

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

RESOLUTION NO. 17-07

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-SECOND PHASE, PRAIRIE CREEK SANITARY SEWER IMPROVEMENTS-SECOND PHASE, PRAIRIE CREEK PAVING IMPROVEMENTS-SECOND PHASE, PRAIRIE CREEK ROAD PAVING IMPROVEMENTS-SECOND PHASE, AND PRAIRIE CREEK 13TH STREET WATER MAIN IMPROVEMENTS-SECOND PHASE).

WHEREAS, on September 8, 2017 five petitions were filed in the Office of the City Clerk of the City of Andover, Kansas (the "City"), requesting that certain water, sewer and paving improvements be made to the Prairie Creek Addition-Second Phase 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 September 12, 2017, 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.

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 Improvements (hereinafter defined) in the City, and the following findings are hereby made regarding said Improvements:

A. Prairie Creek Water Improvements-Second Phase (the “Prairie Creek Water Improvements-Second Phase”)

(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 Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as “Prairie Creek Water Improvements-Second Phase”).

(2) The estimated or probable costs of the Prairie Creek Water Improvements-Second Phase, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is One Hundred Thirty-Seven Thousand Dollars (\$137,000) (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 Water Improvements-Second Phase shall include and consist of certain real property in the City of Andover, Butler County, Kansas, which is described as follows:

Prairie Creek Addition-Second Phase
Block A, Lots 1 through 24, inclusive
Block B, Lots 1 through 17, inclusive

(collectively, the “Benefit District”).

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

(4) The method of assessment proposed for assessing costs of the proposed Prairie Creek Water Improvements-Second Phase to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot of the total cost payable by the Benefit District.

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

B. Prairie Creek Sanitary Sewer Improvements-Second Phase (the “Prairie Creek Sanitary Sewer Improvements-Second Phase”)

(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 Benefit District in the City of Andover, Kansas, (such improvements being commonly known as “Prairie Creek Sanitary Sewer Improvements-Second Phase”).

(2) The estimated or probable costs of the Prairie Creek Sanitary Sewer Improvements-Second Phase, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Fifty-Five Thousand Dollars (\$255,000) (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 Sanitary Sewer Improvements-Second Phase shall include and consist of certain real property in the Benefit District.

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

(4) The method of assessment proposed for assessing costs of the proposed Prairie Creek Sanitary Sewer Improvements-Second Phase to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot of the total cost payable by the Benefit District.

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

C. Prairie Creek Paving Improvements-Second Phase (the “Prairie Creek Paving Improvements-Second Phase”)

(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 Benefit District in the City of Andover, Kansas, (such improvements being commonly known as “Prairie Creek Paving Improvements-Second Phase”).

(2) The estimated or probable costs of the Prairie Creek Paving Improvements-Second Phase, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Eight Hundred Thirty-Five Thousand (\$835,000) (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 Paving Improvements-Second Phase shall include and consist of certain real property in the Benefit District.

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

(4) The method of assessment proposed for assessing costs of the proposed Prairie Creek Paving Improvements-Second Phase to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot of the total cost payable by the Benefit District.

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

D. Prairie Creek Road Paving Improvements-Second Phase (the “Prairie Creek Road Paving Improvements-Second Phase”)

(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 Benefit District in the City of Andover, Kansas, (such improvements being commonly known as “Prairie Creek Road Paving Improvements-Second Phase”).

(2) The estimated or probable costs of the Prairie Creek Road Paving Improvements-Second Phase, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Twenty-Three Thousand Dollars (\$223,000) (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 Paving Improvements-Second Phase shall include and consist of certain real property in the Benefit District.

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

(4) The method of assessment proposed for assessing costs of the proposed Prairie Creek Road Paving Improvements-Second Phase to the properties in the proposed benefit district is on a fractional basis. The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value and proximity of the project:

Lots 1 through 10, Block A, and Lots 1 through 13, Block B, Prairie Creek Addition-Second Phase shall each pay 47/2485 of the total cost of the Project; and Lots 11 through 24, Block A, and Lots 14 through 17, Block B, Prairie Creek Addition-Second Phase shall each pay 78/2485 of the total cost of the Project.

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

E. Prairie Creek 13th Street Water Main Improvements-Second Phase (the “Prairie Creek 13th Street Water Main Improvements-Second Phase”)

(1) The internal improvements are described as and consist of the excavation and construction of a water main and related appurtenances necessary to serve the Benefit District in the City of Andover, Kansas, (such improvements being commonly known as “Prairie Creek 13th Street Water Main Improvements-Second Phase”).

(2) The estimated or probable costs of the Prairie Creek 13th Street Water Main Improvements-Second Phase, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Two Hundred Thirty-Five Thousand Dollars (\$235,000) (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 13th Street Water Main Improvements-Second Phase shall include and consist of certain real property in the Benefit District.

The Benefit District does not include all the property that may be deemed benefited by Prairie Creek 13th Street Water Main Improvements-Second Phase. The signers of the petition are the owners of 100% of the property in the Benefit District and have agreed to pay the costs of the Prairie Creek 13th Street Water Main Improvements-Second Phase as set forth in the Petition and consented to the levy of special assessments in the Benefit District as described in the Petition.

(4) The method of assessment proposed for assessing costs of the proposed Prairie Creek 13th Street Water Main Improvements-Second Phase to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot of the total cost payable by the Benefit District.

In the event all or part of the lots or parcels in the 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 13th Street Water Main Improvements-Second Phase, as between the Benefit District and the City-at-large, is that Sixty-Two and 26/100 Percent (62.26%) of the costs shall be assessed against the proposed Benefit District, and Thirty-Seven and 74/100 Percent (37.74%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Prairie Creek Water Improvements-Second Phase, Prairie Creek Sanitary Sewer Improvements-Second Phase, Prairie Creek Paving Improvements-Second Phase, Prairie Creek Road Paving Improvements-Second Phase and Prairie Creek 13th Street Water Main Improvements-Second Phase (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 September 12, 2017.

CITY OF ANDOVER, KANSAS

[seal]

Ben Lawrence, Mayor

ATTEST:

Susan C. Renner, City Clerk