

ORDINANCE NO. 3824

**A HOME RULE ORDINANCE OF THE CITY OF OSAWATOMIE, KANSAS,
AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE
CITY TO PROVIDE FUNDS TO FINANCE CERTAIN RECREATIONAL TRAIL
IMPROVEMENTS WITHIN THE CITY.**

WHEREAS, the governing body of the City of Osawatomie, Kansas (the “City”) has considered the need to provide for certain improvements in furtherance of the general health and welfare of the City and its citizens; and

WHEREAS, the governing body of the City has identified the proposed John Brown/South Levee Loop Trail Project, as further described herein (the “Project”), as an improvement for the benefit of the general health and welfare of the City and its citizens; and

WHEREAS, the Project shall consist of the creation of two shared use trail loops within the City, the South Levee Loop primarily connecting the existing Flint Hills Nature Trail to the Osawatomie Levee and running east/west through certain points within the City, the John Brown Loop consisting of a 10 foot wide concrete facility running primarily north and south and connecting the John Brown Museum with the general downtown area of the City and the Karl E. Cole Sports complex; and

WHEREAS, the City finds and determines that it is in the best interests of the City and its citizens to construct the Project at an estimated cost of \$1,683,847; 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 located within the boundaries of the City but is not located within a public park and there is no enactment of the Kansas legislature which authorizes the City to issue general obligation bonds to provide funds to finance the Project or which prohibits the City from issuing general obligation bonds to provide funds to finance the Project; 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 the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, 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 Project, 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”), which are hereby authorized to be issued for such purposes pursuant to the authority of the Home Rule Amendment and K.S.A. 12-101.

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, signature by the Mayor and publication once in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by the governing body of the city of Osawatomie, Kansas, on March 23, 2023 and signed by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original Home Rule Ordinance; that said Home Rule Ordinance was passed on March 23, 2023; that the record of the final vote on its passage is found on page ____ of journal ____; and that it was published in the *Miami County Republic* on March 29, 2023.

DATED: March 29, 2023.

Clerk

(Published in *Miami County Republic* on March 29, 2023)

SUMMARY OF ORDINANCE NO. __

On March 23, 2023, the governing body of the City of Osawatomie, Kansas, passed an ordinance entitled:

**A HOME RULE ORDINANCE OF THE CITY OF OSAWATOMIE, KANSAS,
AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE
CITY TO PROVIDE FUNDS TO FINANCE CERTAIN RECREATIONAL TRAIL
IMPROVEMENTS WITHIN THE CITY.**

The Ordinance declares it necessary to construct certain recreational trails within the City and authorized the issuance of general obligation bonds to finance the costs thereof. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, «F_Issuer_Address_». A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <https://www.osawatomieks.org>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: _____, 20__.

City Attorney