

RESOLUTION NO. []-2013

A RESOLUTION DECLARING IT NECESSARY TO AUTHORIZE THE PAYMENT OF THE COSTS OF IMPROVEMENTS TO EXISTING ROADS IN SEDGWICK COUNTY, KANSAS, AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS TO PAY THE COSTS THEREOF AND PROVIDING FOR PUBLICATION OF THIS RESOLUTION AS REQUIRED BY LAW (KDOT ROAD REFINANCING).

WHEREAS, K.S.A. 68-1103, as amended (the “Act”) provides, in part, that the Board of County Commissioners (the “Board”) of Sedgwick County, Kansas (the “County”) may determine, by resolution, that it is necessary to build or repair any road, bridge or culvert to meet the demands of present day traffic, and to issue general obligation bonds of the County to pay the costs thereof, if sufficient funds are not available in the County treasury, except that no such general obligation bonds shall be issued until the Board shall have published a resolution authorizing the issuance of such general obligation 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 general obligation bonds, signed by not less than 5% of the qualified electors of the County, is filed with the County Election Commissioner, no general obligation bonds shall be issued unless a majority of the electors voting on the question of issuing such general obligation 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 may issue the general obligation bonds in the amount specified in the resolution; and and

WHEREAS, the Board has heretofore found and determined it necessary and advisable that improvements be made to a road within the County (the “Road Improvements”) and adopted a resolution authorizing the execution of a Transportation Revolving Fund Loan Agreement (the “Loan”) between the County and the Kansas Department of Transportation (“KDOT”) to provide initial financing for the Road Improvements in the amount set forth below:

TRF Loan	Date	Res No.	Road Location	Amount
0118	07/15/2009	124-09	119 th St. West between 29 th North and 53 rd North	\$2,500,000

; and

WHEREAS, the Board hereby finds and determines that it is necessary and advisable to provide for the issuance of general obligation bonds of the County to pay the costs of the Road Improvements and retire the Loan pursuant to the provisions of the Act (including providing for the notice of prepayment of the Loans); 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. Project Authorization. The Board hereby ratifies the construction of the Road Improvements

SECTION 2. Financing Authority. The costs of the Road Improvements, including construction, engineering fees, right-of-way and utilities, are as set forth above. The costs of the Road Improvements, interest on the Loan, and associated financing costs shall be payable from the proceeds of

general obligation bonds of the County issued under authority of the Act; provided that the principal amount of the Bonds issued pursuant to this Resolution shall not exceed \$2,500,000. Before any Bonds shall be issued for the Road Improvements as hereinabove set forth, this Resolution shall be published once a week for three (3) consecutive weeks in the official County newspaper. If within sixty (60) days after the last publication of this Resolution there shall be filed in the office of the County Election Commissioner 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 the Act, issue the Bonds for the Road Improvements specified in this Resolution.

SECTION 3. Reimbursement Authority. The general obligation bonds authorized and issued pursuant to this Resolution (the “Bonds”) may be used to reimburse Road Improvement 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 4. Action Related to Loan Prepayment. The Chairman, County Clerk, Chief Financial Officer, County Counselor, other officers and representatives of the County, and Gilmore & Bell, P.C., Bond Counsel, are hereby authorized and directed to take such other action as may be necessary to make provision for prepayment and/or redemption of the Loans from proceeds of the Bonds, including providing for the notice of prepayment of the Loans.

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

ADOPTED AND APPROVED by the Board of County Commissioners of Sedgwick County, Kansas, on May 22, 2013.

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)

JAMES B. SKELTON, Chairman
Commissioner, Fifth District

ATTEST:

DAVID M. UNRUH, Chair Pro Tem
Commissioner, First District

KELLY B. ARNOLD, County Clerk

TIM R. NORTON, Chairman
Commissioner, Second District

APPROVED AS TO FORM:

KARL PETERJOHN
Commissioner, Third District



RICHARD A. EUSON
County Counselor

RICHARD RANZAU
Commissioner, Fourth District