

After recording, return to:

City of Andover, Kansas  
Attn: Dana Engstrom, City Clerk  
1609 East Central Avenue  
Andover, Kansas 67002  
Telephone: (316) 733-1303

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(Published in *The Butler County Times-Gazette* and  
at [www.andoverks.gov](http://www.andoverks.gov) on June 21, 2025)

### RESOLUTION NO. 25-16

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 (TUSCANY ADDITION FIFTH PHASE SANITARY SEWER IMPROVEMENTS, TUSCANY ADDITION FIFTH PHASE WATER DISTRIBUTION SYSTEM IMPROVEMENTS, AND TUSCANY ADDITION FIFTH PHASE PAVING IMPROVEMENTS ).

WHEREAS, on June 6, 2025 three amended 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 and street improvements be made to the Tuscany Addition Fifth Phase 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, and (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 June 10, 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.

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. Tuscany Addition Fifth Phase Sanitary Sewer Improvements (the "Tuscany Addition Fifth 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 Tuscany Addition Fifth Phase Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as "Tuscany Addition Fifth Phase Sanitary Sewer Improvements").

(2) The estimated or probable costs of the Tuscany Addition Fifth Phase Sanitary Sewer Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Ninety Three Thousand Dollars (\$293,000) (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 June 1, 2025).

(3) The extent of the improvement district to be assessed for the costs of the Tuscany Addition Fifth Phase Sanitary Sewer Improvements shall include and consist of certain real property in the City of Andover, Butler County, Kansas, which is described as follows:

Tuscany Addition Fifth Phase Final Planned Unit Development Plat & Plan  
Lots 1 through 5, Block A  
Lots 1 through 2, Block B  
Lots 1 through 9, Block C  
Lots 1 through 10, Block D

(collectively, the "Tuscany Addition Fifth Phase Benefit District").

The Tuscany Addition Fifth Phase Benefit District does not include all the property that may be deemed benefited by the Tuscany Addition Fifth Phase Sanitary Sewer Improvements. The signers of the petition are the owners of one hundred percent (100%) of the property in the Tuscany Addition Fifth Phase Benefit District and have agreed to pay the costs of the Tuscany Addition Fifth Phase Sanitary Sewer Improvements as set forth in the Petition and consented to

the levy of special assessments in the Tuscany Addition Fifth Phase Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Tuscany Addition Fifth 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 Tuscany Addition Fifth Phase Benefit District.

In the event all or part of the lots or parcels in the Tuscany Addition Fifth Phase 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 Tuscany Addition Fifth Phase Sanitary Sewer Improvements, as between the Tuscany Addition Fifth Phase Benefit District and the City-at-Large, is that one hundred percent (100%) of the costs shall be assessed against the proposed Tuscany Addition Fifth Phase Benefit District, and zero percent (0%) of the cost shall be apportioned to the City-at-Large.

B. Tuscany Addition Fifth Phase Water Distribution System Improvements (the “Tuscany Addition Fifth Phase Water Distribution System 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 Tuscany Addition Fifth Phase Benefit District in the City of Andover, Kansas (such improvements being commonly known as “Tuscany Addition Fifth Phase Water Distribution System Improvements”).

(2) The estimated or probable costs of the Tuscany Addition Fifth Phase Water Distribution System Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Thirty Two Thousand Dollars (\$232,000) (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 June 1, 2025).

(3) The extent of the improvement district to be assessed for the costs of the Tuscany Addition Fifth Phase Water Distribution System Improvements shall be the:

Tuscany Addition Fifth Phase Benefit District

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

(4) The method of assessment proposed for assessing costs of the proposed Tuscany Addition Fifth Phase Water Distribution System 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 Tuscany Addition Fifth Phase Benefit District.

In the event all or part of the lots or parcels in the Tuscany Addition Fifth Phase Water Distribution System Improvements 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 Tuscany Addition Fifth Phase Water Distribution System Improvements, as between the Tuscany Addition Fifth Phase Benefit District and the City-at-Large, is that one hundred percent (100%) of the costs shall be assessed against the proposed Tuscany Addition Fifth Phase Benefit District, and zero percent (0%) of the cost shall be apportioned to the City-at-Large.

C. Tuscany Addition Fifth Phase Paving Improvements (the “Tuscany Addition Fifth 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 Tuscany Addition Fifth Phase Benefit District in the City of Andover, Kansas (such improvements being commonly known as “Tuscany Addition Fifth Phase Paving Improvements”).

(2) The estimated or probable costs of the Tuscany Addition Fifth Phase Paving Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Seven Hundred Eighteen Thousand Dollars (\$718,000) (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 June 1, 2025).

(3) The extent of the improvement district to be assessed for the costs of the Tuscany Addition Fifth Phase Paving Improvements shall be:

**Tuscany Addition Fifth Phase Benefit District**

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

(4) The method of assessment proposed for assessing costs of the proposed Tuscany Addition Fifth 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 Tuscany Addition Fifth Phase Benefit District.

In the event all or part of the lots or parcels in the Tuscany Addition Fifth Phase 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 Tuscany Addition Fifth Phase Paving Improvements, as between the Tuscany Addition Fifth Phase Benefit District and the City-at-Large, is that one hundred percent (100%) of the costs shall be assessed against the proposed Tuscany Addition Fifth Phase Benefit District, and zero percent (0%) of the cost shall be apportioned to the City-at-Large.

**SECTION 2.** The Tuscany Addition Fifth Phase Sanitary Sewer Improvements, Tuscany Addition Fifth Phase Water Distribution System Improvements, and Tuscany Addition Fifth Phase Paving 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.

SECTION 4. This Resolution repeals and replaces Resolution No. 24-33, previously recorded with the Butler County Register of Deeds in Book 2025 on Page 2290, and Amending Resolution No. 25-03, previously recorded with the Butler County Register of Deeds in Book 2025 on Page 2293.

*[Remainder of Page Intentionally Left Blank]*

PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on the 10<sup>th</sup> day of June, 2025.

CITY OF ANDOVER, KANSAS



ATTEST:

  
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Ronnie Price, Mayor

  
\_\_\_\_\_  
Dana Engstrom, City Clerk