

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
at www.andoverks.com on August 10, 2024)

RESOLUTION NO. 24-25

A RESOLUTION AMENDING RESOLUTION NO. 24-05 OF THE CITY OF ANDOVER, KANSAS, AS PREVIOUSLY AMENDED BY RESOLUTION NO. 24-18 OF THE CITY OF ANDOVER, KANSAS.

WHEREAS, the governing body of the City of Andover, Kansas (the “City”) adopted Resolution No. 24-05 (the “Original Resolution”) on January 30, 2024, which Original Resolution was published in the official newspaper of the City and The Butler County Times Gazette on February 10, 2024, as previously amended by Resolution No. 24-18 adopted on May 14, 2024 and published on May 25, 2024; and

WHEREAS, the Original Resolution found and finally determined to be advisable to make Prairie Pointe at Cornerstone 3rd Water Improvements, Prairie Pointe at Cornerstone 3rd Sewer Improvements, Prairie Pointe at Cornerstone 3rd Paving Improvements and Prairie Pointe at Cornerstone 3rd Storm Water Drain Improvements (collectively herein, the “Improvements”) in the City, all as defined and described therein; and

WHEREAS, the City has received one new revised petition on July 18, 2024 (the “Revised Petition”) for the Prairie Pointe at Cornerstone 3rd Storm Water Drain Improvements, and upon examination of the Revised Petition on July 30, 2024, determined the Revised Petition to be sufficient and the governing body finds and determines it desirable to ratify the acquisition and construction of the Improvements; and

WHEREAS, in connection with the foregoing, the governing body of the City finds and determines it advisable to amend the Original Resolution of the City.

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

SECTION 1. Amendment to Section 1. Subsection (D)(2) of Section 1 entitled "Prairie Pointe at Cornerstone 3rd Storm Water Drain Improvements" of the Original Resolution is hereby amended by replacing said paragraph with the following:

(2) The estimated or probable costs of the Prairie Pointe at Cornerstone 3rd Storm Water Drain Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is One Hundred Eighty-Nine Thousand Dollars (\$189,000) (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 June 1, 2024).

SECTION 2. Amending Resolution. This resolution supplements and amends the Original Resolution only to the extent necessary to amend the estimated cost for the Prairie Pointe at Cornerstone 3rd Storm Water Drain Improvements contained therein and, except to the extent specifically amended hereby, the Original Resolution shall remain in full force and effect.

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 because it makes additional findings affecting the following described real property in the City of Andover, Butler County, Kansas:

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

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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.

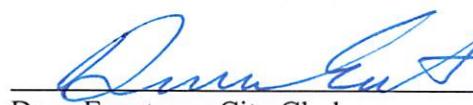
CITY OF ANDOVER, KANSAS

ATTEST:

[seal]



Ronnie Price, Mayor


Dana Engstrom, City Clerk

REVISED
STORM WATER PETITION

To the Mayor and City Council
Andover, Kansas

THIS PETITION WAS RECEIVED IN THE
OFFICE OF THE CITY CLERK
OF ANDOVER KS ON 7/18/24

ACCEPTED BS

Dear Council Members:

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

PRAIRIE POINTE AT CORNERSTONE 3RD

Lots 1 through 4, Block A
Lots 1 through 13, Block B

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

- That there be constructed a storm water sewer system (the "Project") to serve the area described above (the "Benefit District"), according to plans and specifications to be approved by the City Engineer of the City of Andover, Kansas.
- That the estimated and probable cost of the Project is One Hundred Eighty-Nine Thousand Dollars (\$189,000), with 100 percent payable by the Benefit District. 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 one percent per month from and after June 1, 2024.
- That the Benefit District be constituted as an improvement district against which shall be assessed 100 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 said Project shall be assessed to the Benefit District in accordance with the terms of this petition.

- That the method of assessment of all costs of the Project for which the Benefit District shall be liable is that all lots 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.

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 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 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 Governing Body 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 if and when such Project is necessary to serve any building that may be constructed on the real property after the date on this petition.

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

LEGAL DESCRIPTION

SIGNATURE

DATE

7-18-2024

PRAIRIE POINTE AT CORNERSTONE 3RD

Lots 1 through 4, Block A
Lots 1 through 13, Block B

Prairie Pointe at Cornerstone, LLC

By:



Greg 'Gehrer
Sole Member