

After recording, return to:

City of Andover, Kansas
Attn: Susan C. Renner, City Clerk
1609 E. Central
Andover, Kansas 67002
Telephone: (316) 733-1303

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at www.andoverks.com on October 8, 2022)

RESOLUTION NO. 22-44

A RESOLUTION AMENDING RESOLUTION NO. 22-36 OF THE CITY OF
ANDOVER, KANSAS.

WHEREAS, the governing body of the City of Andover, Kansas (the "City") adopted Resolution No. 22-36 (the "Original Resolution") on August 9, 2022, which Original Resolution was published in the official newspaper of the City on August 20, 2022; and

WHEREAS, the Original Resolution found and finally determined to be advisable to make Heritage Way East Paving Improvements and Heritage Way West Paving Improvements (collectively herein, the "Improvements") in the City, all as defined and described therein; and

WHEREAS, the City has received two new revised petitions (the "Revised Petitions") on September 26, 2022 for the Heritage Way East Paving Improvements and Heritage Way West Paving Improvements and, upon examination of the Revised Petitions on September 27, 2022, determined the Revised Petitions to be sufficient and the governing body finds and determines it desirable to ratify the acquisition and construction of the Improvements; and

WHEREAS, in connection with the foregoing, the governing body of the City finds and determines it advisable to amend Resolution No. 22-36 of the City.

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

Section 1. Amendment to Section 1. Subsection (A) Paragraphs (2), (3), and (4) of that portion of Section 1 entitled "Heritage Way East Paving Improvements" of the Original Resolution is hereby amended by replacing said paragraphs with the following:

(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 September 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:

The Heritage Mixed-Use Second
Lots 1 through 4, Block 1

(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 square foot basis.

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.

Section 2. Amendment to Section 1. Subsection (B) Paragraphs (2), (3), and (4) of that portion of Section 1 entitled "Heritage Way West Paving Improvements" of the Original Resolution is hereby amended by replacing said paragraphs with the following:

(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 September 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:

The Heritage Mixed-Use Second
Lot 1, Block 2

(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 square foot basis.

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.

Section 3. Amending Resolution. This resolution supplements and amends the Original Resolution only to the extent necessary to amend the benefit districts, basis on which the cost will be allocated and changing the date for the one percent escalator for the Improvements contained therein and, except to the extent specifically amended hereby, the Original Resolution shall remain in full force and effect.

Section 4. Publishing and Recording. 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 because it makes additional findings affecting the following described real property in the City of Andover, Butler County, Kansas:

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").

now known as: The Heritage Mixed-Use Second, Lots 1 through 4, Block 1

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")

now known as: The Heritage Mixed-Use Second, Lot 1, Block 2

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on the 27th day of September, 2022.



CITY OF ANDOVER, KANSAS



Ronnie Price, Mayor

ATTEST:



Susan C. Renner, City Clerk