

RESOLUTION NO. 24-36

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. 1921 ("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. 1921. 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.

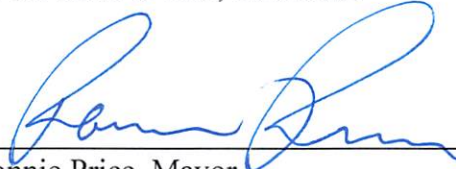
Section 3. This Resolution shall become effective upon adoption and passage by the Governing Body of the City. The City Clerk is hereby instructed to send the letter set forth in Exhibit B.

*[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

Commencing at the Southeast Corner of the Southwest Quarter of Section 30, Township 27 South, Range 3 East of the Sixth Principal Meridian, Butler County, Kansas; thence N00°37'22"W a distance of 313.40 feet to the Point of Beginning at the Northwest Corner of Meadowbrook 3rd Subdivision; thence N00°37'22"W a distance of 553.95 feet to the Northeast Corner of Meadowbrook 2nd Subdivision; thence S89°22'38"W along the North line of Meadowbrook 2nd Subdivision a distance of 291.93 feet; thence N00°37'22"W a distance of 351.07 feet; thence N89°03'14"E a distance of 692.43 feet; thence S00°37'22"E a distance of 104.06 feet; thence N89°03'14"E a distance of 259.77 feet; thence S00°38'40"E a distance of 616.00 feet; thence S89°03'14"W a distance of 260.00 feet; thence S00°38'40"E a distance of 450.00 feet; thence S89°03'14"W a distance of 70.17 feet; thence N00°37'22"W a distance of 263.40 feet; thence S89°03'14"W a distance of 330.50 feet to the Point of Beginning.

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:

Commencing at the Southeast Corner of the Southwest Quarter of Section 30, Township 27 South, Range 3 East of the Sixth Principal Meridian, Butler County, Kansas; thence N00°37'22"W a distance of 313.40 feet to the Point of Beginning at the Northwest Corner of Meadowbrook 3rd Subdivision; thence N00°37'22"W a distance of 553.95 feet to the Northeast Corner of Meadowbrook 2nd Subdivision; thence S89°22'38"W along the North line of Meadowbrook 2nd Subdivision a distance of 291.93 feet; thence N00°37'22"W a distance of 351.07 feet; thence N89°03'14"E a distance of 692.43 feet; thence S00°37'22"E a distance of 104.06 feet; thence N89°03'14"E a distance of 259.77 feet; thence S00°38'40"E a distance of 616.00 feet; thence S89°03'14"W a distance of 260.00 feet; thence S00°38'40"E a distance of 450.00 feet; thence S89°03'14"W a distance of 70.17 feet; thence N00°37'22"W a distance of 263.40 feet; thence S89°03'14"W a distance of 330.50 feet to the Point of Beginning.

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. 1921. 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.



AERIAL MAP

S

RUTH  
AVE

S ALLEN  
ST

S MEADOWHAVEN ST

W HARRY ST

S HEATHER  
LAKE CT

S LANTERN  
LANE CT

Maxxell Microsoft

LEGEND

SUBJECT PROPERTY

CITY LIMITS

PARCELS

0 190 380 570 760 FEET



ANNEXATION PETITION // MEADOWBROOK 4TH ADDITION

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.



## PETITION FOR ANNEXATION

The Undersigned owner of the following described property to wit:

A tract of land lying in a portion of the Southeast Quarter of Section 30, Township 27 South, Range 3 East of the 6th P.M., in Butler County, Kansas, as prepared by Keith Severns, Professional Surveyor, License Number 1355, on May, 1st, 2024, said tract of land being described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of Section 30, Township 27 South, Range 3 East of the Sixth Principal Meridian, Butler County, Kansas; thence N 00°37'22" W, a distance of 313.40 feet to the Point of Beginning at Northwest Corner of Meadowbrook 3rd Subdivision; thence N 00°37'22" W, a distance of 553.95 feet, to the Northeast Corner of Meadowbrook 2nd Subdivision; thence S 89°22'38" W, along the North line of Meadowbrook 2nd Subdivision, a distance of 291.93 feet; thence N 00°37'22" W, a distance of 351.07 feet; thence N 89°03'14" E, a distance of 692.43 feet; thence S 00°37'22" E, a distance of 104.06 feet; thence N 89°03'14" E, a distance of 259.77 feet; thence S 00°38'40" E, a distance of 616.00 feet; thence S 89°03'14" W, a distance of 260.00 feet; thence S 00°38'40" E, a distance of 450.00 feet; thence S 89°03'14" W, a distance of 70.17 feet; thence N 00°37'22" W, a distance of 263.40 feet; thence S 89°03'14" W, a distance of 330.50 feet to the point of beginning.

Said tract CONTAINS 14.80 acres more or less.

Request that the City of Andover to annex to the corporate limits of said City the above described real property, pursuant to K.S.A. 12-520(7), and under the general authority of K.S.A. 12-520.

This petition signed the 3 day of July, 2024.

By

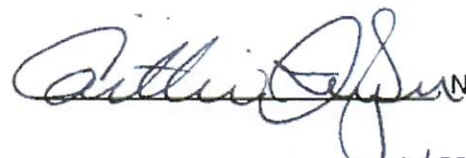
Ronald L. Smith, Owner

STATE OF KANSAS )

COUNTY OF BUTLER) )SS

This instrument was acknowledged before me on day 3 of July, 2024, by  
Ronald L. Smith, Owner.



 Notary Public  
My appointment expires: 2/27/2028



This petition signed the 17<sup>th</sup> day of June, 2024.

By Valerie A. Smith

Valerie A. Smith, Owner

STATE OF Michigan

COUNTY OF MACOMB ) SS

This instrument was acknowledged before me on day 17<sup>th</sup> of June, 2024, by  
Valerie A. Smith, Owner

 Notary Public  
My appointment expires: 01-27-31

