

(Published in *The Butler County Times-Gazette* and
at www.andoverks.com on May 20, 2023)

ORDINANCE NO. 1866

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS, LEVYING SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE CITY, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS BENEFITING SUCH REAL PROPERTIES; PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL ASSESSMENT TAXES BY PUBLICATION AND MAILING; AND PROVIDING FOR THE COLLECTION OF SAID SPECIAL ASSESSMENT TAXES (TUSCANY ADDITION PHASE 3 IMPROVEMENTS, CORNERSTONE ELEVENTH ADDITION IMPROVEMENTS, HODGES 6TH SUBDIVISION IMPROVEMENTS, AND HODGES 7TH SUBDIVISION IMPROVEMENTS).

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

SECTION 1. For the purpose of paying the benefit districts' \$3,369,675 combined portions of the \$3,849,800 total costs of the following described improvements:

(1) The construction of water, sanitary sewer, paving, and drainage improvements, as authorized by Resolution No. 20-08 duly adopted March 31, 2020 and published April 11, 2020 (the "Tuscany Addition Phase 3 Improvements"); and

(2) The construction of water, sanitary sewer, paving, and drainage improvements, as authorized by Resolution No. 21-11 duly adopted May 11, 2021 and published May 22, 2021, as amended by Resolution No. 21-22 duly adopted August 10, 2021 and published August 21, 2021 (the "Cornerstone Eleventh Addition Improvements");

(3) The construction of water, sanitary sewer, paving, and storm water drainage improvements, as authorized by Resolution No. 21-28 duly adopted October 12, 2021 and published October 23, 2021 (the "Hodges 6th Subdivision Improvements");

(4) The construction of water, sanitary sewer, and storm water drainage improvements, as authorized by Resolution No. 21-30 duly adopted November 9, 2021 and published November 20, 2021 (the "Hodges 7th Subdivision Improvements");

to the City of Andover, Kansas (the "City"), there are hereby levied and assessed against the properties liable therefor, the several amounts set forth below following the description of each

lot, piece or parcel of land situated in the City of Andover, Butler County, Kansas, which are liable for assessment for said costs:

TUSCANY ADDITION PHASE 3 IMPROVEMENTS

<u>Legal Description</u>	<u>Water</u>	<u>Sewer</u>
Tuscany Addition, Third Phase, Final Planned Unit Development Plan:		
Block A, Lots 1 through 6, inclusive	\$2,475.00 each	\$4,993.42 each
Block B, Lots 1 through 6, inclusive	\$2,475.00 each	\$4,993.42 each
Block C, Lots 1 through 7, inclusive	\$2,475.00 each	\$4,993.42 each
<u>Legal Description</u>	<u>Paving</u>	<u>Storm Water Drain</u>
Tuscany Addition, Third Phase, Final Planned Unit Development Plan:		
Block A, Lots 1 through 6, inclusive	\$15,978.95 each	\$4,819.74 each
Block B, Lots 1 through 6, inclusive	\$15,978.95 each	\$4,819.74 each
Block C, Lots 1 through 7, inclusive	\$15,978.95 each	\$4,819.74 each
<u>Parcel A:</u> Beginning at the Northwest Corner of the Southwest Quarter of the Southeast Quarter of Section 31, Township 27 South, Range 3 East of the 6 th P.M., in Butler County, Kansas; thence on a Kansas Zone South Grid bearing of N89°07'59"E along the North line of said Southwest Quarter of the Southeast Quarter, for 1179.51 feet; thence S01°06'09"E, 225.17 feet to the north line of Reserve B, Second Phase Tuscany Addition to Andover, Butler County, Kansas; thence S89°53'51"W for 612.39 feet to the point of beginning of a non-tangential curve lying Southeast of a chord bearing S30°32'04"W; thence along said curve for an arc distance of 65.37 feet; through an angle of 11°16'50" having a radius of 332.00 feet; thence on a tangential line S36°10'29"W for 127.16 feet to the beginning of a non-tangential curve lying Northeast of a chord bearing N56°26'00"W; thence along said curve for an arc distance of 95.05 feet through an angle of 22°13'44", having a radius of 245.00 feet to a point of intersection with a non-tangential line; thence along the Northerly line of Reserve A as platted in said Second Phase Tuscany Addition, S24°41'44"W for 81.38 feet to a point; thence N83°07'00"W for 117.82 feet to the beginning of a non-tangential curve lying Southeast of a chord bearing of S48°51'04"W; thence along said curve for an arc distance of 73.25 feet, through an angle of 83°56'08", having a radius of 50.00 feet to a point of intersection with a non-tangential line; thence S00°49'08"W for 116.56 feet to a point; thence S89°09'46"W for 174.13 feet to a point on the West line of	N/A	\$91,575.00

<u>Legal Description</u>	<u>Paving</u>	<u>Storm Water Drain</u>
said Southwest Quarter of the Southeast Quarter; thence N00°48'52"W along the West line of said Southwest Quarter of the Southeast Quarter, a distance of 550.61 feet to the point of beginning ("Parcel A").		

CORNERSTONE ELEVENTH ADDITION IMPROVEMENTS

<u>Legal Description</u>	<u>Water</u>	<u>Sewer</u>
The Cornerstone Eleventh Addition:		
Block 1, Lots 2 through 9, inclusive	\$2,447.37 each	\$6,718.42 each

<u>Legal Description</u>	<u>Paving</u>	<u>Drainage</u>
The Cornerstone Eleventh Addition:		
Block 1, Lots 2 through 9, inclusive	\$10,634.38 each	\$7,393.84 each
Block 2, Lots 2 and 3	\$10,634.38 each	\$7,393.84 each
Block 2, Lots 4 through 14, inclusive	\$10,634.38 each	\$7,425.71 each
Block 2, Lots 15 through 31, inclusive	\$10,634.38 each	\$9,592.87 each
	\$59,318.40	N/A

Unplatted School Tract: A tract of land lying within the West half of Section 6, Township 27 South, Range 3 East, of the 6th Principal Meridian, Andover, Butler County, Kansas, said tract lying within all of Government Lot 4, and portions of Government Lots 3, 5, and 6, AND ALSO, a portion of the Southeast Quarter of the Northwest Quarter of said Section 6, said tract collectively being more particularly described as follows:

COMMENCING at the Southwest corner of said Southwest Quarter, thence along the West line of said Southwest Quarter, being coincident with the west lines of Government Lots 7 and 6, on a Kansas coordinate system of 1983 south zone bearing of N00°38'46"W, 2427.04 feet to the POINT OF BEGINNING, thence along the West line of said Government Lot 6, N00°38'46"W, 227.51 feet to the West Quarter corner of said Section 6 being coincident with the Southwest corner of said Government Lot 5; thence along the West lines of said Government Lots 5 and 4, N00°36'44"W, 2657.46 feet to the Northwest corner of said Section 6; thence along the North line of said Government Lots 4 and 3, N88°39'59"E, 2443.88 feet to the North Quarter corner being coincident with the Northeast corner of said Government Lot 3; thence along the East line of said Government Lot 3, S01°22'31"E, 780.32 feet; thence S89°29'06"W, 364.19 feet to a point on the extended west line of Block 7, of the Final Planned Unit Development,

Legal DescriptionPavingDrainage

The Cornerstone Third Addition, an addition to Andover, Butler County, Kansas; thence along said extended west line of Block 7, S00°30'54"E, 472.03 feet to the southwest corner of Lot 6, said Block 7; thence along the extended north line of said Block 7, S89°29'06"W, 665.58 feet; thence S00°30'54"E, 417.61 feet; thence S66°33'39"W, 588.84 feet; thence S00°38'27"E, 795.48 feet to the common line of said Government Lots 5 and 6; thence along said common line, S89°38'14"W, 40.49 feet; thence S00°38'46"E, 227.76 feet to the northeast corner of Lot 1, Block 1, Final Planned Unit Development, Cornerstone School Addition, an addition to Andover, Butler County, Kansas; thence along the extended north line of said Lot 1, Block 1, S89°39'15"W, 840.00 feet to the POINT OF BEGINNING.

Said tract CONTAINS a gross area of: 4,603,176 square feet or 105.674 acres of land, more or less (the "Unplatted School Tract").

HODGES 6TH SUBDIVISION IMPROVEMENTS

<u>Legal Description</u>	<u>Water</u>	<u>Sewer</u>
Hodges Sixth Subdivision:		
Block A, Lots 1 through 13, inclusive	\$7,817.65 each	\$20,923.53 each
Block B, Lots 1 through 4, inclusive	\$7,817.65 each	\$20,923.53 each

Legal DescriptionPavingStorm Water

Hodges Sixth Subdivision:		
Block A, Lots 1 through 13, inclusive	\$20,435.29 each	\$34,800.00 each
Block B, Lots 1 through 4, inclusive	\$20,435.29 each	\$34,800.00 each

HODGES 7TH SUBDIVISION IMPROVEMENTS

<u>Legal Description</u>	<u>Water</u>	<u>Sewer</u>	<u>Storm Water</u>
Hodges Seventh Subdivision:			
Block A, Lot 1	\$48,300.00	\$78,000.00	\$56,700.00

SECTION 2. The amounts so levied and assessed as set forth above shall be due and payable from and after the date of adoption of this Ordinance; and the City Clerk shall notify each and all of the owners of the above described properties, insofar as known to the City Clerk and at their last known post office address, of the amounts of their respective special assessments; and said notice shall further state that the owners of the properties will be given a period until Noon on Tuesday, June 20, 2023, during which the special assessments may be paid in full at the Andover City Hall, 1609 E. Central, Andover, Kansas, and the lien against any property for which the special assessment is paid shall thereupon be discharged and satisfied. Said notice shall further

state that for any assessments not paid by the specified date and time, general obligation bonds of the City, payable in installments over a period of Twenty years, will be issued, and the principal amount of the unpaid assessments, together with interest of the unpaid principal balance thereof at a rate equal to the average annual interest rate on such general obligation bonds (such rate not to exceed the maximum rate allowed on such general obligation bonds by the laws of the State of Kansas) will be certified to the County Clerk of Butler County, Kansas for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made in November, 2023.

SECTION 3. The Mayor and City Clerk are hereby authorized and directed to take all such other actions not inconsistent herewith as may be appropriate or desirable to accomplish the purposes contemplated by this Ordinance.

SECTION 4. This Ordinance shall be in force and take effect from and after its passage, approval and publication one time in the City's official newspaper.

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ADOPTED, PASSED AND APPROVED by the governing body of the City of Andover,
Kansas on the 9th day of May, 2023.

CITY OF ANDOVER, KANSAS

[seal]

By _____
Ronnie Price, Mayor

ATTEST:

By _____
Susan C. Renner, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas met in regular session, at the usual meeting place in the City on May 9, 2023, at 7:00 p.m., with Council President Mike Warrington presiding, and the following members of the governing body present:

and the following members absent:

Mayor Ronnie Price

Thereupon, pursuant to duly published and mailed notice, there came on the agenda a public hearing for the purpose of hearing and considering any and all written and/or oral complaints and objections to the proposed assessments contained in the Assessment Rolls on file in the Office of the City Clerk for the costs of the (i) Tuscany Addition Phase 3 Improvements, as authorized by Resolution No. 20-08 duly adopted March 31, 2020 and published April 11, 2020, (ii) Cornerstone Eleventh Addition Improvements, as authorized by Resolution No. 21-11 duly adopted May 11, 2021 and published May 22, 2021, as amended by Resolution No. 21-22 duly adopted August 10, 2021 and published August 21, 2021, (iii) Hodges 6th Subdivision Improvements, as authorized by Resolution No. 21-28 duly adopted October 12, 2021 and published October 23, 2021, and (iv) Hodges 7th Subdivision Improvements, as authorized by Resolution No. 21-30 duly adopted November 9, 2021 and published November 20, 2021.

It was determined by the governing body that Notice of the Hearing was duly published one time in the official newspaper of the City as required by law, and that Notice of Hearing and Statement of Cost Proposed to be Assessed was mailed to each and all of the owners of the properties liable for the proposed assessments, such publication and mailings having been accomplished on April 15, 2023, as required and provided by K.S.A. 12-6a09.

Thereupon, the Mayor announced that any and all written or oral complaints and objections from property owners to the several assessments as set forth in the Assessment Rolls would now be heard and considered by the governing body.

After full discussion and consideration and the hearing of any and all complaints or objections to the several assessments contained in the Assessment Rolls, it was determined that all of the individual assessments, shall be levied in the manner provided by law, and that the special assessments shall be certified to the Butler County Clerk for a period of Twenty years, commencing November 2023.

In accordance with such determination, there came on for consideration the following Ordinance:

**AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS, LEVYING
SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE
CITY, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF**

CERTAIN INTERNAL IMPROVEMENTS BENEFITING SUCH REAL PROPERTIES; PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL ASSESSMENT TAXES BY PUBLICATION AND MAILING; AND PROVIDING FOR THE COLLECTION OF SAID SPECIAL ASSESSMENT TAXES (TUSCANY ADDITION PHASE 3 IMPROVEMENTS, CORNERSTONE ELEVENTH ADDITION IMPROVEMENTS, HODGES 6TH SUBDIVISION IMPROVEMENTS, AND HODGES 7TH SUBDIVISION IMPROVEMENTS).

After discussion, upon the motion of _____, seconded by _____, each section of the Ordinance was adopted by a majority vote of the members elect.

Thereupon, the Ordinance, having been adopted by a majority vote of the members of the governing body, it was given No. ____, and was directed to be signed by the Mayor and attested by the City Clerk. The City Clerk was directed to cause the publication of the Ordinance one time in the City's official newspaper as set forth therein and required by law; and was further directed to cause to be mailed on the same day as said publication, a Notice of Assessment to each and all of the property owners liable for the assessments contained therein, all in the form and manner required by law and as provided in the Ordinance.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the May 9, 2023 meeting of the governing body of the City of Andover, Kansas.

[seal]

Susan C. Renner, City Clerk