

LEGALS

(First published in the Chase County Leader News 6/20/2025)

ORDINANCE NO. 2025-01
AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF ELMDALE, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.
WHEREAS, the Safe Drinking Water Act Amendments of 1996 [PL 104-182] to the Safe Drinking Water Act (the "Federal Act") established the Drinking Water Loan Fund to assist public water supply systems in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and
WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and
WHEREAS, by passage of the Kansas Public Water Supply Loan Act, K.S.A. 65-163d et seq., as amended (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Public Water Supply Loan Fund (the "Revolving Fund") for purposes of the Federal Act; and
WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and
WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Master Indenture (the "Master Indenture") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public water supply projects (the "Projects") and to pledge the Loan Repayments (as defined in the Master Indenture) received pursuant to such Loan Agreements to the Authority; and
WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act); and
WHEREAS, the City of Elmdale, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a water system (the "System"); and
WHEREAS, the System is a Public Water Supply System, as said term is defined in the Loan Act; and
WHEREAS, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain a loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following: Replacement of the existing distribution pipe, service meters, and service connections. (the "Project"); and
WHEREAS, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-15-50 through 28-15-65 (the "Regulations") applicable thereto necessary to qualify for the loan; and
WHEREAS, KDHE has informed the Municipality that it has been approved for a loan i amount not to exceed \$876,900.00 (the "Loan") in order to finance the Project; and
WHEREAS, the governing body of

the Municipality hereby finds and determines that it is necessary and desirable to accept the Loan and to enter into a loan agreement and certain other documents relating thereto, and to take certain actions required in order to implement the Loan Agreement.
THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ELMDALE, KANSAS:
Section 1. Authorization of Loan Agreement. The Municipality is hereby authorized to accept to enter into a certain Loan Agreement, with an effective date of April 7, 2025, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the "Loan Agreement") to finance the Project Costs (as defined in the Loan Agreement). The Mayor and Clerk are hereby authorized to execute the Loan Agreement in substantially the form presented to the governing body this date, with such changes or modifications thereto as may be approved by the Mayor and the Municipality's legal counsel, the Mayor's execution of the Loan Agreement being conclusive evidence of such approval.
Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Loan Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the Loan. In accordance therewith, the Municipality shall impose and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality as will provide System Revenues (as defined in the Loan Agreement) sufficient to (a) pay the cost of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan as and when the same become due, (c) pay all other amounts due any time under the Loan Agreement, and (d) pay the principal of and interest on Additional Revenue Obligations (as defined in the Loan Agreement) as and when the same become due; provided, however, the pledge of the System Revenues contained herein and in the Loan Agreement (i) shall be subject to reasonable expenses of operation and maintenance of the System, and (ii) shall be junior and subordinate in all respects to the pledge of System Revenues to any Additional Revenue Obligations. In the event that the System Revenues are insufficient to meet the obligations under the Loan and the Loan Agreement, the Municipality shall levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce the amounts necessary for the prompt payment of the obligations under the Loan and Loan Agreement. In accordance with the Loan Act, the obligations under the Loan and the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the Municipality.
Section 3. Further Authority. The Mayor, Clerk and other City officials and legal counsel 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 carry 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 4. Governing Law. The Ordinance and the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.
Section 5. 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 6/9/2025 and by the
/s/ Theresa Simmons Mayor
/s/ Sheryle Baker Clerk
/s/ Stephen J. Atherton City Attorney

(First published in the Chase County Leader News 6/20/2025)

ORDINANCE 1001
AN ORDINANCE, regulating and offering of water, supporting deposit by customers, fixing the charges and rates to be charged Customers for connections to the main and for water gave and repealing ordinances or parts of ordinances in conflict therewith, only as far as they conflict.
BE IT ORDAINED by the Governing Body of the City of Elmdale, Kansas, is amended as follows: AMENDING ORDINANCE NO. 1001 OF THE CITY OF ELMDALE, KANSAS RELATING SECTIONS THREE (3), SECTION FOUR (4) AND SECTION EIGHT (8) TO CITY WATER SERVICE, SEWER, AND TRASH SERVICE RATES OF ELMDALE, KANSAS, AND PROVIDING MEANS FOR THE COLLECTION OF SUCH CHARGES AND FEES.
SECTION 1. That a charge of the actual cost be charged and paid by each customer applying for water service, sewer service and trash service \$75.00 deposit and tapping City water main at the charge of \$250.00 and furnishing material and labor incident to delivering water to curb in the street or nearest let line in the alley.
SECTION 2. When application is made, each customer shall deposit with the City Clerk, or other proper official of the City having jurisdiction of such matter, the sum of \$75.00 pain with cash or check or \$80.00 online, when said deposit to be refunded customer ceases to use City services provided all sums due the City from the customer have been paid.
ORDINANCE #1001 is amended as follows pursuant K. S.A. 12-3007
SECTION 3. That all persons, firms, and corporations purchasing water within the City Limits from the City of Elmdale, Kansas, and to whom water is furnished by said City for such water, on the monthly rate, for water the sum of \$35.00 for the first one (1) thousand gallons of water and fraction of thereof, and the sum of \$5.00 per thousand thereafter.
That all persons, firms, and corporations buying sewer service within the City Limits from the City of Elmdale, Kansas, and to whom sewer is given by said City for such sewer on the monthly rate, for the sum of \$20.00 for the first one (1) thousand gallons and the sum of \$5.00 per thousand thereafter.
That all persons, firms, and corporations purchasing trash service within the City Limits from the City of Elmdale, Kansas, and to whom trash service is provided by Steve's Trash is furnished by said City for such trash service, on the monthly rate, for the sum of \$25.00 for the trash service rate.
SECTION 4. That all persons, firms, and corporations purchasing water from outside the City Limits of the City of Elmdale, Kansas, and to whom water is furnished by said City for such water, on the monthly rate, for water the sum of \$40.00 for the first one (1) thousand gallons of water and fraction of thereof, and the sum of \$5.00 per thousand thereafter.

That all persons, firms, and corporations buying, sewer from outside the City Limits of the City of Elmdale, Kansas, and to whom sewer is given by said City for such sewer of the monthly rate, for the sum of \$25.00 and the sum of \$5.00 one (1) thousand gallons thereafter.
That all persons, firms, and corporations purchasing trash service from outside the City Limits of the City of Elmdale, Kansas, and to whom trash service is provided by Steve's Trash is furnished by said City for such trash service, of the monthly rate, for the sum of \$25.00 for the trash service rate.
SECTION 5. Consumers and customers owning or occupying separate residences or properties shall not be permitted to receive water through the same meter, but each customer or consumer shall be required to make a separate deposit and shall receive water through a separate meter and shall be liable for and pay all charges as provided by this ordinance.
SECTION 6. All customers or consumers with service connections to the water system shall be liable for all provisions in section three (3) and four (4) of this ordinance unless the said City is notified in writing to have their water service dropped.
SECTION 7. All ordinances or parts of ordinances in conflict below, as far as they so conflict, are hereby repealed.
SECTION 8. Water bills will be charged, billed, and payable on a month rate basis, as specified in Sections three (3) and Sections four (4). All water consumers will be billed each month as follows: at the end of the first month a minimum rate of \$35.00 will be billed and payable one (1) thousand gallons and the sum of \$5.00 per thousand thereafter, meters will be read on the fourth (4th) week and any amount of water used over the minimum for the month will be billed and payable; water bills will be due on or before the 10th day of each month. Water bills not paid by the twenty-first (21st) day of the month following the billing date will be considered delinquent and water service will be promptly dropped thereafter. A charge of \$75.00 for reconnecting service on delinquent accounts will be payable before services can be reinstated.
SECTION 9. This ordinance shall take effect and be in force from shall take effect upon publication in the Chase County Leader newspaper. This ordinance will be posted on at www.cityofelmdale-ks.org and at the Elmdale Post Office on August 1, 2025.
Passed and approved by the City Council, Elmdale, Kansas, on the 9th day of June 2025.
ATTEST:
City Clerk
/s/ Sheryle Baker
Sheryle Baker
Council Members:
Jim Fritch
Ruth Green
Tyler Jackson
David Simmons II
Matthew Simmons
Mayor:
/s/ Theresa Simmons
Theresa Simmons


(First published in the Chase County Leader News 6/6/2025)

IN THE DISTRICT COURT OF CHASE COUNTY, KANSAS
In the Matter of the Estate of LORENA M. MAGATHAN, Deceased.
Case No: CS-2025-PR-000007
NOTICE OF HEARING
THE STATE OF KANSAS TO ALL PERSONS CONCERNED:
You are notified that a Petition has been filed in this Court by Charles L. Magathan, one of the heirs of Lorena M. Magathan, deceased, requesting:
Descent be determined of the following described real estate situated in Chase County, Kansas:
Tract 1:
The North Half of the Southwest Quarter (N1/2 SW1/4) and the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) Section 11, Township Twenty (20) South, Range Six (6) East of the 6th P.M., Chase County, Kansas.
Tract 2:
Part of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of said Section 11 described as follows: Beginning at a point on the South line of the Southeast Quarter (SE1/4) of said Section 11, 322 feet East of the Southwest corner of said Southeast Quarter (SE1/4); thence with assumed bearings, North 04 degrees 57 minutes 07 seconds West, 223.23 feet; thence North 87 degrees 55 minutes 04 seconds East, 330.86 feet; thence South 03 degrees 54 minutes 36 seconds East, 230.24 feet to the South line of said Southeast Quarter (SE1/4); thence North 90 degrees 00 minutes West along the South line of said Southeast Quarter (SE1/4), 327.16 feet to the point of beginning, containing 1.712 acres.
and all personal property and other Kansas real estate owned by decedent at the time of death. And that such property and all personal property and other Kansas real estate owned by the decedent at the time of death be assigned pursuant to the laws of intestate succession. You are required to file your written defenses to the Petition on or before July 1, 2025, at 9:00 a.m. in the city of Cottonwood Falls in Chase County, Kansas, at which time and place the cause will be heard. Should you fail to file your written defenses, judgment and decree will be entered in due course upon the Petition.
CHARLES L. MAGATHAN
Petitioner
SYMMONDS & SYMMONDS, LLC
RODNEY H. SYMMONDS, #09813
427 Commercial
Emporia, Kansas 66801
(620) 343-2764
Fax (620) 343-2765
info@symmondslaw.com
Attorneys for Petitioner

(First published in the Chase County Leader News 6/20/2025)

The document details the passage of an ordinance for a loan agreement to finance a public water supply project in Elmdale, Kansas. Ordinance Passage
• The governing body of Elmdale met on June 9, 2025, to discuss a new water increase ordinance.
• Ordinance No. 2025-01 was presented and passed unanimously with a vote of 5-0.
• The ordinance authorizes a loan agreement with the Kansas Department of Health and Environment. Loan Agreement Details
• The loan amount is not to exceed \$876,900.00 for financing public water supply project improvements.
• The project includes replacing existing distribution pipes, service meters, and service connections.
• The loan agreement is effective from April 7, 2025.
Revenue Source for Loan Repayment
• A dedicated source of revenue for loan repayment is established through rates, fees, and charges for water services.
• The municipality will levy ad valorem taxes if system revenues are insufficient to meet loan obligations.
• The ordinance ensures that obligations under the loan are not included in the municipality's bonded indebtedness limits.

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This project funded in part by the KDOT Public Program



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