

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
on www.andoverks.gov on February 8, 2025)

RESOLUTION NO. 25-04

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 (SOUTHERN HILLS 1ST PHASE WATER DISTRIBUTION IMPROVEMENTS, SOUTHERN HILLS 1ST PHASE SANITARY SEWER IMPROVEMENTS, SOUTHERN HILLS 1ST PHASE PAVING IMPROVEMENTS, SOUTHERN HILLS 1ST PHASE WATER MAIN IMPROVEMENTS, SOUTHERN HILLS 1ST PHASE SW 130TH ST. PAVING IMPROVEMENTS, SOUTHERN HILLS 1ST PHASE DRAINAGE IMPROVEMENTS, AND SOUTHERN HILLS 1ST PHASE SANITARY SEWER MAIN IMPROVEMENTS).

WHEREAS, on January 17, 2025 seven (7) 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, paving, and drainage improvements be made to the Southern Hills 1st an addition 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 January 28, 2025, 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. Southern Hills 1st Phase Water Distribution Improvements (the “Southern Hills 1st Phase Water Distribution 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 “Southern Hills 1st Phase Water Distribution Improvements”).

(2) The estimated or probable costs of the Southern Hills 1st Phase Water Distribution Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Four Hundred Twenty-One Thousand Dollars (\$421,000) (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 one percent (1%) per month from and after November 1, 2024).

(3) The extent of the improvement district to be assessed for the costs of the Southern Hills 1st Phase Water Distribution Improvements shall include and consist of certain real property in the City of Andover, Butler County, Kansas, which is described as follows:

Southern Hills 1st

Block 1, Lots 1 through 22, inclusive

Block 2, Lots 1 through 13, inclusive

Block 3, Lots 1 through 14, inclusive

Block 4, Lots 1 through 7, inclusive

(collectively, the “Benefit District”).

The Benefit District does not include all the property that may be deemed benefited by the Southern Hills 1st Phase Water Distribution 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 Southern Hills 1st Phase Water Distribution 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 Southern Hills 1st Phase Water Distribution 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 Southern Hills 1st Phase Water Distribution 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. Southern Hills 1st Phase Sanitary Sewer Improvements (the "Southern Hills 1st Phase Sanitary 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 "Southern Hills 1st Phase Sanitary Sewer Improvements").

(2) The estimated or probable costs of the Southern Hills 1st Phase Sanitary Sewer Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Six Hundred Six Thousand Dollars (\$606,000) (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 one percent (1%) per month from and after November 1, 2024).

(3) The extent of the improvement district to be assessed for the costs of the Southern Hills 1st Phase Sanitary Sewer Improvements shall include and consist of certain real property in the Benefit District.

The Benefit District does not include all the property that may be deemed benefited by Southern Hills 1st Phase Sanitary Sewer 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 Southern Hills 1st Phase Sanitary 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 Southern Hills 1st Phase Sanitary 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 Southern Hills 1st Phase Sanitary 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. Southern Hills 1st Phase Paving Improvements (the “Southern Hills 1st Phase Paving Improvements”)

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

(2) The estimated or probable costs of the Southern Hills 1st Phase Paving Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is One Million One Hundred Eleven Thousand Dollars (\$1,111,000) (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 one percent (1%) per month from and after November 1, 2024).

(3) The extent of the improvement district to be assessed for the costs of the Southern Hills 1st Phase Paving Improvements shall include and consist of certain real property in the Benefit District.

The Benefit District does not include all the property that may be deemed benefited by the Southern Hills 1st 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 Southern Hills 1st 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 Southern Hills 1st 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 Southern Hills 1st 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.

D. Southern Hills 1st Phase Water Main Improvements (the “Southern Hills 1st Phase Water Main Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of a 16” water main in SW 130th St. and related appurtenances necessary to serve the Southern Hills 1st Phase Water Main Improvements Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as “Southern Hills 1st Phase Water Distribution Improvements”).

(2) The estimated or probable costs of the Southern Hills 1st Phase Water Main Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Eighty-Two Thousand Dollars (\$282,000) (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 one percent (1%) per month from and after November 1, 2024).

(3) The extent of the improvement district to be assessed for the costs of the Southern Hills 1st Phase Water Main Improvements shall include and consist of certain real property in the City of Andover, Butler County, Kansas, which is described as follows:

Benefit District and

UNPLATTED PARCEL A: That part of the NW1/4 of Sec. 8, T28S, R3E of the 6th P.M., Butler County, Kansas, described as beginning at a point on south line of said NW1/4, said point being 60.00 feet East of the southwest corner of said NW1/4; thence N89°22'54"E along said south line, 1051.29 feet; thence N00°37'06"W, 164.00 feet; thence N08°30'28"W, 58.55 feet; thence N08°40'51"E, 381.10 feet; thence N26°50'04"W, 77.30 feet; thence N07°31'26"W, 902.02 feet; thence N06°48'58"E, 82.96 feet to the southeast corner of Lot 14, Block 3, Southern Hills 1st, Andover, Butler County, Kansas; thence S85°55'54"W along the south line of said Lot 14, 175.30 feet to the southeast right-of-way of Granite street as platted in said addition, being a point of curvature of a non-tangent curve to the right, said curve having a radius of 232.00, an arc length of 109.90 feet, chord bearing S57°20'00"W, 108.87 feet; thence westerly along said right-of-way and curve, 109.90 feet to the northeast corner of Lot 1, Block 4, in said addition; thence S27°01'29"E along the east line of said Lot 1, 18.57 feet to a point of curvature of a curve to the right, said curve having a radius of 868.00, an arc length of 122.31 feet, chord bearing S22°59'16"E, 122.21 feet; thence southerly along said east line and curve, 122.31 feet; thence S79°04'07"W along the south line of said Lot 1 and extended, 478.10 feet to the southeast corner of Lot 6, Block 4, in said addition; thence S88°53'45"W along the south line of said Lot 6 and extended, 301.63 feet to a point 60.00 feet East of the west line of said NW1/4; thence S01°06'15"E, parallel with said west line, 1359.11 feet to the place of beginning, written by William K. Clevenger, PS-1437, on May 4, 2023. Subject parcel contains 34.81 Acres ("Unplatted Parcel A").

(collectively, the "Southern Hills 1st Phase Water Main Improvements Benefit District").

The Southern Hills 1st Phase Water Main Improvements Benefit District does not include all the property that may be deemed benefited by the Southern Hills 1st Phase Water Main Improvements. The signers of the petition are the owners of 100% of the property in the Southern Hills 1st Phase Water Main Improvements Benefit District and have agreed to pay the costs of the Southern Hills 1st Phase Water Main Improvements as set forth in the Petition and consented to the levy of special assessments in the Southern Hills 1st Phase Water Main Improvements Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Southern Hills 1st Phase Water Main Improvements to the properties in the proposed benefit district is on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value and proximity to the Project, as follows:

Lots 1-22, Block 1; Lots 1-13, Block 2; Lots 1-14, Block 3;
and Lots 1-7, Block 4 shall each pay 1/135 of the total cost
of the assessments.

Unplatted Parcel A shall pay 79/135 of the total cost of the assessments.

In the event all or part of the lots or parcels in the Southern Hills 1st Phase Water Main Improvements Benefit District are platted or replatted before assessments have been levied, the assessments against the platted or 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 Southern Hills 1st Phase Water Main Improvements, as between the Southern Hills 1st Phase Water Main Improvements Benefit District and the City-at-Large, is that fifty percent (50%) of the costs shall be assessed against the proposed Southern Hills 1st Phase Water Main Improvements Benefit District, and fifty percent (50%) of the cost shall be apportioned to the City-at-Large.

E. Southern Hills 1st Phase SW 130th St. Paving Improvements (the "Southern Hills 1st Phase SW 130th St. Paving Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of asphalt mat pavement and ditch improvements along a 16" water main in SW 130th St. from the east line of Andover Road to the east line of Southern Hills 1st addition and related appurtenances necessary to serve the Southern Hills 1st Phase SW 130th St. Paving Improvements Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as "Southern Hills 1st Phase SW 130th St. Paving Improvements").

(2) The estimated or probable costs of the Southern Hills 1st Phase SW 130th St. Paving Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Fifteen Thousand Dollars (\$215,000) (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 November 1, 2024).

(3) The extent of the improvement district to be assessed for the costs of the Southern Hills 1st Phase SW 130th St. Paving Improvements shall include and consist of certain real property in the City of Andover, Butler County, Kansas, which is described as follows:

Benefit District; and
Unplatted Parcel A

(collectively, the “Southern Hills 1st Phase SW 130th St. Paving Improvements Benefit District”).

The Southern Hills 1st Phase SW 130th St. Paving Improvements Benefit District does not include all the property that may be deemed benefited by the Southern Hills 1st Phase SW 130th St. Paving Improvements. The signers of the petition are the owners of 100% of the property in the Southern Hills 1st Phase SW 130th St. Paving Improvements Benefit District and have agreed to pay the costs of the Southern Hills 1st Phase SW 130th St. Paving Improvements as set forth in the Petition and consented to the levy of special assessments in the Southern Hills 1st Phase SW 130th St. Paving Improvements Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Southern Hills 1st Phase SW 130th St. Paving Improvements to the properties in the proposed benefit district is on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value and proximity to the Project, as follows:

Lots 1-22, Block 1; Lots 1-13, Block 2; Lots 1-14, Block 3; and Lots 1-7, Block 4 shall each pay 1/135 of the total cost of the assessments.

Unplatted Parcel A shall pay 79/135 of the total cost of the assessments.

In the event all or part of the lots or parcels in the Southern Hills 1st Phase SW 130th St. Paving Improvements Benefit District are platted or replatted before assessments have been levied, the assessments against the platted or 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 Southern Hills 1st Phase SW 130th St. Paving Improvements, as between the Southern Hills 1st Phase SW 130th St. Paving Improvements Benefit District and the City-at-Large, is that one hundred percent (100%) of the costs shall be assessed against the proposed Southern Hills 1st Phase SW 130th St. Paving Improvements Benefit District, and zero percent (0%) of the cost shall be apportioned to the City-at-Large.

F. Southern Hills 1st Phase Drainage Improvements (the “Southern Hills 1st Phase Drainage Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of drainage system with grading and related appurtenances necessary to serve the Southern Hills 1st Phase Drainage Improvements Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as “Southern Hills 1st Phase Drainage Improvements”).

(2) The estimated or probable costs of the Southern Hills 1st Phase Drainage Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Six Hundred Eighty-Four Thousand (\$684,000) (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 one percent (1%) per month from and after November 1, 2024).

(3) The extent of the improvement district to be assessed for the costs of the Southern Hills 1st Phase Drainage Improvements shall include and consist of certain real property in the City of Andover, Butler County, Kansas, which is described as follows:

Benefit District; and

UNPLATTED PARCELB: That part of the NW1/4 of Sec. 8, T28S, R3E of the 6th P.M., Butler County, Kansas, described as beginning at a point on south line of said NW1/4, said point being 60.00 feet East of the southwest corner of said NW1/4; thence N89°22’54”E along said south line, 2607.55 feet to the southeast corner of said NW1/4; thence N01°07’50”W along the east line of said NW1/4, 2611.45 feet to a point 60.00 feet South of the north line of said NW1/4; thence S89°24’08”W, parallel with said north line, 354.02 feet to the northeast corner of Reserve “E”, Southern Hills 1st, Andover, Butler County, Kansas; thence S01°07’50”E along the east line of said Reserve “E”, 631.43 feet; thence S16°18’44”W along the east line of said Reserve “E”, 119.56 feet; S38°10’09”W along the east line of said Reserve “E”, 88.13 feet; thence S49°14’14”W along the east line of said Reserve “E”, 285.03 feet;

thence N75°05'15"W along the south line of said Reserve "E", 67.88 feet; thence N14°54'45"E along the west line of said Reserve "E", 421.25 feet; thence N01°07'50"W along the west line of said Reserve "E", 244.30 feet to the southeast corner of Lot 12, Block 2, in said addition; thence S89°24'08"W along the south line of said Lot 12 and extended, 750.23 feet to the easterly most corner of Lot 7, Block 3, in said addition; thence S31°32'11"W along the southeast line of said of said Lot 7 and extended, 395.67 feet to the northeast corner of Lot 11, Block 3, in said addition; thence S06°48'58"W along the east line of said Lot 11 and extended, 304.23 feet to the southeast corner of Lot 14, Block 3, in said addition; thence S85°55'54"W along the south line of said Lot 14, 175.30 feet to the southeast right-of-way of Granite street as platted in said addition, being a point of curvature of a non-tangent curve to the right, said curve having a radius of 232.00, an arc length of 109.90 feet, chord bearing S57°20'00"W, 108.87 feet; thence westerly along said right-of-way and curve, 109.90 feet to the northeast corner of Lot 1, Block 4, in said addition; thence S27°01'29"E along the east line of said Lot 1, 18.57 feet to a point of curvature of a curve to the right, said curve having a radius of 868.00, an arc length of 122.31 feet, chord bearing S22°59'16"E, 122.21 feet; thence southerly along said east line and curve, 122.31 feet; thence S79°04'07"W along the south line of said Lot 1 and extended, 478.10 feet to the southeast corner of Lot 6, Block 4, in said addition; thence S88°53'45"W along the south line of said Lot 6 and extended, 301.63 feet to a point 60.00 feet East of the west line of said NW1/4; thence S01°06'15"E, parallel with said west line, 1359.11 feet to the place of beginning, written by William K. Clevenger, PS-1437, on May 4, 2023. Subject parcel contains 115.42 Acres ("Unplatted Parcel B")

(collectively, the "Southern Hills 1st Phase Drainage Improvements Benefit District").

The Southern Hills 1st Phase Drainage Improvements Benefit District does not include all the property that may be deemed benefited by the Southern Hills 1st Phase Drainage Improvements. The signers of the petition are the owners of one hundred percent (100%) of the property in the Southern Hills 1st Phase Drainage Improvements Benefit District and have agreed to pay the costs of the Southern Hills 1st Phase Drainage Improvements as set forth in the Petition and consented to the levy of special assessments in the Southern Hills 1st Phase Drainage Improvements Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Southern Hills 1st Phase Drainage Improvements to the properties in the proposed benefit district is on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value and proximity to the Project, as follows:

Lots 1-22, Block 1; Lots 1-13, Block 2; Lots 1-14, Block 3; and Lots 1-7, Block 4 shall each pay 1/327 of the total cost of the assessments.

The Unplatted Parcel B described above shall pay 271/327 of the total cost of the assessments.

In the event all or part of the lots or parcels in the Southern Hills 1st Phase Drainage Improvements Benefit District are platted or replatted before assessments have been levied, the assessments against the newly platted or 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 Southern Hills 1st Phase Drainage Improvements, as between the Southern Hills 1st Phase Drainage Improvements Benefit District and the City-at-Large, is that one hundred percent (100%) of the costs shall be assessed against the proposed Southern Hills 1st Phase Drainage Improvements Benefit District, and zero percent (0%) of the cost shall be apportioned to the City-at-Large.

G. Southern Hills 1st Phase Sanitary Sewer Main Improvements (the “Southern Hills 1st Phase Sanitary Sewer Main Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of a sanitary sewer main and related appurtenances necessary to serve the Southern Hills 1st Phase Sanitary Sewer Main Improvements Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as “Southern Hills 1st Phase Sanitary Sewer Main Improvements”).

(2) The estimated or probable costs of the Southern Hills 1st Phase Sanitary Sewer Main Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is One Hundred Forty-Seven Thousand (\$147,000) (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 November 1, 2024).

(3) The extent of the improvement district to be assessed for the costs of the Southern Hills 1st Phase Sanitary Sewer Main Improvements shall include

and consist of certain real property in the City of Andover, Butler County, Kansas, which is described as follows:

Benefit District; and

Unplatted Parcel B

(collectively, the “Southern Hills 1st Phase Sanitary Sewer Main Improvements Benefit District”).

The Southern Hills 1st Phase Sanitary Sewer Main Improvements Benefit District does not include all the property that may be deemed benefited by the Southern Hills 1st Phase Sanitary Sewer Main Improvements. The signers of the petition are the owners of one hundred percent (100%) of the property in the Southern Hills 1st Phase Sanitary Sewer Main Improvements Benefit District and have agreed to pay the costs of the Southern Hills 1st Phase Sanitary Sewer Main Improvements as set forth in the Petition and consented to the levy of special assessments in the Southern Hills 1st Phase Sanitary Sewer Main Improvements Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Southern Hills 1st Phase Sanitary Sewer Main Improvements to the properties in the proposed benefit district is on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value and proximity to the Project, as follows:

Lots 1-22, Block 1; Lots 1-13, Block 2; Lots 1-14, Block 3; and Lots 1-7, Block 4 shall each pay $\frac{1}{327}$ of the total cost of the assessments.

The Unplatted Parcel B described above shall pay $\frac{271}{327}$ of the total cost of the assessments.

In the event all or part of the lots or parcels in the Southern Hills 1st Phase Sanitary Sewer Main Improvements Benefit District are platted or replatted before assessments have been levied, the assessments against the newly platted or 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 Southern Hills 1st Phase Sanitary Sewer Main Improvements, as between the Southern Hills 1st Phase Sanitary Sewer Main Improvements Benefit District and the City-at-Large, is that

one hundred percent (100%) of the costs shall be assessed against the proposed Southern Hills 1st Phase Sanitary Sewer Main Improvements Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Southern Hills 1st Phase Water Distribution Improvements, Southern Hills 1st Phase Sanitary Sewer Improvements, Southern Hills 1st Phase Paving Improvements, Southern Hills 1st Phase Water Main Improvements, Southern Hills 1st Phase SW 130th St. Paving Improvements, Southern Hills 1st Phase Drainage Improvements, and Southern Hills 1st Phase Sanitary Sewer Main 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 28th day of January, 2025.

CITY OF ANDOVER, KANSAS

[seal]



ATTEST:



Ronnie Price, Mayor



Dana Engstrom, City Clerk