

RESOLUTION NO. 25-17

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. 1954 ("Property") which Property is located in territory in which Butler Rural Electric Cooperative Association, Inc. ("BREC") 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 BREC is the best current Supplier for the Property and finds it necessary and desirable to select BREC to continue as the Supplier; and

WHEREAS, BREC 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 BREC 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 Butler Rural Electric Cooperative Association, Inc. as the retail electric supplier to the Property annexed by Ordinance No. 1954. 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 BREC, which currently serves the property, to remain the Supplier.
- B. BREC's service rates are comparable to other available Suppliers.
- C. The owners ("Owners") of the Property have indicated no desire to switch from BREC as the Supplier.
- D. This selection will have no adverse economic impact to BREC or other Suppliers.

- E. This selection will have no substantial adverse economic impact to customers, as the Owners are currently BREC customers and desire to remain BREC customers. The applicable franchise fee for service in the city limits is the same as other consumers BREC already serves within the City's corporate limits.
- F. There will be no adverse impact to BREC's operational ability to serve the annexed Property because BREC currently serves the area in question.
- G. This selection will avoid wasteful duplication of facilities because BREC currently serves the Property as Supplier.
- H. This selection will avoid unnecessary encumbrances on the landscape. BREC 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. BREC currently serves the Property and there is no need for additional materials and natural resources to connect services.
- J. BREC 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 BREC 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 10<sup>th</sup> day of June, 2025.

CITY OF ANDOVER, KANSAS



ATTEST:

By   
Ronnie Price, Mayor

By   
Dana Engstrom, City Clerk

## EXHIBIT A

### LEGAL DESCRIPTION

Lots 17 and 39, Revised Plat of Stoner's Tracts, in the NW  $\frac{1}{4}$  of Section 8,  
Township 28 South, Range 03 East, a Subdivision of Butler County, Kansas.

EXHIBIT B

June 11, 2025

Butler Rural Cooperative Association, Inc.  
216 S. Vine St.  
El Dorado, Kansas 67042

Re: *Property annexed by the City of Andover, Kansas*

To whom it may concern:

The real property ("Property") described in the following legal description is within the certified territory of Butler Rural Electric Cooperative Association, Inc. ("BREC") where BREC is the current retail electric supplier ("Supplier") for said Property, to wit:

Lots 17 and 39, Revised Plat of Stoner's Tracts, in the NW ¼ of Section 8,  
Township 28 South, Range 03 East, a Subdivision of Butler County, Kansas.

Pursuant to K.S.A. 66-1,176, the City of Andover, Kansas (the "City") hereby notifies BREC that it annexed the Property by Ordinance No. 1954. The City has selected BREC 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 BREC shall negotiate for the issuance of a franchise agreement. The City and BREC 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.

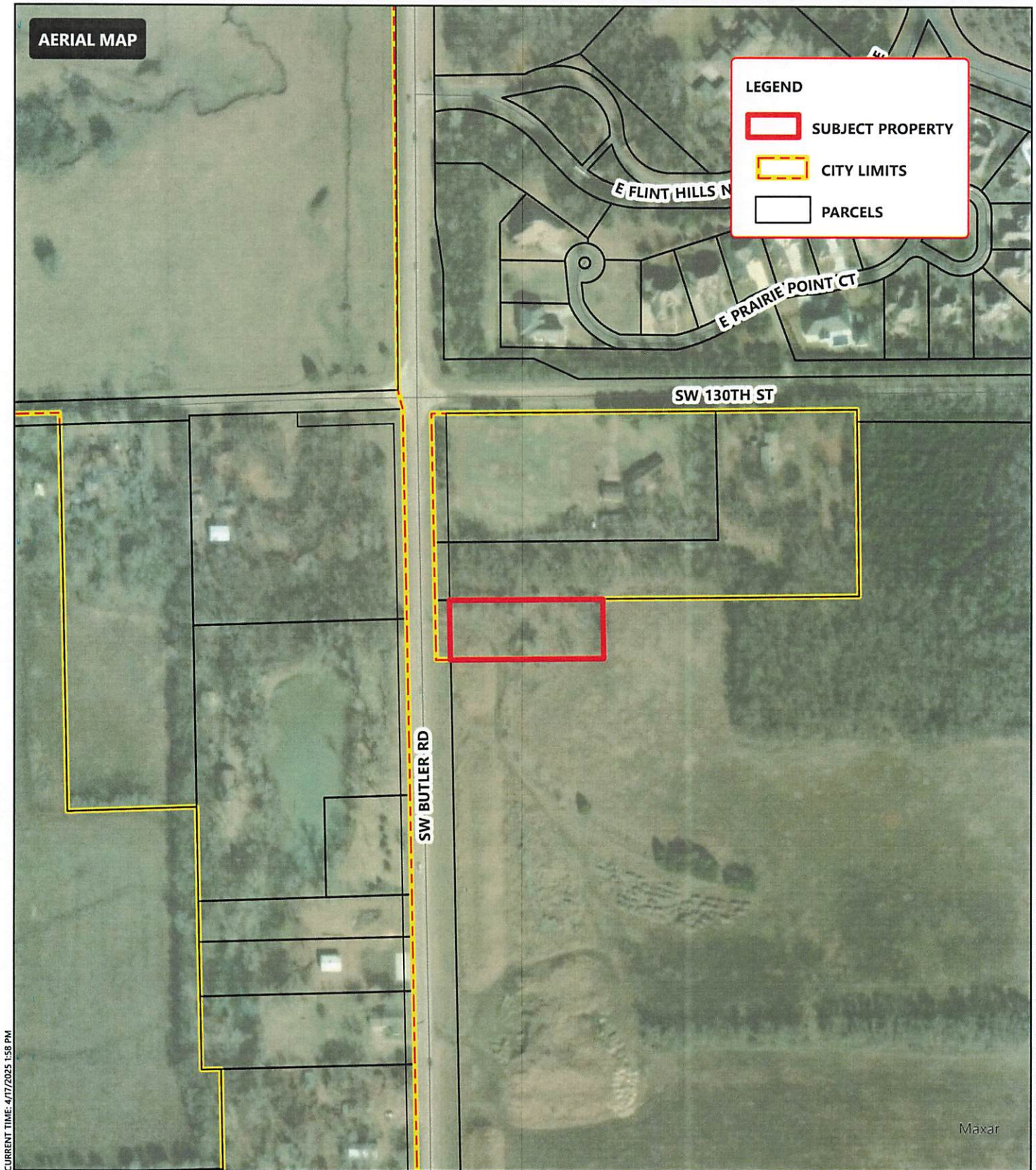
For questions or further discussion, please contact the City of Andover at (316) 733-1303.



AERIAL MAP

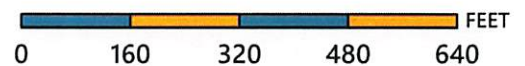
LEGEND

-  SUBJECT PROPERTY
-  CITY LIMITS
-  PARCELS



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ANNEXATION AREA // 13086 S.W. BUTLER RD.

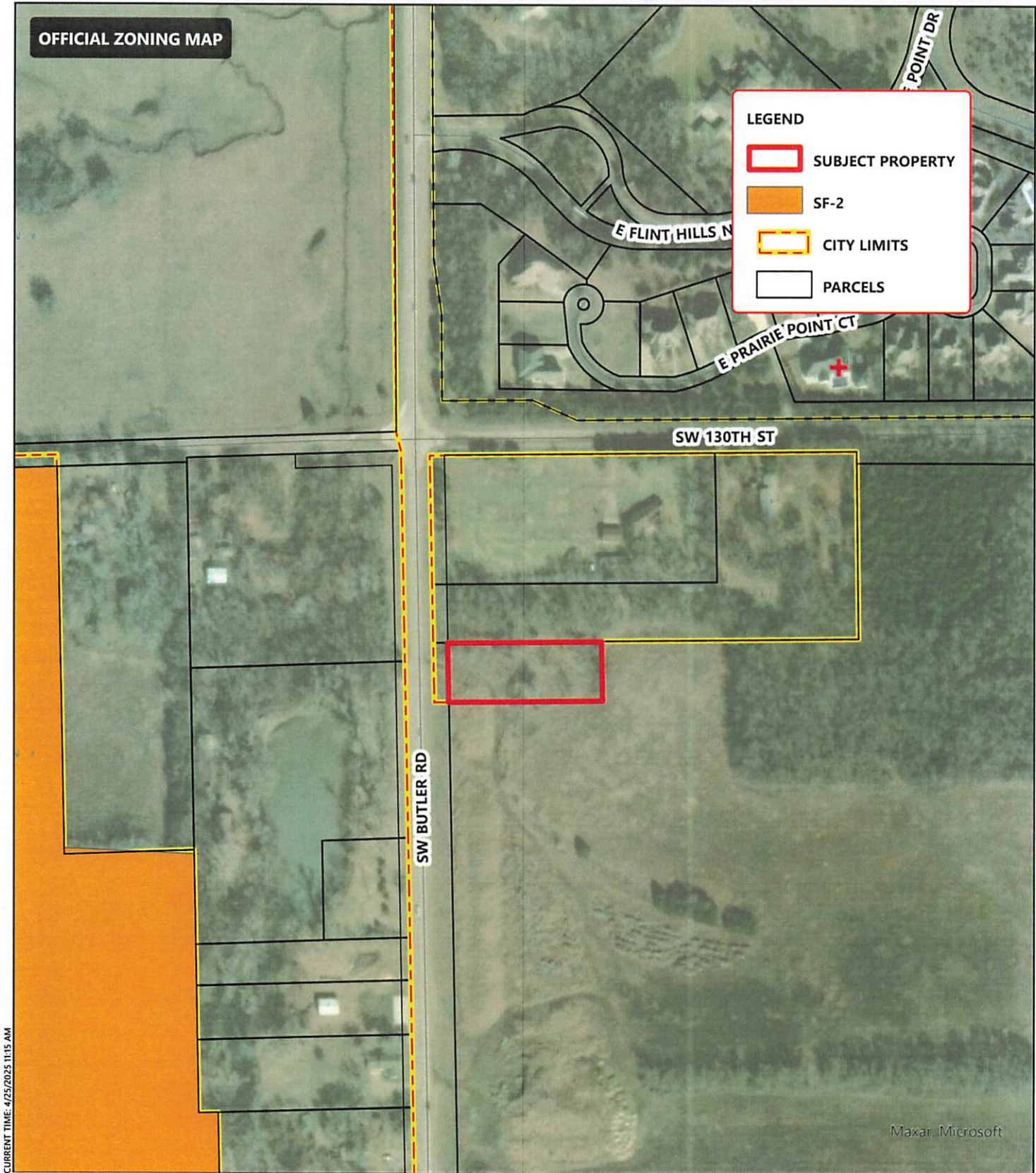
IT IS UNDERSTOOD THAT WHILE THE CITY OF ANDOVER GIS/MAPPING DEPARTMENT HAS NO INDICATION AND/OR REASON TO BELIEVE THAT THERE ARE INACCURACIES IN INFORMATION INCORPORATED IN THE MAP, THE CITY OF ANDOVER MAKES NO WARRANTY OR REPRESENTATION, EITHER EXPRESSED OR IMPLIED, WITH RESPECT TO THE INFORMATION, OR DATA DISPLAYED.



OFFICIAL ZONING MAP

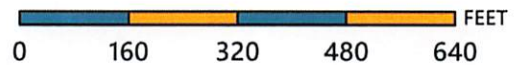
LEGEND

-  SUBJECT PROPERTY
-  SF-2
-  CITY LIMITS
-  PARCELS



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ANNEXATION AREA // 13086 S.W. BUTLER RD.

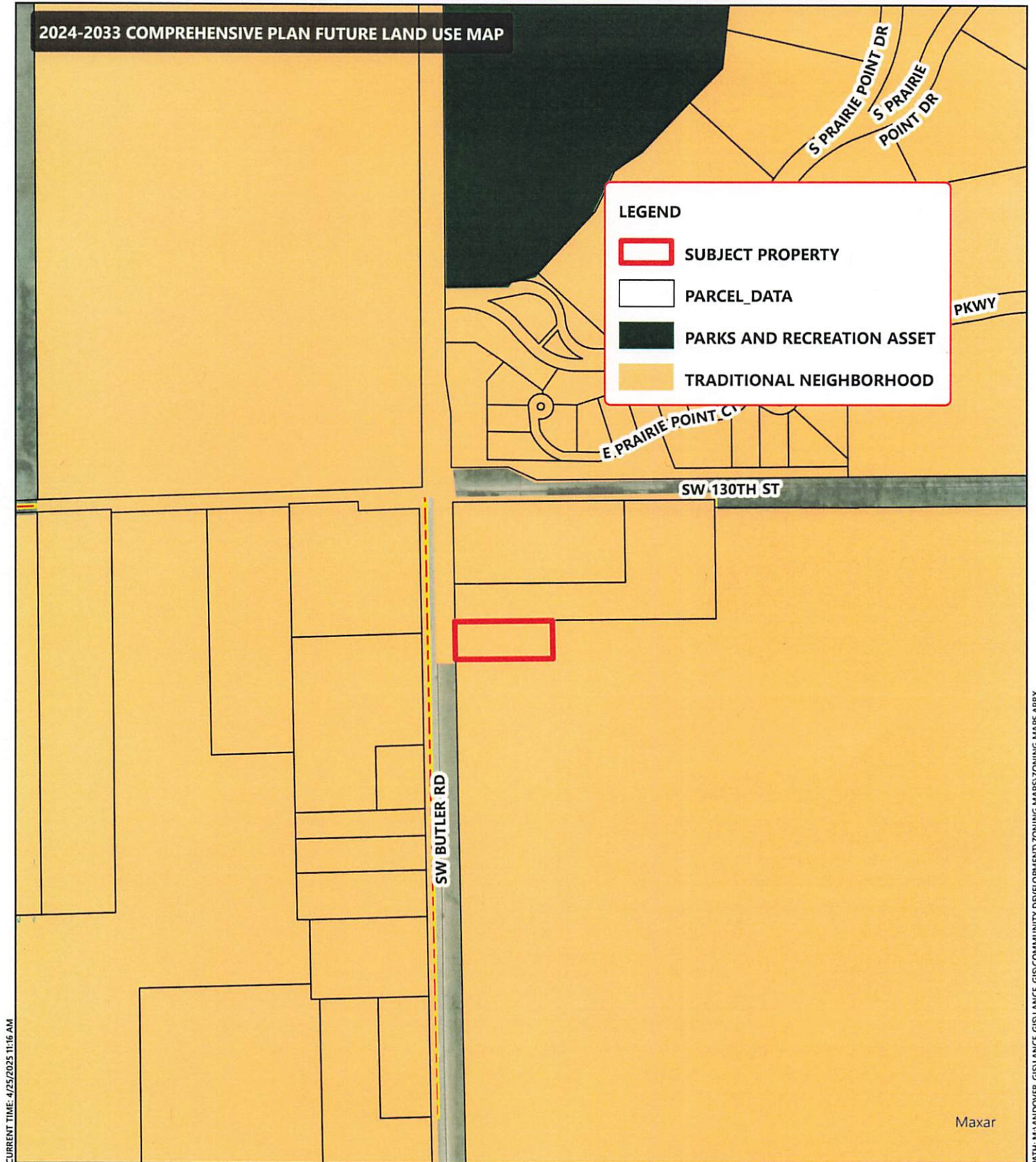
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2024-2033 COMPREHENSIVE PLAN FUTURE LAND USE MAP

LEGEND

-  SUBJECT PROPERTY
-  PARCEL\_DATA
-  PARKS AND RECREATION ASSET
-  TRADITIONAL NEIGHBORHOOD



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