

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](http://www.andoverks.com) on February 11, 2023)

RESOLUTION NO. 23-03

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 THIRD ADDITION WATER IMPROVEMENTS, HERITAGE THIRD ADDITION SEWER IMPROVEMENTS, AND HERITAGE THIRD ADDITION PAVING IMPROVEMENTS).

WHEREAS, on January \_\_, 2023 three petitions (the "Petitions") were filed in the Office of the City Clerk of the City of Andover, Kansas (the "City"), requesting that certain water, sewer and paving improvements be made to The Heritage Third Addition in the City; and

WHEREAS, the aforementioned 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 January 31, 2023, considered, 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 Third Addition Water Improvements (the "Heritage Third Addition Water Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of a certain water distribution system and related appurtenances necessary to serve the Benefit District (as hereinafter defined) in the City (such improvements being commonly known as "Heritage Third Addition Water Improvements").

(2) The estimated or probable costs of the Heritage Third Addition Water Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Seventy-Two Thousand Dollars (\$272,000) (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 January 1, 2023).

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

The Heritage Third Addition  
Block 1, Lots 1 through 18, inclusive  
Block 2, Lots 1 through 16, inclusive  
Block 3, Lots 1 through 10, inclusive

(collectively, the "Benefit District").

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

(4) The method of assessment proposed for assessing costs of the proposed Heritage Third Addition Water Improvements to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot of the total cost payable by the Benefit District.

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

(5) The apportionment of the costs of the Heritage Third Addition Water Improvements, as between the Benefit District and the City-at-Large, is that one hundred percent (100%) of the costs shall be assessed against the proposed Benefit District, and zero percent (0%) of the cost shall be apportioned to the City-at-Large.

B. Heritage Third Addition Sewer Improvements (the "Heritage Third Addition Sewer Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of a certain sanitary sewer system and related appurtenances necessary to serve the Heritage Third Addition Sewer Improvements Benefit District (as hereinafter defined) in the City (such improvements being commonly known as "Heritage Third Addition Sewer Improvements").

(2) The estimated or probable costs of the Heritage Third Addition Sewer Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Three Hundred Eighty Thousand Dollars (\$380,000) (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 January 1, 2023).

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

The Heritage Third Addition  
Block 1, Lots 1 through 18, inclusive  
Block 2, Lots 1 through 16, inclusive

(collectively, the "Heritage Third Addition Sewer Improvements Benefit District").

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

(4) The method of assessment proposed for assessing costs of the proposed Heritage Third Addition Sewer Improvements to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot of the total cost payable by the Heritage Third Addition Sewer Improvements Benefit District.

In the event all or part of the lots or parcels in the Heritage Third Addition Sewer Improvements Benefit District are replatted before assessments have been levied, the assessments against the replatted 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 Third Addition Sewer Improvements, as between the Heritage Third Addition Sewer Improvements Benefit District and the City-at-Large, is that one hundred percent (100%) of the costs shall be assessed against the proposed Heritage Third Addition Sewer Improvements Benefit District, and zero percent (0%) of the cost shall be apportioned to the City-at-Large.

#### C. Heritage Third Paving Addition Improvements (the "Heritage Third Addition Paving Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of paving, drainage and sidewalk improvements and related appurtenances necessary to serve the Benefit District in the City (such improvements being commonly known as "Heritage Third Paving Addition Improvements").

(2) The estimated or probable costs of the Heritage Third Addition Paving Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is One Million Sixty-Nine Thousand (\$1,069,000) (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 January 1, 2023).

(3) The extent of the improvement district to be assessed for the costs of the Heritage Third Addition Paving Improvements shall include and consist of certain real property in the Benefit District.

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

(4) The method of assessment proposed for assessing costs of the proposed Heritage Third Addition Paving Improvements to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot of the total cost payable by the Benefit District.

In the event all or part of the lots or parcels in the Benefit District are replatted before assessments have been levied, the assessments against the replatted 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 Third Addition Paving Improvements, as between the Benefit District and the City-at-Large, is that one hundred percent (100%) of the costs shall be assessed against the proposed Benefit District, and zero percent (0%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Heritage Third Addition Water Improvements, Heritage Third Addition Sewer Improvements, and Heritage Third Addition 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 31<sup>st</sup> day of January, 2023.

CITY OF ANDOVER, KANSAS



ATTESA



Ronnie Price, Mayor



Susan C. Renner, City Clerk