

(Published in *The Butler County Times-Gazette* on July 29, 2017)

ORDINANCE NO. 1642

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF ANDOVER, KANSAS, AS HERETOFORE DETERMINED ADVISABLE AND AUTHORIZED TO BE MADE BY RESOLUTION NO. 17-05 OF THE CITY, UNDER THE AUTHORITY OF K.S.A. 12-6a01 *ET SEQ.*, AS AMENDED AND SUPPLEMENTED; PROVIDING FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES FROM TIME TO TIME AS FUNDS ARE NEEDED FOR THE ORDERLY CONSTRUCTION OF SAID IMPROVEMENTS.

WHEREAS, the governing body of the City of Andover, Kansas (the “City”) has heretofore by Resolution No. 17-05 (the “Authorizing Resolution”), duly adopted this July 25, 2017, and to be published in the City’s official newspaper as required by law on July 29, 2017, found and determined it to be advisable and authorized the making of certain Prairie Creek Water Improvements-Third Phase, Prairie Creek Sanitary Sewer Improvements-Third Phase, Prairie Creek Paving Improvements-Third Phase and Prairie Creek Storm Water Drain Improvements-Third Phase (collectively the “Improvements”) in the City, as provided by K.S.A. 12-6a01, *et seq.*, as amended and supplemented, at a total estimated cost of \$1,309,000 (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 July 1, 2017), which costs will be levied and assessed against properties benefiting from the Improvements; and

WHEREAS, the governing body of the City, upon an examination thereof, has considered and found and determined certain subject petitions filed on July 19, 2017 (the “Petitions”) to be sufficient, having been signed by the owners of record, whether resident or not, of all of the property liable for assessment for the costs of the Improvements; and

WHEREAS, the governing body of the City has commenced consideration of the Petitions (as described in the Authorizing Resolution); and

WHEREAS, the governing body hereby finds and determines it to be necessary to authorize the construction of the Improvements; to provide for the payment of the costs thereof not otherwise paid in cash by the property owner; and to authorize and provide for the issuance of temporary improvement notes from time to time as funds are needed for the orderly construction of the Improvements;

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

SECTION 1. It is hereby authorized, ordered and directed that the Improvements (as defined above) determined advisable and authorized by the Authorizing Resolution (as defined above), shall be constructed in accordance with the plans and specifications and estimates of costs therefor, which are hereby approved by the governing body and directed to be placed on file in the office of the City Clerk where they shall be available for public inspection.

SECTION 2. It is hereby authorized, ordered and directed that the costs of the Improvements, when finally determined, shall be levied and assessed to the respective properties liable therefor as set forth in the Authorizing Resolution and in the manner provided by K.S.A. 12-6a01 *et seq.*, as amended and supplemented; and that for the purpose of providing funds to pay any portion of such special assessments which are not paid in cash, general obligation bonds of the City shall be issued in the manner authorized and provided by law; provided that, said general obligation bonds may be issued in combination with other general obligation bonds being issued by the City as shall be determined by the governing body at the time of such issuance to be in the best interest of the City.

SECTION 3. It is hereby further authorized, ordered and directed that in the absence of otherwise available funds, in order to temporarily finance the estimated costs of the Improvements until the levying and collection of the special assessments and the issuance of the general obligation bonds as hereinbefore provided, there may be issued temporary improvement notes (the "Notes"), such notes to be issued from time to time upon subsequent resolution or resolutions of the City which shall provide and set forth the details of the Notes, including the fixing of the dates, terms, denominations, interest rates and maturity dates (not exceeding four years from the date of the notes and redeemable at any time prior to the stated maturity thereof). Such Notes shall be issued and provision shall be made therefor as funds are needed and required for the orderly construction of the Improvements; and the Mayor and City Clerk are hereby authorized, ordered and directed to prepare and execute each of such Notes in accordance with the terms of this Ordinance and the terms of the subsequent resolution or resolutions providing for same; and shall deliver the Notes to persons having claims against the City in connection with the Improvements, or may sell the Notes at private or public sale and apply the proceeds therefrom to the payment of the actual costs and expenses of the Improvements. Any Notes issued under the authority of this Section shall be issued under and will contain a recital that they are issued under the authority of K.S.A. 10-123 and K.S.A. 12-6a01, inclusive, as amended and supplemented, and shall contain all other usual and required recitals and covenants and be in the form required therefor by said K.S.A. 10-123; and said Notes may be issued in combinations with any other temporary notes being issued by the City as shall be determined by the governing body at the time of such issuance to be in the City's best interest.

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

*[Remainder of Page Intentionally Left Blank]*

PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on July 25, 2017.

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 at the normal meeting place in the City on July 25, 2017, at 7:00 p.m., with Mayor Ben Lawrence presiding, and the following members of the governing body present:

Sheri Geisler, Clark Nelson, Kris Estes, and Caroline Hale

and the following members absent:

Troy Tabor

Thereupon, and among other business, there was presented to the governing body a Resolution entitled:

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 (PRAIRIE CREEK WATER IMPROVEMENTS-THIRD PHASE, PRAIRIE CREEK SANITARY SEWER IMPROVEMENTS-THIRD PHASE, PRAIRIE CREEK PAVING IMPROVEMENTS-THIRD PHASE AND PRAIRIE CREEK STORM WATER DRAIN IMPROVEMENTS-THIRD PHASE).

Thereupon, the Resolution was considered and discussed; and on motion of Nelson, seconded by Estes, the Resolution was adopted by a majority vote of all members present.

Thereupon, the Resolution having been adopted by a majority vote of the members of the governing body present, it was given No. 17-05, and was directed to be signed by the Mayor and attested by the City Clerk; and the City Clerk was directed to cause the publication of the Resolution one time as set forth therein and required by law, and to record the Resolution in the Office of the Register of Deeds of Butler County, Kansas.

Thereupon, and among other business, there was presented to the governing body, an Ordinance entitled:

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF ANDOVER, KANSAS, AS HERETOFORE DETERMINED ADVISABLE AND AUTHORIZED TO BE

MADE BY RESOLUTION NO. 17-05 OF THE CITY, UNDER THE AUTHORITY OF K.S.A. 12-6a01 *ET SEQ.*, AS AMENDED AND SUPPLEMENTED; PROVIDING FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION INTERNAL IMPROVEMENT BONDS FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES FROM TIME TO TIME AS FUNDS ARE NEEDED FOR THE ORDERLY CONSTRUCTION OF SAID IMPROVEMENTS.

Thereupon, the Ordinance was considered and discussed; and on motion of Nelson, seconded by Hale, the Ordinance was adopted by a majority vote of all members of the governing body.

Thereupon, the Ordinance having been adopted by a majority vote of the members of governing body, it was given No. 1642 and directed to be signed by the Mayor and attested by the City Clerk; and the City Clerk was directed to cause the publication of the Ordinance one time as set forth therein and required by law.

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CITY CLERK'S  
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of the Minutes of the proceedings at the July 25, 2017 meeting of the governing body of the City of Andover, Kansas.

[seal]

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Susan C. Renner, City Clerk