

(Published in the *Butler County Times-Gazette* on March 4, 2023)

ORDINANCE NO. 2212

**A HOME RULE ORDINANCE OF THE CITY OF AUGUSTA, KANSAS,
AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF
THE CITY TO PROVIDE FUNDS TO FINANCE HIKING/BIKING TRAIL
BRIDGES TO SERVE THE CITY.**

WHEREAS, the governing body of the City of Augusta, Kansas (the “City”) has considered the need to construct bridges on the Redbud Trail over U.S. Highway 54 and over the Whitewater River to serve the City (the “Project”) and provide for the general health, safety and welfare of the City and its citizens; and

WHEREAS, the City has received a Kansas Department of Transportation (“KDOT”) Transportation Alternative grant in an amount of \$3,286,974 for application to Project costs, and intends to apply for additional grant funding for the Project; and

WHEREAS, the City finds and determines that it is in the best interests of the City and its citizens to construct the U.S Highway 54 bridge portion of the Project at an estimated cost of \$4,772,718, and to proceed with design and engineering of the Whitewater River bridge portion of the Project at an estimated cost of \$350,000; and

WHEREAS, Article 12, § 5 of the Constitution of the State of Kansas (the “Home Rule Amendment”) and K.S.A. 12-101 empowers cities to determine their local affairs and government and provides that such power and authority granted thereby to cities shall be liberally construed for the purpose of giving to cities the largest measure of self-government; and

WHEREAS, the City is a city within the meaning of the Home Rule Amendment; and

WHEREAS, the Project is not located within a public park and is not a sidewalk located adjacent to a public street or road, as said term is defined in K.S.A. 8-1465, and there is no enactment of the Kansas legislature which authorizes the City to issue general obligation bonds to provide funds to finance Project costs or which prohibits the City from issuing general obligation bonds to provide funds to finance Project costs; and

WHEREAS, the governing body of the City hereby further finds and determines that it is necessary and advisable and in the interest of the public health, safety and welfare of the City to authorize by home rule ordinance the issuance of general obligation bonds of the City to provide funds to finance Project costs.

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

Section 1. Public Benefit. The governing body of the City hereby finds and determines that construction of the Project is in the interest of the public health, safety and welfare of the City and its citizens.

Section 2. Financing Authorization. The costs of the U.S Highway 54 bridge portion of the Project, and the costs of design and engineering of the Whitewater River bridge portion of the Project, and interest on interim financing and associated financing costs, are hereby authorized to be paid, in whole or in part, from the proceeds of general obligation bonds of the City (the "Bonds") in the amount of \$1,350,000, which Bonds are hereby authorized to be issued for such purposes pursuant to the authority of the Home Rule Amendment and K.S.A. 12-101, with the balance of such costs to be paid from KDOT grant proceeds and other funds available to the City.

Section 3. Further Authority. The officials of the City, the City's attorney, Gilmore & Bell, P.C., as bond counsel, and other consultants are authorized to proceed with such planning and document preparation as necessary in order to comply with the intent of this ordinance, subject to final approval of such documents by the governing body.

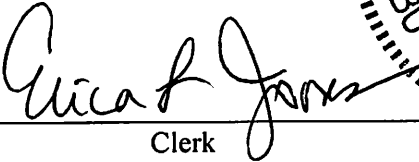
Section 4. Effective Date. This Home Rule Ordinance shall be effective from and after final passage by the governing body, approval and signature by the Mayor and publication once in the official City newspaper.

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PASSED by the governing body of the City of Augusta, Kansas, on February 21, 2023 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

ATTEST:


Clerk




Mayor

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