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RESOLUTION NO. 16-02

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 OFFICE SECOND WATER IMPROVEMENTS, CORNERSTONE OFFICE SECOND SEWER IMPROVEMENTS, CORNERSTONE OFFICE SECOND PAVING IMPROVEMENTS AND CORNERSTONE OFFICE SECOND DRAINAGE IMPROVEMENTS).

WHEREAS, on December 23, 2015 four petitions were filed in the Office of the City Clerk of the City of Andover, Kansas (the "City") requesting that certain water, sewer, paving and drainage improvements be made to the Cornerstone Office Second Addition and the Cornerstone Office 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 29, 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 Office Second Water Improvements (the “Cornerstone Office Second Water Improvements”)

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

(2) The estimated or probable costs of the Cornerstone Office Second Water Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Seventy-Eight Thousand Dollars (\$78,000) (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 December 1, 2015).

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

Cornerstone Office Second Addition:  
Block 1, Lot 1  
Block 2, Lots 1 and 2

(collectively, the “Cornerstone Office Second Benefit District”).

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

(4) The method of assessment proposed for assessing costs of the proposed Cornerstone Office Second Water Improvements to the properties in the proposed benefit district is on a square foot basis of the total cost payable by the Cornerstone Office Second Benefit District, as follows:

Lot 1, Block 1; Cornerstone Office Second Addition shall pay 29% of the total cost payable by the Cornerstone Office Second Benefit District; Lot 1, Block 2; Cornerstone Office Second Addition shall pay 30% of the total cost payable by the Cornerstone Office Second Benefit District; and Lot 2, Block 2; Cornerstone Office Second Addition shall pay 41% of the total cost payable by the Cornerstone Office Second Benefit District.

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

B. Cornerstone Office Second Sewer Improvements (the “Cornerstone Office Second 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 Cornerstone Office Second Benefit District in the City of Andover, Kansas (such improvements being commonly known as “Cornerstone Office Second Sewer Improvements”).

(2) The estimated or probable costs of the Cornerstone Office Second Sewer Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Eighty Thousand Dollars (\$80,000) (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 December 1, 2015).

(3) The extent of the improvement district to be assessed for the costs of the Cornerstone Office Second Sewer Improvements

shall include and consist of the certain real property in the Cornerstone Office Second Benefit District.

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

(4) The method of assessment proposed for assessing costs of the proposed Cornerstone Office Second Sewer Improvements to the properties in the proposed benefit district is on a square foot basis of the total cost payable by the Cornerstone Office Second Benefit District, as follows:

Lot 1, Block 1; Cornerstone Office Second Addition shall pay 29% of the total cost payable by the Cornerstone Office Second Benefit District; Lot 1, Block 2; Cornerstone Office Second Addition shall pay 30% of the total cost payable by the Cornerstone Office Second Benefit District; and Lot 2, Block 2; Cornerstone Office Second Addition shall pay 41% of the total cost payable by the Cornerstone Office Second Benefit District.

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

C. Cornerstone Office Second Paving Improvements (the “Cornerstone Office Second Paving Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of street and drainage improvements and related appurtenances necessary to serve the Cornerstone Office Second Benefit District in the City of Andover, Kansas (such improvements being commonly known as “Cornerstone Office Second Paving Improvements”).

(2) The estimated or probable costs of the Cornerstone Office Second Paving Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Three Hundred Forty-Four Thousand Dollars (\$344,000) (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 December 1, 2015).

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

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

(4) The method of assessment proposed for assessing costs of the proposed Cornerstone Office Second Paving Improvements to the properties in the proposed benefit district is on a square foot basis of the total cost payable by the Cornerstone Office Second Paving Improvements Benefit District, as follows:

Lot 1, Block 1; Cornerstone Office Second Addition shall pay 29% of the total cost payable by the Cornerstone Office Second Benefit District; Lot 1, Block 2; Cornerstone Office Second Addition shall pay 30% of the total cost payable by the Cornerstone Office Second Benefit District; and Lot 2, Block 2; Cornerstone Office Second Addition shall pay 41%

of the total cost payable by the Cornerstone Office Second Benefit District.

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

D. Cornerstone Office Second Drainage Improvements (the “Cornerstone Office Second Drainage Improvements”)

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

(2) The estimated or probable costs of the Cornerstone Office Second Drainage Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is One Hundred Thirty Thousand Dollars (\$130,000) (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 December 1, 2015).

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

Cornerstone Office Addition:

Block 1, Lots 2 and 3

Block 2, Lot 1

Cornerstone Office Second Addition:

Block 1, Lot 1

Block 2, Lots 1 and 2

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

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

(4) The method of assessment proposed for assessing costs of the proposed Cornerstone Office Second Drainage Improvements to the properties in the proposed benefit district is on a square foot basis of the total cost payable by the Cornerstone Office Second Drainage Improvements Benefit District, as follows:

Lot 2, Block 1; Cornerstone Office Addition shall each pay 19% of the total cost payable by the Cornerstone Office Second Drainage Improvements Benefit District; Lot 3, Block 1; Cornerstone Office Addition shall pay 14% of the total cost payable by the Cornerstone Office Second Drainage Improvements Benefit District; Lot 1, Block 2; Cornerstone Office Addition shall pay 17% of the total cost payable by the Cornerstone Office Second Drainage Improvements Benefit District; Lot 1, Block 1; Cornerstone Office Second Addition shall pay 14% of the total cost payable by the Cornerstone Office Second Drainage Improvements Benefit District; Lot 1, Block 2; Cornerstone Office Second Addition shall pay 15% of the total cost payable by the Cornerstone Office Second Drainage Improvements Benefit District; and Lot 2, Block 2; Cornerstone Office Second Addition shall pay 21%

of the total cost payable by the Cornerstone Office  
Second Drainage Improvements Benefit District.

In the event all or part of the lots or parcels in the Cornerstone Office Second 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. 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 Office Second Drainage Improvements, as between the Cornerstone Office Second 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 Office Second Drainage Improvements Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Cornerstone Office Second Water Improvements, Cornerstone Office Second Sewer Improvements, Cornerstone Office Second Paving Improvements and Cornerstone Office Second Drainage 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 January 12, 2016.

CITY OF ANDOVER, KANSAS

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Ben Lawrence, Mayor

ATTEST:

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Susan C. Renner, City Clerk