

(Published in *The Butler County Times-Gazette* on August 13, 2016)

RESOLUTION NO. 16-12

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 SEVENTH ADDITION PHASE 1 WATER IMPROVEMENTS, CORNERSTONE SEVENTH ADDITION PHASE 1 SEWER IMPROVEMENTS, CORNERSTONE SEVENTH ADDITION PHASE 1 PAVING IMPROVEMENTS AND CORNERSTONE SEVENTH ADDITION DRAINAGE IMPROVEMENTS).

WHEREAS, on August 2, 2016, two petitions were filed in the Office of the City Clerk City of Andover, Kansas (the "City") and on August 9, 2016 two additional petitions were filed in the Office of the City Clerk of the City, requesting that certain water, sewer, paving and drainage improvements be made to The Cornerstone Seventh Addition and surrounding areas 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 August 9, 2016, 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 Seventh Addition Phase 1 Water Distribution System Improvements (the “Cornerstone Seventh Addition Phase 1 Water Improvements”)

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

(2) The estimated or probable costs of the Cornerstone Seventh Addition Phase 1 Water Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is One Hundred Three Thousand Dollars (\$103,000) (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, 2016).

(3) The extent of the improvement district to be assessed for the costs of the Cornerstone Seventh Addition Phase 1 Water 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 Seventh Addition
Block 1, Lots 1 through 9, inclusive
Block 2, Lots 1 through 15, inclusive
Block 3, Lots 1 through 10, inclusive

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

The Cornerstone Seventh Addition Benefit District does not include all the property that may be deemed benefited by the Cornerstone Seventh Addition Phase 1 Water Improvements. The signers of the petition are the owners of 100% of the property in the Cornerstone Seventh Addition Benefit District and have agreed to pay the costs of the Cornerstone Seventh Addition Phase 1 Water Improvements as set forth in the Petition and consented to the levy of special assessments in the Cornerstone Seventh Addition Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Cornerstone Seventh Addition Phase 1 Water Improvements to the properties in the proposed benefit district is on an equal share per lot basis of the total cost payable by the Cornerstone Seventh Addition Benefit District.

In the event all or part of the lots or parcels in the Cornerstone Seventh 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 Seventh Addition Phase 1 Water Improvements, as between the Cornerstone Seventh Addition Benefit District and the City-at-large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Cornerstone Seventh Addition Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

B. Cornerstone Seventh Addition Phase 1 Sanitary Sewer Improvements (the “Cornerstone Seventh Addition Phase 1 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 Seventh Addition Phase 1 Sewer Improvements Benefit District (as hereinafter defined) in the City of Andover, Kansas, (such improvements being commonly known as “Cornerstone Seventh Addition Phase 1 Sewer Improvements”).

(2) The estimated or probable costs of the Cornerstone Seventh Addition Phase 1 Sewer Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Three Hundred Eighty-Two Thousand Dollars (\$382,000) (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, 2016).

(3) The extent of the improvement district to be assessed for the costs of the Cornerstone Seventh Addition Phase 1 Sewer Improvements shall include and consist of the certain real property in the City of Andover, Butler County, Kansas, which is described as follows:

Cornerstone Seventh Addition Benefit District

and

Unplatted School Tract: A tract of land lying within the West half of Section 6, Township 27 South, Range 3 East, of the 6th Principal Meridian, Andover, Butler County, Kansas, said tract lying within all of Government Lot 4, and portions of Government Lots 3, 5, and 6, AND ALSO, a portion of the Southeast Quarter of the Northwest Quarter of said Section 6, said tract collectively being more particularly described as follows: COMMENCING at the Southwest corner of said Southwest Quarter, thence along the West line of said Southwest Quarter, being coincident with the west lines of Government Lots 7 and 6, on a Kansas coordinate system of 1983

south zone bearing of N00°38'46"W, 2427.04 feet to the POINT OF BEGINNING, thence along the West line of said Government Lot 6, N00°38'46"W, 227.51 feet to the West Quarter corner of said Section 6 being coincident with the Southwest corner of said Government Lot 5; thence along the West lines of said Government Lots 5 and 4, N00°36'44"W, 2657.46 feet to the Northwest corner of said Section 6; thence along the North line of said Government Lots 4 and 3, N88°39'59"E, 2443.88 feet to the North Quarter corner being coincident with the Northeast corner of said Government Lot 3; thence along the East line of said Government Lot 3, S01°22'31"E, 780.32 feet; thence S89°29'06"W, 364.19 feet to a point on the extended west line of Block 7, of the Final Planned Unit Development, The Cornerstone Third Addition, an addition to Andover, Butler County, Kansas; thence along said extended west line of Block 7, S00°30'54"E, 472.03 feet to the southwest corner of Lot 6, said Block 7; thence along the extended north line of said Block 7, S89°29'06"W, 665.58 feet; thence S00°30'54"E, 417.61 feet; thence S66°33'39"W, 588.84 feet; thence S00°38'27"E, 795.48 feet to the common line of said Government Lots 5 and 6; thence along said common line, S89°38'14"W, 40.49 feet; thence S00°38'46"E, 227.76 feet to the northeast corner of Lot 1, Block 1, Final Planned Unit Development, Cornerstone School Addition, an addition to Andover, Butler County, Kansas; thence along the extended north line of said Lot 1, Block 1, S89°39'15"W, 840.00 feet to the POINT OF BEGINNING. Said tract CONTAINS a gross area of: 4,603,176 square feet or 105.674 acres of land, more or less (the "Unplatted School Tract").

(collectively, the "Cornerstone Seventh Addition Phase 1 Sewer Improvements Benefit District").

The Cornerstone Seventh Addition Phase 1 Sewer Improvements Benefit District does not include all the property that may be deemed benefited by Cornerstone Seventh Addition Phase 1 Sewer Improvements. The signers of the petition are the owners of 100% of the property in the Cornerstone Seventh Addition Phase 1 Sewer Improvements Benefit District and have agreed to pay the costs of the Cornerstone Seventh Addition Phase 1 Sewer Improvements as set forth in the Petition and consented to the levy of special assessments in the Cornerstone Seventh Addition Phase 1 Sewer Improvements Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Cornerstone Seventh Addition Phase 1 Sewer Improvements to the properties in the proposed benefit district is on a fractional basis of the total cost payable by the Cornerstone Seventh Addition Phase 1 Sewer Improvements Benefit District. The fractional shares have been determined on the basis of equal shares

being assessed to lots or parcels of substantially comparable size and value and with consideration for their proximity to the improvements, as follows:

Lots 1 through 9, Block 1; Lots 1 through 15, Block 2; and Lots 1 through 10, Block 3 shall pay 77% of the proportionate cost payable by the improvement district on an equal share per lot basis; Unplatted School Tract shall pay 23% of the proportionate cost payable by the improvement district, provided that the total assessment for the Unplatted School Tract will not exceed \$265,624.73 for the total phases of sewer improvements benefitting said parcel.

In the event all or part of the lots or parcels in the Cornerstone Seventh Addition Phase 1 Sewer Improvements Benefit District are platted or replatted before assessments have been levied, the assessments against the newly platted or replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

(5) The apportionment of the costs of the Cornerstone Seventh Addition Phase 1 Sewer Improvements, as between the Cornerstone Seventh Addition Phase 1 Sewer Improvements Benefit District and the City-at-large, is that Eighty-Nine and Six Tenths Percent (89.6%) of the costs shall be assessed against the proposed Cornerstone Seventh Addition Phase 1 Sewer Improvements Benefit District, and Ten and Four Tenths Percent (10.4%) of the cost shall be apportioned to the City-at-Large.

C. Cornerstone Seventh Addition Phase 1 Paving Improvements (the “Cornerstone Seventh Addition Phase 1 Paving Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of paving and storm water sewer improvements and related appurtenances necessary on Ledgestone Street from the north edge of Keystone Parkway to the southeast corner of Lot 10, Block 3, The Cornerstone Seventh Addition, to serve the Cornerstone Seventh Addition Phase 1 Paving Improvements Benefit District (as hereinafter defined) in the City of Andover, Kansas, (such improvements being commonly known as “Cornerstone Seventh Addition Phase 1 Paving Improvements”).

(2) The estimated or probable costs of the Cornerstone Seventh Addition Phase 1 Paving Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Seven Hundred Thousand Dollars (\$700,000) (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, 2016).

(3) The extent of the improvement district to be assessed for the costs of the Cornerstone Seventh Addition Phase 1 Paving Improvements shall include and consist of the certain real property in the City of Andover, Butler County, Kansas, which is described as follows:

Cornerstone Seventh Addition Benefit District and the Unplatted School Tract

(collectively, the “Cornerstone Seventh Addition Phase 1 Paving Improvements Benefit District”).

The Cornerstone Seventh Addition Phase 1 Paving Improvements Benefit District does not include all the property that may be deemed benefited by the Cornerstone Seventh Addition Phase 1 Paving Improvements. The signers of the petition are the owners of 100% of the property in the Cornerstone Seventh Addition Phase 1 Paving Improvements Benefit District and have agreed to pay the costs of the Cornerstone Seventh Addition Phase 1 Paving Improvements as set forth in the Petition and consented to the levy of special assessments in the Cornerstone Seventh Addition Phase 1 Paving Improvements Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Cornerstone Seventh Addition Phase 1 Paving Improvements to the properties in the proposed benefit district is on a fractional basis of the total cost payable by the Cornerstone Seventh Addition Phase 1 Paving Improvements Benefit District. The fractional shares have been determined on the basis of shares being assessed to lots or parcels of substantially comparable size and value with consideration for their proximity to the improvements, as follows:

Lots 1 through 9, Block 1; Lots 1 through 15, Block 2; and Lots 1 through 10, Block 3 shall pay 80% of the total cost payable by the improvement district on an equal share per lot basis; Unplatted School Tract shall pay 20% of the total cost payable by the improvement district, provided that the total assessment for the Unplatted School Tract will not exceed \$294,291.36 for the total phases of paving improvements benefitting said parcel.

In the event all or part of the lots or parcels in the Cornerstone Seventh Addition Phase 1 Paving Improvements Benefit District are platted or replatted before assessments have been levied, the assessments against the newly platted or replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

(5) The apportionment of the costs of the Cornerstone Seventh Addition Phase 1 Paving Improvements, as between the Cornerstone Seventh Addition Phase 1 Paving Improvements Benefit District and the City-at-large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Cornerstone Seventh Addition Phase 1 Paving Improvements Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

D. Cornerstone Seventh Addition Drainage Improvements (the “Cornerstone Seventh Addition Drainage Improvements”)

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

(2) The estimated or probable costs of the Cornerstone Seventh Addition Drainage Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Four Hundred Seven Thousand Dollars (\$407,000) (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, 2016).

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

Cornerstone Seventh Addition Benefit District

and

TRACT A: A contiguous tract of land lying within the West half of Section 6, Township 27 South, Range 3 East, of the 6th Principal Meridian, Andover, Butler County, Kansas, said contiguous tract lying within portions of Government Lots 3, 5, and 6, AND ALSO, a portion of the Southeast Quarter of the Northwest Quarter, AND ALSO, a portion of the North Half of the East Half of the Southwest Quarter, all in said Section 6, said contiguous tract being more particularly described as follows: BEGINNING at the center of said Section 6; thence along the north line of said Southwest Quarter and along the extended north line of The Cornerstone Seventh Addition, of the final Planned Unit Development Plan, an addition to Andover, Butler County, Kansas on a platted bearing of S89°38'14”W, 867.28

feet; thence along the boundary of said The Cornerstone Seventh Addition for the next ten consecutive courses, S16°03'28"W, 302.39 feet; thence S00°21'46"E, 264.76 feet; thence S30°18'12"E, 86.19 feet to a point on a non-tangent curve to the right, said curve having a radius of 203.00 feet; a central angle of 47°25'25", a chord bearing of S81°20'22"W, and a chord distance of 163.27 feet; thence along said non-tangent curve to the right, 168.02 feet; thence N74°56'56"W, 155.23 feet to a point on a curve to the left; said curve having a radius of 217.00 feet, a central angle of 13°14'12", a chord bearing of N81°34'02"W, and a chord distance of 50.02 feet; thence along said curve to the left, 50.13 feet; thence N00°21'46"W, 184.16 feet; thence S89°38'14"W, 327.19 feet; thence N00°38'46"W, 250.00 feet; thence S89°38'14"W, 40.00 feet to a point on an east line of a tract of land described in Special Warranty Deed recorded on Book 2013, Page 21241; thence along said east line, N00°38'46"W, 170.00 feet to a point on the north line of said Southwest Quarter; thence along said north line and along the easterly boundary of said tract of land recorded on Book 2013, Page 21241, N89°38'14"E, 40.49 feet; thence continuing along said easterly boundary for the next four consecutive courses, N00°38'27"W, 795.48 feet; thence N66°33'39"E, 588.84 feet; thence N00°30'54"W, 417.61 feet; thence N89°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 the City of Andover, Butler, County, Kansas; thence along the westerly boundary of said addition for the next ten consecutive courses, S00°30'54"E, 130.00 feet; thence S89°29'06"W, 23.74 feet; thence S00°30'54"E, 462.12 feet; thence S43°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°30'39", a chord bearing of S80°42'02"E, and a chord distance of 421.18 feet; thence along said non-tangent curve to the left, 446.57 feet to a point on a curve to the right, said curve having a radius of 471.00 feet, a central angle of 23°04'51", a chord bearing of N77°05'04"E, and a chord distance of 188.46 feet; thence along said curve to the right, 189.74 feet; thence N88°37'29"E, 134.43 feet; thence S01°22'31"E, 763.63 feet; thence S89°35'38"W, 15.00 feet to a point on the east line of said Northwest Quarter; thence along said east line, S01°22'31"E, 20.00 feet to the POINT OF BEGINNING. Said contiguous tract CONTAINS 1,911,260 Sq. Ft. or 43.876 ac. more or less ("Unplatted Tract A").

and

TRACT B: A contiguous tract of land lying within the West half of Section 6, Township 27 South, Range 3 East, of the 6th Principal Meridian, Andover, Butler County, Kansas, said contiguous tract

lying within a portion of Government 6, AND ALSO, a portion of the North Half of the East Half of the Southwest Quarter of said Section 6, said contiguous tract being more particularly described as follows: BEGINNING at the northeast corner of Reserve B, The Cornerstone Seventh Addition, of the final Planned Unit Development Plan, an addition to Andover, Butler County, Kansas, said corner being coincident with the northwest corner of Final Planned Unit Development, Cornerstone Office Addition, an addition to Andover, Butler County, Kansas; thence along the boundary of said The Cornerstone Seventh Addition for the next fourteen consecutive courses on a platted bearing of N79°53'50"W, 216.07 feet; thence N00°20'43"W, 121.27 feet; thence N85°30'10"W, 65.49 feet to a point on a non-tangent curve to the right, said curve having a radius of 200.00 feet, a central angle of 03°23'22", a chord bearing of N02°48'09"E, and a chord distance of 11.83 feet; thence along said non-tangent curve to the right, 11.83 feet; thence N04°29'50"E, 76.51 feet to a point on a curve to the left, said curve having a radius of 832.00 feet, a central angle of 06°43'30", a chord bearing of N01°08'05"E, and a chord distance of 97.60 feet; thence along said curve to the left, 97.66 feet; thence N89°39'17"E, 129.41 feet; thence N81°57'29"E, 74.67 feet; thence N89°39'17"E, 582.32 feet; thence S72°22'14"E, 121.00 feet; thence S11°48'19"E, 57.00 feet; thence S22°59'19"E, 90.00 feet; thence S19°39'45"W, 90.00 feet; thence S13°23'50"E, 103.43 feet to a point on the north line of said Cornerstone Office Addition; thence along said north line, S89°39'17"W, 671.24 feet to the POINT OF BEGINNING. Said tract CONTAINS: 317,264 square feet or 7.28 acres of land, more or less ("Unplatted Tract B").

(collectively, the "Cornerstone Seventh Addition Drainage Improvements Benefit District").

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

(4) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis. The fractional shares provided for herein have been determined on the basis of equal share being assessed to lots or parcels of substantially comparable size, as follows:

Lots 1 through 9, Block 1; Lots 1 through 15, Block 2; and Lots 1 through 10, Block 3 shall pay 31% of the total cost payable by the improvement district on an equal share per lot basis; Unplatted Tract A shall pay 59.2% of the total cost payable by the improvement district; and Unplatted Tract B shall pay 9.8% of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the Cornerstone Seventh Addition Drainage Improvements Benefit District are platted or replatted before assessments have been levied, the assessments against the newly platted or replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

(5) The apportionment of the costs of the Cornerstone Seventh Addition Drainage Improvements, as between the Cornerstone Seventh Addition 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 Seventh Addition Drainage Improvements Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Cornerstone Seventh Addition Phase 1 Water Improvements, Cornerstone Seventh Addition Phase 1 Sewer Improvements, Cornerstone Seventh Addition Phase 1 Paving Improvements and Cornerstone Seventh Addition 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 August 9, 2016.

CITY OF ANDOVER, KANSAS

[seal]

Ben Lawrence, Mayor

ATTEST:

Susan C. Renner, City Clerk