

After recording, return to:

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

(Published at www.andoverks.com on September 29, 2023)

RESOLUTION NO. 23-29

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 (BUTLER COMMUNITY COLLEGE IMPROVEMENTS) AND REPEALING RESOLUTION NO. 19-30.

WHEREAS, on September 26, 2023 one petition (the "Petition") was filed in the Office of the City Clerk of the City of Andover, Kansas (the "City") requesting that certain water and paving improvements (the "Improvements") be made for the Butler County Community College Addition in the City; and

WHEREAS, the aforementioned Petition sets 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 Improvements; and

WHEREAS, the governing body of the City, upon an examination thereof on September 26, 2023, has considered and 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, as requested thereby; and

WHEREAS, it is in the best interest of the City to repeal Resolution No. 19-30.

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 those certain Improvements (herein defined) in the City, and the following findings are hereby made regarding said Improvements:

A. Butler Community College Improvements (the "Butler Community College Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of certain water and paving improvements and related appurtenances necessary to serve the Benefit District (as hereinafter defined) in the City of Andover, Kansas (such Improvements also being commonly known as "Butler Community College Improvements").

(2) The estimated or probable costs of the Butler Community College Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Million Five Hundred Twenty-Three Thousand Dollars (\$2,523,000) (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 the date of submission of the petitions to the City).

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

Butler County Community College Addition
Block 1, Lot 1

(the "Benefit District").

The Benefit District does not include all the property that may be deemed benefited by the Butler Community College 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 Butler Community College Improvements to the extent 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 Butler Community College 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, recognizing the Benefit District consists of a single lot.

In the event all or part of the lot in the Benefit District is 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 Butler Community College Improvements, as between the Benefit District and the City-at-Large, is that sixty percent (60%) of the costs shall be assessed against the proposed Butler Community College Improvements Benefit District, and forty percent (40%) of the cost shall be apportioned to the City-at-Large, provided that the total assessment to the Benefit District for the Butler Community College Improvements will not exceed \$1,513,800.

SECTION 2. The Butler Community College 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.


SECTION 4. Resolution No. 19-30 adopted by the governing body of the City on December 10, 2019 is hereby repealed.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on the 26th day of September, 2023.



CITY OF ANDOVER, KANSAS



Ronnie Price, Mayor

ATTEST:



Emily Wright, City Clerk