

Public Notices

Estate of M. Smalberger

PUBLIC NOTICE
(Published in The Oberlin Herald,
Wednesday, July 30, August 6, 13, 2003)3t

IN THE DISTRICT COURT OF
DECATUR COUNTY, KANSAS
PROBATE DIVISION

In the Matter of the Estate of
()
MAYNARD SMALBERGER, Deceased.)
Case No. 03-P-28

NOTICE OF HEARING AND NOTICE TO CREDITORS

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a petition dated July 24, 2003, has been filed in this court by Richard Smalberger, as an heir of Maynard Smalberger, deceased, praying for administration of said estate and for the appointment of Richard Smalberger as administrator of the estate.

You are further advised that the petitioner in this matter has requested administration pursuant to the Kansas Simplified Estates Act, and if such request is granted the court may not supervise administration of the estate and no further notice of any action of the administrator or other proceedings in the estate will be given except for notice of final settlement of the decedent's estate. Should written objections to simplified administration be filed with the court, the court may order supervised administration to ensue.

You are hereby required to file your written defenses to the appointment of Richard Smalberger as administrator of the estate on or before August 22, 2003, at 10:00 A.M. in this court in the city of Oberlin in Decatur County, Kansas, at which time and place the cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the petition.

All creditors are notified to exhibit their demands against the estate within four months from the date of the first publication of this notice as provided by law, and if their demands are not thus exhibited they shall be forever barred.

Richard Smalberger, Petitioner

Steven W. Hirsch
HIRSCH & PRATT, LLP
124 So. Penn—P. O. Box 296
Oberlin, Kansas 67749-0296
Ph. 785.475.2296
Fax 785.475.2060
Attorney for Petitioner

Hearing for improvements

PUBLIC NOTICE
(Published in The Oberlin Herald,
August 13, 20, 2003)2t

RESOLUTION NO. 593

A RESOLUTION ESTABLISHING A HEARING DATE REGARDING THE ADVISABILITY OF SPECIAL IMPROVEMENTS IN THE ALLEY IN BLOCK 13 OF THE ORIGINAL TOWNSITE OF OBERLIN, KANSAS

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OBERLIN, KANSAS, that:

Section 1. A hearing shall be held on September 4, 2003 at 6:30 p.m. at The Gateway in Oberlin, Kansas, before the City Council of the City of Oberlin, Kansas, to determine the advisability of making repairs, to-wit:

Hard surfacing of the alley located between Lots One (1) through Five (5) and the West Sixty Feet (W. 60') of Lots Twenty-five (25) and Twenty-six (26) and the West Sixty Feet of the North One-half (N. 1/2) of Lot Twenty-seven (27) in Block Thirteen (13) of the Original Townsite of the City of Oberlin, Decatur County, Kansas.

Section 2. The estimated cost of the project is Twelve Thousand Dollars (\$12,000).

Section 3. The proposed method of assessment is that 100% of the cost will be assessed to the benefited properties based upon linear front footage of property adjoining said alley.

Section 4. The hearing procedure utilized will be that set forth in K.S.A. 12-6a01 et seq.

ADOPTED by the Governing Body on this 7th day of August, 2003.

CITY OF OBERLIN
Kenneth Shobe, Mayor

ATTEST:
Deanna Castle, City Clerk

Traffic Ordinance 781

PUBLIC NOTICE
(Published in The Oberlin Herald,
Wednesday, August 13, 2003)1t

ORDINANCE NO. 781

An Ordinance Regulating Traffic Within the Corporate Limits of the City of Oberlin, Kansas and elsewhere; Incorporating By Reference the "Standard Traffic Ordinance for Kansas Cities," Edition of 2003; Providing Certain Penalties and Repealing Ordinance(s) No. 772

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OBERLIN, KANSAS:

Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Oberlin, Kansas, and any property owned by the City outside the corporate limits, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2003, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 781", and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

(a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.

(b) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

Section 3. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than Ten Dollars (\$10) nor more than Five Hundred Dollars (\$500), except for speeding which shall not be less than Ten Dollars (\$10) nor more than Five Hundred Dollars (\$500). A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed Five Hundred Dollars (\$500).

Section 4. Repeal. Ordinance(s) No. 772 is repealed.

Section 5. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the City Council this 7th day of August, 2003.

Approved by the Mayor this 7th day of August, 2003.

Kenneth Shobe, Mayor

ATTEST:
Deanna Castle, City Clerk

Public offense ordinance 782

PUBLIC NOTICE
(Published in The Oberlin Herald,
Wednesday, August 13, 2003)1t

ORDINANCE NO. 782

An Ordinance Regulating Public Offenses Within the Corporate Limits of the City of Oberlin, Kansas and elsewhere; Incorporating By Reference the "Uniform Public Offense Code for Kansas Cities," Edition of 2003

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OBERLIN, KANSAS:

Section 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of

regulating public offenses within the corporate limits of the City of Oberlin, Kansas, and any property owned by the City outside the corporate limits, that certain code known as the "Uniform Public Offense Code", Edition of 2003, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 782", and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. Repeal. Ordinance(s) No. 773 is repealed.

Section 3. Effective Date. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the City Council this 7th day of August, 2003.

Approved by the Mayor this 7th day of August, 2003.

Kenneth Shobe, Mayor

ATTEST:
Deanna Castle, City Clerk

Water system improvement

PUBLIC NOTICE
(Published in The Oberlin Herald,
Wednesday, August 13, 2003)1t
ORDINANCE NO. 783

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$1,047,800 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2003, OF THE CITY OF OBERLIN, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO PERMANENTLY FINANCE THE COST OF THE CONSTRUCTION OF CERTAIN WATER DISTRIBUTION SYSTEM IMPROVEMENTS, TOGETHER WITH ALL THINGS NECESSARY AND INCIDENTAL THERETO IN THE CITY; AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO.

WHEREAS, the City of Oberlin, Kansas (the "Issuer" or "City"), is a municipal subdivision, body corporate and politic duly created, organized and existing under the laws of the State of Kansas; and

WHEREAS, the City is authorized under the provisions of the Act, to issue and sell general obligation bonds for the purpose of paying all or part of the costs of constructing and of making alterations, repairs, reconstructions, extensions, enlargements and improvements to the City-owned water distribution system; and

WHEREAS, pursuant to the Act, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City of Oberlin, Kansas, (the "City") has caused certain water distribution system improvements together with all things necessary and incidental thereto (the "Improvements") to be made in the City; and

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Improvements and related expenses are at least \$1,047,800; and

WHEREAS, the governing body of the City is authorized by law to issue general obligation bonds of the City to permanently finance the costs of the Improvements; and

WHEREAS, the governing body of the City deems it to be in the best interest of the City and its inhabitants that general obligation bonds of the City be issued for such purposes; and

WHEREAS, the City, in accordance with K.S.A. 10-106, as amended and supplemented, is not required to publish notice (the "Sale Notice") of the City's intent to sell the Bonds when such general obligation bonds are sold pursuant to a written agreement to the government of the United States of America or any bureau, department, instrumentality, or agency thereof; and

WHEREAS, the City does, in accordance with the terms and conditions of a written agreement, hereby authorize the issuance and sale of the Bonds to the United States Department of Agriculture, Rural Development (the "Government or Agency"), acting under the provision of the consolidated Farm and Rural Development Act (7 U.S.C. Section 1921 et seq.); and

WHEREAS, the proceeds of the sale of the general obligation bonds as herein authorized shall be dispersed and otherwise utilized by the City for the purposes and in the manner all as more particularly hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED

BY THE GOVERNING BODY OF THE CITY OF OBERLIN, DECATUR COUNTY, KANSAS:

Section 1. Definitions of Words and Terms. In addition to the words and terms defined elsewhere in this Authorizing Ordinance and in the Resolution, the following words and terms as used in this Authorizing Ordinance shall have the following meanings:

"Act" shall mean the constitution and statutes of the State of Kansas, including K.S.A. 65-163u et seq. and K.S.A. 10-620 et seq., as amended and supplemented.

"Authorizing Ordinance" means this Ordinance No. 783.

"Bonds" means the City's General Obligation Bonds, Series 2003, dated August 15, 2003, in the aggregate principal amount of \$1,047,800 authorized and issued pursuant to this Ordinance.

"City Clerk" means the City Clerk of the City of Oberlin, Kansas.

"Code" means the Internal Revenue Code of 1986, as amended, together with any regulations applicable thereto or promulgated thereunder by the United States Department of the Treasury.

"Issuer" or "City" means the City of Oberlin, Kansas.

"Mayor" shall mean the duly elected Mayor or, in the Mayor's absence, the duly appointed Deputy Mayor of the City.

"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.

Section 2. Authorization of the Bonds. There shall be issued and are hereby authorized and directed to be issued the General Obligation Bonds, Series 2003, of the City in the principal amount of \$1,047,800 for the purpose of providing funds to permanently finance the cost of the construction of certain water distribution system improvements, together with all things necessary and incidental thereto in the City, in accordance with the Act.

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 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 the Resolution hereinafter adopted by the governing body of the City.

Section 5. Tax Covenants. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Bonds under Section 103 of the Code. The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as hereinbefore set forth, and that it will not directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City, or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds. In the event that at any time the City is of the opinion that for purposes of this Section it is necessary to restrict or limit the yield on the investment of any moneys held by the City under the Resolution, the City shall take such action as may be necessary.

Section 6. Further Authority. The Mayor, City 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 issue the Bonds, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein authorized which they may approve.

Section 7. Qualified Tax-Exempt Obligations. The Bonds are designated as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code.

ADOPTED by the governing body of the City on August 7, 2003.

Kenneth Shobe, Mayor

ATTEST:
Deanna Castle, City Clerk

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