

(Published in *The Herington Times* on August 10, 2017)

ORDINANCE NO. 1791

AN ORDINANCE OF THE CITY OF HERINGTON, KANSAS DESIGNATING CERTAIN ADDITIONAL STREETS AS MAIN TRAFFICWAYS OR TRAFFICWAY CONNECTIONS WITHIN THE CORPORATE LIMITS OF THE CITY; AUTHORIZING THE CITY TO MAKE MAIN TRAFFICWAY IMPROVEMENTS; AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN AN APPROXIMATE PRINCIPAL AMOUNT OF \$465,000 TO PAY THE COSTS OF THE MAIN TRAFFICWAY IMPROVEMENTS AND TO AMEND ORDINANCE NO. 1641.

WHEREAS, K.S.A. 12-685 *et seq.* (the "Main Trafficway Act") authorizes the governing body of the City of Herington, Kansas (the "City") to designate by ordinance, any existing or proposed street or part thereof within the city as a main trafficway. The primary function of a main trafficway is, or will be, the movement of traffic (i) between areas of concentrated activity, or (ii) between such areas within the city and traffic facilities outside the city; and

WHEREAS, K.S.A. 12-686 authorizes the governing body of the City to designate by ordinance certain portions of existing streets as trafficway connections and to connect any street with any of the main trafficways and/or connect any two (2) main trafficways and designate and establish the same as trafficway connections. The primary function of a trafficway connection is, or will be to: (i) provide adequate connections with or between main trafficways or (ii) relieving traffic congestion at certain points on said main trafficways; and

WHEREAS, the City has previously designated certain main trafficways and trafficway connections pursuant to Ordinance No. 1641 approved on April 18, 2006 and published in the official City newspaper on April 27, 2006 (the "Original Ordinance"); and

WHEREAS, by Ordinance No. 1641, the governing body of the City has previously determined it necessary to designate the following streets as main trafficways or trafficway connections, as defined by the Main Trafficway Act:

- C Street (from Wilde Street to Helen Street)
- E Street (from Wyatt Street to Park Street)
- E Street (from McClaren Street to Main Street)
- F Street (from Vine Street to Park Street)
- F Street (from McClaren Street to Burns Street)
- Park Street (from E Street to G Street)
- Sturgis Street (from A Street to B Street)
- Sturgis Street (from Second Street to Third Street)
- First Street (from Walnut Street to Main Street)
- First Street (from Helen Street to Ash Street)

First Street (from Trapp Street to Walnut Street)
 Commercial Street (from Arnold Street to Logan Street)
 Seventh Street (from Main Street to Wyatt Street)
 Seventh Street (from Day Street to Trapp Street)
 Wyatt Street (from Seventh Street to Eighth Street)
 Helen Street (from Commercial Street East to Highway 77)
 Helen Street (from Broadway Street to First Street)
 Eleventh Street (from Walnut Street to Trapp Street)
 Maple Street (from A Street to B Street)
 Maple Street from D Street to E Street)
 Catalpa Street (from A Street to B Street)
 Catalpa Street (from C Street to D Street)
 Broadway Street (from Hawley Street to Franklynn Street)
 Wilde Street (from Broadway Street to Second Street)
 Wilde Street (from B Street to D Street)
 Wilde Street (from Eighth Street to Ninth Street)
 Walnut Street (from E Street to F Street)
 Walnut Street (from Twelfth Street to Union Street)
 D Street (from Catlins Street South to the City limits)
 D Street (from Logan Street North to the City limits)
 McClaren Street (from First Street to Third Street)
 McClaren Street (from Seventh Street to Eleventh Street)
 A Street (from Trapp Street to Franklynn Street)
 A Street (from Vine Street to Ash Street)
 Day Street (from E Street to F Street)
 Day Street (from Eleventh Street to Twelfth Street)
 Day Street (from Broadway Street to C Street)
 Fifth Street (from Trapp Street South to the City limits)
 B Street (from Trapp Street to Main Street)
 B Street (from Wilde Street to Ash Street)
 Main Street (from Ninth Street to Fourteenth Street)
 Ash Street (from Broadway Street to First Street)
 Franklynn Street (from A Street to D Street)
 Hawley Street (from B Street to D Street)
 Thirteenth Street (from Walnut Street to Main Street)
 Arnold Street (from Eighth Street to Ninth Street)
 G Street (from Arnold Street to Park Street)
 Burns Street (from Eight Street to Ninth Street)
 Vine Street (from E Street to G Street)
 Ninth Street (from Burns Street to Railroad St.)
 Trapp Street (from Seventh Street to Twelfth Street)
 Twelfth Street (from Trapp Street North to the railroad tracks)

WHEREAS, the governing body of the City has determined it necessary to designate the following additional streets as main trafficways or trafficway connections as defined by the Main Trafficway Act:

D Street (from Helen Street to Logan Street)
Broadway St. (from Helen Street to Logan Avenue)
Vine St. (from C Street to D Street)
Burns Street (from C Street to D Street)
Walnut Street (from A Street to H Street)
Walnut Street (from 8th Street to 12th Street)
9th Street (from Railroad Street to Arnold Street)
Railroad Street (from 8th to 9th)

WHEREAS, the City further finds it to be necessary to authorize the improvement and repaving of:

- (i) Wyatt Street (from 7th Street to 8th Street)
- (ii) 7th Street (from Wyatt Street to Main Street)
- (iii) Maple Street (from A Street to B Street)
- (iv) Catalpa (from A Street to B Street)
- (v) Broadway Street (from Helen Street to Logan Avenue)
- (vi) Park Street (from E Street to G Street)
- (vii) G Street (from Park Street to Arnold Street)
- (viii) Walnut Street (from E Street to H Street)
- (ix) 9th Street (from Railroad Street to Arnold Street)
- (x) Railroad Street (from 8th Street to 9th Street)
- (xi) D Street (from Helen Street to Logan Avenue)
- (xii) D Street (from Kansas Avenue to the City limits)
- (xiii) B Street (from Sturgis St. to Main Street)
- (xiv) Sturgis St. (A Street to B Street)
- (xv) Walnut Street (from A Street to D Street)
- (xvi) Vine St. (from C Street to D Street)
- (xvii) Burns Street (from C Street to D Street)
- (xviii) C Street (from Burns Street to Chestnut Street)
- (xix) Walnut Street (from 8th Street west to the City limits)

(collectively, the “Project”) and to provide for payment of a portion of the cost thereof;
and

WHEREAS, it is necessary to pay the City’s share of the costs of the Project by issuing general obligation bonds of the City; and

WHEREAS, it is necessary to amend Ordinance No. 1641 to amend the list of main trafficways and main trafficway connections to include the additional streets (or portions thereof) listed above.

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

Section 1. Amendment to Section 1 of Ordinance No. 1641. Section 1 of the Original Ordinance are hereby amended by deleting Section 1 and replacing it with the following:

Section 1. Designation of Main Trafficways. The follow streets, the primary function of said streets being the movement of through traffic between areas of concentrated activity within the City or between such areas with the City and traffic facilities outside the City performing the function of a major trafficway, are hereby designated and established as main trafficways, pursuant to K.S.A. 12-685 et seq., as amended and supplemented:

C Street (from Wilde Street to Helen Street)
E Street (from Wyatt Street to Park Street)
E Street (from McClaren Street to Main Street)
F Street (from Vine Street to Park Street)
F Street (from McClaren Street to Burns Street)
Park Street (from E Street to G Street)
Sturgis Street (from A Street to B Street)
Sturgis Street (from Second Street to Third Street)
First Street (from Walnut Street to Main Street)
First Street (from Helen Street to Ash Street)
First Street (from Trapp Street to Walnut Street)
Commercial Street (from Arnold Street to Logan Street)
Seventh Street (from Main Street to Wyatt Street)
Seventh Street (from Day Street to Trapp Street)
Wyatt Street (from Seventh Street to Eighth Street)
Helen Street (from Commercial Street East to Highway 77)
Helen Street (from Broadway Street to First Street)
Eleventh Street (from Walnut Street to Trapp Street)
Maple Street (from A Street to B Street)
Maple Street from D Street to E Street)
Catalpa Street (from A Street to B Street)
Catalpa Street (from C Street to D Street)
Broadway Street (from Hawley Street to Franklynn Street)
Wilde Street (from Broadway Street to Second Street)
Wilde Street (from B Street to D Street)
Wilde Street (from Eighth Street to Ninth Street)
Walnut Street (from E Street to F Street)
Walnut Street (from Eighth Street west to the City limits)
D Street (from Catlins Street South to the City limits)
D Street (from Helen Street North to the City limits)
McClaren Street (from First Street to Third Street)
McClaren Street (from Seventh Street to Eleventh Street)
A Street (from Trapp Street to Franklynn Street)
A Street (from Vine Street to Ash Street)
Day Street (from E Street to F Street)

Day Street (from Eleventh Street to Twelfth Street)
Day Street (from Broadway Street to C Street)
Fifth Street (from Trapp Street South to the City limits)
B Street (from Trapp Street to Main Street)
B Street (from Wilde Street to Ash Street)
Main Street (from Ninth Street to Fourteenth Street)
Ash Street (from Broadway Street to First Street)
Franklynn Street (from A Street to D Street)
Hawley Street (from B Street to D Street)
Thirteenth Street (from Walnut Street to Main Street)
Arnold Street (from Eighth Street to Ninth Street)
G Street (from Arnold Street to Park Street)
Burns Street (from Eight Street to Ninth Street)
Vine Street (from E Street to G Street)
Ninth Street (from Burns Street to Railroad St.)
Trapp Street (from Seventh Street to Twelfth Street)
Twelfth Street (from Trapp Street North to the railroad tracks)
Vine St. (from C Street to D Street)
Burns Street (from C Street to D Street)
Walnut Street (from A Street to H Street)
Railroad Street (from 8th to 9th)

Section 2. Authorization of Project. The Project (as defined above) is authorized and directed to be completed pursuant to the Main Trafficway Act in accordance with previously obtained estimates.

Section 3. Payment of Project Costs. It is hereby further found and determined that the estimated cost of construction of the Project is \$465,000 of which \$465,000 shall be payable by the city-at-large and paid through the issuance of general obligation bonds of the City as provided by the Main Trafficway Act.

Section 4. Authorization of the Bonds. It is hereby further found and determined to be necessary and it is hereby authorized, ordered and directed that in order to provide the necessary funds to pay the cost of the Project, there shall be issued General Obligation Bonds in the total aggregate principal amount of \$465,000.

Section 5. Amending Ordinance. This ordinance supplements and amends the Original Ordinance to the extent necessary to designate additional streets as main trafficways or trafficway connections. Except to the extent specifically amended hereby, the Original Ordinance shall remain in full force and effect.

Section 6. Authorization of Temporary Notes. It is hereby further authorized, ordered and directed that in order to temporarily finance the estimated costs of the Project until the issuance of the general obligation bonds as hereinbefore provided, there shall be issued temporary improvement notes (the "Notes"), such notes to be issued from time to time upon subsequent resolution or resolutions of the City which shall provide and set forth the details of

the Notes, including the fixing of the dates, terms, denominations, interest rates and maturity dates (not exceeding four years from the date of the notes and redeemable at any time prior to the stated maturity thereof). Such Notes shall be issued and provision shall be made therefor as funds are needed and required for the orderly construction of the Project; and the Mayor and City Clerk are hereby authorized, ordered and directed to prepare and execute each of such Notes in accordance with the terms of this Ordinance and the terms of the subsequent resolution or resolutions providing for same; and shall deliver the Notes to persons having claims against the City in connection with the improvements, or may sell the Notes at private or public sale and apply the proceeds therefrom to the payment of the actual costs and expenses of the improvements. Any Notes issued under the authority of this Section shall be issued under and will contain a recital that they are issued under the authority of K.S.A. 10-123 and K.S.A. 12-685, inclusive, as amended and supplemented, and shall contain all other usual and required recitals and covenants and be in the form required therefor by said K.S.A. 10-123; and said Notes may be issued in combinations with any other temporary notes being issued by the City as shall be determined by the governing body at the time of such issuance to be in the City's best interest.

Section 7. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval and publication hereof one time in the City's official newspaper.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Herington, Kansas on August 1, 2017.

CITY OF HERINGTON, KANSAS

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By Kat Souza
Kat Souza, Mayor

ATTEST:

By Brenda Wildman
Brenda Wildman, City Clerk