

After recording, return to:

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

(Published in *The Butler County Times-Gazette* and
at www.andoverks.com on November 5, 2022)

RESOLUTION NO. 22-46

**A RESOLUTION AMENDING RESOLUTION NO. 21-36 OF THE CITY OF
ANDOVER, KANSAS.**

WHEREAS, the governing body of the City of Andover, Kansas (the “City”) adopted Resolution No. 21-36 (the “Original Resolution”) on December 14, 2021, which Original Resolution was published in the official newspaper of the City on January 8, 2022; and

WHEREAS, the Original Resolution found and finally determined to be advisable to make Water Improvements, Sanitary Sewer Improvements, Paving Improvements, Storm Water Drainage Improvements, and Highway Dividing Area Wall Improvements (collectively herein, the “Improvements”) in the City, all as defined and described therein; and

WHEREAS, the City has received four new revised petitions (the “Revised Petitions”) on October 19, 2022 for the Water Improvements, Sanitary Sewer Improvements, Paving Improvements, and Storm Water Drainage Improvements, upon examination of the Revised Petitions on October 25, 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, the developer has requested that the Highway Dividing Area Wall Improvements be removed from the petitioned improvements; and

WHEREAS, in connection with the foregoing, the governing body of the City finds and determines it advisable to amend Resolution No. 21-36 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) Paragraph (2) of that portion of Section 1 entitled "Water Improvements" of the Original Resolution is hereby amended by replacing said paragraphs with the following:

(2) The estimated or probable costs of the Water Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Twenty-Six Thousand Dollars (\$226,000), 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 December 1, 2021.

Section 2. Amendment to Section 1. Subsection (B) Paragraph (2) of that portion of Section 1 entitled "Sanitary Sewer Improvements" of the Original Resolution is hereby amended by replacing said paragraphs with the following:

(2) The estimated or probable costs of the Sanitary Sewer Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Four Hundred Eleven Thousand Dollars (\$411,000) and 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 December 1, 2021.

Section 3. Amendment to Section 1. Subsection (C) Paragraph (2) of that portion of Section 1 entitled "Paving Improvements" of the Original Resolution is hereby amended by replacing said paragraphs with the following:

(2) The estimated or probable costs of the Paving Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Three Hundred Eighty-Nine Thousand Dollars (\$389,000) and 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 December 1, 2021.

Section 4. Amendment to Section 1. Subsection (D) Paragraph (2) of that portion of Section 1 entitled "Storm Water Drainage Improvements" of the Original Resolution is hereby amended by replacing said paragraphs with the following:

(2) The estimated or probable costs of the Storm Water Drainage Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Four Hundred Fourteen Thousand Dollars (\$414,000) and 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 December 1, 2021.

Section 4. Amendment to Section 1. Subsection (E) of Section 1 entitled "Highway Dividing Area Wall Improvements" of the Original Resolution is hereby deleted and replaced with the following:

(E) Reserved.

Section 5. Amending Resolution. This resolution supplements and amends the Original Resolution only to the extent necessary to amend the cost for the Improvements and delete Section 1(E) of the Resolution and, except to the extent specifically amended hereby, the Original Resolution shall remain in full force and effect.

Section 6. 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:

Speyside at Terradyne Estates
Lots 1 through 28, Block A

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on the 25th day of October, 2022.

CITY OF ANDOVER, KANSAS




Ronnie Price, Mayor

Susan C. Renner, City Clerk