

ORDINANCE NO. 15 2 5

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$530,000 PRINCIPALAMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004, OF THE CITY OF GOODLAND, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the City is a city of the second class, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City heretofore issued and has outstanding the Refimded Bonds and is authorized by K.S.A. 10-427 et seq. to issue general obligation refunding bonds of the City for the purpose of refunding the Refunded Bonds, and

WHEREAS, in order to achieve interest cost savings through early redemption of the Refunded Bonds, and to provide an orderly plan of finance for the City, it has become desirable and in the best interest of the City and its inhabitants to refund the Refunded Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GOODLAND, KANSAS, AS FOLLOWS:

Section 1. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms in this Ordinance shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations including public bodies, as well as natural persons.

"Act" means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-427 et seq., and K.S.A. 10-620 et seq., all as amended and supplemented from time to time.

"Bond and Interest Fund" means the Bond and Interest Fund of the City for its general obligation bonds.

"Bond Resolution" means the resolution to be adopted by the governing body of the City prescribing the terms and details of the Bonds and making covenants with respect thereto.

"Bonds" means the Issuer's General Obligation Refunding Bonds, Series 2004, the aggregate principal amount of \$530,000, and dated October 15, 2004, authorized by this Ordinance.

"City" means the City of

Goodland, Kansas.

"Clerk" means the duly appointed and acting Clerk of the Issuer or, in the Clerk's absence, the duly appointed Deputy Clerk or Acting Clerk.

"Code" means the Internal Revenue Code of 1986, as amended, and the applicable regulations proposed or promulgated thereunder of the United States Department of the Treasury.

"Mayor" means the duly elected and acting Mayor or, the Mayor's absence, the duly appointed and/or elected Vice Mayor or Acting Mayor of the City.

"Ordinance" means this Ordinance authorizing the issuance of the Bonds.

"Refunded Bonds" means jointly (a) the Series 1996-1 Bonds maturing in the years 2005 to 2006, inclusive, in the aggregate principal amount of \$270,000; and (b) the Series 1996-2 Bonds maturing in the years 2005 to 2007, inclusive, \*in the aggregate principal amount of \$250,000.

"Refunded Bonds Redemption Date" means jointly, December 1, 2004 for the Series 1996-1 Bonds and the Series 1996-2 Bonds.

"Refunded Bonds Resolution" means each ordinance and resolution which authorized the Refunded Bonds.

"Series 1996-1 Bonds" means the Issuer's General Obligation Bonds, Series 1996-1, dated

October 1, 1996.

"Series 1996-2 Bonds" means the Issuer's General Obligation Bonds, Series 1996-2, dated October 1, 1996.

"State" means the State of Kansas.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Refunding Bonds, Series 2004, of the City the principal amount of \$530,000, for the purpose of providing funds to: (a) refund the Refunded Bonds; and (b) pay costs of issuance of the Bonds.

Section 3. Security for the Bonds. The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 4. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in a reso-

lution hereafter adopted by the governing body of the City.

Section 5. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by levying and collecting the necessary taxes and/or assessments upon all of the taxable tangible property within the City in the manner provided by law. The taxes and/or assessments above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes and/or assessments shall be deposited in the Bond and Interest Fund. If at any time said taxes and/or assessments are not collected in time to pay the principal of or interest on the Bonds when due, the Treasurer is hereby authorized and directed to pay said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes and/or assessments are collected.

Section 6. Tax Covenants. The City covenants and agrees that (a) it will comply with all applicable provisions of the Code, including Code § 103 and 141

through 150, necessary to maintainance exclusion from federal gross income of the interest on the Bonds; and (b) it will not use or permit the use of any proceeds of Bonds or any other funds of the City, nor take or permit any other action, or fail to take any action, which would adversely affect the exclusion from federal gross income of the interest on the Bonds. The City will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with other applicable future law, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

Section 7. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to cam out and perform the purposes of the Ordinance, and to make alterations. changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 8. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 9. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

PASSED by the governing body of the City on October 18, 2004 and signed by the Mayor.

Rick Billinger  
Mayor

ATTEST

Mary Volk  
Clerk

Published in The Goodland Star-New on Friday, October 22, 2004.

# matters of record

Real Estate

The following real estate transactions were reported by the Sherman County Register of Deeds:

Robert D. Fenner, trustee of the Robert Birdell Fenner Family Trust, to Leo and Beverly K. Orlovski the north 50 feet, Lots 38, 39, 40, 41 and 42, Block 13, First Addition to the City of Goodland.

Vera Clark, Marion County, to Lee J. Salmans, Lots 21 and 22, Block 25, Second Addition to Goodland.

Chester and Ruth Ross, trustees of the Walker Briney Revocable Trust, to Michael J. and Dianna K. Briney the NE/4, Sec. 35, T8S, R42W.

Chester and Ruth Ross, trustees of the Walker Briney Revocable trust, to Stephen M. and Patricia Briney the SE/4, Sec. 20, T9S, R39W.

Chester and Ruth Ross, trustees of the Walker Briney Revocable Trust, to Russell and Mary Ann Briney the SW/4, Sec. 20, TS, R38W.

Kenneth D. Austin, M.D., to The

City of Goodland all of Lots 23 and 24, Block 41, Second Addition to the City of Goodland.

Jacob William and Gladys Wilkening to Jacob William and Gladys Wilkening the NE/4 of the NE/4, Sec. 8, T7S, R41W; the N/2 of the SE/4, Sec. 6, T7S, R41W; and the NW/4 of the NE/4, Sec. 8, T7S, R41W.

James L. and Ruby E. Tubbs to Michael D and Carol J. Lichty the SW/4, Sec. 4 and the SE/4, Sec. 5, T7S, R41W.

Charles R. and Theresa C. Luckert to Theresa C. and Charles R. Luckert, trustees of the Theresa C. Luckert Trust, all of Sec. 22, T9S, R37W.

Daryl D. and Lloyd D. Hoss, trustees of the Mary Lavonne Hoss Trust, to J. Ronald Vignery, trustee of the Mary Lavonne Hoss Trust, all of Lot 16, 17 and 18, Block 41, Second Addition to the City of Goodland.

Kenton E. and Diane M. Keppel, 22.7 percent to Victoria D. Colbert and 6.7 percent to Kevin R. Keppel of their 33.3 percent interest in the

NW/4, Sec 26, T6S, R37W; the S/2, Sec. 27, T6S, R37W; the NW/4, Sec. 16, T7S, R37W; and the NE/4, Sec. 29, T7S, R37W.

Jeff and Anita Henderson to Tyler J. Henderson the SE/4, Sec. 25, T7S, R41W and the NW/4, Sec. 31, T7S, R40W.

Ronald R. and Sally B. Ketter quitclaim to RSJR, Inc. a tract in the SE/4, Sec. 21, T8S, R40W.

Mary E. Blystone to Kevin W. Schmidt an undivided one-fourth interest to the NW/4, Sec. 23, T9S, R42W.

Kimberly M. Acuff to Brian A. and Victoria L. Freeman Lots 19, 20 and 21, Block 73, Original Town of Goodland.

United States Marshal for the District of Kansas to David G. and Lavera E. Walker, Lots 1 and 2, and the north 10 feet of Lot 3, Block 15, Third or College Addition to the City of Goodland, the foreclosed property of Kevin A. Armstrong.

Carrie and Darol Peter to Thomas M. Brown, Lots 1 and 2, Block 12, Third Addition to the City of Goodland.

Sherman County Sheriff Doug Whitson to Centex Home Equity Company, Lots 7 and 8, Block 7, C.K.&N. Addition to the City of Goodland, the foreclosed property of Juan B and Rosi Dalia T. Lopez.

Joseph E. Scheopner, trustee of the Joseph E. Scheopner Revocable Trust, to Charles J. and Janet A. Redlin a tract in the NE/4 of the NE/4 of the NE/4, Sec. 29, T8S, R39W.

Edward L. and Loretta E. Hayden to Harold T. and R. Renee Rhode, Lot 4, Block 3, Rosewood Addition to the City of Goodland.

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