

RESOLUTION NO. 24-35

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ANDOVER,  
KANSAS PROVIDING NOTICE OF LAND ANNEX TO ELECTRICITY  
SERVICE PROVIDER, AS REQUIRED BY K.S.A. 66-1,176.

WHEREAS, the City of Andover, Kansas (the "City") annexed real property at the property listed on Exhibit "A" pursuant to Ordinance No. 1919 ("Property") which Property is located in territory in which Evergy, Inc. ("Evergy") is the retail electric supplier;

WHEREAS, K.S.A. 66-1,176 specifies that when a city annexes land in a certified territory of a retail electric supplier ("Supplier"), it must (a) select a Supplier; (b) notify the Supplier regarding same; and (c) negotiate a franchise agreement with the selected Supplier;

WHEREAS, the Governing Body of the City has hereby determined that Evergy is the best current Supplier for the Property and finds it necessary and desirable to select Evergy to continue as the Supplier; and

WHEREAS, Evergy has a current franchise agreement with the City, which franchise includes the entire corporate limits of the City and will cover the newly annexed Property;

WHEREAS, in selecting Evergy as the Supplier, the Governing Body of the City considered public convenience and necessity, rates of other Suppliers, service desires of the owners of the annexed land, economic impact on Supplier and Supplier customers, Supplier's operational ability to serve the annexed area, avoiding wasteful duplication of facilities, avoiding unnecessary encumbrance on the landscape, preventing waste of materials and natural resources, proposals from any Suppliers, and whether the selection is in the public interest.

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

Section 1. The Governing Body of the City of Andover, Kansas hereby selects Evergy, Inc. as the retail electric supplier to the Property annexed by Ordinance No. 1919. Having considered the facts and circumstances surrounding possible retail electric suppliers, the Governing Body finds as follows:

- A. It is a public convenience and necessity for the Property to have electric service and selects Evergy, which currently serves the property, to remain the Supplier.
- B. Evergy's service rates are comparable to other available Suppliers.
- C. The owners ("Owners") of the Property have indicated no desire to switch from Evergy as the Supplier.
- D. This selection will have no adverse economic impact to Evergy or other Suppliers.

- E. This selection will have no substantial adverse economic impact to customers, as the Owners are currently Evergy customers and desire to remain Evergy customers. The applicable franchise fee for service in the city limits is the same as other consumers Evergy already serves within the City's corporate limits.
- F. There will be no adverse impact to Evergy's operational ability to serve the annexed Property because Evergy currently serves the area in question.
- G. This selection will avoid wasteful duplication of facilities because Evergy currently serves the Property as Supplier.
- H. This selection will avoid unnecessary encumbrances on the landscape. Evergy services are already in use on the Property and there is no need for additional equipment or modifications to the landscape if the service Supplier remains the same.
- I. This selection will prevent waste of materials and natural resources. Evergy currently serves the Property and there is no need for additional materials and natural resources to connect services.
- J. Evergy is currently the most beneficial choice for the Property based on any proposals from any other Supplier, as no other Supplier has requested the right to service the Property.
- K. Based on factors considered by the Governing Body, the Governing Body's selection of Evergy is in the public interest as evidenced by the foregoing findings.

Section 2. The Governing Body of the City of Andover, Kansas hereby approves the notification letter attached as Exhibit B regarding the annexed Property and the Governing Body's Supplier selection.

Section 3. This Resolution shall become effective upon adoption and passage by the Governing Body of the City. The City Clerk is hereby instructed to send the letter set forth in Exhibit B.

*[Remainder of Page Intentionally Left Blank]*


PASSED, ADOPTED AND APPROVED by the Governing Body of the City of Andover, Kansas this 24<sup>th</sup> day of September, 2024.



CITY OF ANDOVER, KANSAS

By   
Ronnie Price, Mayor

ATTEST:

By   
Dana Engstrom, City Clerk

## EXHIBIT A

### LEGAL DESCRIPTION

BEGINNING at a point that is 230 feet South of the Northeast corner of the West half of the East half of the Northeast quarter of Section 29, Township 27 South, Range 3 East of the 6th P.M., thence running South 100 feet, West 200 feet, North 100 feet, East 200 feet to the point of beginning, in Butler County, Kansas.

AND

Beginning at a point that is 100 feet West of the Northeast corner of the West half of the East Half of the Northeast quarter of Section 29, Township 27 South, Range 3 East of the 6th P.M., thence running West 100 feet, South 230 feet, East 100 feet, North 230 feet to the point of beginning, in Butler County, Kansas. Subject to public road.

EXHIBIT B

September 26, 2024

EVERGY, INC.  
CUSTOMER SOLUTIONS  
ATTN: SARAH HARDYWAY  
1000 N. HALSTEAD  
HUTCHINSON, KANSAS 67501

*Re: Property annexed by the City of Andover, Kansas*

Dear Sir or Madam:

The real property ("Property") described in the following legal description is within the certified territory of Evergy, Inc. ("Evergy") where Evergy is the current retail electric supplier ("Supplier") for said Property, to wit:

BEGINNING at a point that is 230 feet South of the Northeast corner of the West half of the East half of the Northeast quarter of Section 29, Township 27 South, Range 3 East of the 6th P.M., thence running South 100 feet, West 200 feet, North 100 feet, East 200 feet to the point of beginning, in Butler County, Kansas.

AND

Beginning at a point that is 100 feet West of the Northeast corner of the West half of the East Half of the Northeast quarter of Section 29, Township 27 South, Range 3 East of the 6th P.M., thence running West 100 feet, South 230 feet, East 100 feet, North 230 feet to the point of beginning, in Butler County, Kansas. Subject to public road.

Pursuant to K.S.A. 66-1,176, the City of Andover, Kansas (the "City") hereby notifies Evergy that it annexed the Property by Ordinance No. 1919. The City has selected Evergy to continue as the Supplier based on the following considerations set forth in K.S.A. 66-1,176: public convenience and necessity, rates of other Suppliers, service desires of the owners of the annexed land, economic impact on Supplier and Supplier's customers, Supplier's operational ability to serve the annexed area, avoiding wasteful duplication of facilities, avoiding unnecessary encumbrance on the landscape, preventing waste of materials and natural resources, proposals from any other Suppliers, and whether the selection is in the public interest.

The statute additionally states that the City and Evergy shall negotiate for the issuance of a franchise agreement. The City and Evergy are already parties to an existing franchise agreement ("Agreement"). The Agreement provides that the applicable service territory is the area within the corporate city limits, which now includes the Property. Consequently, the City does not believe any amendment to the Agreement is needed at this time but provides this notice for inclusion under the Agreement.

For questions or further discussion, please contact the City of Andover at (316) 733-1303.

To: The Governing Body of the City of Andover, Kansas:

WHEREAS, the undersigned are the owners of record of the following described real property which is located in the unincorporated area near the City of Andover, in Butler County, Kansas:

Beginning at a point that is 230 feet South of the Northeast corner of the West half of the East half of the Northeast quarter of Section 29, Township 27 South, Range 3 East of the 6<sup>th</sup> P.M., thence running South 100 feet, West 200 feet, North 100 feet, East 200 feet to the point of beginning, in Butler County, Kansas.

AND

Beginning at a point that is 100 feet West of the Northeast corner of the West half of the East half of the Northeast quarter of Section 29, Township 27 South, Range 3 East of the 6<sup>th</sup> P.M., thence running West 100 feet, South 230 feet, East 100 feet, North 230 feet to the point of beginning, in Butler County, Kansas. Subject to public road.

Property address: 1413 E. Hwy 54, Andover, KS 67002

NOW THEREFORE, the undersigned do hereby petition the Governing Body of the City of Andover, Kansas to annex the above described property in accordance with the Statutes of the State of Kansas, and in particular, K.S.A. 12-520.

In witness thereof, the undersigned have caused this petition to be executed this 28<sup>th</sup> day of May, 2024.

Elsa M. Wine  
Elsa M. Wine  
Landowner  
Thomas M. Wine  
(Name)  
Landowner

STATE OF KANSAS

COUNTY OF BUTLER

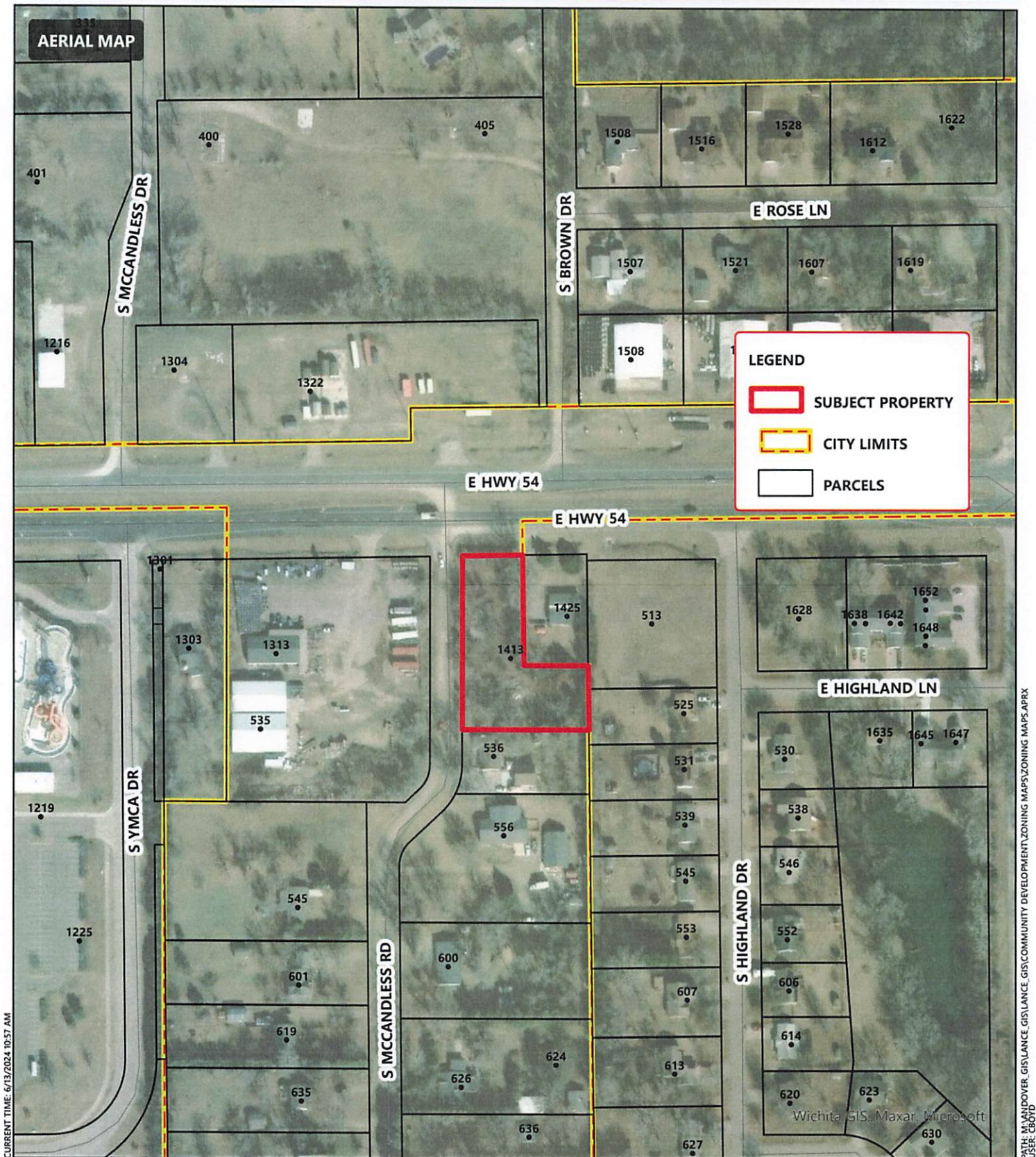
Signed and affirmed before me on 5/28, 2024.

By Elsa M. Wine & Thomas M. Wine

Matthew Torres  
Notary Public

My appointment expires: 02/17/27





## ANNEXATION PETITION // 1413 E. HWY 54

IT IS UNDERSTOOD THAT WHILE THE CITY OF ANDOVER GIS/MAPPING DEPARTMENT HAS NO INDICATION AND/OR REASON TO BELIEVE THAT THERE ARE INACCURACIES IN INFORMATION INCORPORATED IN THE MAP, THE CITY OF ANDOVER MAKES NO WARRANTY OR REPRESENTATION, EITHER EXPRESSED OR IMPLIED, WITH RESPECT TO THE INFORMATION, OR DATA DISPLAYED.