

After recording, return to:

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

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and on www.andoverks.com on January 20, 2024)

RESOLUTION NO. 24-01

A RESOLUTION AMENDING RESOLUTION NO. 22-09 OF THE CITY OF
ANDOVER, KANSAS.

WHEREAS, the governing body of the City of Andover, Kansas (the "City") previously adopted Resolution No. 22-09 (the "Original Resolution") on April 26, 2022, which Original Resolution was published in the official newspaper of the City on May 7, 2022; and

WHEREAS, the Original Resolution found and finally determined to be advisable to make Courtyards at Cornerstone Water Improvements, Courtyards at Cornerstone Sewer Improvements, Courtyards at Cornerstone Paving Improvements and Courtyards at Cornerstone Drainage Improvements (collectively, the "Improvements") in the City, all as defined and described therein; and

WHEREAS, the City discovered typographical errors in the Original Resolution; and

WHEREAS, in connection with the foregoing, the governing body of the City finds and determines it advisable to amend Resolution No. 22-09 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 (C) Paragraph (4) of that portion of Section 1 entitled "Courtyards at Cornerstone Paving Improvements" of the Original Resolution (as defined above) is hereby amended by replacing said paragraph with the following:

(4) The method of assessment proposed for assessing costs of the proposed Courtyards at Cornerstone Paving Improvements to the properties in the proposed benefit district is on a fractional basis. The fractional shares provided for herein have been determined on the basis of shares being assessed to lots or tracts of

substantially comparable size and value with consideration for their proximity to the Courtyards at Cornerstone Paving Improvements, as follows:

Lots 1 through 24, Block 1, and Lots 1 through 9, Block 2; Courtyards at Cornerstone shall each pay 109/10000 of the total cost payable by the Courtyards at Cornerstone Paving Improvements Benefit District; Lots 1 through 7, Block 3, Lots 1 through 12, Block 4, and Lots 1 through 6, Block 5; Courtyards at Cornerstone shall each pay 108/10000 of the total cost payable by the Courtyards at Cornerstone Paving Improvements Benefit District; Unplatted Tract 1 – Future Phase shall pay 3639/10000 of the total cost payable by the Courtyards at Cornerstone Paving Improvements Benefit District; Unplatted Tract 3 – Commercial shall pay 64/10000 of the total cost payable by the Courtyards at Cornerstone Paving Improvements Benefit District.

In the event all or part of the lots or tracts in the Courtyards at Cornerstone Paving Improvements Benefit District are platted or replatted before assessments have been levied, the assessments against the newly platted or 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.

Section 2. Amendment to Section 1. Subsection (D) Paragraph (4) of that portion of Section 1 entitled "Courtyards at Cornerstone Drainage Improvements" of the Original Resolution (as defined above) is hereby amended by replacing said paragraph with the following:

(4) The method of assessment proposed for assessing costs of the proposed Courtyards at Cornerstone Drainage Improvements to the properties in the proposed benefit district is on a fractional basis. The fractional shares provided for herein have been determined on the basis of shares being assessed to lots or tracts of substantially comparable size and value with consideration for their proximity to the Courtyards at Cornerstone Drainage Improvements, as follows:

Lots 1 through 24, Block 1, and Lots 1 through 9, Block 2; Courtyards at Cornerstone shall each pay 60/10000 of the total cost payable by the Courtyards at Cornerstone Drainage Improvements Benefit District; Lots 1 through 7, Block 3, Lots 1 through 12, Block 4, and Lots 1 through 6, Block 5; Courtyards at Cornerstone shall each pay 61/10000 of the total cost payable by the Courtyards at Cornerstone Drainage Improvements Benefit District; Unplatted Tract 1 – Future Phase shall pay 1721/10000 of the total cost payable by the Courtyards at Cornerstone Drainage Improvements Benefit District; Unplatted Tract 2 – Future Residential shall pay 2268/10000 of the total cost payable by the Courtyards at Cornerstone Drainage

Improvements Benefit District; Unplatted Tract 3 – Commercial shall pay 998/10000 of the total cost payable by the Courtyards at Cornerstone Drainage Improvements Benefit District; Lots 1 through 16, Block A, and Lots 1 through 13, Block B; Cornerstone Fifth Addition shall each pay 52/10000 of the total cost payable by the Courtyards at Cornerstone Drainage Improvements Benefit District.

In the event all or part of the lots or tracts in the Courtyards at Cornerstone Drainage Improvements Benefit District are platted or replatted before assessments have been levied, the assessments against the newly platted or 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.

Section 3. Amending Resolution. This resolution supplements and amends the Original Resolution only to the extent necessary to correct the name of the benefit districts and the allocation of the costs of the Improvements contained therein and, except to the extent specifically amended hereby, the Original Resolution shall remain in full force and effect.

Section 4. 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:

COURTYARDS AT CORNERSTONE:

Block 1, Lots 1 through 24, inclusive
Block 2, Lots 1 through 9, inclusive
Block 3, Lots 1 through 7, inclusive
Block 4, Lots 1 through 12, inclusive
Block 5, Lots 1 through 6, inclusive

UNPLOTTED TRACT 1 – FUTURE PHASE - A tract of land lying in the east 1760 feet of the south 1000 feet of the Southeast Quarter, Section 6, Township 27 South, Range 3 East, of the 6th Principal Meridian, Andover, Butler County, Kansas; said tract of land being more particularly described as follows:

COMMENCING at the southeast corner of the said Southeast Quarter; thence along the south line of said Southeast Quarter on a Kansas coordinate system of 1983 south zone bearing of S89°35'49"W, 1367.55 feet; thence N00°24'11"W, 60.00 feet to a point on the north right-of-way line of 21st Street as dedicated in Street Dedication recorded on Book: 2011, Page 7729, said point being the POINT OF BEGINNING, thence along said north right-of-way line, S89°35'49"W, 393.24 feet to the extended east line of Final

Planned Unit Development, of The Revised Cornerstone First Addition, an addition to the City of Andover, Butler County, Kansas; thence along the said extended east line, N01°09'24"W, 940.00 feet to the northeast most corner of Reserve A, said addition; thence along the extended south line of Lot 1, Block 4, said addition, and the extended south line of the Final Planned Unit Development Plan, The Cornerstone Fifth Addition, an addition to Andover, Butler County, Kansas, N89°35'49"E, 527.14 feet; thence S00°24'11"E, 198.00 feet; thence N89°35'491"E, 21.46 feet; thence S00°24'11"E, 458.04 feet; thence S47°44'53"W, 8.01 feet to a point on a non-tangent curve to the left, said curve having a radius of 1015.00 feet, a central angle of 07°44'51", a chord bearing of N88°08'38 W, and a chord distance of 137.14 feet; thence along said non-tangent curve to the left, 137.245 feet; thence S00°24'11"E, 283.94 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 465,153 square feet or 10.68 acres of land, more or less. (collectively, the "Unplatted Tract 1 – Future Phase").

Unplatted Tract 2 – Future Residential – Parcel 15 (15A and 15B)
An unplatte tract of land lying within a portion of the Southeast Quarter of Section 6, Township 27 South, Range 3 East of the 6th P.M., Butler County, Kansas, being more particularly described as follows:

COMMENCING at the Southeast corner of said Southeast Quarter; thence along the east line of said Southeast Quarter on a Kansas coordinate system of 1983 south zone bearing of N01°09'24"W, 1000 feet to the POINT OF BEGINNING; thence S89°35'49"W, 735.68 feet to the southeast corner of Block A, Final Planned Unit Development Plan, The Cornerstone Fifth Addition, an addition to Andover, Butler County, Kansas; thence along the east line of said Block A for the next two courses, N00°24'11"W, 537.00 feet; thence N43°31'16"W, 382.06 feet to the northeast corner of said Block A, also being a point on a south line of the Final Planned Unit Development, "The Revised Cornerstone First Addition", an Addition to Andover, Butler County, Kansas, and being a point on a non-tangent curve to the right, said curve having a radius of 418.00 feet, a central angle of 43°59'22", a chord bearing of N83°08'55"E, and a chord distance of 313.10 feet; thence along said south line and said non-tangent curve to the right, 320.92 feet to a point on a curve to the left, said curve having a radius of 666.00 feet, a central angle of 31°29'24", a chord bearing of N89°23'54"E, and a chord distance of 361.45 feet; thence continuing along said south line for the next four courses and along said curve to the left, 366.04 feet to a point on a curve to the right, said curve having a radius of 200.00 feet, a central angle of 41°14'40", a chord bearing of S85°43'27"E, and a chord distance of 140.88 feet; thence along said curve to the right, 143.97 feet; thence S65°06'07"E, 49.09 feet to a point on a curve to the left said curve having a radius of 140.00 feet, a central angle of 26°03'16", a chord bearing of S78°07'46"E, and a chord distance of 63.12 feet; thence continuing along said curve to the left, 63.66 feet; thence

along the extended said south line, N88°50'36"E, 67.18 feet to a point on said east line of said Southeast Quarter; thence along said east line, S01°09'24"E, 807.37 feet to the POINT OF BEGINNING, EXCEPT for street right-of-way (collectively, the "Unplatted Tract 2 – Future Residential").

UNPLATTED TRACT 3 – COMMERCIAL - A tract of land lying in the Southeast Quarter, Section 6, Township 27 South, Range 3 East, of the 6th Principal Meridian, Andover, Butler County, Kansas; said tract being more particularly described as follows:

COMMENCING at the southeast corner of the said Southeast Quarter; thence along the south line of said Southeast Quarter on a Kansas coordinate system of 1983 south zone bearing of S89°35'49"W, 806.13 feet; thence N00°24'11"W, 60.00 feet; thence N00°24'12"W, 275.00 feet; thence N89°35'49"E, 89.00 feet to the POINT OF BEGINNING; thence parallel with and 335.00 feet north of said south line, N89°35'49"E, 650.48 feet to a point lying 62.25 feet west of the east line of said Southeast Quarter said point being coincident with the west right-of-way line of Andover Road; thence along said west right-of-way line, S07°23'29"W, 85.81 feet to a point of intersection of said west right-of-way line; thence continuing along said west right-of-way line parallel with and 75.00 feet west of said east line, S01°09'24"E, 175.00 feet to a point lying 75.00 feet north of the south line of said Southeast Quarter and 75.00 feet west of said east line; thence parallel with and 75.00 feet north of said south line, and along the north line of 21st Street right-of-way line, S89°35'49"W, 175.00 feet; thence continuing along said north line, S81°03'02"W, 100.94 feet; thence S89°35'49"W, 366.32 feet; thence N00°24'11"W, 275.00 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 173,038 square feet or 3.972 acres of land, more or less.

Subject to the Rights-of-Way of 21st Street and Andover Road and all covenants and agreements of record (collectively, the "Unplatted Tract 3 – Commercial").

CORNERSTONE FIFTH ADDITION:

Block A, Lots 1 through 16, inclusive
Block B, Lots 1 through 13, inclusive

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on the 9th day of January, 2024.

[seal]



CITY OF ANDOVER, KANSAS

By

Ronnie Price, Mayor

ATTEST:

By

Dana Engstrom, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas met in regular session, at the normal meeting place in the City on January 9, 2024, at 7:00 p.m., with Mayor Ronnie Price presiding, and the following members of the governing body present:

Mayor Price, Council Members: Berry, Hamilton, Warrington, Ocadiz, Wemmer, and Henry

and the following members absent:

None

Thereupon, and among other business, there was presented to the governing body a Resolution entitled:

**A RESOLUTION AMENDING RESOLUTION NO. 22-09 OF THE CITY OF
ANDOVER, KANSAS.**

Thereupon, the Resolution was considered and discussed; and on motion of Council Member Henry, seconded by Council Member Warrington, the Resolution was adopted by a majority vote of all members present.

Thereupon, the Resolution having been adopted by a majority vote of the members of the governing body, it was given No. 24-01, and was directed to be signed by the Mayor and attested by the City Clerk; and the City Clerk was directed to cause the publication of the Resolution one time as set forth therein and required by law, and to record the Resolution in the Office of the Register of Deeds of Butler County, Kansas.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of the Minutes of the proceedings at the January 9, 2024 meeting of the governing body of the City of Andover, Kansas.




Dana Engstrom, City Clerk