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and \_\_\_\_\_, 2012)

**RESOLUTION NO. \_\_\_-2012**

**A RESOLUTION DECLARING IT NECESSARY TO CONSTRUCT IMPROVEMENTS TO EXISTING ROADS IN SEDGWICK COUNTY, KANSAS, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS TO PAY THE COSTS THEREOF; AND PROVIDING FOR PUBLICATION OF THIS RESOLUTION AS REQUIRED BY LAW (2012 ROADS).**

**WHEREAS**, K.S.A. 68-5,103 provides that whenever the board of county commissioners of any county having a population of more than 300,000 determines it necessary to construct improvements on any existing roads or highways in such county or any streets in any city within such county and sufficient funds are not available for the improvements, such county may issue general obligation bonds of such county in any one fiscal year to pay the cost of the improvements in an amount of not to exceed the greater of 0.5% of the taxable tangible assessed valuation of such county or \$1,000,000; provided, before any such bonds shall be issued and the work begun as provided herein, a resolution shall be adopted by the board of county commissioners determining the necessity of said improvements, the roads, highways or streets to be improved, the improvements to be made, the estimated cost thereof and the amount of general obligation bonds to be issued to pay the cost; said resolution to be published once a week for two (2) consecutive weeks in a newspaper of general circulation in such county, and if within ninety (90) days after the last publication of said resolution there shall be filed in the office of the county clerk a protest petition signed by registered voters of such county equal in number to not less than three percent (3%) of the votes cast in such county for the office of governor at the last general election at which a governor was elected, an election shall be called and held in accordance with the general bond law; but if no protest is filed, an insufficient protest is filed or if an election is held and the proposition is approved by a majority of those voting thereon, the board of county commissioners may issue the general obligation bonds in the amount specified in the resolution; and

**WHEREAS**, K.S.A. 68-1103 provides that whenever the board of county commissioners of any county shall determine that it is necessary to build or repair any road, bridge or culvert, the board may appropriate an amount equal to its share and shall make all contracts for labor, material and all other expense necessary for the construction or repair of such work in the manner provided by law or may make and let a contract for the construction or the repair thereof, but the amount appropriated shall not exceed the county engineer's estimated cost to the county for the work; and if there is not a sufficient amount of money therefor in the proper funds of the county, such board is authorized and empowered to issue general obligation bonds of the county to pay the costs for the construction, repair or reconstruction of any such road; except that no such bonds shall be issued until the board of county commissioners shall have published a resolution authorizing the issuance of such bonds once each week for three consecutive weeks in the official county newspaper and if within 60 days following the last publication of such resolution, a petition in opposition to the issuance of such bonds, signed by not less than 5% of the qualified electors of the county, is filed with the county election officer, no bonds shall be issued unless a majority of the electors voting on the question of issuing such bonds approve the same at an election called and held in the manner provided for the calling and holding of elections under the general bond

law; further provided if no protest is filed, an insufficient protest is filed or if an election is held and the proposition is approved by a majority of those voting thereon, the board of county commissioners may issue the general obligation bonds in the amount specified in the resolution; and

**WHEREAS**, Sedgwick County, Kansas (the "County") has a population of more than 300,000 and has a taxable tangible assessed valuation of not less than \$4,826,024,254; and

**WHEREAS**, the Board of County Commissioners (the "Board") of the County, hereby finds and determines it necessary that improvements be made to the roads within the County hereinafter set forth, and hereby further finds and determines it to be necessary to issue general obligation bonds of the County in order to pay the costs thereof; provided that before any such general obligation bonds shall be issued, this Resolution shall be published and all procedures shall be accomplished as required by law.

**THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:**

**SECTION 1. Road Project Authorization.** It is hereby determined necessary to reconstruct 71<sup>st</sup> Street South from 135<sup>th</sup> Street West to West K-42 Highway and 183<sup>rd</sup> Street West from 71<sup>st</sup> Street S. to K-42 Highway, by reconditioning the roadbed and constructing to two lane rural standards, in accordance with plans and specifications developed or approved by Sedgwick County Public Works (the "Project") at an aggregate estimated cost of \$4,000,000.

**SECTION 2. Financing Authority.** The costs of the Project and associated financing costs shall be paid by the issuance of general obligation bonds (the "Bonds") of the County; provided that the principal amount of the Bonds issued pursuant to this Resolution shall not exceed \$4,060,000.

**SECTION 3. Publication.** Before any Bonds shall be issued for the Project as hereinabove set forth, this Resolution shall be published once a week for three (3) consecutive weeks in the official County newspaper, which is also a newspaper of general circulation in the County. If within sixty (60) days after the last publication of this Resolution there shall be filed in the office of the County Clerk a protest petition signed by registered voters of the County equal in number to not less than five percent (5%) of the qualified electors of the County, an election shall be called and held in accordance with the general bond law; but if no protest is filed, an insufficient protest is filed or if an election is held and the proposition is approved by a majority of those voting thereon, the Board may, pursuant to K.S.A. 68-1103, issue the Bonds for the Project specified in this Resolution. If within ninety (90) days after the second publication of this Resolution there shall be filed in the office of the County Clerk a protest petition signed by registered voters of the County equal in number to not less than three percent (3%) of the votes cast in the County for the office of governor at the last general election at which a governor was elected, an election shall be called and held in accordance with the general bond law; but if no protest is filed, an insufficient protest is filed or if an election is held and the proposition is approved by a majority of those voting thereon, the Board may, pursuant to K.S.A. 68-5,103 issue the Bonds for the Project specified in this Resolution.

**SECTION 4. Reimbursement Authority.** The Bonds authorized and issued pursuant to this Resolution may be used to reimburse Project expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

**SECTION 5. Effective Date.** This Resolution shall take effect and be in force from and after its adoption.

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**ADOPTED AND APPROVED** by the Board of County Commissioners of Sedgwick County, Kansas, on March 14, 2012.

Commissioners present and voting were:

DAVID M. UNRUH \_\_\_\_\_  
TIM R. NORTON \_\_\_\_\_  
KARL PETERJOHN \_\_\_\_\_  
RICHARD RANZAU \_\_\_\_\_  
JAMES B. SKELTON \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS**

(Seal)

\_\_\_\_\_  
TIM R. NORTON, Chairman  
Commissioner, Second District

ATTEST:

\_\_\_\_\_  
JAMES B. SKELTON, Chair Pro Tem  
Commissioner, Fifth District

\_\_\_\_\_  
KELLY B. ARNOLD, County Clerk

\_\_\_\_\_  
DAVID M. UNRUH  
Commissioner, First District

APPROVED AS TO FORM:

\_\_\_\_\_  
KARL PETERJOHN  
Commissioner, Third District



\_\_\_\_\_  
RICHARD A. EUSON  
County Counselor

\_\_\_\_\_  
RICHARD RANZAU  
Commissioner, Fourth District