

(Ordinance Summary published in The Butler County Times-Gazette on December 3, 2016 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. 1629

AN ORDINANCE ANNEXING LAND TO THE CITY OF ANDOVER,
KANSAS.

WHEREAS, the real property described below (the “Property”) lies within or mainly within the City of Andover, Kansas (the “City”) and has a common perimeter with the City boundary line of more than 50%; and

WHEREAS, pursuant to K.S.A. 12-520(a)(4) and 12-520a the City adopted Resolution No. 16-17 (the “Resolution of Intent”) on September 27, 2016 indicating its intent to annex the Property and setting a public hearing to consider such annexation to be held on November 29, 2016 at 7:00 p.m., or as soon thereafter as practicable, at Andover City Hall, 1609 E. Central Ave., Andover, Kansas 67002; and

WHEREAS, the City established a plan for the extension of services to the Property (the “Plan”), as required by K.S.A. 12-520b, and amendments thereto, and made it available for inspection during regular office hours in the office of the City Clerk at Andover City Hall, 1609 E. Central Ave., Andover, Kansas 67002; and

WHEREAS, the City (i) mailed a certified copy of the Resolution of Intent, together with a map of the Property, by certified mail to (a) each owner of land within the Property, (b) the board of county commissioners, (c) the governing body of the township where the Property is located, (d) all special assessment districts or governmental units providing municipal services to the Property, (e) all utilities having facilities on the Property, (f) the governing body of all school districts in which the Property is located, (g) all cities, counties, townships, and joint planning commissions having jurisdiction over the Property, (h) all other political or taxing subdivisions in which the Property is located, all on September 29, 2016, said date being not more than 10 days following the date of adoption of the Resolution of Intent, (ii) caused the Resolution of Intent, together with a map of the Property, to be published in *The Butler County Times-Gazette* on November 19, 2016, said date being not less than one week and not more than two weeks prior to the date fixed for the public hearing, and (iii) mailed a copy of the Plan to the Board of County Commissioners of Butler County, Kansas by certified mail, return receipt requested on November 15, 2016, said date being not less than 10 days prior to the date of the public hearing; and

WHEREAS, having held the public hearing as required by K.S.A. 12-520a and the Resolution of Intent, the Governing Body of the City hereby finds it advisable to annex all of the Property.

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

SECTION 1. That the following described land is hereby annexed and made a part of the City of Andover, Kansas:

Beginning at the Northwest Corner of the West Half of the Northeast Quarter of Section 29, Township 27 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence South 40 rods (660 feet); East 16 rods (264 feet); North 40 rods (660 feet); West 16 rods (264 feet) to the place of beginning, except existing US 54-400 right of way.

AND ALSO:

Beginning 660 feet South of the Northwest Corner of the West Half of the Northeast Quarter of Section 29, Township 27 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence East 264 feet; thence South 330 feet; thence West 264 feet; thence North 330 feet to the place of beginning.

As described in deed Book 390, Page 252.

(the "Property").

SECTION 2. Pursuant to K.S.A. 12-522, upon passage and publication of this annexation ordinance, the City Clerk shall file a certified copy of such ordinance with the County Clerk, the Register of Deeds, and the County Election Commissioner, if any, of Butler County.

SECTION 3. If any provision of this Ordinance shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case, to any particular portion, tract, or land included in the Property, or in any case because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case, as applied to any other portion, tract, or land included in the Property, or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatsoever.

SECTION 4. 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.

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PASSED AND APPROVED by the Governing Body of the City of Andover, Kansas this 29th day of November, 2016.

CITY OF ANDOVER, KANSAS

[seal]

Ben Lawrence, Mayor

ATTEST:

Susan C. Renner, City Clerk

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Ordinance No. 1629 Summary

On November 29, 2016, the City of Andover, Kansas adopted Ordinance No. 1629 annexing into the City's corporate limits the property described as: Beginning at the Northwest Corner of the West Half of the Northeast Quarter of Section 29, Township 27 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence South 40 rods (660 feet); East 16 rods (264 feet); North 40 rods (660 feet); West 16 rods (264 feet) to the place of beginning, except existing US 54-400 right of way. AND ALSO: Beginning 660 feet South of the Northwest Corner of the West Half of the Northeast Quarter of Section 29, Township 27 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence East 264 feet; thence South 330 feet; thence West 264 feet; thence North 330 feet to the place of beginning. 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