

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 October 5, 2024)

RESOLUTION NO. 24-33

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 (TUSCANY ADDITION FOURTH PHASE WATER IMPROVEMENTS, TUSCANY ADDITION FOURTH PHASE SEWER IMPROVEMENTS, AND TUSCANY ADDITION FOURTH PHASE PAVING IMPROVEMENTS).

WHEREAS, on September 20, 2024 three (3) petitions (the "Petitions") were filed in the Office of the City Clerk of the City of Andover, Kansas (the "City"), requesting that certain water, sewer and paving improvements be made to the Tuscany Addition Fourth Phase Final Planned Unit Development Plat & Plan 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 September 24, 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. Tuscany Addition Fourth Phase Water Improvements (the “Tuscany Addition Fourth Phase Water Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of a certain water distribution system and related appurtenances necessary to serve the Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as “Tuscany Addition Fourth Phase Water Improvements”).

(2) The estimated or probable costs of the Tuscany Addition Fourth Phase Water Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Thirty-Two Thousand Dollars (\$232,000) (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 August 1, 2024).

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

Tuscany Addition Fourth Phase Final Planned Unit Development
Plat & Plan

Block A, Lots 1 through 5, inclusive

Block B, Lots 1 through 7, inclusive

Block C, Lots 1 through 8, inclusive

(collectively, the “Benefit District”).

The Benefit District does not include all the property that may be deemed benefited by the Tuscany Addition Fourth Phase Water Improvements. The signers of the petition are the owners of 100% of the property in the Benefit District and have agreed to pay the costs of the Tuscany Addition Fourth Phase Water 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 Tuscany Addition Fourth Phase Water 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 Tuscany Addition Fourth Phase Water Improvements, as between the Benefit District and the City-at-Large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

B. Tuscany Addition Fourth Phase Sewer Improvements (the “Tuscany Addition Fourth Phase Sewer Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of a certain sanitary sewer system and related appurtenances necessary to serve the Benefit District in the City of Andover, Kansas (such improvements being commonly known as “Tuscany Addition Fourth Phase Sewer Improvements”).

(2) The estimated or probable costs of the Tuscany Addition Fourth Phase Sewer Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Ninety-Three Thousand Dollars (\$293,000) (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 August 1, 2024).

(3) The extent of the improvement district to be assessed for the costs of the Tuscany Addition Fourth Phase Sewer Improvements shall include and consist of the Benefit District.

The Benefit District does not include all the property that may be deemed benefited by Tuscany Addition Fourth Phase Sewer Improvements. The signers of the petition are the owners of 100% of the property in the Benefit District and have agreed to pay the costs of the Tuscany Addition Fourth Phase Sewer 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 Tuscany Addition Fourth Phase Sewer 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 Tuscany Addition Fourth Phase Sewer Improvements, as between the Benefit District and the City-at-large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

C. Tuscany Addition Fourth Phase Paving Improvements (the “Tuscany Addition Fourth Phase Paving Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of a street and drainage system and related appurtenances necessary to serve the Benefit District in the City of Andover, Kansas (such improvements being commonly known as “Tuscany Addition Fourth Phase Paving Improvements”).

(2) The estimated or probable costs of the Tuscany Addition Fourth Phase Paving Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Six Hundred Sixty Thousand Dollars (\$660,000) (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 August 1, 2024).

(3) The extent of the improvement district to be assessed for the costs of the Tuscany Addition Fourth Phase Paving Improvements shall include and consist of the Benefit District.

The Benefit District does not include all the property that may be deemed benefited by the Tuscany Addition Fourth Phase 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 Tuscany Addition Fourth Phase 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 Tuscany Addition Fourth Phase 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 Tuscany Addition Fourth Phase Paving Improvements, as between the Benefit District and the City-at-Large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Tuscany Addition Fourth Phase Water Improvements, Tuscany Addition Fourth Phase Sewer Improvements, and Tuscany Addition Fourth Phase Paving Improvements (collectively herein the "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 24th day of September, 2024.

CITY OF ANDOVER, KANSAS

[seal]





Ronnie Price, Mayor

ATTEST:



Dana Engstrom, City Clerk