

(Ordinance Summary published in The Butler County Times-Gazette on August _____, 2014 and the full text of the Ordinance made available at www.andoverks.com for a minimum of one (1) week from the date of publication)

ORDINANCE NO. 1576

AN ORDINANCE AMENDING ORDINANCE NO. 1460 AND ORDINANCE NO. 1478 OF THE CITY OF ANDOVER, KANSAS.

WHEREAS, on August 14, 2014, a petition requesting reallocation of special assessments (the “Petition”) was filed in the Office of the City Clerk of the City of Andover, Kansas, requesting that a portion of the special assessments being levied by Ordinance No. 1460 of the City, duly adopted April 27, 2010 and published in the official newspaper of the City on April 30, 2010 and Ordinance No. 1478, adopted October 26, 2010 and published October 29, 2010 (collectively, the “2010 Ordinances”) be reallocated as between Block 1, Lots, 3, 4, 5, 6, and 7 and Block 2, Lots 1 and 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, in the City of Andover, Butler County, Kansas (the “Reallocation Area”); and

WHEREAS, the Petition was signed by 100% of the owners of the property liable for the special assessments to be reallocated, as previously levied against the Reallocation Area by the 2010 Ordinances for the costs of constructing certain Marketplace East Addition Traffic Signals at Yorktown & Kellogg Improvements, Marketplace East Addition Accel/Decel Lane at Yorktown & Kellogg; Marketplace East Addition Paving & Incidental Drainage Improvements, Marketplace East Addition Water Main Improvements, Marketplace Commercial Addition Paving & Incidental Drainage Improvements, Marketplace Commercial Addition Traffic Signals at Andover Road & Cloud Avenue Improvements, Marketplace Commercial Addition Water Distribution System Improvements, Marketplace Commercial Addition Sanitary Sewer Improvements Marketplace Commercial Second Addition Water Improvements, Marketplace Commercial Second Addition Sewer Improvements, Marketplace Commercial Second Addition Paving and Drainage Improvements, Marketplace Commercial Second Addition Accel/Decel Lane Improvements, and Marketplace Commercial Second Addition East Box Culvert Improvements (collectively, the “Improvements”); and

WHEREAS, the Petition requests, that the special assessments previously levied against the Reallocation Area (collectively, the “Special Assessments”) be levied against the Reallocation Area, but less certain property to be purchased by the City; and

WHEREAS, the Petition further states that the owner of 100% of the lots in the Reallocation Area (the “Owner”), find the reallocation to be equitable and appropriate under the circumstances and that it will result in the Special Assessments being apportioned against the property in accordance with the special benefits accruing thereto by reason of the Improvements, and that the Owner acknowledges that not all property benefited by the Improvements would be reassessed under the petition for respread, but that the petition effects only lots in the Reallocation Area and is thereby submitted by the owners of 100% of the effected lots pursuant to revised subsection (c) of K.S.A. 12-6a04; and

WHEREAS, the Owner (i) waived any right it may have to inclusion of other benefited properties (whether owned or not) as part of any improvement district, (ii) waived any formal notice of and the holding of a public hearing by the City for the purpose of considering the reallocation of special assessments, (iii) consented to the levy of the Special Assessments against the Reallocation Area in their

entirety by appropriate proceedings of the City of Andover, Kansas in the amount necessary to pay the remaining unpaid costs of the Improvements and retire the City's general obligation bonds issued to finance such Improvements; (iv) consented to and requested an amendment of the 2010 Ordinances, as necessary to accomplish such assessment; (v) waived all right to any pay-in period after publication of the amending ordinance levying and reallocating such special assessments; (vi) waived the mailing of any notice to the Owner of the Special Assessments, as amended and reallocated, and did this all, and in every instance, without formal or further notice or process to the Owner whatsoever and (vii) acknowledged and agreed that the Special Assessments, to the extent previously levied and/or already certified to the appropriate officials of Butler County for the ensuing tax year shall nonetheless become due and payable by all the properties previously assessed, in accordance with their original terms; and

WHEREAS, the City finds and determines it advisable to amend the 2010 Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS AS FOLLOWS:

Section 1. *Amendment to Section 1 of Ordinance No. 1460.* Special assessments that are listed in Section 1 of Ordinance No. 1460 for Marketplace Commercial Improvements for Block 1, Lots 3, 4, 5, 6, and 7 and Block 2, Lots 1 and 2 are hereby amended by deleting the same and replacing it with the following:

Marketplace East and Marketplace Commercial Improvements

Legal Description	<u>Marketplace Commercial Sanitary Sewer Improvements</u>	<u>Marketplace Commercial Water Distribution Improvements</u>
<p>Final PUD Marketplace Commercial Second Addition: Block 1, Lot 3 EXCEPT a tract of land lying within a portion of Lot 3, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 3; thence along the north line of said Lot 3, on a platted bearing of N89°24'32"E, 207.08 feet to the northeast corner of said Lot 3; thence along the east line of said Lot 3, S30°00'14"E, 61.12 feet; thence S89°17'52"W, 237.08 feet to the west line of said Lot 3; thence along said west line, N00°36'41"W, 53.70 feet to the POINT OF BEGINNING.</p>	\$6,007.09	\$4,289.37
<p>Block 1, Lot 4 EXCEPT a tract of land lying within a portion of Lot 4, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 4; thence along the north line of said Lot 4, on a platted bearing of N89°24'32"E, 100.00 feet to the northeast corner of said Lot 4; thence along the east line of said Lot 4, S00°36'41"E, 52.58 feet; thence S89°17'52"W, 100.00 feet to the west line of said Lot 4; thence along said west line, N00°36'41"W, 52.78 feet to the POINT OF BEGINNING.</p>	\$2,093.04	\$1,494.54
<p>Block 1, Lot 5 EXCEPT a tract of land lying within a portion of Lot 5, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 5; thence along the north line of said Lot 5, on a platted bearing of N89°24'32"E, 100.00 feet to the northeast corner of said Lot 5; thence along the east line of said Lot 5, S00°36'41"E, 52.39 feet; thence S89°17'52"W, 100.00 feet to the west line of said Lot 5; thence along said west line, N00°36'41"W, 52.58 feet to the POINT OF BEGINNING.</p>	\$2,135.88	\$1,525.13

Legal Description

Marketplace
Commercial
Sanitary Sewer
Improvements

Marketplace
Commercial
Water
Distribution
Improvements

Block 1, Lot 6 EXCEPT a tract of land lying within a portion of Lot 6, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 6; thence along the north line of said Lot 6, on a platted bearing of N89°24'32"E, 104.10 feet to the northeast corner of said Lot 6; thence along the east line of said Lot 6, S00°36'41"E, 50.34 feet; thence S88°16'58"W, 104.12 feet to the west line of said Lot 6; thence along said west line, N00°36'41"W, 52.39 feet to the POINT OF BEGINNING.

\$1,132.20

\$808.45

Block 1, Lot 7 EXCEPT A tract of land lying within a portion of Lot 7, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas; said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 7; thence along the north line of said Lot 7, on a platted bearing of N88°23'29"E, 199.43 feet to the northeast corner of said Lot 7; thence along the east line of said Lot 7; being coincident with the west right-of-way line of Plaza Street, S00°36'41"E, 49.97 feet; thence S88°16'58"W, 199.44 feet to the west line of said Lot 7; thence along said west line, N00°36'41"W, 50.34 feet to the POINT OF BEGINNING.

\$538.56

\$384.56

Block 2, Lot 1 EXCEPT a tract of land lying within a portion of Lot 1, Block 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 1; thence along the north line of said Lot 1, on a platted bearing of N88°23'29"E, 108.50 feet to the northeast corner of said Lot 1; thence along the east line of said Lot 1, S00°33'29"E, 46.86 feet; thence S87°19'38"W, 108.51 feet to the west line of said Lot 1, being coincident with the east right-of-way line of Plaza Street; thence along said west line, N00°36'41"W, 48.87 feet to the POINT OF BEGINNING.

\$232.56

\$166.06

Legal Description

Marketplace
Commercial
Sanitary Sewer
Improvements

Marketplace
Commercial
Water
Distribution
Improvements

Block 2, Lot 2 EXCEPT a tract of land lying within a portion of Lot 2, Block 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 2; thence along the north line of said Lot 2, on a platted bearing of N88°23'29"E, 100.00 feet to the northeast corner of said Lot 2; thence along the east line of said Lot 2, S00°33'29"E, 45.00 feet to the northwest corner of the Final Planned Unit Development Plan, Marketplace Commercial Third Addition, an addition to the City of Andover, Butler County, Kansas; thence S87°19'38"W, 100.05 feet to the west line of said Lot 2; thence along said west line, N00°33'29"W, 46.86 feet to the POINT OF BEGINNING

\$287.64

\$205.39

Marketplace East and Marketplace Commercial Improvements (Con't)

Marketplace
Commercial
Paving and
Incidental
Drainage
Improvements

Marketplace
Commercial
Traffic Signals at
Andover Road
and Cloud
Avenue
Improvements

Legal Description

Final PUD Marketplace Commercial Second Addition:

Block 1, Lot 3 EXCEPT a tract of land lying within a portion of Lot 3, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 3; thence along the north line of said Lot 3, on a platted bearing of N89°24'32"E, 207.08 feet to the northeast corner of said Lot 3; thence along the east line of said Lot 3, S30°00'14"E, 61.12 feet; thence S89°17'52"W, 237.08 feet to the west line of said Lot 3; thence along said west line, N00°36'41"W, 53.70 feet to the POINT OF BEGINNING.

\$126,404.01

\$4,696.72

Block 1, Lot 4 EXCEPT a tract of land lying within a portion of Lot 4, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 4; thence along the north line of said Lot 4, on a platted bearing of N89°24'32"E, 100.00 feet to the northeast

\$44,042.76

\$1,636.47

<u>Legal Description</u>	<u>Marketplace Commercial Paving and Incidental Drainage Improvements</u>	<u>Marketplace Commercial Traffic Signals at Andover Road and Cloud Avenue Improvements</u>
corner of said Lot 4; thence along the east line of said Lot 4, S00°36'41"E, 52.58 feet; thence S89°17'52"W, 100.00 feet to the west line of said Lot 4; thence along said west line, N00°36'41"W, 52.78 feet to the POINT OF BEGINNING.		
Block 1, Lot 5 EXCEPT a tract of land lying within a portion of Lot 5, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 5; thence along the north line of said Lot 5, on a platted bearing of N89°24'32"E, 100.00 feet to the northeast corner of said Lot 5; thence along the east line of said Lot 5, S00°36'41"E, 52.39 feet; thence S89°17'52"W, 100.00 feet to the west line of said Lot 5; thence along said west line, N00°36'41"W, 52.58 feet to the POINT OF BEGINNING.	\$44,944.22	\$1,669.97
Block 1, Lot 6 EXCEPT a tract of land lying within a portion of Lot 6, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 6; thence along the north line of said Lot 6, on a platted bearing of N89°24'32"E, 104.10 feet to the northeast corner of said Lot 6; thence along the east line of said Lot 6, S00°36'41"E, 50.34 feet; thence S88°16'58"W, 104.12 feet to the west line of said Lot 6; thence along said west line, N00°36'41"W, 52.39 feet to the POINT OF BEGINNING.	\$23,824.30	\$885.23
Block 1, Lot 7 EXCEPT A tract of land lying within a portion of Lot 7, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas; said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 7; thence along the north line of said Lot 7, on a platted bearing of N88°23'29"E, 199.43 feet to the northeast corner of said Lot 7; thence along the east line of said Lot 7; being coincident with the west right-of-way line of Plaza Street, S00°36'41"E, 49.97 feet; thence S88°16'58"W, 199.44 feet to the west line of said Lot 7; thence along said west line, N00°36'41"W, 50.34 feet to the POINT OF BEGINNING.	\$11,332.64	\$421.08

<u>Legal Description</u>	<u>Marketplace Commercial Paving and Incidental Drainage Improvements</u>	<u>Marketplace Commercial Traffic Signals at Andover Road and Cloud Avenue Improvements</u>
<p>Block 2, Lot 1 EXCEPT a tract of land lying within a portion of Lot 1, Block 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 1; thence along the north line of said Lot 1, on a platted bearing of N88°23'29"E, 108.50 feet to the northeast corner of said Lot 1; thence along the east line of said Lot 1, S00°33'29"E, 46.86 feet; thence S87°19'38"W, 108.51 feet to the west line of said Lot 1, being coincident with the east right-of-way line of Plaza Street; thence along said west line, N00°36'41"W, 48.87 feet to the POINT OF BEGINNING.</p>	\$4,893.64	\$181.83
<p>Block 2, Lot 2 EXCEPT a tract of land lying within a portion of Lot 2, Block 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 2; thence along the north line of said Lot 2, on a platted bearing of N88°23'29"E, 100.00 feet to the northeast corner of said Lot 2; thence along the east line of said Lot 2, S00°33'29"E, 45.00 feet to the northwest corner of the Final Planned Unit Development Plan, Marketplace Commercial Third Addition, an addition to the City of Andover, Butler County, Kansas; thence S87°19'38"W, 100.05 feet to the west line of said Lot 2; thence along said west line, N00°33'29"W, 46.86 feet to the POINT OF BEGINNING.</p>	\$6,052.66	\$224.90

Marketplace East and Marketplace Commercial Improvements (Con't)

<u>Legal Description</u>	<u>Marketplace East Addition Water Main Improvements</u>	<u>Marketplace East Addition Paving & Incidental Drainage Improvements</u>
Block 1, Lot 6 EXCEPT a tract of land lying within a portion of Lot 6, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 6; thence along the north line of said Lot 6, on a platted bearing of N89°24'32"E, 104.10 feet to the northeast corner of said Lot 6; thence along the east line of said Lot 6, S00°36'41"E, 50.34 feet; thence S88°16'58"W, 104.12 feet to the west line of said Lot 6; thence along said west line, N00°36'41"W, 52.39 feet to the POINT OF BEGINNING.	\$168.99	\$1,222.80
Block 1, Lot 7 EXCEPT A tract of land lying within a portion of Lot 7, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas; said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 7; thence along the north line of said Lot 7, on a platted bearing of N88°23'29"E, 199.43 feet to the northeast corner of said Lot 7; thence along the east line of said Lot 7; being coincident with the west right-of-way line of Plaza Street, S00°36'41"E, 49.97 feet; thence S88°16'58"W, 199.44 feet to the west line of said Lot 7; thence along said west line, N00°36'41"W, 50.34 feet to the POINT OF BEGINNING.	\$577.34	\$4,177.62
Block 2, Lot 1 EXCEPT a tract of land lying within a portion of Lot 1, Block 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 1; thence along the north line of said Lot 1, on a platted bearing of N88°23'29"E, 108.50 feet to the northeast corner of said Lot 1; thence along the east line of said Lot 1, S00°33'29"E, 46.86 feet; thence S87°19'38"W, 108.51 feet to the west line of said Lot 1, being coincident with the east right-of-way line of Plaza Street; thence along said west line, N00°36'41"W, 48.87 feet to the POINT OF BEGINNING.	\$309.54	\$2,239.81
Block 2, Lot 2 EXCEPT a tract of land lying within a portion of Lot 2, Block 2, Final Planned Unit Development Plan,	\$302.26	\$2,187.12

Marketplace East Addition Water Main <u>Improvements</u>	Marketplace East Addition Paving & Incidental Drainage <u>Improvements</u>
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Legal Description

Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 2; thence along the north line of said Lot 2, on a platted bearing of N88°23'29"E, 100.00 feet to the northeast corner of said Lot 2; thence along the east line of said Lot 2, S00°33'29"E, 45.00 feet to the northwest corner of the Final Planned Unit Development Plan, Marketplace Commercial Third Addition, an addition to the City of Andover, Butler County, Kansas; thence S87°19'38"W, 100.05 feet to the west line of said Lot 2; thence along said west line, N00°33'29"W, 46.86 feet to the POINT OF BEGINNING.

Marketplace East and Marketplace Commercial Improvements (Con't)

Marketplace East Addition Kellogg Accel/Decel Lane at Yorktown & Kellogg <u>Improvements</u>	Marketplace East Addition Traffic Signals at Yorktown & Kellogg <u>Improvements</u>
\$156.82	\$42.25

Legal Description

Block 1, Lot 6 EXCEPT a tract of land lying within a portion of Lot 6, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 6; thence along the north line of said Lot 6, on a platted bearing of N89°24'32"E, 104.10 feet to the northeast corner of said Lot 6; thence along the east line of said Lot 6, S00°36'41"E, 50.34 feet; thence S88°16'58"W, 104.12 feet to the west line of said Lot 6; thence along said west line, N00°36'41"W, 52.39 feet to the POINT OF BEGINNING.

<u>Legal Description</u>	Marketplace East Addition Kellogg Accel/Decel Lane at Yorktown & Kellogg <u>Improvements</u>	Marketplace East Addition Traffic Signals at Yorktown & Kellogg <u>Improvements</u>
Block 1, Lot 7 EXCEPT A tract of land lying within a portion of Lot 7, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas; said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 7; thence along the north line of said Lot 7, on a platted bearing of N88°23'29"E, 199.43 feet to the northeast corner of said Lot 7; thence along the east line of said Lot 7; being coincident with the west right-of-way line of Plaza Street, S00°36'41"E, 49.97 feet; thence S88°16'58"W, 199.44 feet to the west line of said Lot 7; thence along said west line, N00°36'41"W, 50.34 feet to the POINT OF BEGINNING.	\$535.77	\$144.33
Block 2, Lot 1 EXCEPT a tract of land lying within a portion of Lot 1, Block 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 1; thence along the north line of said Lot 1, on a platted bearing of N88°23'29"E, 108.50 feet to the northeast corner of said Lot 1; thence along the east line of said Lot 1, S00°33'29"E, 46.86 feet; thence S87°19'38"W, 108.51 feet to the west line of said Lot 1, being coincident with the east right-of-way line of Plaza Street; thence along said west line, N00°36'41"W, 48.87 feet to the POINT OF BEGINNING.	\$287.25	\$77.38
Block 2, Lot 2 EXCEPT a tract of land lying within a portion of Lot 2, Block 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 2; thence along the north line of said Lot 2, on a platted bearing of N88°23'29"E, 100.00 feet to the northeast corner of said Lot 2; thence along the east line of said Lot 2, S00°33'29"E, 45.00 feet to the northwest corner of the Final Planned Unit Development Plan, Marketplace Commercial Third Addition, an addition to the City of Andover, Butler County, Kansas; thence S87°19'38"W, 100.05 feet to the west line of said Lot 2; thence along said west line, N00°33'29"W, 46.86 feet to the	\$280.49	\$75.56

Marketplace East
 Addition Kellogg
 Accel/Decel
 Lane at
 Yorktown &
 Kellogg
Improvements

Marketplace East
 Addition Traffic
 Signals at
 Yorktown &
 Kellogg
Improvements

Legal Description

POINT OF BEGINNING.

Section 2. *Amendment to Section 1 of Ordinance No. 1478.* Special assessments that are listed in Section 1 of Ordinance No. 1478 for Marketplace Commercial Improvements for Block 1, Lots 6 and 7, and Block 2, Lots 1 and 2 are hereby amended by deleting the same and replacing it with the following:

Marketplace Commercial Second Addition Improvements

<u>Legal Description</u>	<u>Water</u>	<u>Sewer</u>	<u>Paving & Drainage</u>
Final P.U.D., Marketplace Commercial Second Addition:			
Block 1, East 54.1 feet of Lot 6 EXCEPT the East 54.1' of a tract of land lying within a portion of Lot 6, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 6; thence along the north line of said Lot 6, on a platted bearing of N89°24'32"E, 104.10 feet to the northeast corner of said Lot 6; thence along the east line of said Lot 6, S00°36'41"E, 50.34 feet; thence S88°16'58"W, 104.12 feet to the west line of said Lot 6; thence along said west line, N00°36'41"W, 52.39 feet to the POINT OF BEGINNING.	\$602.47	\$1,261.70	\$3,734.39
Block 1, Lot 7 EXCEPT A tract of land lying within a portion of Lot 7, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas; said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 7; thence along the north line of said Lot 7, on a platted bearing of N88°23'29"E, 199.43 feet to the northeast	\$1,916.95	\$4,014.50	\$11,882.15

<p>corner of said Lot 7; thence along the east line of said Lot 7; being coincident with the west right-of-way line of Plaza Street, S00°36'41"E, 49.97 feet; thence S88°16'58"W, 199.44 feet to the west line of said Lot 7; thence along said west line, N00°36'41"W, 50.34 feet to the POINT OF BEGINNING.</p>			
<p>Block 2, Lot 1 EXCEPT a tract of land lying within a portion of Lot 1, Block 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 1; thence along the north line of said Lot 1, on a platted bearing of N88°23'29"E, 108.50 feet to the northeast corner of said Lot 1; thence along the east line of said Lot 1, S00°33'29"E, 46.86 feet; thence S87°19'38"W, 108.51 feet to the west line of said Lot 1, being coincident with the east right-of-way line of Plaza Street; thence along said west line, N00°36'41"W, 48.87 feet to the POINT OF BEGINNING.</p>	\$1,040.63	\$2,179.30	\$6,450.31
<p>Block 2, Lot 2 EXCEPT a tract of land lying within a portion of Lot 2, Block 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 2; thence along the north line of said Lot 2, on a platted bearing of N88°23'29"E, 100.00 feet to the northeast corner of said Lot 2; thence along the east line of said Lot 2, S00°33'29"E, 45.00 feet to the northwest corner of the Final Planned Unit Development Plan, Marketplace Commercial Third Addition, an addition to the City of Andover, Butler County, Kansas; thence S87°19'38"W, 100.05 feet to the west line of said Lot 2; thence along said west line, N00°33'29"W, 46.86 feet to the POINT OF BEGINNING.</p>	\$985.86	\$2,064.60	\$6,110.82

Marketplace Commercial Second Addition Improvements (Con't)

<u>Legal Description</u>	<u>Accel/Decel Lane</u>	<u>East Box Culvert</u>
Final P.U.D., Marketplace Commercial Second Addition:		
Block 1, East 54.1 feet of Lot 6 EXCEPT the East 54.1' of a tract of land lying within a portion of Lot 6, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 6; thence along the north line of said Lot 6, on a platted bearing of N89°24'32"E, 104.10 feet to the northeast corner of said Lot 6; thence along the east line of said Lot 6, S00°36'41"E, 50.34 feet; thence S88°16'58"W, 104.12 feet to the west line of said Lot 6; thence along said west line, N00°36'41"W, 52.39 feet to the POINT OF BEGINNING.	\$2,316.27	\$5,793.70
Block 1, Lot 7 EXCEPT A tract of land lying within a portion of Lot 7, Block 1, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas; said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 7; thence along the north line of said Lot 7, on a platted bearing of N88°23'29"E, 199.43 feet to the northeast corner of said Lot 7; thence along the east line of said Lot 7; being coincident with the west right-of-way line of Plaza Street, S00°36'41"E, 49.97 feet; thence S88°16'58"W, 199.44 feet to the west line of said Lot 7; thence along said west line, N00°36'41"W, 50.34 feet to the POINT OF BEGINNING.	\$7,369.95	\$18,434.50
Block 2, Lot 1 EXCEPT a tract of land lying within a portion of Lot 1, Block 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 1; thence along the north line of said Lot 1, on a platted bearing of N88°23'29"E, 108.50 feet to the northeast corner of said Lot 1; thence along the east line of said Lot 1, S00°33'29"E, 46.86 feet; thence S87°19'38"W, 108.51 feet to the west line of said Lot 1, being coincident with the east right-of-way line of Plaza Street; thence along said west line, N00°36'41"W, 48.87 feet to the POINT OF BEGINNING.	\$4,000.83	\$10,007.30
Block 2, Lot 2 EXCEPT a tract of land lying within a portion of Lot 2, Block 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition, an addition to the City of Andover, Butler County, Kansas, said tract being more particularly described as follows: BEGINNING at the northwest corner of said Lot 2; thence along the north line of said Lot 2, on a platted bearing of N88°23'29"E, 100.00 feet to the northeast corner of said Lot 2; thence along the east line of	\$3,790.26	\$9,480.60

<u>Legal Description</u>	<u>Accel/Decel Lane</u>	<u>East Box Culvert</u>
said Lot 2, S00°33'29"E, 45.00 feet to the northwest corner of the Final Planned Unit Development Plan, Marketplace Commercial Third Addition, an addition to the City of Andover, Butler County, Kansas; thence S87°19'38"W, 100.05 feet to the west line of said Lot 2; thence along said west line, N00°33'29"W, 46.86 feet to the POINT OF BEGINNING.		

Section 3. *Special Assessments already Levied or Certified.* Notwithstanding the provisions of this Ordinance, to the extent Special Assessments which are the subject of this Ordinance have been previously paid by the owners or previously certified by the City Clerk to the appropriate officials of Butler County for the ensuing tax year and not timely amended, said Special Assessments shall become due and payable by owners of the properties previously assessed, as certified and in accordance with their original terms.

Section 4. *Amending Ordinance.* This Ordinance supplements and amends Ordinance No. 1460 and Ordinance No. 1478 only to the extent necessary to reallocate the Special Assessments for the Reallocation Area (as defined above) and, except to the extent specifically amended hereby, Ordinance No. 1460 and Ordinance No. 1478 shall remain in full force and effect.

Section 5. *Effective Date.* Subject to the provisions of Section 4 hereof, this Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney.

[Remainder of Page Intentionally Left Blank]

PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on August 19, 2014.

CITY OF ANDOVER, KANSAS

[seal]

By _____
Ben Lawrence, Mayor

ATTEST:

By _____
Susan C. Renner, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas, met in a duly called special meeting at the normal meeting place in the City on August 19, 2014, at 6:30 p.m., with Mayor Ben Lawrence presiding, and the following members of the governing body present:

and the following members absent:

Thereupon, and among other business, there was presented to the governing body, an Ordinance entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 1460 AND ORDINANCE
NO. 1478 OF THE CITY OF ANDOVER, KANSAS.

Thereupon, the Ordinance was considered and discussed; and on motion of _____, seconded by _____, the Ordinance was adopted by a majority vote of all members present.

Thereupon, the Ordinance having been adopted by a majority vote of the members of governing body, it was given No. 1576 and directed to be signed by the Mayor and attested by the City Clerk; and the City Clerk was directed to cause the publication of the Ordinance one time as set forth therein and required by law.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of the Minutes of the proceedings at the August 19, 2014 meeting of the governing body of the City of Andover, Kansas.

[seal]

Susan C. Renner, City Clerk

(Ordinance Summary published in The Butler County Times-Gazette on August __, 2014 and the full text of the Ordinance made available at www.andoverks.com for a minimum of one (1) week from the date of publication.)

Ordinance No. 1576 Summary

On August 19, 2014, the City of Andover, Kansas adopted Ordinance No. 1576 amending the City's prior Ordinance Nos. 1460 and 1478 assessing special assessments upon Block 1, Lots 3, 4, 5,6, and 7, and Block 2, Lots 1 and 2, Final Planned Unit Development Plan, Marketplace Commercial Second Addition to the City. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 1609 E. Central or at www.andoverks.com. This summary is certified legally accurate and sufficient by the Andover City Attorney pursuant to K.S.A. 12-3001, et seq.

SUMMARY CERTIFIED:

City Attorney