

(Published on www.andoverks.com on March 2, 2024)

ORDINANCE NO. 1897

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 (CORNERSTONE FIFTH ADDITION IMPROVEMENTS, PRAIRIE CREEK SIXTH PHASE IMPROVEMENTS, THE HERITAGE SECOND ADDITION IMPROVEMENTS, SPEYSIDE AT TERRADYNE ESTATES IMPROVEMENTS, COURTYARDS AT CORNERSTONE IMPROVEMENTS, AND LAKEVIEW HEIGHTS PAVING 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' \$10,562.951.77 combined portions of the \$12,703,000 total costs of the following described improvements:

- (1) The construction of water, sewer, paving and storm water drain improvements, as authorized by Resolution No. 20-19, duly adopted July 14, 2020 and published July 25, 2020 (the "Cornerstone Fifth Addition Improvements"); and
- (2) The construction of water, sanitary sewer, internal paving, Prairie Creek Road paving and storm water drain improvements as authorized by Resolution No. 21-12, duly adopted May 25, 2021 and published June 5, 2021, as amended by Resolution No. 21-31 adopted November 9, 2021 and published November 20, 2021 and by Resolution No. 22-42 adopted September 13, 2022 and published September 24, 2022 (the "Prairie Creek Sixth Phase Improvements"); and
- (3) The construction of water, sewer, paving, and paving (alley) improvements as authorized by Resolution No. 21-27, duly adopted October 12, 2021 and published October 23, 2021, as amended by Resolution No. 22-06 adopted March 29, 2022 and published April 9, 2022 and by Resolution No. 23-31 adopted October 24, 2023 and published October 28, 2023 (the "Heritage Second Addition Improvements"); and
- (4) The construction of water, sanitary sewer, paving, and storm water drainage improvements as authorized by Resolution No. 21-36 on December 14, 2021 and published January 22, 2022, as amended by Resolution No. 22-46

adopted October 25, 2022 and published November 5, 2022 (the “Speyside at Terradyne Estates Improvements”); and

- (5) The construction of water, sewer, paving, and drainage improvements as authorized by Resolution No. 22-09, duly adopted April 26, 2022 and published May 7, 2022, as amended by Resolution No. 24-01 adopted January 9, 2024 and published January 20, 2024 (the “Courtyards at Cornerstone Improvements”); and
- (6) The construction of paving improvements as authorized by Resolution No. 22-10, duly adopted May 10, 2022 and published May 21, 2022 (the “Lakeview Heights Paving 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:

CORNERSTONE FIFTH ADDITION IMPROVEMENTS

<u>Legal Description</u>	<u>Water</u>	<u>Sewer</u>
The Cornerstone 5th Addition:		
Block A, Lots 1 through 16, inclusive	\$2,873.28 each	\$5,637.93 each
Block B, Lots 1 through 13, inclusive	\$2,873.28 each	\$5,637.93 each

<u>Legal Description</u>	<u>Paving</u>	<u>Storm Water Drain</u>
The Cornerstone 5th Addition:		
Block A, Lots 1 through 16, inclusive	\$19,507.76 each	\$2,912.07 each
Block B, Lots 1 through 13, inclusive	\$19,507.76 each	\$2,912.07 each

Prairie Creek Sixth Phase Improvements

<u>Legal Description</u>	<u>Water</u>	<u>Sewer</u>	<u>Internal Paving</u>
Prairie Creek Addition – Sixth Phase:			
Block A, Lots 1 through 17, inclusive	\$4,650.00 each	\$6,283.33 each	\$12,926.67 each
Block B, Lots 1 through 28, inclusive	\$4,650.00 each	\$6,283.33 each	\$12,926.67 each

<u>Legal Description</u>	<u>Prairie Creek Road</u>	<u>Storm Water Drain</u>
Prairie Creek Addition – Sixth Phase:		
Block A, Lots 1 through 17, inclusive	\$2,483.08 each	\$10,782.19 each
Block B, Lots 1 through 28, inclusive	\$2,483.08 each	\$10,782.19 each

<u>UNPLATTED TRACT 5A:</u> That part of the SW ¼ of Sec. 9, Twp. 27-S, R-3-E of the 6th P.M., Butler County, Kansas described as follows: Beginning at the NW corner of	\$283,070.60	N/A
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said SW $\frac{1}{4}$; thence S89°56'37"E along the north line of said SW $\frac{1}{4}$, 2645.34 feet to the NE corner of said SW $\frac{1}{4}$; thence S00°01'24"E along the east line of said SW $\frac{1}{4}$, 1911.36 feet to the intersection with the southeasterly extension of the northeast line of Reserve "B", Prairie Creek Addition, Andover, Butler County, Kansas; thence N68°26'39"W along said extended northeast line and along the northeast line of Block B, in said Prairie Creek Addition, 1972.63 feet to a deflection corner in the north line of Lot 16 in said Block B; thence S56°44'04"W along the northwest line of said Block B, 972.38 feet to a point on the west line of the SW $\frac{1}{4}$ of said Sec.9; thence N00°03'10"E along the east line of said SW $\frac{1}{4}$, 1722.57 feet to the point of beginning, EXCEPT therefrom that part platted as Prairie Creek Addition - Fifth Phase, Andover, Butler County, Kansas, and EXCEPT therefrom that part platted as Prairie Creek Addition - Sixth Phase, Andover, Butler County, Kansas ("Unplatted Tract 5A").

UNPLATTED TRACT 4: That part of the East Half of the Southwest Quarter of Section 9, Township 27 South, Range 3 East of the Sixth Principal Meridian, Butler County, Kansas described as follows: Beginning at the northeast corner of Lot 16, Block B, Prairie Creek Addition-Third Phase, Andover, Butler County, Kansas, said northeast corner also being a point on the east line of said Southwest Quarter; thence N68°26'39"W coincident with the northeast line of said Block B, 1238.61 feet to the northwest corner of Lot 1 in said Block B, said northwest corner being coincident with the northeast corner of Limestone as dedicated in Prairie Creek Addition, Andover, Butler County, Kansas; thence continuing N68°26'39"W coincident with the northeast line of said Limestone, 66.07 feet to the northwest corner of said

N/A

\$469,025.20

Limestone, said northwest corner also being coincident with the northeast corner of Reserve "B" as platted in said Prairie Creek Addition; thence continuing N68°26'39"W coincident with the northeast line of said Reserve "B", 118.67 feet to the intersection with the west line of the East Half of said Southwest Quarter; thence N00°00'53"E coincident with the west line of said East Half, 1389.71 feet to the northwest corner of said East Half of said Southwest Quarter; thence S89°56'37"E coincident with the north line of said Southwest Quarter, 1322.67 feet to the northeast corner of said Southwest Quarter; thence S00°01'24"E coincident with the east line of said Southwest Quarter, 1911.36 feet to the point of beginning, EXCEPT that part of the above described tract of land platted as Prairie Creek Addition – Sixth Phase, Andover, Butler County, Kansas. ("Unplatted Tract 4")

UNPLATTED TRACT 6: That part of the West Half of the Southwest Quarter of Section 9, Township 27 South, Range 3 East of the Sixth Principal Meridian, Butler County, Kansas lying generally north of and abutting the north line of Prairie Creek Addition, Andover, Butler County, Kansas and lying generally east of and abutting the east line of Prairie Creek Addition – Sixth Phase, Andover, Butler County, Kansas. ("Unplatted Tract 6")

N/A \$291,119.09

Heritage Second Addition Improvements

<u>Legal Description</u>	<u>Water</u>	<u>Paving</u>
The Heritage Second Addition:		
Block 1, Lots 1 through 33, inclusive	\$3,120.59 each	\$13,726.47 each
Block 2, Lots 1 and 2	\$3,120.59 each	\$13,726.47 each
Block 3, Lots 1 through 14, inclusive	\$3,120.59 each	\$13,726.47 each
Block 4, Lots 1 through 6, inclusive	\$3,120.59 each	\$13,726.47 each
Block 5, Lots 1 through 6, inclusive	\$3,120.59 each	\$13,726.47 each
Block 6, Lots 1 through 7, inclusive	\$3,120.59 each	\$13,726.47 each

<u>Legal Description</u>	<u>Sewer</u>	<u>Paving (Alley)</u>
The Heritage Second Addition:		
Block 1, Lots 1 through 33, inclusive	\$4,470.37 each	\$4,107.14 each
Block 2, Lots 1 and 2	N/A	\$4,107.14 each
Block 3, Lots 9 through 14, inclusive	\$4,470.37 each	\$4,107.14 each
Block 4, Lots 1 through 6, inclusive	\$4,470.37 each	\$4,107.14 each
Block 5, Lots 1 through 6, inclusive	\$4,470.37 each	\$4,107.14 each
Block 6, Lots 5 through 7, inclusive	\$4,470.37 each	\$4,107.14 each

Speyside at Terradyne Estates Improvements

<u>Legal Description</u>	<u>Water</u>	<u>Sewer</u>
Speyside at Terradyne Estates:		
Block A, Lots 1 through 28, inclusive	\$7,596.43 each	\$13,892.86 each
Speyside at Terradyne Estates:		
Block A, Lots 1 through 28, inclusive	\$13,955.36 each	\$13,733.93 each

Courtyards at Cornerstone Improvements

<u>Legal Description</u>	<u>Water</u>	<u>Sewer</u>
Courtyards at Cornerstone:		
Block 1, Lots 1 through 24, inclusive	\$6,574.14 each	\$8,165.52 each
Block 2, Lots 1 through 9, inclusive	\$6,574.14 each	\$8,165.52 each
Block 3, Lots 1 through 7, inclusive	\$6,574.14 each	\$8,165.52 each
Block 4, Lots 1 through 12, inclusive	\$6,574.14 each	\$8,165.52 each
Block 5, Lots 1 through 6, inclusive	\$6,574.14 each	\$8,165.52 each
<u>Legal Description</u>	<u>Paving</u>	<u>Drainage</u>
Courtyards at Cornerstone:		
Block 1, Lots 1 through 24, inclusive	\$15,859.50 each	\$5,064.60 each
Block 2, Lots 1 through 9, inclusive	\$15,859.50 each	\$5,064.60 each
Block 3, Lots 1 through 7, inclusive	\$15,714.00 each	\$5,149.01 each
Block 4, Lots 1 through 12, inclusive	\$15,714.00 each	\$5,149.01 each
Block 5, Lots 1 through 6, inclusive	\$15,714.00 each	\$5,149.01 each
The Cornerstone 5th Addition:		
Block A, Lots 1 through 16, inclusive	N/A	\$4,389.32 each
Block B, Lots 1 through 13, inclusive	N/A	\$4,389.32 each

Courtyards at Cornerstone Improvements (Continued)

<u>Legal Description</u>	<u>Paving</u>	<u>Drainage</u>
UNPLATTED 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”).	\$529,474.50	\$145,269.61

Courtyards at Cornerstone Improvements (Continued)

Unplatted Tract 2 – Future Residential – Parcel 15 (15A and 15B) an unplatted 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").	N/A	\$191,441.88
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Courtyards at Cornerstone Improvements (Continued)

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”).	\$9,312.00	\$84,241.18
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Lakeview Heights Paving Improvements

<u>Legal Description</u>	<u>Paving</u>
Lakeview Heights Addition:	
Block B, Lots 1 through 6, inclusive	\$14,358.93 each
Block C, Lots 1 through 13, inclusive	\$14,358.93 each
Block D, Lots 1 through 11, inclusive	\$14,358.93 each
Block E, Lots 1 through 17, inclusive	\$14,358.93 each
Block F, Lots 1 through 4, inclusive and Lot 7	\$14,358.93 each
Block G, Lots 1 through 4, inclusive	\$14,358.93 each

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 Monday, March 25, 2024, 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 2024.

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 27th day of February, 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 usual meeting place in the City on February 27, 2024, at 7:00 p.m., with Mayor Ronnie Price presiding, and the following members of the governing body present: Hamilton, Warrington, Ocadiz, Wemmer, and Henry.

and the following members absent: Berry

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 (a) Cornerstone Fifth Addition Improvements, as authorized by Resolution No. 20-19, duly adopted July 14, 2020 and published July 25, 2020, (b) Prairie Creek Sixth Phase Improvements as authorized by Resolution No. 21-12, duly adopted May 25, 2021 and published June 5, 2021, as amended by Resolution No. 21-31 adopted November 9, 2021 and published November 20, 2021 and by Resolution No. 22-42 adopted September 13, 2022 and published September 24, 2022, (c) Heritage Second Addition Improvements as authorized by Resolution No. 21-27, duly adopted October 12, 2021 and published October 23, 2021, as amended by Resolution No. 22-06 adopted March 29, 2022 and published April 9, 2022 and by Resolution No. 23-31 adopted October 24, 2023 and published October 28, 2023, (d) Speyside at Terradyne Estates Improvements as authorized by Resolution No. 21-36 on December 14, 2021 and published January 22, 2022, as amended by Resolution No. 22-46 adopted October 25, 2022 and published November 5, 2022, (e) Courtyards at Cornerstone Improvements as authorized by Resolution No. 22-09, duly adopted April 26, 2022 and published May 7, 2022, as amended by Resolution No. 24-01 adopted January 9, 2024 and published January 20, 2024, and (f) Lakeview Heights Paving Improvements as authorized by Resolution No. 22-10, duly adopted May 10, 2022 and published May 21, 2022.

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 on January 20, 2024, 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, on January 19, 2024 and February 7, 2024, all 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 2024.

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 (CORNERSTONE FIFTH ADDITION IMPROVEMENTS, PRAIRIE CREEK SIXTH PHASE IMPROVEMENTS, THE HERITAGE SECOND ADDITION IMPROVEMENTS, SPEYSIDE AT TERRADYNE ESTATES IMPROVEMENTS, COURTYARDS AT CORNERSTONE IMPROVEMENTS, AND LAKEVIEW HEIGHTS PAVING IMPROVEMENTS).

After discussion, upon the motion of Council President Henry, seconded by Council Member Hamilton, 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.1897, 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 February 27, 2024 meeting of the governing body of the City of Andover, Kansas.

[seal]




Dana Engstrom, City Clerk