

After recording, return to:

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

*(Published in The Butler County Times-Gazette
and on www.andoverks.com on July 6, 2024)*

RESOLUTION NO. 24-22

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 (REDBUD TRAIL PAVING IMPROVEMENTS).

WHEREAS, on June 21, 2024 one (1) petition (the "Petitions") was filed in the Office of the City Clerk of the City of Andover, Kansas (the "City") requesting that certain paving improvements be made to the Redbud Trail 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, (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 June 25, 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. Redbud Trail Paving Improvements (the “Redbud Trail Paving Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of paving, drainage, and incidental parking improvements and related appurtenances necessary to serve the Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as “Redbud Trail Paving Improvements”).

(2) The estimated or probable costs of the Redbud Trail Paving Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Four Hundred Sixty-One Thousand Dollars (\$461,000) (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 July 1, 2024).

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

Redbud Trail Addition:
Block A, Lot 1

(the “Benefit District”).

The Benefit District does not include all the property that may be deemed benefited by the Redbud Trail Paving Improvements. The signers of the petition are the owners of one hundred percent (100%) of the property in the Benefit District and have agreed to pay the costs of the Redbud Trail 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 Redbud Trail 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 Redbud Trail Paving Improvements, as between the Benefit District and the City-at-Large, is that fifty percent (50%) of the costs shall be assessed against the proposed Benefit District, and fifty percent (50%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Redbud Trail Paving Improvements are hereby authorized and ordered to be made in accordance with the findings set forth in Section 1 hereof, under the authority of and as provided by K.S.A. 12-6a01 *et seq.*, as amended and supplemented.

SECTION 3. This Resolution shall be published one time in the City's official newspaper and a newspaper of general circulation within Butler County, Kansas, 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.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover,
Kansas on the 25th day of June, 2024.

[seal]



CITY OF ANDOVER, KANSAS



Ronnie Price, Mayor

ATTEST:



Dana Engstrom, City Clerk

PAVING PETITION

To the Mayor and City Council
Andover, Kansas

RECEIVED
City Clerk's Office

JUN 21 2024

By _____
City Clerk

Dear Council Members:

1. We, the undersigned owners of record of 100% of the Lots of real property described as follows:

REDBUD TRAIL ADDITION

Lot 1, Block A

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed within the area described above (the "Benefit District"):
 - (i) pavement, drainage and incidental parking improvements, on West Harrison St. from the west line of N. Andover Rd, west to the east line of Main St. Drainage to be installed where necessary.
 - (ii) sidewalk constructed along West Harrison St. (collectively, the "Project"), all according to plans and specifications to be approved by the City Engineer of the City of Andover, Kansas.
- (b) That the estimated and probable cost of the Project is Four Hundred Sixty-One Thousand Dollars (\$461,000.00), exclusive of the cost of interest on borrowed money, with 50 percent payable by the area described above (the "Benefit District"), and 50 percent payable by the City at large. Said estimated cost as above set forth 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 percent per month from and after July 1, 2024.
- (c) That the Benefit District be constituted as an improvement district against which shall be assessed 50 percent of the total actual cost of the Project.

If this Project is abandoned, altered and/or constructed privately in part or whole that precludes building this Project under the authority of this petition, any costs that the City of Andover incurs shall be assessed to the Benefit District in accordance with the terms of the petition. In addition, if the Project is abandoned at any state during the design and/or construction of the Project or if it is necessary for the City of Andover to redesign, repair or reconstruct the Project after its initial design and/or construction because the design and/or

construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of the Project shall be assessed to the Benefit District in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the Project for which the Benefit District shall be liable shall be on an equal share per lot basis.

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 the 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.

Except when driveway approaches are requested to serve a particular tract, lot, or parcel, the cost of said driveway approach shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

2. It is requested that the Project hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature in order to form one public improvement project.

3. The petition is submitted pursuant to subsection (c) of K.S.A. 12-6a04, and amendments thereto and as owners of 100% of the properties proposed to be included in the Benefit District, we acknowledge that the proposed Benefit District does not include all properties which may be deemed to benefit from the proposed Project.

4. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.

5. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Butler County, Kansas, the petition may be found sufficient if signed by all of the owners of record (whether resident or not) of the area liable for assessment under the proposal. The City Council is requested to proceed in the manner provided by statute to the end that the petitioned Project may be expeditiously completed and placed in use.

WITNESS our signatures attached, each of which indicates the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
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REDBUD TRAIL ADDITION
Lot 1, Block A

Redbud Trail Properties, LLC

By:  6/30/24
Jill C. Hattan, Manager

REDBUD TRAIL ADDITION (PUD)

Andover, Butler County, Kansas

PAVING PETITION

Benefit District: Redbud Trail Addition (1 Lot)

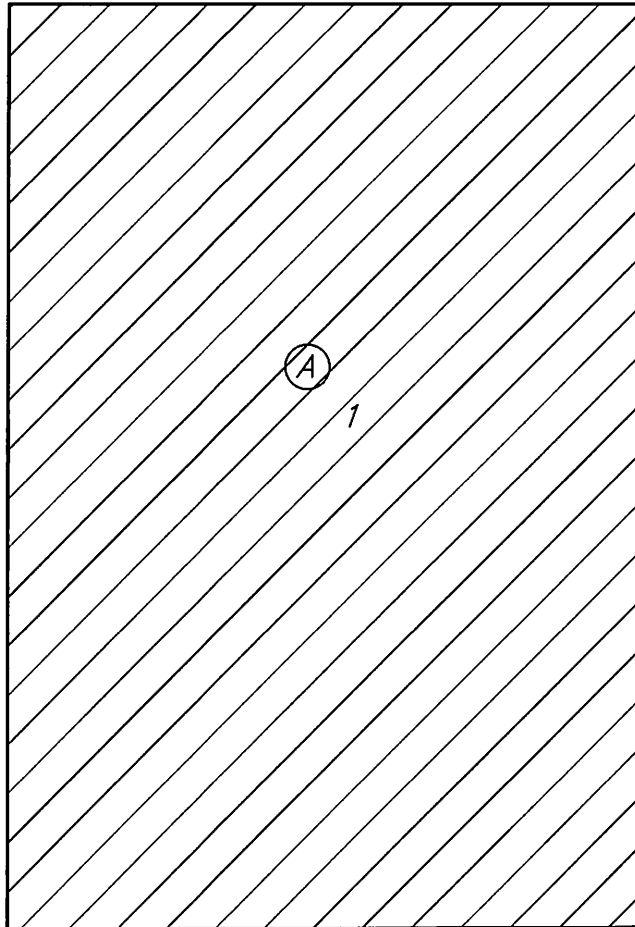
Cost Estimate

Item	Quantity	Unit	Unit Price	Amount
Earthwork	1	L.S.	\$15,000.00	\$15,000.00
Pavement Removal	935	S.Y.	\$10.00	\$9,350.00
6" Conc. Pavement	1,500	S.Y.	\$90.00	\$135,000.00
6" Base	1,950	S.Y.	\$20.00	\$39,000.00
Concrete C&G	785	L.F.	\$20.00	\$15,700.00
Concrete Driveway (6")	18	S.Y.	\$70.00	\$1,260.00
Concrete Sidewalk (4")	2,110	S.F.	\$6.00	\$12,660.00
Wheelchair Ramps	4	EA.	\$1,500.00	\$6,000.00
Stormwater Pipe	205	L.F.	\$80.00	\$16,400.00
Stormwater Structures	4	E.A.	\$4,000.00	\$16,000.00
Parking Lot Striping	437	L.F.	\$2.50	\$1,092.50
Crosswalk Markings	54	L.F.	\$2.50	\$135.00
Seeding	1	L.S.	\$6,500.00	\$6,500.00
Erosion Control	1	L.S.	\$8,000.00	\$8,000.00
Site Clearing and Restoration	1	L.S.	\$25,000.00	\$25,000.00
Subtotal				\$307,097.50
+ 40% Design, Insp., & Administration				\$122,839.00
+ 10% Contingency				\$30,709.75
Total				\$460,646.25

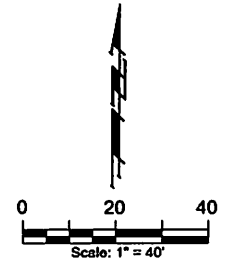
Petition Amount	\$461,000	
City Portion	\$230,500	50%
Benefit District Portion	\$230,500	50%
Average Monthly Assessment	\$1,705	(Based on 15 years @ 4%)
	\$1,397	(Based on 20 years @ 4%)

EXHIBIT
REDBUD TRAIL ADDITION
Benefit District Map Paving

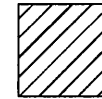
W HARRISON ST



N ANDOVER RD



LEGEND



- Paving Benefit District



CERTIFICATE OF PETITION

COUNTY OF SEDGWICK) SS
STATE OF KANSAS)

We, Redbud Trail Properties, LLC, a Kansas Limited Liability Company, owners of Redbud Trail Addition, Andover, Butler County, Kansas do hereby certify that petitions for the following improvements have been submitted to the City of Andover, Butler County, Kansas:

1. Paving Improvements

As a result of the above-mentioned petitions for improvements, lots or portions thereof within Redbud Trail Addition, Andover, Butler County Kansas may be subject to special assessments assessed thereto for the cost of constructing the above-described improvements.

Signed this 20th day of June, 2024.

Redbud Trail Properties, LLC

By:


Jill C. Hattan, Manager

STATE OF KANSAS)
)
COUNTY OF SEDGWICK)

ss:

BE IT REMEMBERED that on this 20th day of June, 2024, before me, the undersigned, a notary public in and for the County and State aforesaid, came Jill C. Hattan, as Manager of Redbud Trail Properties, LLC, a Kansas Limited Liability Company, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged execution of the same to be the act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.



Lunette A. Sauber
Notary Public

My Appointment Expires:

09/20/2026