

(Published in *The Butler County Times-Gazette* on September 12, 2015)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS, LEVYING SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE CITY, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS BENEFITING SUCH REAL PROPERTIES; PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL ASSESSMENT TAXES BY PUBLICATION AND MAILING; AND PROVIDING FOR THE COLLECTION OF SAID SPECIAL ASSESSMENT TAXES. (CORNERSTONE OFFICE IMPROVEMENTS, MARKETPLACE COMMERCIAL IMPROVEMENTS AND HIGHLANDS AT TERRADYNE IMPROVEMENTS).

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

SECTION 1. For the purpose of paying the benefit districts' \$1,400,800.00 combined portions of the \$1,400,800.00 total local share of the costs of the following described improvements:

- (1) The construction of water, sewer, paving and storm water improvements, as authorized by Resolution No. 13-13, adopted on March 26, 2013 and published March 30, 2013 (the "Cornerstone Office Improvements"); and
- (2) The construction of water, sewer, paving and drainage improvements as authorized by Resolution No. 13-14, adopted on March 26, 2013 and published March 30, 2013 (as amended by Resolution No. 14-27, adopted on October 28, 2014 and published November 1, 2014) (the "Marketplace Commercial Improvements");
- (3) The construction of water, sewer and storm water improvements, as authorized by Resolution No. 14-22, adopted on September 30, 2014 and published October 4, 2014 (the "Highlands at Terradyne Improvements"); and

to the City of Andover, Kansas (the "City"), there are hereby levied and assessed against the properties liable therefor, the several amounts set forth below following the description of each lot, piece or parcel of land situated in the City of Andover, Butler County, Kansas, which are liable for assessment for said costs:

Cornerstone Office Improvements

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Paving</u>
Final P.U.D. Cornerstone Office Addition:			
Block 1, Lot 1	\$12,225.60	\$20,234.50	\$85,324.50
Block 1, Lot 2	\$12,009.60	\$19,877.00	\$83,817.00
Block 1, Lot 3	\$ 8,769.60	\$14,514.50	\$61,204.50
Block 2, Lot 1	\$10,195.20	\$16,874.00	\$71,154.00

Marketplace Commercial Improvements

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Street</u>
Final P.U.D. Marketplace Commercial Second Addition: East 54.1 feet of Lot 6, Block 1 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 ("Tract A");	\$ 800.40	\$1,075.20	\$4,140.00
Final P.U.D. Marketplace Commercial Second Addition: Lot 7, Block 1 EXCEPT a tract of land lying	\$2,601.30	\$3,494.40	\$13,455.00

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Street</u>
<p>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 ("Tract B");</p> <p>Final P.U.D. Marketplace Commercial Second Addition: Lot 1, Block 2 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,</p>	\$1,334.00	\$1,792.00	\$6,900.00

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Street</u>
<p>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 ("Tract C");</p> <p>Final P.U.D. Marketplace Commercial Second Addition: Lot 2, Block 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</p>	\$1,334.00	\$1,792.00	\$6,900.00

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Street</u>
feet to the POINT OF BEGINNING (“Tract D”); Final P.U.D. Marketplace Commercial Third Addition:			
Block 1, Lot 1	\$1,200.60	\$1,612.80	\$6,210.00
Block 1, Lot 2	\$1,267.30	\$1,702.40	\$6,555.00
Block 1, Lot 3	\$1,267.30	\$1,702.40	\$6,555.00
Block 1, Lot 4	\$1,200.60	\$1,612.80	\$6,210.00
Block 1, Lot 5	\$1,200.60	\$1,612.80	\$6,210.00
Block 1, Lot 6	\$1,200.60	\$1,612.80	\$6,210.00
Block 1, Lot 7	\$1,200.60	\$1,612.80	\$6,210.00
Block 1, Lot 8	\$1,200.60	\$1,612.80	\$6,210.00
Block 1, Lot 9	\$1,400.70	\$1,881.60	\$7,245.00
Block 2, Lot 1	\$28,014.00	\$37,632.00	\$144,900.00
Block 2, Lot 2	\$21,477.40	\$28,851.20	\$111,090.00

Highlands at Terradyne Improvements

<u>Legal Description</u>	<u>Water</u>	<u>Sanitary Sewer</u>	<u>Storm Water</u>
Highlands at Terradyne:			
Block 1, Lots 1 through 10, inclusive	\$1,656.10 each	\$5,719.51 each	\$4,412.20 each
Block 2, Lots 1 through 9, inclusive	\$1,656.10 each	\$5,719.51 each	\$4,412.20 each
Block 3, Lots 1 through 5, inclusive	\$1,656.10 each	\$5,719.51 each	\$4,412.20 each
Block 4, Lots 1 through 9, inclusive	\$1,656.10 each	\$5,719.51 each	\$4,412.20 each
Block 5, Lots 1 through 8, inclusive	\$1,656.10 each	\$5,719.51 each	\$4,412.20 each

SECTION 2. The amounts so levied and assessed as set forth above shall be due and payable from and after the date of adoption of this Ordinance; and the City Clerk shall notify each and all of the owners of the above described properties, insofar as known to the City Clerk and at their last known post office address, of the amounts of their respective special assessments; and said notice shall further state that the owners of the properties will be given a period until Noon on September 29, 2015, during which the special assessments may be paid in full at the Andover City Hall, 1609 E. Central, Andover, Kansas, and the lien against any property for which the special assessment is paid shall thereupon be discharged and satisfied. Said notice shall further state that for any assessments not paid by the specified date and time, general obligation bonds of the City, payable in installments over a period of fifteen years, will be issued, and the principal amount of the unpaid assessments, together with interest of the unpaid principal balance thereof at a rate equal to the average annual interest rate on such general obligation bonds (such rate not to exceed the maximum rate allowed on such general obligation bonds by the laws of the State of Kansas) will be certified to the County Clerk of Butler County,

Kansas for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made in November 2016.

SECTION 3. The Mayor and City Clerk are hereby authorized and directed to take all such other actions not inconsistent herewith as may be appropriate or desirable to accomplish the purposes contemplated by this Ordinance.

SECTION 4. This Ordinance shall be in force and take effect from and after its passage, approval and publication one time in the City's official newspaper.

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ADOPTED, PASSED AND APPROVED by the governing body of the City of Andover, Kansas on September 8, 2015.

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 regular session at the usual meeting place in the City on September 8, 2015, at 7:00 p.m. with Mayor Ben Lawrence presiding, and the following members of the governing body present:

and the following members absent:

Thereupon, pursuant to duly published and mailed notice, there came on the agenda a public hearing for the purpose of hearing and considering any and all written and/or oral complaints and objections to the proposed assessments contained in the Assessment Rolls on file in the Office of the City Clerk for the costs of the (i) Cornerstone Office Improvements, as authorized by Resolution No. 13-13, adopted on March 26, 2013 and published March 30, 2013, (ii) Marketplace Commercial Improvements, as authorized by Resolution No. 13-14, adopted on March 26, 2013 and published March 30, 2013 (as amended by Resolution No. 14-27, adopted on October 28, 2014 and published November 1, 2014) and (iii) Highlands at Terradyne Improvements as authorized by Resolution No. 14-22, adopted on September 30, 2014 and published October 4, 2014.

It was determined by the governing body that Notice of the Hearing was duly published one time in the official newspaper of the City as required by law, and that Notice of Hearing and Statement of Cost Proposed to be Assessed was mailed to each and all of the owners of the properties liable for the proposed assessments, such publication and mailings having been accomplished on or before September 12, 2015, as required and provided by K.S.A. 12-6a09.

Thereupon, the Mayor announced that any and all written or oral complaints and objections from property owners to the several assessments as set forth in the Assessment Rolls would now be heard and considered by the governing body.

After full discussion and consideration and the hearing of any and all complaints or objections to the several assessments contained in the Assessment Rolls, it was determined that all of the individual assessments, shall be levied in the manner provided by law, and that the special assessments shall be certified to the Butler County Clerk for a period of fifteen years, commencing November 2016.

In accordance with such determination, there came on for consideration the following Ordinance:

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS, LEVYING
SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE
CITY, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF
CERTAIN INTERNAL IMPROVEMENTS BENEFITING SUCH REAL

PROPERTIES; PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL ASSESSMENT TAXES BY PUBLICATION AND MAILING; AND PROVIDING FOR THE COLLECTION OF SAID SPECIAL ASSESSMENT TAXES. (CORNERSTONE OFFICE IMPROVEMENTS, MARKETPLACE COMMERCIAL IMPROVEMENTS AND HIGHLANDS AT TERRADYNE IMPROVEMENTS).

After discussion, upon the motion of _____, seconded by _____, each section of the Ordinance was adopted by a majority vote of the members elect.

Thereupon, the Ordinance, having been adopted by a majority vote of the members of the governing body, it was given No. 1600, and was directed to be signed by the Mayor and attested by the City Clerk. The City Clerk was directed to cause the publication of the Ordinance one time in the City's official newspaper as set forth therein and required by law; and was further directed to cause to be mailed on the same day as said publication, a Notice of Assessment to each and all of the property owners liable for the assessments contained therein, all in the form and manner required by law and as provided in the Ordinance.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the September 8, 2015 meeting of the governing body of the City of Andover, Kansas.

[seal]

Susan C. Renner, City Clerk