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ORDINANCE NO. 1842

AN ORDINANCE AMENDING ORDINANCE NO. 1798, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 1816, OF THE CITY OF ANDOVER, KANSAS.

WHEREAS, the governing body of the City of Andover, Kansas (the “City”) has heretofore by Resolution No. 21-12 adopted May 25, 2021 and published in the City’s official newspaper as required by law on June 5, 2021, as amended by (i) Resolution No. 21-31 adopted November 9, 2021 and published on November 20, 2021 and (ii) Resolution No. 22-42 adopted September 13, 2022 and to be published on September 24, 2022 (collectively, the “Authorizing Resolution”), found and determined it to be advisable and authorized the making of Prairie Creek Water Improvements-Sixth Phase, Prairie Creek Sanitary Sewer Improvements-Sixth Phase, Prairie Creek Internal Paving Improvements-Sixth Phase, Prairie Creek Road Paving Improvements-Sixth Phase, and Prairie Creek Storm Water Drain Improvements-Sixth Phase (collectively herein, the “Improvements”) in the City, as provided by K.S.A. 12-6a01 *et seq.*, as amended and supplemented, at a total estimated cost of \$4,142,000, a portion of which costs will be levied and assessed against properties benefiting from the Improvements; and

WHEREAS, the governing body of the City finds and determines it advisable to amend Ordinance No. 1798 adopted May 25, 2021 and published in the City’s official newspaper, as required by law on June 5, 2021, as amended by Ordinance No. 1816 adopt November 9, 2021 and published in the City’s official newspaper, as required by law, on November 20, 2021 (collectively, the “Original Ordinances”).

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

Section 1. Amendment to Recitals. The first and second recitals of the Original Ordinances are hereby amended by replacing them with the following:

WHEREAS, the governing body of the City of Andover, Kansas (the “City”) has heretofore by Resolution No. 21-12, as amended by Resolution Nos. 21-31 and 22-__ (collectively, the “Authorizing Resolution”), found and determined it to be advisable and authorized the making of certain Prairie Creek Water Improvements-Sixth Phase, Prairie Creek Sanitary Sewer Improvements-Sixth Phase, Prairie Creek Internal Paving Improvements-Sixth Phase, Prairie Creek Road Paving Improvements-Sixth Phase, and Prairie Creek Storm Water Drain Improvements-Sixth Phase (collectively, the “Improvements”) in the City, as provided by K.S.A. 12-6a01 *et seq.*, as amended and supplemented, at a total estimated cost of \$4,142,000 (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 June 1, 2021), which costs will be levied and assessed against properties benefiting from the Improvements; and

WHEREAS, the governing body of the City, upon an examination thereof, has considered and found and determined certain subject petitions filed on May 21, 2021, as modified with (i) the amended petition for the Prairie Creek Sanitary Sewer Improvements-Sixth Phase filed on October 19, 2021 and (ii) the amended petitions for Prairie Creek Internal Paving Improvements-Sixth Phase and Prairie Creek Road Paving Improvements-Sixth Phase filed on August 29, 2022 (collectively, the "Petitions") to be sufficient, having been signed by the owners of record, whether resident or not, of all of the property liable for assessment for the costs of the Improvements; and

Section 2. Amending Ordinance. This Ordinance supplements and amends the Original Ordinances only to the extent necessary to reflect the receipt of the revised petitions reflecting a change in the estimated cost for the Prairie Creek Internal Paving Improvements-Sixth Phase and Prairie Creek Road Paving Improvements-Sixth Phase. Except to the extent specifically amended hereby, the Original Ordinances shall remain in full force and effect.

Section 3. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of City of Andover, Kansas and its publication in the official newspaper of the City.

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PASSED, APPROVED AND ADOPTED by the governing body of the City of Andover, Kansas this 13th day of September, 2022.

CITY OF ANDOVER, KANSAS



By 
Ronnie Price, Mayor

By 
Susan C. Renner, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas met at the normal meeting place, in the City on September 13, 2022, at 7:00 p.m., with Mayor Ronnie Price, presiding, and the following members of the governing body present:

Homer Henry, Joseph Forred, Shelby Carselowey, Mike Warrington, Troy Tabor, and Tim Berry

and the following members absent: n/a

Thereupon, and among other business, there was presented to the governing body a Resolution entitled:

A RESOLUTION AMENDING RESOLUTION NO. 21-12, AS PREVIOUSLY AMENDED BY RESOLUTION NO. 21-31, OF THE CITY OF ANDOVER, KANSAS.

Thereupon, the Resolution was considered and discussed; and on motion of Henry, seconded by Forred, the Resolution was adopted by a majority vote of all members present.

Thereupon, the Resolution having been adopted by a majority vote of the members of the governing body, it was given No. 22-42, and was directed to be signed by the Mayor and attested by the City Clerk; and the City Clerk was directed to cause the publication of the Resolution one time as set forth therein and required by law, and to record the Resolution in the Office of the Register of Deeds of Butler County, Kansas.

Thereupon, and among other business, there was presented to the governing body, an Ordinance entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 1798, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 1816, OF THE CITY OF ANDOVER, KANSAS.

Thereupon, the Ordinance was considered and discussed; and on motion of Henry, seconded by Tabor, the Ordinance was adopted by a majority vote of all members of the governing body.

Thereupon, the Ordinance having been adopted by a majority vote of the members of governing body, it was given No. 1842 and directed to be signed by the Mayor and attested by the City Clerk, and the City Clerk was directed to cause the publication of the Ordinance one time as set forth therein and required by law.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of the Minutes of the proceedings at the September 13, 2022 meeting of the governing body of the City of Andover,

Kansas





Susan C. Renner, City Clerk