaper has been continuously and uninterruptedly published in said county, at least 50 times each year during the period of more than five years immediately prior to the first publication of the notice hereinafter mentioned, and has been duly admitted to the mails as Second Class matter in Osage County, Kansas, and that notice of which a true copy is hereto attached, was published in the regular and entire issue of the

Osage County Herald-Chronicle
number of said paper for 1
consecutive weeks; the first publication being made as aforesaid on 10-6-2011

and affiant further says she has personal knowledge of the statements have set forth and that they are true.

Catherine R. Fairmon

Subscribed and sworn to before me this
11th day of October 2011



Printers fees \$ 160.60
Affidavit \$ _____
Total \$ _____

TION — The Osage County Herald-Chronicle, Osage City, Kansas

_____, 20 _____

Judge - Clerk of the District Court