

(Published in *The Butler County Times-Gazette* on January 4, 2014)

RESOLUTION NO. _____

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 (SHADOW ROCK WATER IMPROVEMENTS, SHADOW ROCK SEWER IMPROVEMENTS AND SHADOW ROCK PAVING IMPROVEMENTS).

WHEREAS, on December __, 2013, four petitions were filed in the Office of the City Clerk of the City of Andover, Kansas (the “City”) requesting that certain water, sewer and paving improvements be made to the Shadow Rock Addition in the City; and

WHEREAS, the aforementioned petitions (the “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 December 30, 2013, has considered, 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. Shadow Rock Water Improvements (the “Shadow Rock Water Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of a certain water distribution system including necessary water mains, pipes, valves, hydrants and appurtenances necessary to serve the Benefit District (as hereinafter defined) in the City of Andover, Kansas, (such improvements being commonly known as “Shadow Rock Water Improvements”).

(2) The estimated or probable costs of the Shadow Rock Water Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Fifty-Four Thousand Dollars (\$254,000) (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 January 1, 2014).

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

Shadow Rock Addition

- Block A, Lots 1 through 21, inclusive
- Block B, Lots 1 through 3, inclusive
- Block C, Lots 1 through 19, inclusive
- Block D, Lots 1 through 17, inclusive

(collectively, the “Benefit District”).

The Benefit District does not include all the property that may be deemed benefited by the Shadow Rock Water Improvements. The signers of the petition are the owners of 100% of the property in the Benefit District and have agreed to pay the costs of the Shadow Rock Water 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 Shadow Rock Water 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, 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 Shadow Rock Water Improvements, as between the Benefit District and the City-at-large, is that Ninety-Two and Forty-Six Hundredths Percent (92.46%) of the costs shall be assessed against the proposed Benefit District, and Seven and Fifty-Four Hundredths Percent (7.54%) of the cost shall be apportioned to the City-at-Large.

B. Shadow Rock Sewer Improvements (the “Shadow Rock 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 “Shadow Rock Sewer Improvements”).

(2) The estimated or probable costs of the Shadow Rock Sewer Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Three Hundred Fifty-Two Thousand Four Dollars (\$352,000) (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 January 1, 2014).

(3) The extent of the improvement district to be assessed for the costs of the Shadow Rock Sewer Improvements shall include and consist of the certain real property in the Benefit District.

The Benefit District does not include all the property that may be deemed benefited by Shadow Rock Sewer Improvements. The signers of the petition are the owners of 100% of the property in the Benefit District and have agreed to pay the costs of the Shadow Rock 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 Shadow Rock 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, 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 Shadow Rock Sewer Improvements, as between the Shadow Rock Sewer Improvements Benefit District and the City-at-large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Shadow Rock Sewer Improvements Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

C. Shadow Rock Paving Improvements (the “Shadow Rock Paving Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of street, drainage and sidewalk improvements and related appurtenances necessary such as paving on Lakeside Dr. (including pavement serving Lots 9 through 12 in Block D to Shadow Rock Addition) from the north line of Greenleaf Court (as dedicated in the Second Phase of Cedar Park Addition), north, west and north to the south line of Allison Street (as dedicated in the Sixth Addition to Andover Heights), Shadow Rock Dr. (including pavement serving Lots 7 through 10 in Block A to Shadow Rock Addition) from the south line of the plat, north to the south line of Lakeside Drive, Lakeside Ct. (from the east side of Lakeside Dr., north to and including the cul-de-sac) and on Shadow Rock Circle (from the north line of Lakeside Dr., north to and including the cul-de-sac) to serve the Benefit District in the City of Andover, Kansas, (such improvements being commonly known as “Shadow Rock Paving Improvements”).

(2) The estimated or probable costs of the Shadow Rock Paving Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is One Million Six Hundred Thirty Eight Thousand Dollars (\$1,638,000) (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 January 1, 2014).

(3) The extent of the improvement district to be assessed for the costs of the Shadow Rock Paving Improvements shall include and consist of the certain real property in the Benefit District.

The Benefit District does not include all the property that may be deemed benefited by the Shadow Rock Paving Improvements. The signers of the petition are the owners of 100% of the property in the Benefit District and have agreed to pay the costs of the Shadow Rock 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 Shadow Rock 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, 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 Shadow Rock Paving Improvements, as between the Benefit District and the City-at-large, is that Ninety-Six and Twenty-Seven Hundredths Percent (96.27%) of the costs shall be assessed against the proposed Benefit District, and Three and Seventy-Three Hundredths Percent (3.73%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Shadow Rock Water Improvements, Shadow Rock Sewer Improvements and Shadow Rock 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 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.

[Remainder of Page Intentionally Left Blank]

PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on December 30, 2013.

CITY OF ANDOVER, KANSAS

[seal]

Ben Lawrence, Mayor

ATTEST:

Susan C. Renner, City Clerk