

(Published in *The Butler County Times-Gazette* on September 23, 2017)

RESOLUTION NO. 17-08

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 ROAD PHASE 3 IMPROVEMENTS).

WHEREAS, on September 8, 2017 one petition was filed in the Office of the City Clerk of the City of Andover, Kansas (the "City") requesting that certain paving and drainage improvements be made to an unplatted tract in the City; and

WHEREAS, the aforementioned petition (the "Petition") sets 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 September 12, 2017, has considered and found and determined the Petition 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.

NOW, 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 Prairie Creek Road Phase 3 Improvements (hereinafter defined) in the City, and the following findings are hereby made regarding said Prairie Creek Road Phase 3 Improvements:

A. Prairie Creek Road Phase 3 Improvements (the "Prairie Creek Road Phase 3 Improvements")

(1) The internal improvements are described as and consist of the excavation and construction of paving, drainage and sidewalk improvements and

related appurtenances necessary to serve the Prairie Creek Road Phase 3 Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as “Prairie Creek Road Phase 3 Improvements”).

(2) The estimated or probable costs of the Prairie Creek Road Phase 3 Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Four Hundred Fifty-Nine Thousand Dollars (\$459,000) (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 September 1, 2017).

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

UNPLATTED TRACT ‘U3’ That part of the SW ¼ of Sec. 9, Twp. 27-S, R-3-E of the 6th P.M., Butler County, Kansas described as follows: Beginning at the NW corner of said SW ¼; thence S89°56’37”E along the north line of said SW ¼, 2645.34 feet to the NE corner of said SW ¼; thence S00°01’24”E along the east line of said SW ¼, 1911.36 feet to the intersection with the southeasterly extension of the northeast line of Reserve “B”, Prairie Creek Addition, Andover, Butler County, Kansas; thence N68°26’39”W along said extended northeast line and along the northeast line of Block B, in said Prairie Creek Addition, 1972.63 feet to a deflection corner in the north line of Lot 16 in said Block B; thence S56°44’04”W along the northwest line of said Block B, 972.38 feet to a point on the west line of the SW ¼ of said Sec.9; thence N00°03’10”E along the east line of said SW ¼, 1722.57 feet to the point of beginning, all being subject to road rights-of-way of record.

(the “Prairie Creek Road Phase 3 Benefit District”).

The Prairie Creek Road Phase 3 Benefit District does not include all the property that may be deemed benefited by the Prairie Creek Road Phase 3 Improvements. The signers of the petition are the owners of 100% of the property in the Prairie Creek Road Phase 3 Benefit District and have agreed to pay the costs of the Prairie Creek Road Phase 3 Improvements as set forth in the Petition and consented to the levy of special assessments in the Prairie Creek Road Phase 3 Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Prairie Creek Road Phase 3 Improvements to the properties in the proposed benefit district is that all the lots shall pay on a square foot basis of the total cost payable by the Prairie Creek Road Phase 3 Benefit District.

In the event all or part of the lots or parcels in the Prairie Creek Road Phase 3 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 Prairie Creek Road Phase 3 Improvements, as between the Prairie Creek Road Phase 3 Benefit District and the City-at-Large, is that Ninety-Four and 12/100 Percent (94.12%) of the costs shall be assessed against the proposed Benefit District, and Five and 88/100 Percent (5.88%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Prairie Creek Road Phase 3 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 September 12, 2017.

CITY OF ANDOVER, KANSAS

[seal]

Ben Lawrence, Mayor

ATTEST:

Susan C. Renner, City Clerk