

(Published in *The Butler County Times-Gazette*
and on www.andoverks.com on February 10, 2024)

RESOLUTION NO. 24-05

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 (PRAIRIE POINTE AT CORNERSTONE 3RD WATER IMPROVEMENTS, PRAIRIE POINTE AT CORNERSTONE 3RD SEWER IMPROVEMENTS, PRAIRIE POINTE AT CORNERSTONE 3RD PAVING IMPROVEMENTS AND PRAIRIE POINTE AT CORNERSTONE 3RD STORM WATER DRAIN IMPROVEMENTS).

WHEREAS, on January 25, 2024 four 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, paving and storm water drain improvements be made to the Prairie Pointe at Cornerstone 3rd 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, and (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 __, 2024, 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 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. Prairie Pointe at Cornerstone 3rd Water Improvements (the “Prairie Pointe at Cornerstone 3rd Water Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of a water distribution system and related appurtenances necessary to serve the Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as “Prairie Pointe at Cornerstone 3rd Water Improvements”).

(2) The estimated or probable costs of the Prairie Pointe at Cornerstone 3rd Water Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Ninety-Three Thousand Dollars (\$93,000) (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 December 1, 2023).

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

Prairie Pointe at Cornerstone 3rd
Block A, Lots 1 through 4, inclusive
Block B, Lots 1 through 13, inclusive

(collectively, the “Benefit District”).

The Benefit District does not include all the property that may be deemed benefited by the Prairie Pointe at Cornerstone 3rd 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 Prairie Pointe at Cornerstone 3rd 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 Prairie Pointe at Cornerstone 3rd 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 is or may be divided into two or more parcels (or parcels are replatted such that the method of assessment set forth herein cannot be utilized), 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 Prairie Pointe at Cornerstone 3rd 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. Prairie Pointe at Cornerstone 3rd Sewer Improvements (the "Prairie Pointe at Cornerstone 3rd Sewer Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of a sanitary sewer system and related appurtenances necessary to serve the Benefit District (such improvements being commonly known as "Prairie Pointe at Cornerstone 3rd Sewer Improvements").

(2) The estimated or probable costs of the Prairie Pointe at Cornerstone 3rd Sewer Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is One Hundred Eighty-Seven Thousand Dollars (\$187,000) (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 December 1, 2023).

(3) The extent of the improvement district to be assessed for the costs of the Prairie Pointe at Cornerstone 3rd Sewer 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 Prairie Pointe at Cornerstone 3rd Sewer 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 Prairie Pointe at Cornerstone 3rd Sewer 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 Prairie Pointe at Cornerstone 3rd 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 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 (or

parcels are replatted such that the method of assessment set forth herein cannot be utilized), 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 Prairie Pointe at Cornerstone 3rd Sewer 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.

C. Prairie Pointe at Cornerstone 3rd Paving Improvements (the "Prairie Pointe at Cornerstone 3rd Paving Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of a street system and related appurtenances necessary to serve the Benefit District (such improvements being commonly known as "Prairie Pointe at Cornerstone 3rd Paving Improvements").

(2) The estimated or probable costs of the Prairie Pointe at Cornerstone 3rd Paving Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Seventy-Nine Thousand Dollars (\$279,000) (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 December 1, 2023).

(3) The extent of the improvement district to be assessed for the costs of the Prairie Pointe at Cornerstone 3rd 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 Prairie Pointe at Cornerstone 3rd 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 Prairie Pointe at Cornerstone 3rd Paving 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 Prairie Pointe at Cornerstone 3rd 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 (or parcels are replatted such that the method of assessment set forth herein cannot be

utilized), 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 Prairie Pointe at Cornerstone 3rd 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.

D. Prairie Pointe at Cornerstone 3rd Storm Water Drain Improvements (the "Prairie Pointe at Cornerstone 3rd Storm Water Drain Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of a storm water sewer system and necessary appurtenances necessary to serve the Benefit District (such improvements being commonly known as "Prairie Pointe at Cornerstone 3rd Storm Water Drain Improvements").

(2) The estimated or probable costs of the Prairie Pointe at Cornerstone 3rd Storm Water Drain Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is One Hundred Twelve Thousand Dollars (\$112,000) (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 December 1, 2023).

(3) The extent of the improvement district to be assessed for the costs of the Prairie Pointe at Cornerstone 3rd Storm Water Drain 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 Prairie Pointe at Cornerstone 3rd Storm Water Drain 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 Prairie Pointe at Cornerstone 3rd Storm Water Drain 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 Prairie Pointe at Cornerstone 3rd Storm Water Drain 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 (or

PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on the 30th day of January, 2024.

[seal]



CITY OF ANDOVER, KANSAS


Ronnie Price, Mayor

ATTEST:



Dana Engstrom, City Clerk