

RESOLUTION NO. 24-37

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. 1920 ("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. 1920. 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.

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



CITY OF ANDOVER, KANSAS

By 
Ronnie Price, Mayor

ATTEST:

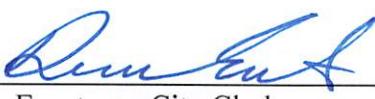
By 
Dana Engstrom, City Clerk

EXHIBIT A

LEGAL DESCRIPTION

The East 330 feet of the South 660 feet of the Southeast Quarter of Section 21, Township 27 South, Range 3 East of the 6th Principal Meridian in Butler County, Kansas, except for road Right-of-Way.

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:

The East 330 feet of the South 660 feet of the Southeast Quarter of Section 21, Township 27 South, Range 3 East of the 6th Principal Meridian in Butler County, Kansas, except for road Right-of-Way.

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. 1920. 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.

PETITION FOR ANNEXATION

The undersigned owners of the following described property to wit:

The East 330 feet of the South 660 feet of the Southeast Quarter of Section 21, Township 27-South, Range 3 East of the 6th Principal Meridian in Butler County, Kansas, except for Road Right-of-Way.

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 10th day of MAY, 2024.

Train Enterprises, LLC

By: , Agent
Brad Train

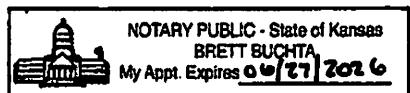
STATE OF KANSAS)
) SS:
COUNTY OF BUTLER)

Personally, appeared before me, a Notary Public in and for the County and State aforesaid Brad Train as Agent for Train Enterprises, LLC, a Kansas limited liability company to me personally known to be said person duly acknowledged the execution of the same.

In testimony whereof, I have hereunto set my hand and official seal on this 10th day of MAY, 2024.

 Notary Public

My Commission Expires: 06/27/2026



AERIAL MAP