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ORDINANCE NO. 1962

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS, LEVYING SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE CITY, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS BENEFITING SUCH REAL PROPERTIES; PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL ASSESSMENT TAXES BY PUBLICATION AND MAILING; AND PROVIDING FOR THE COLLECTION OF SAID SPECIAL ASSESSMENT TAXES (HERITAGE WAY IMPROVEMENTS, SUMMERLIN ADDITION IMPROVEMENTS, HERITAGE THIRD ADDITION IMPROVEMENTS, COTTAGES AT CORNERSTONE IMPROVEMETNS, AND PRAIRIE POINT AT CORNERSTONE IMPROVEMENTS).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. For the purpose of paying the benefit districts' \$6,385,000 combined portions of the \$6,385,000 total costs of the following described improvements:

- (1) The construction of paving improvements, as authorized by Resolution No. 22-36 duly adopted August 9, 2022 and published August 20, 2022, as amended by Resolution No. 22-44, duly adopted September 27, 2022 and published October 8, 2022 (the "Heritage Way Improvements"); and
- (2) The construction of paving, sanitary sewer, and storm water drainage improvements, as authorized by Resolution No. 22-45 duly adopted October 25, 2022 and published November 5, 2022, as amended by Resolution No. 23-24 duly adopted July 25, 2023 and published August 5, 2023 (the "Summerlin Addition Improvements");
- (3) The construction of water, sanitary sewer, and paving improvements, as authorized by Resolution No. 23-03 duly adopted January 31, 2023 and published February 11, 2023 (the "Heritage Third Addition Improvements");
- (4) The construction of water, sanitary sewer, and paving improvements, as authorized by Resolution No. 23-23, duly adopted July 25, 2023 and published August 5, 2023 (the "Cottages at Cornerstone Improvements");
- (5) The construction of water, sanitary sewer, paving, and storm water improvements, as authorized by Resolution No. 24-05 duly adopted January 31, 2024 and published February 10, 2024, as amended by Resolution No. 24-18 adopted May 14, 2024 and published May 25, 2024, and by

Resolution No. 24-25 adopted July 30, 2024 and published August 10, 2024
(the "Prairie Pointe at Cornerstone 3rd Improvements");

to the City of Andover, Kansas (the "City"), there are hereby levied and assessed against the properties liable therefor, the several amounts set forth below following the description of each lot, piece or parcel of land situated in the City of Andover, Butler County, Kansas, which are liable for assessment for said costs:

HERITAGE WAY IMPROVEMENTS

Legal Description:

Unplatted Tract A: A tract of land lying in the Southwest Quarter of Section 20, Township 27 South, Range 3 East of the Sixth Principal Meridian, Butler County, Kansas, being more particularly described as follows:

COMMENCING at the Northwest Corner of said Southwest Quarter; thence along the north line of said Southwest Quarter on a Kansas coordinate system of 1983 south zone bearing of N89°22'02"E, 2495.64 feet to a point lying 165.00 feet west of the northeast corner of said Southwest Quarter, said point being common to the northwest corner of Yorktown Parkway right-of-way, as platted in US 54/400 and Yorktown, an addition to Andover, Butler County, Kansas; thence along the west line of said Yorktown Parkway right-of-way for the next two courses, S45°38'07"E, 35.36 feet to a point 140 feet west of the east line of said Southwest Quarter; thence parallel with said east line, S00°38'16"E, 1172.71 feet to the POINT OF BEGINNING; thence S89°21'44"W, 250.99 feet to the POINT OF BEGINNING; thence S00°49'44"E, 579.26 feet to a point on the north right-of-way line of Founders Parkway as platted in The Heritage Mixed-Use First, of the final Planned Unit Development plan, an addition to Andover, Butler County, Kansas, and being a point on a non-tangent curve to the right, said curve right having a radius of 755.00 feet, a central angle of 19°48'27", a chord bearing of N78°19'55"W, and a chord distance of 259.71 feet; thence along said north right-of-way line and along said non-tangent curve to the right, 261.01 feet; thence continuing along said north right-of-way line, N68°25'41"W, 25.23 feet; thence N21°34'19"E, 57.85 feet to a point on a curve to the left, said curve having a radius of 320.00 feet, a central angle of 68°15'02", a chord bearing of N12°33'12"W, and a chord distance of 359.04 feet; thence along said curve to the left, 381.18 feet; thence N67°06'34"W, 61.77 feet; thence N32°20'44"E, 101.16 feet; thence N89°21'44"E, 328.99 feet to the POINT OF BEGINNING. Said tract CONTAINS: 153,687 square feet or 3.53 acres of land, more or less ("Unplatted Tract A").

Now replatted as Heritage Mixed-Use Second, an addition to Andover, Butler County, Kansas, Block 1, Lots 1-4.

	<u>East Paving</u>
Block 1, Lot 1	\$20,982.12
Block 1, Lot 2	\$22,214.93
Block 1, Lot 3	\$19,952.10
Block 1, Lot 4	\$26,820.92

Legal Description

Unplatted Tract B: A tract of land lying in the Southwest Quarter of Section 20, Township 27 South, Range 3 East of the Sixth Principal Meridian, Butler County, Kansas, being more particularly described as follows:

COMMENCING at the Northwest Corner of said Southwest Quarter; thence along the north line of said Southwest Quarter on a Kansas coordinate system of 1983 south zone bearing of N89°22'02"E, 1378.75 feet to a point lying 1281.89 feet west of the Northeast Corner of said Southwest Quarter; thence S00°37'58" E, 1291.38 feet to a point on the south right-of-way of Willowbrook Street, previously platted as Waterman Street in Willowbrook 2nd Addition, Butler County, Kansas, being common to the northwest corner of the South Park tract of land described in Quitclaim Deed recorded on Book 2020, Page 1892, thence along the north line of said South Park tract and along the extended said south right-of-way, N89°24'37"E, 341.66 feet to a point on a curve to the right, said curve having a radius of 246.00 feet, a central angle of 04°23'34", a chord bearing of S88°24'02"E, and a chord distance of 18.86 feet; thence continuing along said north line and along said curve to the right, 18.86 feet to the northeast corner of said South Park tract and being the POINT OF BEGINNING; being common to a point on a curve to the right, said curve having a radius of 246.00 feet, a central angle of 28°32'32", a chord bearing of S71°55'29"E, and a chord distance of 121.28 feet; thence along said curve to the right, 122.55 feet; thence S32°53'01"E, 48.23 feet to a point on a non-tangent curve to the right, said curve having a radius of 230.00 feet, a central angle of 68°15'02", a chord bearing of S12°33'12"E, and a chord distance of 258.06 feet; thence along said non-tangent curve to the right, 273.98 feet; thence S21°34'19"W, 57.85 feet; thence N68°25'41"W, 75.21 feet to a point on a curve to the left, said curve having a radius of 645.00 feet, a central angle of 08°52'59", a chord bearing of N72°52'10"W, and a chord distance of 99.90 feet; thence along said curve to the left, 100.00 feet to the southeast corner of said South Park tract; thence along the east line of said South Park tract for the next two courses, N12°41'20"E, 110.00 feet; thence N09°04'34"W, 222.21 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 55,611 square feet or 1.28 acres of land, more or less. ("Unplatted Tract B"). Now replatted as Heritage Mixed-Use Second, an addition to Andover, Butler County, Kansas, Block 2, Lot 1.

	<u>West Paving</u>
Block 2, Lot 1	\$90,029.95

SUMMERLIN ADDITION IMPROVEMENTS

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Paving</u>	<u>Stormwater</u>
Summerlin Addition; Block A, Lots 1 through 33, inclusive	\$6,586.11 each	\$9,569.56 each	\$16,409.22 each	\$14,101.77 each

HERITAGE THIRD ADDITION IMPROVEMENTS

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Paving</u>
The Heritage Third Addition; Block 1, Lots 1 through 18, inclusive	\$5,216.23 each	\$6,174.09 each	\$20,353.79 each
Block 2, Lots 1 through 16, inclusive	\$5,216.23 each	\$6,174.09 each	\$20,353.79 each
Block 3, Lots 1 through 10, inclusive	\$5,216.23 each	N/A	\$20,353.79 each

COTTAGES AT CORNERSTONE IMPROVEMENTS

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Paving</u>
The Cottages at Cornerstone Addition; Block 1, Lots 1 through 22, inclusive	\$5,705.58 each	\$5,174.00 each	\$19,620.42 each
Block 2, Lots 1 through 6, inclusive	\$5,705.58 each	\$5,174.00 each	\$19,620.42 each
Block 3, Lots 1 through 6, inclusive	\$5,705.58 each	\$5,174.00 each	\$19,620.42 each
Block 4, Lots 1 through 6, inclusive	\$5,705.58 each	\$5,174.00 each	\$19,620.42 each
Block 5, Lots 1 through 22, inclusive	\$5,705.58 each	\$5,174.00 each	\$19,620.42 each
Block 6, Lots 1 through 6, inclusive	\$5,705.58 each	\$5,174.00 each	\$19,620.42 each
Block 7, Lots 1 through 6, inclusive	\$5,705.58 each	\$5,174.00 each	\$19,620.42 each
Block 8, Lots 1 through 6, inclusive	\$5,705.58 each	\$5,174.00 each	\$19,620.42 each

PRairie Pointe AT CORNERSTONE 3RD IMPROVEMENTS

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Street</u>	<u>Stormwater</u>
Prarie Pointe at Cornerstone 3 rd ; Block A, Lots 1 through 4, inclusive	\$6,592.45 each	\$15,602.66 each	\$18,009.97 each	\$12,147.86 each
Block B, Lots 1 through 13, inclusive	\$6,592.45 each	\$15,602.66 each	\$18,009.97 each	\$12,147.86 each

SECTION 2. The amounts so levied and assessed as set forth above shall be due and payable from and after the date of adoption of this Ordinance; and the City Clerk shall notify each and all of the owners of the above described properties, insofar as known to the City Clerk and at their last known post office address, of the amounts of their respective special assessments; and said notice shall further state that the owners of the properties will be given a period until Noon on July 15, 2025, during which the special assessments may be paid in full at the Andover City Hall, 1609 East Central Avenue, Andover, Kansas, and the lien against any property for which the special assessment is paid shall thereupon be discharged and satisfied. Said notice shall further state that for any assessments not paid by the specified date and time, general obligation bonds of the City, payable in installments over a period of 20 years, will be issued, and the principal amount of the unpaid assessments, together with interest of the unpaid principal balance thereof at a rate equal to the average annual interest rate on such general obligation bonds (such rate not to exceed the maximum rate allowed on such general obligation bonds by the laws of the State of Kansas) will be certified to the County Clerk of Butler County, Kansas for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made in November 2026.

SECTION 3. The Mayor and City Clerk are hereby authorized and directed to take all such other actions not inconsistent herewith as may be appropriate or desirable to accomplish the purposes contemplated by this Ordinance.

SECTION 4. This Ordinance shall be in force and take effect from and after its passage, approval and publication one time in the City's official newspaper.

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ADOPTED, PASSED AND APPROVED by the governing body of the City of Andover, Kansas, on June 10, 2025.

[seal]



CITY OF ANDOVER, KANSAS

By



Ronnie Price, Mayor

ATTEST:

By



Dana Engstrom, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas, met in regular session at the usual meeting place in the City on June 10, 2025, at 7:00 P.M. The Mayor Ronnie Price presided, and the following members of the governing body were present: Tim Berry, Philip Hamilton, Michael Henry, Jodi Ocadiz, Paul Wemmer, and Mike Warrington.

The following members of the governing body were absent: None

Thereupon, pursuant to duly published and mailed notice, there came on the agenda a public hearing for the purpose of hearing and considering any and all written and/or oral complaints and objections to the proposed assessments contained in the Assessment Rolls on file in the Office of the City Clerk for the costs of the Heritage Way Improvements, as authorized by Resolution No. 22-36 duly adopted August 9, 2022 and published August 20, 2022, as amended by Resolution No. 22-44, duly adopted September 27, 2022 and published October 8, 2022, Summerlin Addition Improvements as authorized by Resolution No. 22-45 duly adopted October 25, 2022 and published November 5, 2022, as amended by Resolution No. 23-24 duly adopted July 25, 2023 and published August 5, 2023, Heritage Third Addition Improvements as authorized by Resolution No. 23-03 duly adopted January 31, 2023 and published February 11, 2023, Cottages at Cornerstone Improvements as authorized by Resolution No. 23-23, duly adopted July 25, 2023 and published August 5, 2023, and Prairie Pointe at Cornerstone 3rd Improvements as authorized by Resolution No. 24-05 duly adopted January 31, 2024 and published February 10, 2024, as amended by Resolution No. 24-18 adopted May 14, 2024 and published May 25, 2024, and by Resolution No. 24-25 adopted July 30, 2024 and published August 10, 2024.

It was determined by the governing body that Notice of the Hearing was duly published one time in the official newspaper of the City as required by law, and that Notice of Hearing and Statement of Cost Proposed to be Assessed was mailed to each and all of the owners of the properties liable for the proposed assessments, such publication and mailings having been accomplished on May 24, 2025, as required and provided by K.S.A. 12-6a09.

Thereupon, the Mayor announced that any and all written or oral complaints and objections from property owners to the several assessments as set forth in the Assessment Rolls would now be heard and considered by the governing body.

After full discussion and consideration and the hearing of any and all complaints or objections to the several assessments contained in the Assessment Rolls, it was determined that all of the individual assessments, shall be levied in the manner provided by law, and that the special assessments shall be certified to the Butler County Clerk for a period of 20 years, commencing November 2026.

In accordance with such determination, there came on for consideration the following Ordinance:

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS, LEVYING SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE CITY, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS BENEFITING SUCH REAL PROPERTIES; PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL ASSESSMENT TAXES BY PUBLICATION AND MAILING; AND PROVIDING FOR THE COLLECTION OF SAID SPECIAL ASSESSMENT TAXES (HERITAGE WAY IMPROVEMENTS, SUMMERLIN ADDITION IMPROVEMENTS, HERITAGE THIRD ADDITION IMPROVEMENTS, COTTAGES AT CORNERSTONE IMPROVEMETNS, AND PRAIRIE POINT AT CORNERSTONE IMPROVEMENTS).

After discussion, upon the motion of Council President Henry, seconded by Council Member Wemmer, each section of the Ordinance was adopted by a majority vote of the members elect.

Thereupon, the Ordinance, having been adopted by a majority vote of the members of the governing body, it was given No. 1962, and was directed to be signed by the Mayor and attested by the City Clerk. The City Clerk was directed to cause the publication of the Ordinance one time in the City's official newspaper as set forth therein and required by law; and was further directed to cause to be mailed on the same day as said publication, a Notice of Assessment to each and all of the property owners liable for the assessments contained therein, all in the form and manner required by law and as provided in the Ordinance.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the June 10, 2025, meeting of the governing body of the City of Andover, Kansas.

[seal]




Dana Engstrom, City Clerk