

ORDINANCE NO. 225

AN ORDINANCE AMENDING ORDINANCE NO. 186 OF THE CITY OF ANDOVER, KANSAS AS PASSED AND ADOPTED ON THE 20TH DAY OF MARCH, 1973, AND PROVIDING FOR THE RE-LEVYING AND RE-ASSESSING OF VARIOUS LOTS AND PIECES OF GROUND IN SAID CITY FOR THE PURPOSE OF CORRECTING AND EQUALIZING ASSESSMENT COSTS FOR CERTAIN IMPROVEMENTS MADE IN PAVING DISTRICT NO. P-1972-A OF SAID CITY, THE SAME BEING PAVING IMPROVEMENTS UPON PARALLEL DRIVE AND NORTH DRIVE IN SAID CITY (NORTH DRIVE ALSO AT TIMES BEING REFERRED TO AS WEST DRIVE) SPECIFICALLY FOR THE PURPOSE OF INCLUDING THEREIN LAND PREVIOUSLY OMITTED FROM ASSESSMENT IN ORDINANCE NO. 186 OF SAID CITY AND TO BRING SAID LEVYS AND ASSESSMENTS WITHIN THE PROVISION OF THE AUTHORIZING RESOLUTION ADOPTED BY THE GOVERNING BODY OF SAID CITY ON THE 13TH DAY OF MARCH, 1972; AND PROVIDING A REFUND FOR A PORTION OF A CASH PAYMENT MADE PURSUANT TO SAID ORDINANCE NO. 186,

WHEREAS, prior hereto and on the 20th day of March, 1973, the City of Andover, Kansas, adopted Ordinance No. 186 of said City which levied and assessed certain lots and pieces of ground in said City for the cost of paving improvements in the so-called Paving Benefit District No. P-1972-A, which improvement is described as follows:

The paving of PARALLEL DRIVE from a point, which point is 25 feet west of the intersection of the center line of said Parallel Drive extended, with the center line of Lakeside Drive, thence south and westward along the street right-of-way of said Parallel Drive to a point where the same intersects with the east line of North Drive; by the paving of said Parallel Drive for a width of 36 feet from back curb line to back curb line with a two (2) inch asphaltic-type wearing surface overlaying a six (6) inch rolled AB Base, both of which surfaces overlay a six (6) inch compacted earth sub-base, with curb and gutter integral thereto for a width of two (2) feet on each side of said paved portion together with returns at the intersection of said Parallel Drive with other streets intersecting the same along the drainage on and along said improvement; and,

The paving of North Drive, also sometimes referred to as West Drive, from a point 280 feet north of the center line of Central Avenue southward to the north line of the paved portion of Central Avenue, said improvement to be 36 feet in width from back curb line to back curb line and consist of two (2) inch asphaltic-type wearing surface overlaying a six (6) inch AB base, which in turn overlays a six (6) inch compacted earth sub-base, with two (2) foot curb and gutter integral thereto on each side of said paving improvement excepting that from the north line of paved portion of Central Avenue to a point eighty (80) feet north of the center line of Central Avenue, said improvement will not include curb and gutter and will be only thirty-two (32) feet in width

and,

WHEREAS, in said Ordinance No. 186, the said City determined that the sum of \$28,585.76 should be assessed against the Benefit District as defined in the Resolution of the Governing Body adopted on the 13th day of March, 1972, and,

WHEREAS, such assessments were levied and assessed against all the property liable therefore, excepting Lots No. 14,15, and 16, in Block 3, Womer's Second Addition to the City of Andover, Kansas, which last described lots were erroneously omitted from said assessments.

THE CITY OF ANDOVER

Butler County

P.O. Box 295 Andover, Kansas 67002

April 28, 1975

C E R T I F I C A T E

STATE OF KANSAS

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COUNTY OF BUTLER

I, Patricia M. Stuenkel, being the duly appointed, qualified and acting City Clerk of Andover, Kansas, do hereby certify that the foregoing is a true copy of Ordinance No. 225 passed and adopted by the Governing Body of Andover, Kansas on the 25th day of March 1975.

Patricia M. Stuenkel
City Clerk

WHEREAS, the said lots, against which assessments were levied under the terms of Ordinance No. 186, have paid installments thereon and one certain lot has paid its assessment in cash and,

WHEREAS, the City of Andover, Kansas desires to enact this Ordinance for the purpose of equalizing said assessments in accordance with the intent of the said Resolution adopted on the 13th day of March, 1972.

NOW THEREFORE,

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

Section 1. That this Ordinance amends Ordinance No. 186 as passed and adopted by the Governing Body of the City of Andover, Kansas on the 20th day of March, 1973, and is enacted for the purposes aforesaid in the preamble of this Ordinance, which preamble is made a portion of this Ordinance as fully as if set out herein.

Section 2. Special assessments to pay costs of said improvements as aforesaid are hereby re-levied and re-assessed against the several lots and pieces and parcels of land liable for special assessment for the above described improvement giving due allowance and credit for previous payments made, by certain of said lots, and taking into consideration the fact that three lots or pieces of ground have made no payments of assessments by reason of the omission by the City to levy assessments against said lots. Said reconstituted levies and assessments being as follows:

<u>Description</u>	<u>Assessment</u>
WOMERS ANDOVER SECOND ADDITION TO CITY OF ANDOVER, KANSAS	
<u>Block 3</u>	
Lot 1	Andover Development Co. Inc. \$ 815.75
2	Andover Development Co. Inc. 815.75
3	Henry W. & Mary F. Thorsen 815.75
4	Robert E. Stimson & Betty J. Stimson 815.75
5	Walker D. Hansen & Mildred C. Hansen 815.75
6	James O. Close & Norma G. Close 815.75
7	0
8	Jack V. & Margaret Fay Aboudara 815.75
9	James S. & Nancy St. Aubyn 815.75
10	Arthur C. Bryant & Judith S. Bryant 815.75
11	Daniel J. Caliendo, M.D. & Mary Jo Caliendo 815.75
12	Jack L. Bickard & Ruby E. Bickard 815.75
13	Ron Zerbe 815.75
14	Troy R. & Phyllis A. Barton 1,149.62
15	Andover Development Co. Inc. 1,149.62
16	Andover Development Co. Inc. 1,149.62
<u>Block 4</u>	
Lot 1	Andover Development Co. Inc. 815.75
2	Oshel W. & Lola E. McAfee 815.75
3	Maurice S.N. & Doreen L. Wilce 815.75
<u>Block 5</u>	
Lot 1	Matthew B. & Edith L. Naillieux 815.75
2	Kelton T. & Teddy Lou Markwell 815.75
3	L. Dale & Paula J. Riggs 815.75
<u>Block 6</u>	
Lot 1	Dorothy M. Bussart 815.75
2	Clayton C. & M. Gwyneth Ogle 815.75
3	Andover Development Co. Inc. 815.75

Block 7

Lot 1	George A. & Nancy S. Zugmier	815.75
2	Andover Development Co. Inc.	815.75
3	Andover Development Co. Inc.	815.75

Section 3. That such assessments with accrued interest are levied concurrent with general property taxes and shall be payable in eight (8) additional equal installments and collected by special assessment upon the property liable therefore. The first of said installments shall be payable for the year 1975 and one installment for each year thereafter for the full term of eight (8) years.

Section 4. All assessments shall bear interest at a rate sufficient to retire the interest on bonds to be issued by the City of Andover, Kansas for the payment of the cost of such project but not to exceed 6% per annum.

Section 5. The owner of any property so assessed may at any time on or before the 3rd day of May, 1975, pay the whole of the assessment against any lot or piece of land liable for assessments under the provisions of this Ordinance to the City Clerk. If not paid before said date said assessment shall be paid in eight equal installments in the manner, and with interest charges, as aforesaid.

Section 6. Assessments not paid prior to the date provided for in Section 5 hereinabove shall be certified together with the interest accrued, or to accrue, by the City Clerk of said City to the County Clerk of Butler County, Kansas and collected in the same manner as other taxes.

Section 7. That the owner of Lot Numbered 7 in Block 3, Womer's Section Addition to the City of Andover, Kansas is hereby credited with sum of \$122.51 which sum shall be refunded to said owners by said City from the bond and interest fund of the said City, in that the same represents an overcharge of assessment under Ordinance No. 186 and the owners of said Lot 7 Block 3, that is Dewane C. Carter and Eula B. Carter, paid said assessment in full during the thirty-day cash payment period allowed under Ordinance No. 186.

Section 8. The Ordinance shall take effect and be in full force after its passage and publication once in the official city newspaper.

THE ABOVE ORDINANCE ADOPTED ON 25th DAY OF MARCH, 1975

Eugene Miller
Eugene Miller, Mayor

ATTEST:

Patricia M. Huenke
City Clerk

(SEAL)