

ORDINANCE NO. 1916

AN ORDINANCE AMENDING ORDINANCE NO. 1897 OF THE CITY OF ANDOVER, KANSAS.

WHEREAS, on July 17, 2024, two petitions (the “Petitions”) requesting reallocation of certain special assessments was filed in the Office of the City Clerk of the City of Andover, Kansas, requesting that a portion of the special assessments levied by Ordinance No. 1897 of the City, duly adopted February 27, 2024 and published in the official newspaper of the City on March 2, 2024 (the “2024 Ordinance”) be reallocated; and

WHEREAS, the first Petition was signed by 100% of the owners of the property liable for the special assessments to be reallocated on Unplatted Tract U/5-A, as defined below (the “U/5-A Petition”), which 2024 Ordinance previously levied special assessments upon:

Unplatted Tract U/5-A: That part of the SW $\frac{1}{4}$ 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 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 U/5-A”).

WHEREAS, the U/5-A Petition requests, that the special assessments previously levied against Unplatted Tract U/5-A for the Prairie Creek Road Paving Improvements-Sixth Phase (collectively, the “U/5-A Special Assessments”) be levied against:

Prairie Creek Addition-Seventh Phase: Block A, Lots 1 and 2,
Prairie Creek Addition-Seventh Phase: Block B, Lots 1 through 7, inclusive,
Prairie Creek Addition-Seventh Phase: Block C, Lots 1 through 8, inclusive,
Prairie Creek Addition-Seventh Phase: Block D, Lots 1 through 10, inclusive,
Prairie Creek Addition-Seventh Phase: Block E, Lots 1 through 12, inclusive, and

Unplatted Tract U5-B: That part of the Southwest Quarter of Section 9, Township 27 South, Range 3 East of the 6th Principal Meridian, Butler County, Kansas described as follows: Beginning at the northeast corner of Lot 23, Block B, Prairie Creek

Addition – Sixth Phase; THENCE S89°56'37"E, coincident with the north boundary line of said Southwest Quarter, a distance of 610.69 feet, to the northeast corner of the Northwest Quarter of said Southwest Quarter; THENCE S00°33'16"W, coincident with the east boundary line of said Northwest Quarter, a distance of 319.01 feet, to a point on the north boundary line of Lot 5, Block B, Prairie Creek Addition – Seventh Phase, said point being 83.14 feet east of the northwest corner of said Lot 5; THENCE N89°56'37"W, coincident with the north boundary lines of Lots 1 thru 5, inclusive, a distance of 482.90 feet, to the west Right-of-Way boundary line of Arrowhead Street, said point being 16.66 feet north of the northeast corner of Lot 2, Block A, in said Prairie Creek Addition – Seventh Phase; THENCE S00°03'10"W, coincident with said west Right-of-Way, a distance of 16.66 feet, to the northeast corner of said Lot 2; THENCE S89°56'50"E, coincident with the north boundary line of said Lot 2 and Prairie Creek Addition – Seventh Phase, a distance of 125.00 feet, to the westerly boundary line of said Prairie Creek Addition – Seventh Phase, also being the east boundary line of Prairie Creek Addition – Sixth Phase; THENCE N00°03'10"E, coincident with said east boundary line, a distance of 335.66 feet, to the point of beginning. TOGETHER WITH That part of the Southwest Quarter of Section 9, Township 27 South, Range 3 East of the 6th Principal Meridian, Butler County, Kansas described as follows: Beginning at the northwest corner of the Northeast Quarter of said Southwest Quarter; THENCE S89°56'37"E, coincident with the north boundary line of said Southwest Quarter, a distance of 1,297.67 feet, to the East Quarter corner of said Southwest Quarter; THENCE S00°01'24"E, coincident with said east line, a distance of 1,916.74 feet, to the northeast corner Prairie Creek Addition – Third Phase, Andover, Butler County, Kansas, and also being the northeast corner of Lot 16, Block B, of said Prairie Creek Addition – Third Phase, and also the southerly boundary line of a 50 foot Kaneb Pipe Line Operating Partnership, L.P. Easement, recorded in book 2006, page 8103, Register of Deeds, Butler County; THENCE N68°26'39"W, coincident with the northeasterly boundary line of said Block B and the southwesterly boundary line of said Easement, a distance of 392.57 feet, to the southeasterly corner of Prairie Creek Addition – Fifth Phase, Andover, Butler County, Kansas; THENCE N04°09'35"W coincident with the east boundary line of said Prairie Creek Addition – Fifth Phase, a distance of 197.59 feet, to the northeast corner of Lot 10, Block A, in said Fifth Phase, said corner also being a point on the south Right-of-Way boundary line of Watercress Street, and a point of non-tangency on a curve to the left; THENCE along said curve to the left, having a radius of 187.00 feet, a delta of 03°15'05", an arc length of 10.61 feet, a chord bearing of S87°27'58"E, and a chord length of 10.61 feet, to a point of non-tangency; THENCE N00°54'30"E, a distance of 64.00 feet, to the northerly Right-of-Way boundary line of said Watercress Street; THENCE N00°01'24"W, coincident with the east boundary line of said Fifth Phase, a distance of 1007.64 feet, to a non-tangent curve to the left; THENCE along said curve to the left, having a radius of 267.00 feet, a delta of 16°12'25", an arc length of 75.52 feet, a chord bearing of S81°42'55"W, and a chord length of 75.27 feet, to a point of non-tangency; THENCE S00°01'24"E, a distance of 141.69 feet, along the eastern most west boundary line of Reserve "A" in said Fifth Phase; THENCE S56°42'33"W coincident with the northwest boundary line of said Reserve "A", a distance of 82.86

feet, to the southeast corner of Lot 10, Block D, Prairie Creek Addition – Seventh Phase; THENCE N33°17'27"W, coincident with the easterly boundary line of said Lot 10 and the northwesterly prolongation of said easterly line, a distance of 196.00 feet, to the northwesterly Right-of-Way boundary line of Chicory Street; THENCE S56°42'33"W, coincident with said Right-of-Way, a distance of 30.73 feet, to the south east corner of Lot 1, Block C, in said Seventh Phase; THENCE N33°17'27"W, coincident with the easterly boundary line of said Lot 1 and the northwesterly prolongation of said easterly line, a distance of 201.83 feet, to the northwesterly boundary line of Reserve "B" in said Seventh Phase; THENCE S56°44'04"W, coincident with said northwesterly boundary line, a distance of 275.14 feet, to the southeast corner of Lot 8, in said Block C; THENCE N33°08'30"W, coincident with the easterly boundary line of said Lot 8 and the northwesterly prolongation of said easterly line, a distance of 196.84 feet, to the northwesterly Right-of-Way boundary line of Arrowhead Street in said Seventh Phase; THENCE S56°51'30"W, coincident with said northwesterly Right-of-Way line, a distance of 26.96 feet, to the southeast corner of Lot 7, Block B, in said Seventh Phase; THENCE N33°08'30"W coincident with the easterly boundary line of said Lot 7, a distance of 130.00 feet to the northeast corner of said Lot 7; THENCE S56°51'30"W, coincident with the northerly boundary line of said Lot 7, a distance of 35.31 feet, to a point of deflection in said northerly boundary line; THENCE S49°03'44"W, continuing along said northerly boundary line, a distance of 38.58 feet; THENCE N89°56'37"W, coincident with the north boundary line of Lot 5, Block B, in said Seventh Phase, a distance of 84.19 feet, to the west boundary line of said Southwest Quarter; THENCE N00°33'16"E, coincident with the west boundary line of said Southwest Quarter, a distance of 319.01 feet, to the point of beginning. Subject property contains 1,272,814.7 sq. ft. or 29.22 acres. ("Unplatted Tract 5-B)

(collectively, the "U/5-A Reallocation Area"); and

WHEREAS, the U/5-A Petition further states that the owners of 100% of the lots and parcel in the U/5-A Reallocation Area (the "U/5-A Owners"), find the reallocation to be equitable and appropriate under the circumstances and that it will result in the U/5-A Special Assessments being apportioned against the property in accordance with the special benefits accruing thereto by reason of the Prairie Creek Road Paving Improvements-Sixth Phase, and that the U/5-A Owners acknowledge that not all property benefited by the Prairie Creek Road Paving Improvements-Sixth Phase would be reassessed under the petition for respread, but that the petition effects only lots in the U/5-A Reallocation Area and is thereby submitted by the owners of 100% of the effected lots pursuant to revised subsection (c) of K.S.A. 12-6a04; and

WHEREAS, the second Petition was signed by 100% of the owners of the property liable for the special assessments to be reallocated on Unplatted Tract U/4, and Unplatted Tract U/6 as defined below (the "U/4&6 Petition"), which 2024 Ordinance previously levied special assessments upon:

Unplatted Tract U/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 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 – Fifth Phase, Andover, Butler County, Kansas ("Unplatted Tract U/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")

WHEREAS, the U/4&6 Petition requests, that the special assessments previously levied against Unplatted Tract U/4 and Unplatted Tract U/6 for the Prairie Creek Storm Water Drain Improvements-Sixth Phase (collectively, the "U/4&6 Special Assessments") be levied against:

Prairie Creek Addition-Seventh Phase: Block A, Lots 1 and 2,
Prairie Creek Addition-Seventh Phase: Block B, Lots 1 through 7, inclusive,
Prairie Creek Addition-Seventh Phase: Block C, Lots 1 through 8, inclusive,
Prairie Creek Addition-Seventh Phase: Block D, Lots 1 through 10, inclusive,
Prairie Creek Addition-Seventh Phase: Block E, Lots 1 through 12, inclusive,

Unplatted Tract U4-A: That part of the Southwest Quarter of Section 9, Township 27 South, Range 3 East of the 6th Principal Meridian, Butler County, Kansas described as follows: Beginning at the northwest corner of the Northeast Quarter of said Southwest Quarter; THENCE S89°56'37"E, coincident with the north boundary line of said Southwest Quarter, a distance of 1,297.67 feet, to the East Quarter corner of said Southwest Quarter; THENCE S00°01'24"E, coincident with said east line, a distance of 1,916.74 feet, to the northeast corner Prairie Creek Addition – Third Phase, Andover, Butler County, Kansas, and also being the northeast corner of Lot 16, Block B, of said Prairie Creek Addition – Third Phase, and also the southerly boundary line of a 50 foot Kaneb Pipe Line Operating Partnership, L.P. Easement,

recorded in book 2006, page 8103, Register of Deeds, Butler County; THENCE N68°26'39"W, coincident with the northeasterly boundary line of said Block B and the southwesterly boundary line of said Easement, a distance of 392.57 feet, to the southeasterly corner of Prairie Creek Addition – Fifth Phase, Andover, Butler County, Kansas; THENCE N04°09'35"W coincident with the east boundary line of said Prairie Creek Addition – Fifth Phase, a distance of 197.59 feet, to the northeast corner of Lot 10, Block A, in said Fifth Phase, said corner also being a point on the south Right-of-Way boundary line of Watercress Street, and a point of non-tangency on a curve to the left; THENCE along said curve to the left, having a radius of 187.00 feet, a delta of 03°15'05", an arc length of 10.61 feet, a chord bearing of S87°27'58"E, and a chord length of 10.61 feet, to a point of non-tangency; THENCE N00°54'30"E, a distance of 64.00 feet, to the northerly Right-of-Way boundary line of said Watercress Street; THENCE N00°01'24"W, coincident with the east boundary line of said Fifth Phase, a distance of 1007.64 feet, to a non-tangent curve to the left; THENCE along said curve to the left, having a radius of 267.00 feet, a delta of 16°12'25", an arc length of 75.52 feet, a chord bearing of S81°42'55"W, and a chord length of 75.27 feet, to a point of non-tangency; THENCE S00°01'24"E, a distance of 141.69 feet, along the eastern most west boundary line of Reserve "A" in said Fifth Phase; THENCE S56°42'33"W coincident with the northwest boundary line of said Reserve "A", a distance of 82.86 feet, to the southeast corner of Lot 10, Block D, Prairie Creek Addition – Seventh Phase; THENCE N33°17'27"W, coincident with the easterly boundary line of said Lot 10 and the northwesterly prolongation of said easterly line, a distance of 196.00 feet, to the northwesterly Right-of-Way boundary line of Chicory Street; THENCE S56°42'33"W, coincident with said Right-of-Way, a distance of 30.73 feet, to the south east corner of Lot 1, Block C, in said Seventh Phase; THENCE N33°17'27"W, coincident with the easterly boundary line of said Lot 1 and the northwesterly prolongation of said easterly line, a distance of 201.83 feet, to the northwesterly boundary line of Reserve "B" in said Seventh Phase; THENCE S56°44'04"W, coincident with said northwesterly boundary line, a distance of 275.14 feet, to the southeast corner of Lot 8, in said Block C; THENCE N33°08'30"W, coincident with the easterly boundary line of said Lot 8 and the northwesterly prolongation of said easterly line, a distance of 196.84 feet, to the northwesterly Right-of-Way boundary line of Arrowhead Street in said Seventh Phase; THENCE S56°51'30"W, coincident with said northwesterly Right-of-Way line, a distance of 26.96 feet, to the southeast corner of Lot 7, Block B, in said Seventh Phase; THENCE N33°08'30"W coincident with the easterly boundary line of said Lot 7, a distance of 130.00 feet to the northeast corner of said Lot 7; THENCE S56°51'30"W, coincident with the northerly boundary line of said Lot 7, a distance of 35.31 feet, to a point of deflection in said northerly boundary line; THENCE S49°03'44"W, continuing along said northerly boundary line, a distance of 38.58 feet; THENCE N89°56'37"W, coincident with the north boundary line of Lot 5, Block B, in said Seventh Phase, a distance of 84.19 feet, to the west boundary line of said Southwest Quarter; THENCE N00°33'16"E, coincident with the west boundary line of said Southwest Quarter, a distance of 319.01 feet, to the point of beginning. Subject property contains 1,076,358.9 sq. ft. or 24.71 acres. ("Unplatted Tract 4-A) and

and

Unplatted Tract 6-A: That part of the Southwest Quarter of Section 9, Township 27 South, Range 3 East of the 6th Principal Meridian, Butler County, Kansas described as follows: Beginning at the northeast corner of Lot 23, Block B, Prairie Creek Addition – Sixth Phase; THENCE S89°56'37"E, coincident with the north boundary line of said Southwest Quarter, a distance of 610.69 feet, to the northeast corner of the Northwest Quarter of said Southwest Quarter; THENCE S00°33'16"W, coincident with the east boundary line of said Northwest Quarter, a distance of 319.01 feet, to a point on the north boundary line of Lot 5, Block B, Prairie Creek Addition – Seventh Phase, said point being 83.14 feet east of the northwest corner of said Lot 5; THENCE N89°56'37"W, coincident with the north boundary lines of Lots 1 thru 5, inclusive, a distance of 482.90 feet, to the west Right-of-Way boundary line of Arrowhead Street, said point being 16.66 feet north of the northeast corner of Lot 2, Block A, in said Prairie Creek Addition – Seventh Phase; THENCE S00°03'10"W, coincident with said west Right-of-Way, a distance of 16.66 feet, to the northeast corner of said Lot 2; THENCE S89°56'50"E, coincident with the north boundary line of said Lot 2 and Prairie Creek Addition – Seventh Phase, a distance of 125.00 feet, to the westerly boundary line of said Prairie Creek Addition – Seventh Phase, also being the east boundary line of Prairie Creek Addition – Sixth Phase; THENCE N00°03'10"E, coincident with said east boundary line, a distance of 335.66 feet, to the point of beginning. Subject area contains 196,455.7 sq. ft of 4.51 acres. ("Unplatted Tract 6-A").

WHEREAS, the U/4&6 Petition further states that the owners of 100% of the lots and parcel in the U/4 Reallocation Area (the "U/4&6 Owners"), find the reallocation to be equitable and appropriate under the circumstances and that it will result in the U/4&6 Special Assessments being apportioned against the property in accordance with the special benefits accruing thereto by reason of the Prairie Creek Storm Water Drain Improvements-Sixth Phase, and that the U/4&6 Owners acknowledge that not all property benefited by the Prairie Creek Storm Water Drain Improvements-Sixth Phase would be reassessed under the petition for respread, but that the petition effects only lots in the U/4&6 Reallocation Area and is thereby submitted by the owners of 100% of the effected lots pursuant to revised subsection (c) of K.S.A. 12-6a04; and

WHEREAS, the U/5-A Owners and U/4&6 Owners (collectively, the "Owners") have (i) waived any right they may have to inclusion of other benefited properties (whether owned or not) as part of any improvement district, (ii) waived any formal notice of and the holding of a public hearing by the City for the purpose of considering the reallocation of special assessments, (iii) consented to the levy of the Special Assessments against the U/5-A Reallocation Area and U/4&6 Reallocation Area (collectively, the "Reallocation Area") in their entirety by appropriate proceedings of the City of Andover, Kansas in the amount necessary to pay the remaining unpaid costs of the Improvements and retire the City's general obligation bonds issued to finance such Prairie Creek Road Paving Improvements-Sixth Phase and Prairie Creek Storm Water Drain Improvements- Sixth Phase (collectively, the "Improvements"); (iv) consented to and requested an amendment of the 2024 Ordinance, as necessary to accomplish such assessment; (v) jointly and severally indemnified and

agreed to repay the City for all costs occasioned by this request, consent and waiver (including but not limited to bond counsel fees, this amending ordinance publication costs and all legal, fiscal and administrative fees); (vi) waived all right to any pay-in period after publication of the amending ordinance levying and reallocating such special assessments; (vii) waived the mailing of any notice to the Owners of the U/5-A Special Assessments and U/4&6 Special Assessments (collectively, the “Special Assessments”), as amended and reallocated, and did this all, and in every instance, without formal or further notice or process to the Owner whatsoever and (viii) acknowledged and agreed that the Special Assessments, to the extent previously levied and/or already certified to the appropriate officials of Butler County for the ensuing tax year shall nonetheless become due and payable by all the properties previously assessed, in accordance with their original terms; and

WHEREAS, the City finds and determines it advisable to amend the 2024 Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS AS FOLLOWS:

Section 1. *Partial Amendment to Section 1 of Ordinance No. 1897.* The special assessments for Prairie Creek Road Paving Improvements-Sixth Phase that are listed and levied in Section 1 of Ordinance No. 1897 under the heading “*Prairie Creek Sixth Phase Improvements*” for Unplatted Tract U/5A (as defined above and originally totaling \$283,070.60 plus interest) are hereby amended by deleting the same and replacing them with the following:

Prairie Creek Sixth Phase Improvements

Legal Description	Allocation of Assessment	Prairie Creek Road Paving Improvements Sixth Phase
<u>Prairie Creek Addition-Seventh Phase</u> Block A, Lots 1 and 2	1/114 each of total assessment	\$3,663.93 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block B, Lots 1 through 7, inclusive.	1/114 each of total assessment	\$3,663.93 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block C, Lots 1 through 8, inclusive.	1/114 each of total assessment	\$3,663.93 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block D, Lots 1 through 10, inclusive.	1/114 each of total assessment	\$3,663.93 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block E, Lots 1 through 12, inclusive.	1/114 each of total assessment	\$3,663.93 each (includes interest)
Unplatted Tract U/5-B (as defined above)	75/114 of total assessment	\$274,795.00 (includes interest)

Section 2. *Partial Amendment to Section 1 of Ordinance No. 1897.* The special assessments for Prairie Creek Storm Water Drain Improvements-Sixth Phase that are listed and levied in Section 1 of Ordinance No. 1897 under the heading “*Prairie Creek Sixth Phase Improvements*” for Unplatted Tract U/4 (as defined above and originally totaling \$469,025.20 plus interest) and Unplatted Tract

U/6 (as defined above and originally totaling \$291,119.09 plus interest) are hereby amended by deleting the same and replacing them with the following:

Prairie Creek Sixth Phase Improvements

<u>Legal Description</u>	<u>Allocation of Assessment</u>	<u>Prairie Creek Storm Water Drain Improvements Sixth Phase</u>
<u>Prairie Creek Addition-Seventh Phase</u> Block A, Lots 1 and 2	1/114 each of total assessment	\$9,838.95 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block B, Lots 1 through 7, inclusive.	1/114 each of total assessment	\$9,838.95 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block C, Lots 1 through 8, inclusive.	1/114 each of total assessment	\$9,838.95 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block D, Lots 1 through 10, inclusive.	1/114 each of total assessment	\$9,838.95 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block E, Lots 1 through 12, inclusive.	1/114 each of total assessment	\$9,838.95 each (includes interest)
Unplatted Tract 4-A (as defined above)	61/114 of total assessment	\$600,175.84 (includes interest)
Unplatted Tract 6-A (as defined above)	14/114 of total assessment	\$137,745.25 (includes interest)

Section 3. *Special Assessments already Levied or Certified.* Notwithstanding the provisions of this Ordinance, to the extent Special Assessments which are the subject of this Ordinance have been previously paid by the owners or previously certified by the City Clerk to the appropriate officials of Butler County for the ensuing tax year and not timely amended, said Special Assessments shall become due and payable by owners of the properties previously assessed, as certified and in accordance with their original terms.

Section 4. *Amending Ordinance.* This Ordinance supplements and amends Ordinance No. 1897 only to the extent necessary to reallocate the Special Assessments for the Reallocation Area (as defined above) and, except to the extent specifically amended hereby, Ordinance No. 1897 shall remain in full force and effect.

Section 5. *Effective Date.* Subject to the provisions of Section 4 hereof, this Ordinance shall take effect and be in full force from and after its adoption by the governing body of City of Andover, Kansas and its publication in the official newspaper of the City.

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

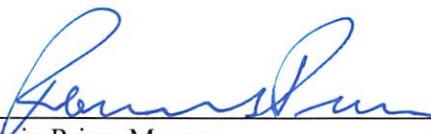
CITY OF ANDOVER, KANSAS

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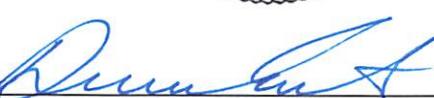
ATTEST:

By



Ronnie Price, Mayor

By



Dana Engstrom, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas, met at the normal meeting place in the City on July 30, 2024, at 7:00 p.m., with Mayor Ronnie Price presiding, and the following members of the governing body present: Tim Berry, Philip Hamilton, Mike Warrington, Paul Wemmer, and Michael Henry.

and the following members absent: Jodi Ocadiz

Thereupon, and among other business, there was presented to the governing body, an Ordinance entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 1897 OF THE CITY OF ANDOVER, KANSAS.

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

Thereupon, the Ordinance having been adopted by a majority vote of the members of governing body, it was given No. 1916 and 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 Ordinance one time as set forth therein and required by law.

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 July 30, 2024 meeting of the governing body of the City of Andover, Kansas.





Dana Engstrom, City Clerk

PETITION REQUESTING REALLOCATION OF SPECIAL ASSESSMENTS
LEVIED BY ORDINANCE NO. 1897 FOR THE PRAIRIE CREEK STORM
WATER DRAIN IMPROVEMENTS-SIXTH PHASE OF THE CITY OF
ANDOVER, KANSAS AND CERTIFYING WAIVER, CONSENT AND
INDEMNITY.

TO THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

We are the owners and the duly authorized representative and signatory for all the ~~owners~~ (the "Owners") of real estate located in Butler County, Kansas, and previously described as follows:

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 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

THIS PETITION WAS RECEIVED IN THE
OFFICE OF THE CITY CLERK
OF ANDOVER KS ON 7/17/24

ACCEPTED DB

of and abutting the east line of Prairie Creek Addition – Sixth Phase, Andover, Butler County, Kansas. (“Unplatted Tract 6”)

(Unplatted Tract 4 and Unplatted Tract 6 are hereinafter collectively known as the “Reallocation Area”).

The City of Andover, Kansas, by its Ordinance No. 1897, adopted February 27, 2024 and published March 2, 2024 (the “2024 Ordinance”) duly and legally levied special assessment taxes against Unplatted Tract 4 and Unplatted Tract 6 (each as defined above) in the Reallocation Area for the Prairie Creek Storm Water Drain Improvements-Sixth Phase as described in Resolution No. 21-12 adopted May 25, 2021 and published June 5, 2021, as amended by Resolution No. 21-31 adopted on November 9, 2021 and published on November 20, 2021, as further amended by Resolution No. 22-42 adopted on September 13, 2022 and published on September 24, 2022 (collectively, the “Resolution”), in the amount of Four Hundred Sixty-Nine Thousand Twenty-Five and 20/100 Dollars (\$469,025.20) for Unplatted Tract 4 and Two Hundred Ninety-One Thousand One Hundred Nineteen and 9/100 Dollars (\$291,119.09) for Unplatted Tract 6 for the Prairie Creek Storm Water Drain Improvements-Sixth Phase (as shown in Ordinance No. 1897) benefiting said real property, which special assessments were not paid in cash, but rather levied against said real property, together with interest on the unpaid amount, over a period of twenty (20) years, commencing November 2024.

The Reallocation Area represents a portion of property liable for special assessments previously levied by the 2024 Ordinance for the costs of constructing the aforementioned Prairie Creek Storm Water Drain Improvements-Sixth Phase, but the real property in the Reallocation Area is the only real property affected by this petition.

The Owners are informed and understand that the above described assessments levied against real property in the Reallocation Area totaled: \$1,121,640.14 (the “Special Assessments”).

The Owners hereby request and consent that the Special Assessments levied against the real property in the Reallocation Area be reallocated upon real property in the Reallocation Area on a fractional basis. The fractional shares provided for herein have been determined on the basis of equal share being assessed to lots or parcels of substantially comparable size and/or value as follows:

<u>Legal Description</u>	<u>Allocation of Assessment</u>	Prairie Creek Storm Water Drain Improvements-Sixth Phase
<u>Prairie Creek Addition-Seventh Phase</u> Block A, Lots 1 and 2	1/114 each of total assessment	\$9,838.95 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block B, Lots 1 through 7, inclusive.	1/114 each of total assessment	\$9,838.95 each (includes interest)

<u>Legal Description</u>	Allocation of Assessment	Prairie Creek Storm Water Drain Improvements-Sixth Phase
<u>Prairie Creek Addition- Seventh Phase</u> Block C, Lots 1 through 8, inclusive.	1/114 each of total assessment	\$9,838.95 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block D, Lots 1 through 10, inclusive.	1/114 each of total assessment	\$9,838.95 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block E, Lots 1 through 12, inclusive.	1/114 each of total assessment	\$9,838.95 each (includes interest)
<u>Unplatted Tract 4-A:</u> That part of the Southwest Quarter of Section 9, Township 27 South, Range 3 East of the 6 th Principal Meridian, Butler County, Kansas described as follows: Beginning at the northwest corner of the Northeast Quarter of said Southwest Quarter; THENCE S89°56'37"E, coincident with the north boundary line of said Southwest Quarter, a distance of 1,297.67 feet, to the East Quarter corner of said Southwest Quarter; THENCE S00°01'24"E, coincident with said east line, a distance of 1,916.74 feet, to the northeast corner Prairie Creek Addition – Third Phase, Andover, Butler County, Kansas, and also being the northeast corner of Lot 16, Block B, of said Prairie Creek Addition – Third Phase, and also the southerly boundary line of a 50 foot Kaneb Pipe Line Operating Partnership, L.P. Easement, recorded in book 2006, page 8103, Register of Deeds, Butler County; THENCE N68°26'39"W, coincident with the northeasterly boundary line of said Block B and the southwesterly boundary line of said Easement, a distance of 392.57 feet, to the southeasterly corner of Prairie Creek Addition – Fifth Phase, Andover, Butler County, Kansas; THENCE N04°09'35"W coincident with the east boundary line of said Prairie Creek Addition – Fifth Phase, a distance of 197.59 feet, to the northeast corner of Lot 10, Block A, in said Fifth Phase, said corner also being a point on the south Right-of-Way boundary line of Watercress Street, and a point of non-tangency on a curve to the left; THENCE along said curve to the left, having a radius of 187.00 feet, a delta of 03°15'05", an arc length of 10.61 feet, a chord bearing of S87°27'58"E, and a chord length of 10.61 feet, to a point of non-tangency; THENCE N00°54'30"E, a distance of 64.00 feet, to the northerly Right-of-Way boundary line of said Watercress Street; THENCE N00°01'24"W, coincident with the east	61/114 of total assessment	\$600,175.84 (includes interest)

<u>Legal Description</u>	Allocation of Assessment	Prairie Creek Storm Water Drain Improvements- Sixth Phase
<p>boundary line of said Fifth Phase, a distance of 1007.64 feet, to a non-tangent curve to the left; THENCE along said curve to the left, having a radius of 267.00 feet, a delta of $16^{\circ}12'25''$, an arc length of 75.52 feet, a chord bearing of $S81^{\circ}42'55''W$, and a chord length of 75.27 feet, to a point of non-tangency; THENCE $S00^{\circ}01'24''E$, a distance of 141.69 feet, along the eastern most west boundary line of Reserve "A" in said Fifth Phase; THENCE $S56^{\circ}42'33''W$ coincident with the northwest boundary line of said Reserve "A", a distance of 82.86 feet, to the southeast corner of Lot 10, Block D, Prairie Creek Addition – Seventh Phase; THENCE $N33^{\circ}17'27''W$, coincident with the easterly boundary line of said Lot 10 and the northwesterly prolongation of said easterly line, a distance of 196.00 feet, to the northwesterly Right-of-Way boundary line of Chicory Street; THENCE $S56^{\circ}42'33''W$, coincident with said Right-of-Way, a distance of 30.73 feet, to the south east corner of Lot 1, Block C, in said Seventh Phase; THENCE $N33^{\circ}17'27''W$, coincident with the easterly boundary line of said Lot 1 and the northwesterly prolongation of said easterly line, a distance of 201.83 feet, to the northwesterly boundary line of Reserve "B" in said Seventh Phase; THENCE $S56^{\circ}44'04''W$, coincident with said northwesterly boundary line, a distance of 275.14 feet, to the southeast corner of Lot 8, in said Block C; THENCE $N33^{\circ}08'30''W$, coincident with the easterly boundary line of said Lot 8 and the northwesterly prolongation of said easterly line, a distance of 196.84 feet, to the northwesterly Right-of-Way boundary line of Arrowhead Street in said Seventh Phase; THENCE $S56^{\circ}51'30''W$, coincident with said northwesterly Right-of-Way line, a distance of 26.96 feet, to the southeast corner of Lot 7, Block B, in said Seventh Phase; THENCE $N33^{\circ}08'30''W$ coincident with the easterly boundary line of said Lot 7, a distance of 130.00 feet to the northeast corner of said Lot 7; THENCE $S56^{\circ}51'30''W$, coincident with the northerly boundary line of said Lot 7, a distance of 35.31 feet, to a point of deflection in said northerly boundary line; THENCE $S49^{\circ}03'44''W$, continuing along said northerly boundary line, a distance of 38.58 feet; THENCE $N89^{\circ}56'37''W$, coincident with the north boundary line of Lot 5, Block B, in said Seventh Phase, a distance of 84.19 feet, to the west boundary line of said Southwest Quarter; THENCE $N00^{\circ}33'16''E$, coincident with</p>		

<u>Legal Description</u>	Allocation of Assessment	Prairie Creek Storm Water Drain Improvements-Sixth Phase
the west boundary line of said Southwest Quarter, a distance of 319.01 feet, to the point of beginning. Subject property contains 1,076,358.9 sq. ft. or 24.71 acres. ("Unplatted Tract 4-A)		
<p><u>Unplatted Tract 6-A:</u> That part of the Southwest Quarter of Section 9, Township 27 South, Range 3 East of the 6th Principal Meridian, Butler County, Kansas described as follows: Beginning at the northeast corner of Lot 23, Block B, Prairie Creek Addition – Sixth Phase; THENCE S89°56'37"E, coincident with the north boundary line of said Southwest Quarter, a distance of 610.69 feet, to the northeast corner of the Northwest Quarter of said Southwest Quarter; THENCE S00°33'16"W, coincident with the east boundary line of said Northwest Quarter, a distance of 319.01 feet, to a point on the north boundary line of Lot 5, Block B, Prairie Creek Addition – Seventh Phase, said point being 83.14 feet east of the northwest corner of said Lot 5; THENCE N89°56'37"W, coincident with the north boundary lines of Lots 1 thru 5, inclusive, a distance of 482.90 feet, to the west Right-of-Way boundary line of Arrowhead Street, said point being 16.66 feet north of the northeast corner of Lot 2, Block A, in said Prairie Creek Addition – Seventh Phase; THENCE S00°03'10"W, coincident with said west Right-of-Way, a distance of 16.66 feet, to the northeast corner of said Lot 2; THENCE S89°56'50"E, coincident with the north boundary line of said Lot 2 and Prairie Creek Addition – Seventh Phase, a distance of 125.00 feet, to the westerly boundary line of said Prairie Creek Addition – Seventh Phase, also being the east boundary line of Prairie Creek Addition – Sixth Phase; THENCE N00°03'10"E, coincident with said east boundary line, a distance of 335.66 feet, to the point of beginning. Subject area contains 196,455.7 sq. ft of 4.51 acres. ("Unplatted Tract 6-A)</p>	14/114 of total assessment	\$137,745.25 (includes interest)

The Owners certify that the reallocation is requested for reasons of equity and fairness based on the intent to balance equally the assessments on each lot in Prairie Creek Addition- Seventh Phase and hereby acknowledge that not all property originally benefited by the Improvements will be reassessed under this petition request and plan for reallocation. In that regard, this petition is submitted pursuant to subsection (c) of K.S.A. 12-6a04. The Owners are the Owners of 100% of lots in the Reallocation Area to be reassessed for the Special Assessments and hereby waive any right it may have to inclusion of other benefited properties (whether owned

or not) as part of any improvement district, which other properties shall not in any way bear the burden of the reallocation of the Special Assessments.

The Owners hereby (i) waive any formal notice of and the holding of a public hearing by the City of Andover, Kansas, for the purpose of considering the Special Assessments and the requested reallocation thereof; (ii) consents to the levy of the Special Assessments against (a) Prairie Creek Addition-Seventh Phase: Block A, Lots 1 and 2; (b) Prairie Creek Addition-Seventh Phase: Block B, Lots 1 through 7, inclusive, (c) Prairie Creek Addition-Seventh Phase: Block C, Lots 1 through 8, inclusive, (d) Prairie Creek Addition-Seventh Phase: Block D, Lots 1 through 10, inclusive, (e) Prairie Creek Addition-Seventh Phase: Block E, Lots 1 through 12, inclusive, (f) Unplatted Tract 4-A, and (g) Unplatted Tract 6-A in their entirety by appropriate proceedings of the City of Andover, Kansas in the amount necessary to pay the remaining unpaid costs of the Improvements and retire the City's general obligation bonds issued to finance such Improvements; (iii) consents to and requests an amendment of the Ordinance, as necessary to accomplish such assessment; (iv) indemnifies and agrees to repay the City for all costs occasioned by this request, consent and waiver (including but not limited to, bond counsel fees, amending ordinance publication costs, and all legal, fiscal and administrative fees); (v) waives all right to any pay-in period after publication of the amending ordinance levying and reallocating such special assessments; (vi) waives the mailing of any notice to the Owners of the Special Assessments, as amended and reallocated, and does this all, and in every instance, without formal or further notice or process to the Owners whatsoever; and (vi) acknowledges and agrees that the Special Assessments, to the extent previously levied and/or already certified to the appropriate officials of Butler County for the ensuing tax year shall nonetheless become due and payable by all the properties previously assessed, in accordance with their original terms.

The Owners acknowledge and ratify the previous issuance by the City of Andover, Kansas of its general obligation bonds to finance the cost of the Improvements payable from the Special Assessments.

The Owners, their successors and assigns, and all the signatories therefor, hereby further agree to indemnify the City of Andover, Kansas, its officers, attorneys and staff for any liability whatsoever, now or during the life of the Special Assessments, caused by or in any way occasioned by the reallocation of the Special Assessments requested hereby.

The Owners acknowledge that their names may not be withdrawn from this Petition after the governing body commences consideration of this Petition or after the passage of 7 days from the filing of this Petition with the City Clerk of the City of Andover, whichever occurs first.

Owners

Prairie Creek Homes, LLC

By: 
Name: Paul E. Kelsey, Member

Property Owned in Improvement District

Prairie Creek Addition-Seventh Phase:
Block A, Lots 1 and 2
Block B, Lots 1 through 7, inclusive
Block C, Lots 1 through 8, inclusive
Block D, Lots 1 through 10, inclusive
Block E, Lots 1 through 12, inclusive
Unplatted Tract 4-A
Unplatted Tract 6-A

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 23rd day of July, 2024, before me, the undersigned, a Notary Public in and for said County and State, came Paul E. Kelsey, Member of Prairie Creek Homes, LLC, who is personally known to me to be such member, and who is personally known to me to be the same persons who executed, as such member, the within instrument on behalf of said company, and such persons duly acknowledged the execution of the same to be the act and deed of said company.



Leoyette Q. Sauer
Notary Public

My Appointment Expires:

09/20/2026

PETITION REQUESTING REALLOCATION OF SPECIAL ASSESSMENTS
LEVIED BY ORDINANCE NO. 1897 FOR THE PRAIRIE CREEK ROAD
PAVING IMPROVEMENTS-SIXTH PHASE OF THE CITY OF ANDOVER,
KANSAS AND CERTIFYING WAIVER, CONSENT AND INDEMNITY.

TO THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

We are the owners and the duly authorized representative and signatory for all the owners (the "Owners") of real estate located in Butler County, Kansas, and previously described as follows:

Unplatted Tract U/5-A: That part of the SW $\frac{1}{4}$ 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 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 U/5-A"). ("Unplatted Tract U/5-A" is hereinafter known as the "Reallocation Area").

The City of Andover, Kansas, by its Ordinance No. 1897, adopted February 27, 2024 and published March 2, 2024 (the "2024 Ordinance") duly and legally levied special assessment taxes against Unplatted Tract U/5-A (as defined above) in the Reallocation Area for the Prairie Creek Road Paving Improvements-Sixth Phase as described in Resolution No. 21-12 adopted May 25, 2021 and published June 5, 2021, as amended by Resolution No. 21-31 adopted on November 9, 2021 and published on November 20, 2021, as further amended by Resolution No. 22-42 adopted on September 13, 2022 and published on September 24, 2022 (collectively, the "Resolution"), in the amount of Two Hundred Eighty-Three Thousand Seventy and 60/100 Dollars (\$283,070.60) for the Prairie Creek Road Paving Improvements-Sixth Phase (as shown in Ordinance No. 1897 for Unplatted Tract U/5-A) benefiting said real property, which special assessments were not paid in cash, but rather levied against said real property, together with interest on the unpaid amount, over a period of twenty (20) years, commencing November 2024.

The Reallocation Area represents a portion of property liable for special assessments previously levied by the 2024 Ordinance for the costs of constructing the aforementioned Prairie Creek Road Improvements-Sixth Phase, but the real property in the Reallocation Area is the only real property affected by this petition.

The Owners are informed and understand that the above described assessments levied against real property in the Reallocation Area totaled: \$417,688.27 plus interest (the "Special Assessments").

The Owners hereby request and consent that the Special Assessments levied against the real property in the Reallocation Area be reallocated upon real property in the Reallocation Area on a fractional basis. The fractional shares provided for herein have been determined on the basis of equal share being assessed to lots or parcels of substantially comparable size and/or value as follows:

<u>Legal Description</u>	<u>Allocation of Assessment</u>	<u>Prairie Creek Road Paving Improvements- Sixth Phase</u>
<u>Prairie Creek Addition-Seventh Phase</u> Block A, Lots 1 and 2	1/114 each of total assessment	\$3,663.93 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block B, Lots 1 through 7, inclusive.	1/114 each of total assessment	\$3,663.93 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block C, Lots 1 through 8, inclusive.	1/114 each of total assessment	\$3,663.93 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block D, Lots 1 through 10, inclusive.	1/114 each of total assessment	\$3,663.93 each (includes interest)
<u>Prairie Creek Addition- Seventh Phase</u> Block E, Lots 1 through 12, inclusive.	1/114 each of total assessment	\$3,663.93 each (includes interest)
<u>Unplatted Tract U/5-B:</u> That part of the Southwest Quarter of Section 9, Township 27 South, Range 3 East of the 6 th Principal Meridian, Butler County, Kansas described as follows: Beginning at the northeast corner of Lot 23, Block B, Prairie Creek Addition – Sixth Phase; THENCE S89°56'37"E, coincident with the north boundary line of said Southwest Quarter, a distance of 610.69 feet, to the northeast corner of the Northwest Quarter of said Southwest Quarter; THENCE S00°33'16"W, coincident with the east boundary line of said Northwest Quarter, a distance of 319.01 feet, to a point on the north boundary line of Lot 5, Block B, Prairie Creek Addition – Seventh Phase, said point being 83.14 feet east of the northwest corner of said Lot 5; THENCE N89°56'37"W, coincident with the north boundary lines of Lots 1 thru 5, inclusive, a distance of 482.90 feet, to the west Right-of-Way boundary line of Arrowhead Street, said point being 16.66 feet north of the northeast corner of Lot 2, Block A, in said Prairie	75/114 of total assessment	\$274,795.00 (includes interest)

<u>Legal Description</u>	Allocation of Assessment	Prairie Creek Road Paving Improvements-Sixth Phase
<p>Creek Addition – Seventh Phase; THENCE S00°03'10"W, coincident with said west Right-of-Way, a distance of 16.66 feet, to the northeast corner of said Lot 2; THENCE S89°56'50"E, coincident with the north boundary line of said Lot 2 and Prairie Creek Addition – Seventh Phase, a distance of 125.00 feet, to the westerly boundary line of said Prairie Creek Addition – Seventh Phase, also being the east boundary line of Prairie Creek Addition – Sixth Phase; THENCE N00°03'10"E, coincident with said east boundary line, a distance of 335.66 feet, to the point of beginning. TOGETHER WITH That part of the Southwest Quarter of Section 9, Township 27 South, Range 3 East of the 6th Principal Meridian, Butler County, Kansas described as follows: Beginning at the northwest corner of the Northeast Quarter of said Southwest Quarter; THENCE S89°56'37"E, coincident with the north boundary line of said Southwest Quarter, a distance of 1,297.67 feet, to the East Quarter corner of said Southwest Quarter; THENCE S00°01'24"E, coincident with said east line, a distance of 1,916.74 feet, to the northeast corner Prairie Creek Addition – Third Phase, Andover, Butler County, Kansas, and also being the northeast corner of Lot 16, Block B, of said Prairie Creek Addition – Third Phase, and also the southerly boundary line of a 50 foot Kaneb Pipe Line Operating Partnership, L.P. Easement, recorded in book 2006, page 8103, Register of Deeds, Butler County; THENCE N68°26'39"W, coincident with the northeasterly boundary line of said Block B and the southwesterly boundary line of said Easement, a distance of 392.57 feet, to the southeasterly corner of Prairie Creek Addition – Fifth Phase, Andover, Butler County, Kansas; THENCE N04°09'35"W coincident with the east boundary line of said Prairie Creek Addition – Fifth Phase, a distance of 197.59 feet, to the northeast corner of Lot 10, Block A, in said Fifth Phase, said corner also being a point on the south Right-of-Way boundary line of Watercress Street, and a point of non-tangency on a curve to the left; THENCE along said curve to the left, having a radius of 187.00 feet, a delta of 03°15'05", an arc length of 10.61 feet, a chord bearing of S87°27'58"E, and a chord length of 10.61 feet, to a point of non-tangency; THENCE N00°54'30"E, a distance of 64.00 feet, to the northerly Right-of-Way boundary line of said Watercress Street; THENCE N00°01'24"W, coincident with the east boundary line of said Fifth Phase, a</p>		

<u>Legal Description</u>	Allocation of Assessment	Prairie Creek Road Paving Improvements-Sixth Phase
<p>distance of 1007.64 feet, to a non-tangent curve to the left; THENCE along said curve to the left, having a radius of 267.00 feet, a delta of $16^{\circ}12'25''$, an arc length of 75.52 feet, a chord bearing of $S81^{\circ}42'55''W$, and a chord length of 75.27 feet, to a point of non-tangency; THENCE $S00^{\circ}01'24''E$, a distance of 141.69 feet, along the eastern most west boundary line of Reserve "A" in said Fifth Phase; THENCE $S56^{\circ}42'33''W$ coincident with the northwest boundary line of said Reserve "A", a distance of 82.86 feet, to the southeast corner of Lot 10, Block D, Prairie Creek Addition – Seventh Phase; THENCE $N33^{\circ}17'27''W$, coincident with the easterly boundary line of said Lot 10 and the northwesterly prolongation of said easterly line, a distance of 196.00 feet, to the northwesterly Right-of-Way boundary line of Chicory Street; THENCE $S56^{\circ}42'33''W$, coincident with said Right-of-Way, a distance of 30.73 feet, to the south east corner of Lot 1, Block C, in said Seventh Phase; THENCE $N33^{\circ}17'27''W$, coincident with the easterly boundary line of said Lot 1 and the northwesterly prolongation of said easterly line, a distance of 201.83 feet, to the northwesterly boundary line of Reserve "B" in said Seventh Phase; THENCE $S56^{\circ}44'04''W$, coincident with said northwesterly boundary line, a distance of 275.14 feet, to the southeast corner of Lot 8, in said Block C; THENCE $N33^{\circ}08'30''W$, coincident with the easterly boundary line of said Lot 8 and the northwesterly prolongation of said easterly line, a distance of 196.84 feet, to the northwesterly Right-of-Way boundary line of Arrowhead Street in said Seventh Phase; THENCE $S56^{\circ}51'30''W$, coincident with said northwesterly Right-of-Way line, a distance of 26.96 feet, to the southeast corner of Lot 7, Block B, in said Seventh Phase; THENCE $N33^{\circ}08'30''W$ coincident with the easterly boundary line of said Lot 7, a distance of 130.00 feet to the northeast corner of said Lot 7; THENCE $S56^{\circ}51'30''W$, coincident with the northerly boundary line of said Lot 7, a distance of 35.31 feet, to a point of deflection in said northerly boundary line; THENCE $S49^{\circ}03'44''W$, continuing along said northerly boundary line, a distance of 38.58 feet; THENCE $N89^{\circ}56'37''W$, coincident with the north boundary line of Lot 5, Block B, in said Seventh Phase, a distance of 84.19 feet, to the west boundary line of said Southwest Quarter; THENCE $N00^{\circ}33'16''E$, coincident with the west boundary line of said Southwest Quarter, a distance</p>		

<u>Legal Description</u>	Allocation of Assessment	Prairie Creek Road Paving Improvements-Sixth Phase
of 319.01 feet, to the point of beginning. Subject property contains 1,272,814.7 sq. ft. or 29.22 acres.		

The Owners certify that the reallocation is requested for reasons of equity and fairness based on the intent to balance equally the assessments on each lot in Prairie Creek Addition-Seventh Phase and hereby acknowledge that not all property originally benefited by the Improvements will be reassessed under this petition request and plan for reallocation. In that regard, this petition is submitted pursuant to subsection (c) of K.S.A. 12-6a04. The Owners are the Owners of 100% of lots in the Reallocation Area to be reassessed for the Special Assessments and hereby waive any right it may have to inclusion of other benefited properties (whether owned or not) as part of any improvement district, which other properties shall not in any way bear the burden of the reallocation of the Special Assessments.

The Owners hereby (i) waive any formal notice of and the holding of a public hearing by the City of Andover, Kansas, for the purpose of considering the Special Assessments and the requested reallocation thereof; (ii) consents to the levy of the Special Assessments against (a) Prairie Creek Addition-Seventh Phase: Block A, Lots 1 and 2; (b) Prairie Creek Addition-Seventh Phase: Block B, Lots 1 through 7, inclusive, (c) Prairie Creek Addition-Seventh Phase: Block C, Lots 1 through 8, inclusive, (d) Prairie Creek Addition-Seventh Phase: Block D, Lots 1 through 10, inclusive, (e) Prairie Creek Addition-Seventh Phase: Block E, Lots 1 through 12, inclusive, and (f) Unplatted Tract U/5-B in their entirety by appropriate proceedings of the City of Andover, Kansas in the amount necessary to pay the remaining unpaid costs of the Improvements and retire the City's general obligation bonds issued to finance such Improvements; (iii) consents to and requests an amendment of the Ordinance, as necessary to accomplish such assessment; (iv) indemnifies and agrees to repay the City for all costs occasioned by this request, consent and waiver (including but not limited to, bond counsel fees, amending ordinance publication costs, and all legal, fiscal and administrative fees); (v) waives all right to any pay-in period after publication of the amending ordinance levying and reallocating such special assessments; (vi) waives the mailing of any notice to the Owners of the Special Assessments, as amended and reallocated, and does this all, and in every instance, without formal or further notice or process to the Owners whatsoever; and (vi) acknowledges and agrees that the Special Assessments, to the extent previously levied and/or already certified to the appropriate officials of Butler County for the ensuing tax year shall nonetheless become due and payable by all the properties previously assessed, in accordance with their original terms.

The Owners acknowledge and ratify the previous issuance by the City of Andover, Kansas of its general obligation bonds to finance the cost of the Improvements payable from the Special Assessments.

The Owners, their successors and assigns, and all the signatories therefor, hereby further agree to indemnify the City of Andover, Kansas, its officers, attorneys and staff for any liability

whatsoever, now or during the life of the Special Assessments, caused by or in any way occasioned by the reallocation of the Special Assessments requested hereby.

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The Owners acknowledge that their names may not be withdrawn from this Petition after the governing body commences consideration of this Petition or after the passage of 7 days from the filing of this Petition with the City Clerk of the City of Andover, whichever occurs first.

Owners

Prairie Creek Homes, LLC

By: 
Name: Paul E. Kelsey, Member

Property Owned in Improvement District

Prairie Creek Addition-Seventh Phase:
Block A, Lots 1 and 2
Block B, Lots 1 through 7, inclusive
Block C, Lots 1 through 8, inclusive
Block D, Lots 1 through 10, inclusive
Block E, Lots 1 through 12, inclusive
Unplatted Tract U/5-B

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 23rd day of July, 2024, before me, the undersigned, a Notary Public in and for said County and State, came Paul E. Kelsey, Member of Prairie Creek Homes, LLC, who is personally known to me to be such member, and who is personally known to me to be the same persons who executed, as such member, the within instrument on behalf of said company, and such persons duly acknowledged the execution of the same to be the act and deed of said company.





Notary Public

My Appointment Expires:

09/20/2024