

LEGAL NOTICE

(First Published in the Overbrook Citizen Thursday, July 16, 1953)

ORDINANCE NO. 21
AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF WATERWORKS SYSTEM IMPROVEMENT REVENUE BONDS; SERIES B, OF THE CITY OF OVERBROOK, KANSAS, IN THE PRINCIPAL AMOUNT OF \$3,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CONSTRUCTION OF REPAIR, ALTERATION, EXTENSION, RECONSTRUCTION, ENLARGEMENT AND IMPROVEMENT OF THE WATERWORKS SYSTEM OF SAID CITY, AND PROVIDING FOR THE COLLECTION AND DISTRIBUTION OF FUNDS FROM SAID WATERWORKS SYSTEM.

WHEREAS, The City of Overbrook, Kansas, is a municipality having a population of less than 100,000 inhabitants and is authorized by the Laws of the State of Kansas to issue general obligation bonds for the acquisition or construction of any municipal utility, and

WHEREAS, No water utility service is being furnished in said City by private utility, and

WHEREAS, Pursuant to the provisions of G.S. 1949, 10-1210, the Governing Body of said City caused to be published, commencing June 18, 1953, in The Overbrook Citizen, the official paper of said City, and of general circulation in said municipality, a notice of its intention to enter into a contract for the making of repair, alteration, extension, reconstruction, enlargement, and improvement of the waterworks system owned by the said City, the nature of the same being construction of approximately three-fourths mile of supply pipe line to connect with wells and such other incidental and necessary work, equipment, and labor to make the same operative in the waterworks system and to issue revenue bonds of said City in the amount of \$3,000 for the payment of the cost thereof;

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

SECTION 1. That for the purpose of providing funds to pay the cost of making of repair, alteration, extension, reconstruction, enlargement, and improvement of the waterworks system owned by said City, the nature of the same being construction of approximately three-fourths mile of supply pipe line to connect with wells and such other incidental and necessary work, equipment, and labor to make the same operative in the waterworks system, there is hereby authorized and directed to be issued an issue of Waterworks System Improvement Revenue Bonds, Series B, of the City of Overbrook, Kansas, in the principal amount of \$3,000.

SECTION 2. Said issue of Waterworks System Improvement Revenue Bonds, Series B, shall consist of eight bonds numbering from one to eight, inclusive, each of said bonds being in the denomination of \$1,000. All of said bonds shall be dated August 1, 1953, and said bonds shall be numbered and shall become due serially on February 1 and August 1 in each year as follows:

Number	Maturity Date
1	February 1, 1954
2	August 1, 1954
3	February 1, 1955
4	August 1, 1955
5	February 1, 1956
6	August 1, 1956
7	February 1, 1957
8	August 1, 1957

Said bonds shall bear interest at the rate of 4 per cent per annum. The first interest on all bonds shall be payable February 1, 1954, and thereafter interest on all bonds shall be payable semi-annually on the 1st day of August and the 1st day of February in each year.

SECTION 3. Said bonds and coupons shall contain recitals and be in the form and of the size as provided by the Statutes of the State of Kansas and substantially as adopted by the Governing Body of said City.

tem of said City, including extensions and improvements there-to, which rates, fees, or charges shall be sufficient to pay the cost of operation, improvement and maintenance of said utility, provide an adequate depreciation fund, and pay the principal of and interest upon said bonds as and when the same become due, that none of the facilities or services afforded by the waterworks system of said City will be furnished to any user without a reasonable charge being made therefor.

(b) That if hereafter the City of Overbrook, Kansas, shall issue any bonds, whether general obligation or revenue bonds, against its waterworks system, the bonds herein authorized shall have preference in payment both as to principal and interest out of the revenues of the waterworks system of said City over any and all subsequent bonds issued by said City against said utility.

(c) The City of Overbrook, Kansas, will maintain in good repair and working order the waterworks system of said City and will operate the same in an efficient manner at reasonable cost provided, however that said City may abandon or cease to operate any portion of the property which has become non-productive or otherwise unusable to the advantage of the City.

(d) The City of Overbrook, Kansas, will not mortgage, pledge, or otherwise encumber its waterworks system or any part thereof for any extension or improvement thereto, nor will it sell, lease, or otherwise dispose of said waterworks system or any material parts thereof.

(e) The City of Overbrook, Kansas, shall cause annually an audit to be made by competent firm of independent auditors of the operation of said waterworks utility, and, if said audit shall disclose that proper provision has not been made for all of the requirements of law and of this ordinance, then the Governing Body shall properly proceed to cause to be charged for the utility service rendered rates which will adequately provide for such requirements. Within 30 days after the completion of said audit, a copy of the same shall be filed with the Clerk of the City and shall be open to public inspection. The City shall keep proper books, records and accounts separate from all other records and accounts in which complete and correct entries will be made of all transactions relating to the waterworks system of said City, which said books shall be kept by the City according to standard accounting practices as applicable to the operation of waterworks systems by municipalities.

SECTION 8. The provisions of this ordinance shall constitute a contrast between the City of Overbrook, Kansas, and the holders of the Waterworks System Improvement Revenue Bonds, Series B, authorized herein, and the holder of any one or more of said bonds may by suit, action, mandamus, injunction, or other remedy enforce or compel the performance of all duties and obligations required by this ordinance to be done or performed by said City. Nothing contained in this ordinance, however, shall be construed as imposing on said City any duty or obligation to levy any taxes either to meet any obligation contained herein or to pay the principal of or interest on the bonds authorized by this ordinance.

SECTION 9. That this ordinance shall take effect and be in force from and after its passage, approval, and publication in the Overbrook Citizen as provided by law.

PASSED AND APPROVED, this 13th day of July, 1953.

ATTEST:
 Theo Van Valkenberg, (Seal)
 City Clerk