

(Published in *The Butler County Times-Gazette* on August 15, 2015)

RESOLUTION NO. 15-_____

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 (CORNERSTONE SIXTH DRAINAGE IMPROVEMENTS, CORNERSTONE SIXTH PAVING AND STORMWATER SEWER IMPROVEMENTS, CORNERSTONE SIXTH SANITARY SEWER IMPROVEMENTS AND CORNERSTONE SIXTH WATER SYSTEM IMPROVEMENTS).

WHEREAS, on August 4, 2015, four petitions were filed in the Office of the City Clerk of the City of Andover, Kansas (the "City") requesting that certain drainage improvements, paving improvements, sanitary sewer improvements, and water system improvements be made to the Cornerstone Sixth 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 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 August 11, 2015, 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. Cornerstone Sixth Drainage Improvements (the “Cornerstone Sixth Drainage Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of certain storm water drainage improvements and related appurtenances necessary to serve the Cornerstone Sixth Drainage Improvements Benefit District (as hereinafter defined) in the City of Andover, Kansas, (such improvements being commonly known as “Cornerstone Sixth Drainage Improvements”).

(2) The estimated or probable costs of the Cornerstone Sixth Drainage Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Four Hundred Sixty-Two Thousand Dollars (\$462,000) (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 August 1, 2015).

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

- The Cornerstone Sixth Addition
 - Block 1, Lots 1 through 26, inclusive
 - Block 2, Lots 1 through 3, inclusive
 - Block 3, Lots 1 through 4, inclusive

And an unplatted tract described as:

A tract of land lying in a portion of Government Lot 3, Section 6, Township 27 South, Range 3 East, of the 6th Principal Meridian, Andover, Butler County, Kansas; said tract being more particularly described as follows:

BEGINNING at a point on the east line of said Government Lot 3, being coincident with the northeast corner of Lot 39, Block 4, Final Planned Unit Development, The Cornerstone Third Addition, an addition to Andover, Butler County, Kansas; thence along the north line of said Lot 39 and also along the north lines of said addition for the next four (4) courses on a platted bearing of S88°37'29"W, 175.21 feet; thence N85°35'04"W, 64.00 feet to a point on a non-tangent curve to the left; said curve having a radius of 632.00 feet, a central angle of 3°30'02", a chord bearing of S02°39'55"W, and a chord distance of 38.61 feet, thence along said non-tangent curve to the left 38.61 feet; thence S89°29'06"W, 126.39 feet to the northwest corner of Lot 8, Block 7, said addition; thence on an extended west line of said Block 7, N00°30'54"W, 255.03 feet; thence N89°29'06"E, 364.19 feet to said east line; thence along said east line, S01°22'31"E, 219.38 feet to the POINT OF BEGINNING. Said tract CONTAINS: 85,007 square feet or 1.951 acres of land, more or less. (the “Unplatted Tract A”)

And an unplatted tract described as:

A tract of land lying in a portion of the West Half of Section 6, Township 27 South, Range 3 East, of the 6th Principal Meridian, Andover, Butler County, Kansas; said tract being more particularly described as follows:

BEGINNING at a point at the center of said Section 6; thence along the north line of the Southwest Quarter of said Section, thence on a platted bearing of $S89^{\circ}38'14''W$, 420.15 feet along the north line of Final Planned Unit Development, The Cornerstone Sixth Addition, an addition to Andover, Butler County, Kansas; thence along the westerly boundary lines of said The Cornerstone Sixth Addition for the next seven (7) courses, $S00^{\circ}21'46''E$, 214.00 feet; thence $S89^{\circ}38'14''W$, 60.00 feet; thence $S00^{\circ}21'46''E$, 160.00 feet; thence $S44^{\circ}17'23.8''W$, 150.00 feet; thence $S19^{\circ}20'45''W$, 331.04 feet; thence $S27^{\circ}39'25''E$, 265.24 feet; thence $S00^{\circ}20'43''E$, 300.00 feet to the north line of Final Planned Unit Development, Cornerstone Office Addition, an addition to Andover, Butler County, Kansas; thence along said north line of said Cornerstone Office Addition, and along the north line of Final Planned Unit Development, Cornerstone Commercial Addition, an addition to Andover, Butler County, Kansas, $S89^{\circ}39'17''W$, 1057.42 feet to the southeast corner of Final Planned Unit Development, Cornerstone School Addition, an addition to Andover, Butler County, Kansas; thence along the extended east line of said Cornerstone School Addition, $N00^{\circ}38'46''W$, 1327.76 feet to the north line of the Southwest Quarter of said Section 6, being coincident with the common line to Government Lots 5 and 6; thence along said north line, $N89^{\circ}38'14''E$, 40.49 feet; thence $N00^{\circ}38'27''W$, 795.48 feet; thence $N66^{\circ}33'39''E$, 588.84 feet; thence $N00^{\circ}30'54''W$, 417.61 feet; thence $N89^{\circ}29'06''E$, 392.33 feet to the northwest corner of Lot 1, Block 7, Final Planned Unit Development, The Cornerstone Third Addition, an addition to Andover, Butler County, Kansas; thence along the westerly boundary lines of said addition for the next five (5) courses, $S00^{\circ}30'54''E$, 130.00 feet; thence $S89^{\circ}29'06''W$, 23.74 feet; thence $S00^{\circ}30'54''E$, 64.00 feet; thence $S00^{\circ}30'54''E$, 398.12 feet; thence $S43^{\circ}26'59''W$, 58.00 feet to a point on a non-tangent curve to the left; said curve having a radius of 379.00 feet, a central angle of $67^{\circ}30'39''$, a chord bearing of $S80^{\circ}42'02''E$, and a chord distance of 421.18 feet, thence along the south right-of-way line of Sandstone Street as platted on said The Cornerstone Third Addition and along said non-tangent curve to the left 446.57 feet to a reverse curve to the right; said reverse curve to the right having a radius of 471.00 feet, a central angle of $23^{\circ}04'51''$, a chord bearing of $N77^{\circ}05'04''E$, and a chord distance of 188.46 feet, thence along said reverse curve to the right and along said south right-of-way line 189.74 feet, thence continuing along said south right-of-way line, $N88^{\circ}37'29''E$, 134.43 feet to the westerly line of Block 3 said The Cornerstone Third Addition; thence along said westerly line of said Block 3, $S01^{\circ}22'31''E$, 763.63 feet; thence $S89^{\circ}35'38''W$, 15.00 feet to the east line of the Northwest Quarter of said Section 6; thence along said east line, $S01^{\circ}22'31''E$, 20.00 feet to the POINT OF BEGINNING. Said tract

CONTAINS: 2,976,401 square feet or 68.329 acres of land, more or less. (the “Unplatted Tract B”)

(collectively, the “Cornerstone Sixth Drainage Improvements Benefit District”).

The Cornerstone Sixth Drainage Improvements Benefit District does not include all the property that may be deemed benefited by the Cornerstone Sixth Drainage Improvements. The signers of the petition are the owners of 100% of the property in the Cornerstone Sixth Drainage Improvements Benefit District and have agreed to pay the costs of the Cornerstone Sixth Drainage Improvements as set forth in the Petition and consented to the levy of special assessments in the Cornerstone Sixth Drainage Improvements Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Cornerstone Sixth Drainage Improvements to the properties in the proposed benefit district is fractional, determined on the basis of equal shares be assessed to lots or parcels of substantially comparable size with Lots 1 through 26, Block 1; Lots 1 through 3, Block 2; and Lots 1 through 4, Block 3 of the Cornerstone Sixth Addition in the City paying 20.0% of the total costs (0.6060606% each), and Unplatted Tract A paying 2.2% and Unplatted Tract B paying 77.8% that all the lots shall pay an equal share per lot (e.g., .6484848%), *provided that* the Unplatted Tract, shall be allocated and treated as 121.2056165 lots (e.g., 78.6%) of the total cost payable by the Cornerstone Sixth Drainage Improvements Benefit District.

In the event all or part of the lots or parcels in the Cornerstone Sixth Drainage 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 for the platted area. 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 Cornerstone Sixth Drainage Improvements, as between the Cornerstone Sixth Drainage Improvements Benefit District and the City-at-large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Cornerstone Sixth Drainage Improvements Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

B. Cornerstone Sixth Paving Improvements (the “Cornerstone Sixth Paving Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of certain paving and stormwater sewer improvements and related appurtenances necessary to serve the Cornerstone Sixth Addition Benefit District (as hereinafter defined) in the City of Andover, Kansas, (such improvements being commonly known as “Cornerstone Sixth Paving Improvements”).

(2) The estimated or probable costs of the Cornerstone Sixth Paving Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Six

Hundred Twenty-One Thousand Dollars (\$621,000) (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 August 1, 2015).

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

The Cornerstone Sixth Addition
Block 1, Lots 1 through 26, inclusive
Block 2, Lots 1 through 3, inclusive
Block 3, Lots 1 through 4, inclusive

(collectively, the “Cornerstone Sixth Addition Benefit District”).

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

(4) The method of assessment proposed for assessing costs of the proposed Cornerstone Sixth 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 Cornerstone Sixth Addition Benefit District.

In the event all or part of the lots or parcels in the Cornerstone Sixth Addition 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 Cornerstone Sixth Paving Improvements, as between the Cornerstone Sixth Addition Benefit District and the City-at-large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Cornerstone Sixth Paving Addition Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

C. Cornerstone Sixth Sanitary Sewer Improvements (the “Cornerstone Sixth Sanitary Sewer Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of a sanitary sewer system and related appurtenances

necessary to serve the Cornerstone Sixth Addition Benefit District in the City of Andover, Kansas, (such improvements being commonly known as “Cornerstone Sixth Sanitary Sewer Improvements”).

(2) The estimated or probable costs of the Cornerstone Sixth Sanitary Sewer Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Twenty-Eight Thousand Dollars (\$228,000) (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 August 1, 2015).

(3) The extent of the improvement district to be assessed for the costs of the Cornerstone Sixth Sanitary Sewer Improvements shall include and consist of the Cornerstone Sixth Addition Benefit District.

The Cornerstone Sixth Addition Benefit District does not include all the property that may be deemed benefited by the Cornerstone Sixth Sanitary Sewer Improvements. The signers of the petition are the owners of 100% of the property in the Cornerstone Sixth Addition Benefit District and have agreed to pay the costs of the Cornerstone Sixth Sanitary Sewer Improvements as set forth in the Petition and consented to the levy of special assessments in the Cornerstone Sixth Addition Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Cornerstone Sixth 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 Cornerstone Sixth Addition Benefit District.

In the event all or part of the lots or parcels in the Cornerstone Sixth Addition 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 Cornerstone Sixth Sanitary Sewer Improvements, as between the Cornerstone Sixth Addition Benefit District and the City-at-large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Cornerstone Sixth Addition Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

D. Cornerstone Sixth Water System Improvements (the “Cornerstone Sixth Water System Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of water distribution system improvements and necessary appurtenances to serve the Cornerstone Sixth Addition Benefit District in the City of

Andover, Kansas, (such improvements being commonly known as “Cornerstone Sixth Water System Improvements”).

(2) The estimated or probable costs of the Cornerstone Sixth Water System Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Ninety Thousand Dollars (\$90,000) (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 August 1, 2015).

(3) The extent of the improvement district to be assessed for the costs of the Cornerstone Sixth Water System Improvements shall include and consist of the Cornerstone Sixth Addition Benefit District.

The Cornerstone Sixth Addition Benefit District does not include all the property that may be deemed benefited by the Cornerstone Sixth Water System Improvements. The signers of the petition are the owners of 100% of the property in the Cornerstone Sixth Water System Improvements Benefit District and have agreed to pay the costs of the Cornerstone Sixth Water System Improvements as set forth in the Petition and consented to the levy of special assessments in the Cornerstone Sixth Addition Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Cornerstone Sixth Water 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 Cornerstone Sixth Addition Benefit District.

In the event all or part of the lots or parcels in the Cornerstone Sixth Addition 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 Cornerstone Sixth Water System Improvements, as between the Cornerstone Sixth Addition Benefit District and the City-at-large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Cornerstone Sixth Addition Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Cornerstone Sixth Drainage Improvements, Cornerstone Sixth Paving Improvements, Cornerstone Sixth Sanitary Sewer Improvements and Cornerstone Sixth Water System 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.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on August 11, 2015.

CITY OF ANDOVER, KANSAS

[seal]

Ben Lawrence, Mayor

ATTEST:

Susan Renner, City Clerk