

ORDINANCE NO. 595-15

**AN ORDINANCE OF THE CITY OF NORTH NEWTON, KANSAS,
AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF SEWER
MAIN AND PUMPING STATION IMPROVEMENTS FOR THE CITY; AND
PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.**

WHEREAS, K.S.A. 12-618 provides, in part, that the governing body of any city having a population of less than 80,000 shall have power to provide for one or more systems of sewerage, or drainage, or both, for such city, or for any part thereof, with one or more main sewers or drains and sewer or drains outlets, and to build, construct or purchase pumping stations, sewers, sewer service lines and drains by districts or otherwise, as the governing body may determine; and

WHEREAS, K.S.A. 12-619 provides, in part, that if the estimated cost of the main sewer or drain of said system now or hereafter constructed shall be relatively large as compared with the estimated cost of the lateral sewers or drains tributary thereto, or if the said main sewer or drain shall be so located that it will or may receive the sewage or drainage from two or more districts, the governing body shall have power to pass an ordinance providing that the cost of such main sewer or drain below a certain designated point shall be borne by the city and paid in the manner provided in K.S.A. 12-624 for the payment of the cost of main sewers and drains now or hereafter constructed beyond the corporate limits of the city; provided, that the said ordinance shall state the point in the line of the main sewer or drain below which the provisions of this section shall apply, shall describe the proposed location of the said main sewer or drain from the said point to the outlet of the same or to the city limits, and shall state the manner of payment of the cost of the said main sewer or drain; and

WHEREAS, K.S.A. 12-624 provides, in part, that all costs and expenses occasioned by the acquisition of a right-of-way and by the construction of sewers and drains and disposal works beyond the corporate limits of said city shall be borne by the city as a whole and shall be paid out of the general revenue fund or by the issuance of improvement bonds of the city as the governing body may determine, that bonds to pay said costs may be issued in addition to the \$100,000 authorized by K.S.A. 12-621 for the construction of disposal works and that such additional bonds may be issued in addition to the limit of bonded indebtedness of such cities as defined by statutes; and

WHEREAS, K.S.A. 12-626, as amended and supplemented, provides, in part, that whenever, in the judgment of the governing body of any city in the state of Kansas (the "State"), in the construction, maintenance and operation of its sewer system, that on account of elevation, dike, or any other reason, it is impracticable or too expensive to excavate in connection with such sewer or intercepting sewer with another sewer district, or intercepting sewer, or in order to provide an outlet of any kind for the sewage of such sewer or intercepting sewer district, is empowered to construct a pumping station for the purpose of pumping sewage of a sewer or intercepting sewer to some other sewer district in said city over any elevation, dike or other obstruction in order to conduct the sewage thereof to a point of outlet, whether such outlet be an intercepting sewer, another main sewer district, a sewage disposal plant, or a stream; and

WHEREAS, K.S.A. 12-627 provides that before any such pumping plant shall be constructed, the plans and specifications of such pumping station shall first be submitted to the Secretary of Health and Environment of the State (the "Secretary") and be approved by such Secretary; and

WHEREAS, K.S.A. 12-628 provides, in part, that the cost of constructing such pumping station may be paid by the issuance of general obligation bonds; and

WHEREAS, K.S.A. 12-618, 12-619, 12-624, 12-626, 12-627 and 12-628 are collectively referred to herein as the "Act;" and

WHEREAS, the City of North Newton, Kansas (the "City") has a population of approximately 1,800; and

WHEREAS, the governing body of the City hereby finds and determines it to be necessary to construct a sewer pump station and force main for the City to provide for the transfer of sewage to a remote location outside the City to provide for the treatment thereof (collectively, the "Improvements") at an estimated cost of \$2,250,000; and

WHEREAS, said governing body hereby further finds and determines that in accordance the provisions of the Act, the costs of constructing the Improvements should be chargeable to the city at large and paid by the issuance of general obligation bonds of the City.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NORTH NEWTON, KANSAS:

Section 1. Authorization of Improvements. It is hereby authorized, ordered and directed that the Improvements be constructed as a part of the sewer system of the City, as provided by the Act, in accordance with the plans and specifications therefor, which have been prepared or approved by the City Engineer and placed on file in the office of the Clerk. A copy of said plans and specifications shall be submitted to the Secretary for approval in accordance with the Act.

Section 2. Designated Points. The proposed location and costs of the force main portion of the Improvements from North Newton to the sewer treatment facilities located approximately eight miles outside the City limits, shall be borne by the City at large, and shall be paid in the manner provided in K.S.A. 12-624, for the costs of main sewers and drains now or hereafter constructed beyond the corporate limits of the City.

Section 3. Bond Authorization; Reimbursement. The estimated costs of the Improvements, interest on any interim financing and associated financing costs shall be payable from the proceeds of general obligation bonds of the City issued under authority of the Act (the "Bonds"). Any Bonds issued under the authority of this Ordinance may be used to reimburse expenditures made on or after the date that is 60 days before the date of passage of this Ordinance pursuant to U.S. Treasury Regulation §1.150-2.

Section 4. Effective Date. This Ordinance shall be in force and take effect from and after its passage, approval and summary publication in the official City newspaper.

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PASSED by the governing body of the City on March 9, 2015 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)



ATTEST:

Mayor

Clerk

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