

After recording, return to:

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

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### RESOLUTION NO. 23-31

A RESOLUTION AMENDING RESOLUTION NO. 21-27 OF THE CITY OF ANDOVER, KANSAS, AS PREVIOUSLY AMENDED BY RESOLUTION NO. 22-06 OF THE CITY OF ANDOVER, KANSAS.

WHEREAS, the governing body of the City of Andover, Kansas (the “City”) adopted Resolution No. 21-27 (the “Original Resolution”) on October 12, 2021, which Original Resolution was published in the official newspaper of the City on October 23, 2021, as previously amended by Resolution No. 22-06 adopted on March 29, 2022, and published on April 9, 2022; and

WHEREAS, the Original Resolution, as amended, found and finally determined to be advisable to make Heritage Second Addition Water Improvements, Heritage Second Addition Sewer Improvements, Heritage Second Addition Paving Improvements, Heritage Second Addition Paving (Alley) Improvements (collectively herein, the “Improvements”) in the City, all as defined and described therein; and

WHEREAS, the City has received two new revised petitions on October 5, 2023 (the “Revised Petitions”) for the Heritage Second Addition Sewer Improvements and Heritage Second Addition Paving (Alley) Improvements, and upon examination of the Revised Petitions on October 9, 2023, 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 the Original Resolution 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 (3) of that portion of Section 1 entitled Heritage Second Addition Water Improvements (the “Heritage Second Addition Water Improvements”) of the Original Resolution is hereby amended by replacing said paragraph with the following:

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

The Heritage Second Addition

Block 1, Lots 1 through 33, inclusive

Block 2, Lots 1 through 2, inclusive

Block 3, Lots 1 through 14, inclusive

Block 4, Lots 1 through 6, inclusive

Block 5, Lots 1 through 6, inclusive

Block 6, Lots 1 through 7, inclusive

(collectively, the “Benefit District”).

Section 2. Amendment to Section 1. Subsection (B) of that portion of Section 1 entitled Heritage Second Addition Sewer Improvements (the “Heritage Second Addition Sewer Improvements”) of the Original Resolution is hereby amended by replacing said subsection with the following:

B. Heritage Second Addition Sewer Improvements (the “Heritage Second Addition Sewer Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of certain sanitary sewer extensions and related appurtenances necessary to serve the Heritage Second Addition Sewer Improvements Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as “Heritage Second Addition Sewer Improvements”).

(2) The estimated or probable costs of the Heritage Second Addition Sewer Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Four Hundred Seventy-Four Thousand (\$474,000) (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 October 1, 2021).

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

The Heritage Second Addition

Block 1, Lots 1 through 33, inclusive

Block 3, Lots 9 through 14, inclusive

Block 4, Lots 1 through 6, inclusive

Block 5, Lots 1 through 6, inclusive  
Block 6, Lots 5 through 7, inclusive

(collectively, the “Heritage Second Addition Sewer Improvements Benefit District”).

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

(4) The method of assessment proposed for assessing costs of the proposed Heritage Second 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 Second Addition Sewer Improvements Benefit District.

In the event all or part of the lots or parcels in the Heritage Second 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 Second Addition Sewer Improvements, as between the Heritage Second 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 Second Addition Sewer Improvements Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

Section 3. Amendment to Section 1. Subsection (D) of that portion of Section 1 entitled Heritage Second Addition Paving (Alley) Improvements (the “Heritage Second Addition Paving (Alley) Improvements”) of the Original Resolution is hereby amended by replacing said subsection with the following:

(1) The internal improvements are described as and consist of the excavation and construction of storm water sewer and necessary appurtenances such as pipe, curbs and related appurtenances necessary to serve the Heritage Second Addition Paving (Alley) Improvements Benefit District in the City of Andover, Kansas (such improvements being commonly known as “Heritage Second Addition Paving (Alley) Improvements”).

(2) The estimated or probable costs of the Heritage Second Addition Paving (Alley) Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Eighty-Six Thousand Dollars (\$286,000) (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 October 1, 2021).

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

The Heritage Second Addition

Block 1, Lots 1 through 33, inclusive  
Block 2, Lots 1 through 2, inclusive  
Block 3, Lots 9 through 14, inclusive  
Block 4, Lots 1 through 6, inclusive  
Block 5, Lots 1 through 6, inclusive  
Block 6, Lots 5 through 7, inclusive

(collectively, the “Heritage Second Addition Paving (Alley) Improvements Benefit District”).

The Heritage Second Addition Paving (Alley) Improvements Benefit District does not include all the property that may be deemed benefited by the Heritage Second Addition Paving (Alley) Improvements. The signers of the petition are the owners of 100% of the property in the Heritage Second Addition Paving (Alley) Improvements Benefit District and have agreed to pay the costs of the Heritage Second Addition Paving (Alley) 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 Second Addition Paving (Alley) 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 Second Addition Paving (Alley) Improvements Benefit District.

In the event all or part of the lots or parcels in the Heritage Second Addition Paving (Alley) 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 Second Addition Paving (Alley) Improvements, as between the Heritage Second Addition Paving (Alley) Improvements Benefit District and the City-at-Large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Heritage Second Addition Paving (Alley) Improvements Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

Section 4. Amending Resolution. This resolution supplements and amends the Original Resolution only to the extent necessary to amend the estimated cost for the (enter improvements name here) contained therein and, except to the extent specifically amended hereby, the Original Resolution shall remain in full force and effect.

Section 5. 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:

The Heritage Second Addition

Block 1, Lots 1 through 33, inclusive

Block 2, Lots 1 through 2, inclusive

Block 3, Lots 1 through 14, inclusive

Block 4, Lots 1 through 6, inclusive

Block 5, Lots 1 through 6, inclusive

Block 6, Lots 1 through 7, inclusive

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on the 24th day of October 2023.



CITY OF ANDOVER, KANSAS

  
\_\_\_\_\_  
Ronnie Price, Mayor

ATTEST:

  
\_\_\_\_\_  
Emily Wright, City Clerk