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CITY OF ANDOVER, KANSAS  
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#### RESOLUTION NO. 22-36

A RESOLUTION DETERMINING THE ADVISABILITY OF MAKING CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF ANDOVER, KANSAS; SETTING FORTH THE GENERAL NATURE OF THE IMPROVEMENTS, THE ESTIMATED OR PROBABLE COSTS THEREOF, THE EXTENT OF THE BENEFIT DISTRICT TO BE ASSESSED FOR THE COSTS THEREOF, THE METHOD OF ASSESSMENT AND THE APPORTIONMENT OF THE COSTS BETWEEN THE BENEFIT DISTRICT AND THE CITY-AT-LARGE; AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH THE FINDINGS OF THE GOVERNING BODY; AND DIRECTING THE PUBLICATION AND RECORDING OF THIS RESOLUTION (HERITAGE WAY EAST PAVING IMPROVEMENTS AND, HERITAGE WAY WEST PAVING IMPROVEMENTS).

WHEREAS, on August 1, 2022 two petitions were filed in the Office of the City Clerk of the City of Andover, Kansas (the "City") requesting that certain paving improvements be made Heritage Way in the City; and

WHEREAS, the aforementioned petitions (the "Petitions") set forth (a) the general nature of the improvements, (b) the estimated or probable costs of the improvements, (c) the extent of the improvement district to be assessed for the costs of the improvements, (d) the method of assessment, (e) the apportionment of the costs between the improvement district and the City-at-Large, (f) a request that the improvements be made without notice and hearing as required by K.S.A. 12-6a04, as amended and supplemented; and (g) a statement that the proposed improvement district does not include all the property that may benefit from the proposed improvements; and

WHEREAS, the governing body of the City, upon an examination thereof on August 9, 2022, has considered and found and determined the Petitions to be sufficient, having been signed by the owners of record, whether resident or not, of all of the area liable for assessment for the costs of improvements requested thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. It is hereby found and finally determined to be advisable to make certain Improvements (hereinafter defined) in the City, and the following findings are hereby made regarding said Improvements:

A. Heritage Way East Paving Improvements (the “Heritage Way East Paving Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of certain paving, drainage and sidewalk improvements along the east edge of Heritage Way and related appurtenances necessary to serve the Heritage Way East Paving Improvements Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as “Heritage Way East Paving Improvements”).

(2) The estimated or probable costs of the Heritage Way East Paving Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is One Hundred Thousand (\$100,000) (said cost may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the rate of 1% per month from and after July 1, 2022).

(3) The extent of the improvement district to be assessed for the costs of the Heritage Way East Paving Improvements shall include and consist of certain real property in the City of Andover, Butler County, Kansas, which is described as follows:

Unplatted Tract A: A tract of land lying in the Southwest Quarter of Section 20, Township 27 South, Range 3 East of the Sixth Principal Meridian, Butler County, Kansas, being more particularly described as follows:

COMMENCING at the Northwest Corner of said Southwest Quarter; thence along the north line of said Southwest Quarter on a Kansas coordinate system of 1983 south zone bearing of N89°22’02”E, 2495.64 feet to a point lying 165.00 feet west of the northeast corner of said Southwest Quarter, said point being common to the northwest corner of Yorktown Parkway right-of-way, as platted in US 54/400 and Yorktown, an addition to Andover, Butler County, Kansas; thence along the west line of said Yorktown Parkway right-of-way for the next two courses, S45°38’07”E, 35.36 feet to a point 140 feet west of the east line of said Southwest

Quarter; thence parallel with said east line, S00°38'16"E, 1172.71 feet to the POINT OF BEGINNING; thence S89°21'44"W, 250.99 feet to the POINT OF BEGINNING; thence S00°49'44"E, 579.26 feet to a point on the north right-of-way line of Founders Parkway as platted in The Heritage Mixed-Use First, of the final Planned Unit Development plan, an addition to Andover, Butler County, Kansas, and being a point on a non-tangent curve to the right, said curve right having a radius of 755.00 feet, a central angle of 19°48'27", a chord bearing of N78°19'55"W, and a chord distance of 259.71 feet; thence along said north right-of-way line and along said non-tangent curve to the right, 261.01 feet; thence continuing along said north right-of-way line, N68°25'41"W, 25.23 feet; thence N21°34'19"E, 57.85 feet to a point on a curve to the left, said curve having a radius of 320.00 feet, a central angle of 68°15'02", a chord bearing of N12°33'12"W, and a chord distance of 359.04 feet; thence along said curve to the left, 381.18 feet; thence N67°06'34"W, 61.77 feet; thence N32°20'44"E, 101.16 feet; thence N89°21'44"E, 328.99 feet to the POINT OF BEGINNING. Said tract CONTAINS: 153,687 square feet or 3.53 acres of land, more or less ("Unplatted Tract A").

(collectively the "Heritage Way East Paving Improvements Benefit District").

The Heritage Way East Paving Improvements Benefit District does not include all the property that may be deemed benefited by the Heritage Way East Paving Improvements. The signers of the petition are the owners of 100% of the property in the Heritage Way East Paving Improvements Benefit District and have agreed to pay the costs of the Heritage Way East Paving Improvements as set forth in the Petition and consented to the levy of special assessments in the Heritage Way East Paving Improvements Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Heritage Way East Paving Improvements to the properties in the proposed benefit district is on a fractional basis. The fractional shares provided for herein have been determined on the basis of shares being assessed to lots or tracts of substantially comparable size and value with consideration for their proximity to the Heritage Way East Paving Improvements Benefit District, as follows:

Unplatted Tract A shall pay 100% of the total cost payable by the Heritage Way East Paving Improvements Benefit District.

In the event all or part of the lots or parcels in the Heritage Way East Paving Improvements Benefit District are platted before assessments have been levied, the assessments against the newly platted area shall be recalculated on the basis of the method of assessment set forth herein. Where ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(5) The apportionment of the costs of the Heritage Way East Paving Improvements, as between the Heritage Way East Paving Improvements Benefit

District and the City-at-Large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Heritage Way East Paving Improvements Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

B. Heritage Way West Paving Improvements (the "Heritage Way West Paving Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of certain paving, drainage and sidewalk improvements along the east edge of Heritage Way and related appurtenances necessary to serve the Heritage Way West Paving Improvements Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as "Heritage Way West Paving Improvements").

(2) The estimated or probable costs of the Heritage Way West Paving Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Eighty-Eight Thousand Dollars (\$88,000) (said cost may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the rate of 1% per month from and after July 1, 2022).

(3) The extent of the improvement district to be assessed for the costs of the Heritage Way West Paving Improvements shall include and consist of certain real property in the City of Andover, Butler County, Kansas, which is described as follows:

Unplatted Tract B: A tract of land lying in the Southwest Quarter of Section 20, Township 27 South, Range 3 East of the Sixth Principal Meridian, Butler County, Kansas, being more particularly described as follows:

COMMENCING at the Northwest Corner of said Southwest Quarter; thence along the north line of said Southwest Quarter on a Kansas coordinate system of 1983 south zone bearing of N89°22'02"E, 1378.75 feet to a point lying 1281.89 feet west of the Northeast Corner of said Southwest Quarter; thence S00°37'58" E, 1291.38 feet to a point on the south right-of-way of Willowbrook Street, previously platted as Waterman Street in Willowbrook 2nd Addition, Butler County, Kansas, being common to the northwest corner of the South Park tract of land described in Quitclaim Deed recorded on Book 2020, Page 1892, thence along the north line of said South Park tract and along the extended said south right-of-way, N89°24'37"E, 341.66 feet to a point on a curve to the right, said curve having a radius of 246.00 feet, a central angle of 04°23'34", a chord bearing of S88°24'02"E, and a chord distance of 18.86 feet; thence continuing along said north line and along said curve to the right, 18.86 feet to the northeast corner of said South Park tract and being the POINT OF BEGINNING; being common to a point on a curve to the right, said curve having a radius of 246.00 feet, a central angle of 28°32'32", a chord bearing

of S71°55'29"E, and a chord distance of 121.28 feet; thence along said curve to the right, 122.55 feet; thence S32°53'01"E, 48.23 feet to a point on a non-tangent curve to the right, said curve having a radius of 230.00 feet, a central angle of 68°15'02", a chord bearing of S12°33'12"E, and a chord distance of 258.06 feet; thence along said non-tangent curve to the right, 273.98 feet; thence S21°34'19"W, 57.85 feet; thence N68°25'41"W, 75.21 feet to a point on a curve to the left, said curve having a radius of 645.00 feet, a central angle of 08°52'59", a chord bearing of N72°52'10"W, and a chord distance of 99.90 feet; thence along said curve to the left, 100.00 feet to the southeast corner of said South Park tract; thence along the east line of said South Park tract for the next two courses, N12°41'20"E, 110.00 feet; thence N09°04'34"W, 222.21 feet to the POINT OF BEGINNING. Said tract CONTAINS: 55,611 square feet or 1.28 acres of land, more or less. ("Unplatted Tract B")

(collectively the "Heritage Way West Paving Improvements Benefit District").

The Heritage Way West Paving Improvements Benefit District does not include all the property that may be deemed benefited by Heritage Way West Paving Improvements. The signers of the petition are the owners of 100% of the property in the Heritage Way West Paving Improvements Benefit District and have agreed to pay the costs of the Heritage Way West Paving Improvements as set forth in the Petition and consented to the levy of special assessments in the Heritage Way West Paving Improvements Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Heritage Way West Paving Improvements to the properties in the proposed benefit district is on a fractional basis. The fractional shares provided for herein have been determined on the basis of shares being assessed to lots or tracts of substantially comparable size and value with consideration for their proximity to the Heritage Way West Paving Improvements Benefit District, as follows:

Unplatted Tract B shall pay 100% of the total cost payable by the Heritage Way East Paving Improvements Benefit District.

In the event all or part of the lots or parcels in the Heritage Way West Paving Improvements Benefit District are platted before assessments have been levied, the assessments against the newly platted area shall be recalculated on the basis of the method of assessment set forth herein. Where ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(5) The apportionment of the costs of the Heritage Way West Paving Improvements, as between the Heritage Way West Paving Improvements Benefit District and the City-at-Large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Heritage Way West Paving Improvements

Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Heritage Way East Paving Improvements and Heritage Way West Paving Improvements (collectively herein the "Improvements") are hereby authorized and ordered to be made in accordance with the findings set forth in Section 1 hereof, under the authority of and as provided by K.S.A. 12-6a01 *et seq.*, as amended and supplemented.

SECTION 3. This Resolution shall be published one time in the City's official newspaper, and shall be recorded in the Office of the Register of Deeds of Butler County, Kansas in accordance with the provisions of K.S.A. 12-153.

*[Remainder of Page Intentionally Left Blank]*

PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on the 9<sup>th</sup> day of August, 2022.

CITY OF ANDOVER, KANSAS



ATTEST

Ronnie Price, Mayor

Susan C. Renner, City Clerk