

RESOLUTION NO. 24-02

A RESOLUTION SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING TO RECEIVE AND HEAR COMPLAINTS AND OBJECTIONS TO THE PROPOSED SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS IN THE CITY, AS HERETOFORE AUTHORIZED BY RESOLUTION NOS. 20-19, 21-12 (AS AMENDED BY RESOLUTION NOS. 21-31 AND 22-42), 21-27 (AS AMENDED BY RESOLUTION NOS. 22-06 AND 23-31), 21-36 (AS AMENDED BY RESOLUTION NO. 22-46), 22-09 (AS AMENDED BY RESOLUTION NO. 24-01), AND 22-10; DIRECTING PUBLICATION OF A NOTICE OF PUBLIC HEARING; AND FURTHER DIRECTING THE MAILING OF A NOTICE OF HEARING AND STATEMENT OF COSTS PROPOSED TO BE ASSESSED TO EACH AND ALL OF THE PROPERTY OWNERS LIABLE FOR SUCH SPECIAL ASSESSMENTS.

WHEREAS, the governing body of the City of Andover, Kansas (the "City"), adopted Resolution No. 20-19 on July 14, 2020 and published July 25, 2020, which authorized the construction of certain Cornerstone Fifth Addition Water Improvements, Cornerstone Fifth Addition Sewer Improvements, Cornerstone Fifth Addition Paving Improvements and Cornerstone Fifth Addition Storm Water Drain Improvements (collectively, the "Cornerstone Fifth Addition Improvements") in the City, in accordance with K.S.A. 12-6a01 *et seq.*, as supplemented and amended (the "Act"); and

WHEREAS, the City adopted Resolution No. 21-12 on 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, which authorized the construction of certain Prairie Creek Water Improvements - Sixth Phase, Prairie Creek Sanitary Sewer Improvements - Sixth Phase, Prairie Creek Internal Paving Improvements - Sixth Phase, Prairie Creek Road Paving Improvements - Sixth Phase, and Prairie Creek Storm Water Drain Improvements – Sixth Phase (collectively, the "Prairie Creek Sixth Phase Improvements") in the City, in accordance with the Act; and

WHEREAS, the City adopted Resolution No. 21-27 on 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, which authorized the construction of certain Heritage Second Addition Water Improvements, Heritage Second Addition Sewer Improvements, Heritage Second Addition Paving Improvements and Heritage Second Addition Paving (Alley) Improvements (collectively the "Heritage Second Addition Improvements") in the City, in accordance with the Act; and

WHEREAS, the City adopted 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, which authorized the construction of certain Water Improvements, Sanitary Sewer Improvements, Paving Improvements and Storm Water Drainage Improvements for

Speyside at Terradyne Estates (collectively the “Speyside at Terradyne Estates Improvements”) in the City, in accordance with the Act; and

WHEREAS, City adopted Resolution No. 22-09 on April 26, 2022 and published May 7, 2022, as amended by Resolution No. 24-1 adopted January 9, 2024 and to be published January 13, 2024, which authorized the construction of certain Courtyards at Cornerstone Water Improvements, Courtyards at Cornerstone Sewer Improvements, Courtyards at Cornerstone Paving Improvements and Courtyards at Cornerstone Drainage Improvements (collectively, the “Courtyards at Cornerstone Improvements”) in the City, in accordance with the Act; and

WHEREAS, City adopted Resolution No. 22-10 on May 10, 2022 and published May 21, 2022, which authorized the construction of certain Lakeview Heights Paving Improvements in the City, in accordance with the Act; and

WHEREAS, said 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 (collectively the “Improvements”) are now completed, and a Certification of Total Final Costs and Assessment Roll for said Improvements has been prepared, and has been presented to and approved by the governing body; and

WHEREAS, it is necessary to hold a public hearing to receive complaints and objections to the proposed special assessments for the costs of said Improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. Authorization of Public Hearing. It is hereby authorized, ordered and directed that a public hearing to receive and hear complaints and objections to the proposed special assessments for the construction of the Improvements (as defined above) in the City, as heretofore authorized by Resolution Nos. 20-19, 21-12 (as amended by Resolution Nos. 21-31 and 22-42), 21-27 (as amended by Resolution Nos. 22-06 and 23-31), 21-36 (as amended by Resolution No. 22-46), 22-09 (as amended by Resolution No. 24-01), and 22-10, shall be held at the usual meeting place, Andover, Kansas, at 7:00 p.m., on Tuesday, February 27, 2024.

SECTION 2. Authorization of Publication of Notice of Public Hearing. The City Clerk is hereby authorized, ordered and directed to cause the publication of a Notice of Public Hearing, in the form and manner required by law, in a newspaper one time on January 20, 2024, said date being at least ten (10) days prior to the date of the hearing.

SECTION 3. Authorization of Mail Notice of Public Hearing and Statement of Cost. The City Clerk is hereby further authorized, ordered and directed to cause to be mailed, by first class United States mail, postage prepaid, a “Notice of Public Hearing and Statement of Cost Proposed to be Assessed”, in the form and manner required by law, to each and all of the property owners liable for said special assessments, at their last known post office address of record, on or before the day of the publication of the Notice of Public Hearing required by Section 2 hereof.

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 City Council of the City of Andover, Kansas met in regular session, at the usual meeting place in said 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, there was presented to the governing body a Resolution entitled:

A RESOLUTION SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING TO RECEIVE AND HEAR COMPLAINTS AND OBJECTIONS TO THE PROPOSED SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS IN THE CITY, AS HERETOFORE AUTHORIZED BY RESOLUTION NOS. 20-19, 21-12 (AS AMENDED BY RESOLUTION NOS. 21-31 AND 22-42), 21-27 (AS AMENDED BY RESOLUTION NOS. 22-06 AND 23-31), 21-36 (AS AMENDED BY RESOLUTION NO. 22-46), 22-09 (AS AMENDED BY RESOLUTION NO. 24-01), AND 22-10;; DIRECTING PUBLICATION OF A NOTICE OF PUBLIC HEARING; AND FURTHER DIRECTING THE MAILING OF A NOTICE OF HEARING AND STATEMENT OF COSTS PROPOSED TO BE ASSESSED TO EACH AND ALL OF THE PROPERTY OWNERS LIABLE FOR SUCH SPECIAL ASSESSMENTS.

After discussion, upon motion by Council Member Henry, seconded by Council Member Hamilton, the Resolution was passed with a 4-0 vote, Council Member Warrington and Council Member Wemmer recused themselves.

A majority of the members having voted in favor of the passage of said Resolution, it was designated Resolution No. 24-02 and was ordered to be executed by the Mayor and by the City Clerk.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

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

[seal]



Dana Engstrom, City Clerk