

After recording, return to:

City of Andover, Kansas
Attn: Susan C. Renner, City Clerk
1609 E. Central
Andover, Kansas 67002
Telephone: (316) 733-1303

(Published in *The Butler County Times-Gazette*
and at www.andoverks.com on May 7, 2022)

RESOLUTION NO. 22-09

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 (COURTYARDS AT CORNERSTONE WATER IMPROVEMENTS, COURTYARDS AT CORNERSTONE SEWER IMPROVEMENTS, COURTYARDS AT CORNERSTONE PAVING IMPROVEMENTS AND COURTYARDS AT CORNERSTONE DRAINAGE IMPROVEMENTS).

WHEREAS, on April 14, 2022 four petitions (the "Petitions") were filed in the Office of the City Clerk of the City of Andover, Kansas (the "City") requesting that certain water, sewer, paving and drainage improvements be made to the Courtyards at Cornerstone, an addition in the City; and

WHEREAS, the aforementioned 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 April 26, 2022, 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. Courtyards at Cornerstone Water Improvements (the “Courtyards at Cornerstone Water Improvements”)

(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 “Courtyards at Cornerstone Water Improvements”).

(2) The estimated or probable costs of the Courtyards at Cornerstone Water Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Four Hundred Fifty-Two Thousand Dollars (\$452,000) (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 March 1, 2022).

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

COURTYARDS AT CORNERSTONE:

- Block 1, Lots 1 through 24, inclusive
- Block 2, Lots 1 through 9, inclusive
- Block 3, Lots 1 through 7, inclusive
- Block 4, Lots 1 through 12, inclusive
- Block 5, Lots 1 through 6, inclusive

(collectively, the “Benefit District”).

The Benefit District does not include all the property that may be deemed benefited by the Courtyards at Cornerstone Water Improvements. 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 Courtyards at Cornerstone Water Improvements 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 Courtyards at Cornerstone Water Improvements 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 Courtyards at Cornerstone Water Improvements, 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 Courtyards at Cornerstone Water Improvements Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

B. Courtyards at Cornerstone Sewer Improvements (the “Courtyards at Cornerstone Sewer Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of 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 “Courtyards at Cornerstone Sewer Improvements”).

(2) The estimated or probable costs of the Courtyards at Cornerstone Sewer Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Five Hundred Sixty-One Thousand Dollars (\$561,000) (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 March 1, 2022).

(3) The extent of the improvement district to be assessed for the costs of the Courtyards at Cornerstone Sewer Improvements 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 Courtyards at Cornerstone Sewer Improvements. 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 Courtyards at Cornerstone Sewer Improvements 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 Courtyards at Cornerstone Sewer Improvements 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 Courtyards at Cornerstone Sewer Improvements, 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.

C. Courtyards at Cornerstone Paving Improvements (the “Courtyards at Cornerstone Paving Improvements”)

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

(2) The estimated or probable costs of the Courtyards at Cornerstone Paving Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is One Millions Five Hundred Thirty-Seven Thousand Dollars (\$1,537,000) (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 March 1, 2022).

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

COURTYARDS AT CORNERSTONE:

- Block 1, Lots 1 through 24, inclusive
- Block 2, Lots 1 through 9, inclusive
- Block 3, Lots 1 through 7, inclusive
- Block 4, Lots 1 through 12, inclusive
- Block 5, Lots 1 through 6, inclusive

UNPLATTED TRACT 1 – FUTURE PHASE - A tract of land lying in the east 1760 feet of the south 1000 feet of the Southeast Quarter, Section 6, Township 27 South, Range 3 East, of the 6th Principal Meridian, Andover, Butler County, Kansas; said tract of land being more particularly described as follows:

COMMENCING at the southeast corner of the said Southeast Quarter; thence along the south line of said Southeast Quarter on a Kansas coordinate system of 1983 south zone bearing of S89°35'49"W, 1367.55 feet; thence N00°24'11"W, 60.00 feet to a point on the north right-of-way line of 21st Street as dedicated in Street Dedication recorded on Book: 2011, Page 7729, said point being the POINT OF BEGINNING, thence along said north right-of-way line, S89°35'49"W, 393.24 feet to the extended east line of Final Planned Unit Development, of The Revised Cornerstone First Addition, an addition to the City of Andover, Butler County, Kansas; thence along the said extended east line, N01°09'24"W, 940.00 feet to the northeast most corner of Reserve A, said addition; thence along the extended south line of Lot 1, Block 4, said addition, and the extended south line of the Final Planned Unit Development Plan, The Cornerstone Fifth Addition, an addition to Andover, Butler County, Kansas, N89°35'49"E, 527.14 feet; thence S00°24'11"E, 198.00 feet; thence N89°35'49"E, 21.46 feet; thence S00°24'11"E, 458.04 feet; thence S47°44'53"W, 8.01 feet to a point on a non-tangent curve to the left, said curve having a radius of 1015.00 feet, a central angle of 07°44'51", a chord bearing of N88°08'38 W, and a chord distance of 137.14 feet; thence along said non-tangent curve to the left, 137.245 feet; thence S00°24'11"E, 283.94 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 465,153 square feet or 10.68 acres of land, more or less. (collectively, the "Unplatted Tract 1 – Future Phase").

UNPLATTED TRACT 3 – COMMERCIAL - A tract of land lying in the Southeast Quarter, Section 6, Township 27 South, Range 3 East, of the 6th Principal Meridian, Andover, Butler County, Kansas; said tract being more particularly described as follows:

COMMENCING at the southeast corner of the said Southeast Quarter; thence along the south line of said Southeast Quarter on a Kansas coordinate

system of 1983 south zone bearing of S89°35'49"W, 806.13 feet; thence N00°24'11"W, 60.00 feet; thence N00°24'12"W, 275.00 feet; thence N89°35'49"E, 89.00 feet to the POINT OF BEGINNING; thence parallel with and 335.00 feet north of said south line, N89°35'49"E, 650.48 feet to a point lying 62.25 feet west of the east line of said Southeast Quarter said point being coincident with the west right-of-way line of Andover Road; thence along said west right-of-way line, S07°23'29"W, 85.81 feet to a point of intersection of said west right-of-way line; thence continuing along said west right-of-way line parallel with and 75.00 feet west of said east line, S01°09'24"E, 175.00 feet to a point lying 75.00 feet north of the south line of said Southeast Quarter and 75.00 feet west of said east line; thence parallel with and 75.00 feet north of said south line, and along the north line of 21st Street right-of-way line, S89°35'49"W, 175.00 feet; thence continuing along said north line, S81°03'02"W, 100.94 feet; thence S89°35'49"W, 366.32 feet; thence N00°24'11"W, 275.00 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 173,038 square feet or 3.972 acres of land, more or less.

Subject to the Rights-of-Way of 21st Street and Andover Road and all covenants and agreements of record (collectively, the "Unplatted Tract 3 – Commercial").

(collectively, the "Courtyards at Cornerstone Paving Improvements Benefit District").

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

(4) The method of assessment proposed for assessing costs of the proposed Courtyards at Cornerstone Paving Improvements 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 shares being assessed to lots or tracts of substantially comparable size and value with consideration for their proximity to the Courtyards at Cornerstone Paving Improvements, as follows:

Lots 1 through 24, Block 1, and Lots 1 through 9, Block 2; Courtyards at Cornerstone shall each pay 109/10000 of the total cost payable by the Benefit District; Lots 1 through 7, Block 3, Lots 1 through 12, Block 4, and Lots 1 through 6, Block 5; Courtyards at Cornerstone shall each pay

108/10000 of the total cost payable by the Benefit District; Unplatted Tract 1 – Future Phase shall pay 3639/10000 of the total cost payable by the Benefit District; Unplatted Tract 3 – Commercial shall pay 64/10000 of the total cost payable by the Benefit District.

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

D. Courtyards at Cornerstone Drainage Improvements (the “Courtyards at Cornerstone Drainage Improvements”)

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

(2) The estimated or probable costs of the Courtyards at Cornerstone Drainage Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is One Million Fifty-Three Thousand Dollars (\$1,053,000) (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 March 1, 2022).

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

COURTYARDS AT CORNERSTONE:

Block 1, Lots 1 through 24, inclusive

Block 2, Lots 1 through 9, inclusive

Block 3, Lots 1 through 7, inclusive

Block 4, Lots 1 through 12, inclusive

Block 5, Lots 1 through 6, inclusive

Unplatted Tract 1 – Future Phase

Unplatted Tract 3 – Commercial; and

Unplatted Tract 2 – Future Residential – Parcel 15 (15A and 15B)

An unplatted tract of land lying within a portion of the Southeast Quarter of Section 6, Township 27 South, Range 3 East of the 6th P.M., Butler County, Kansas, being more particularly described as follows:

COMMENCING at the Southeast corner of said Southeast Quarter; thence along the east line of said Southeast Quarter on a Kansas coordinate system of 1983 south zone bearing of $N01^{\circ}09'24''W$, 1000 feet to the POINT OF BEGINNING; thence $S89^{\circ}35'49''W$, 735.68 feet to the southeast corner of Block A, Final Planned Unit Development Plan, The Cornerstone Fifth Addition, an addition to Andover, Butler County, Kansas; thence along the east line of said Block A for the next two courses, $N00^{\circ}24'11''W$, 537.00 feet; thence $N43^{\circ}31'16''W$, 382.06 feet to the northeast corner of said Block A, also being a point on a south line of the Final Planned Unit Development, "The Revised Cornerstone First Addition", an Addition to Andover, Butler County, Kansas, and being a point on a non-tangent curve to the right, said curve having a radius of 418.00 feet, a central angle of $43^{\circ}59'22''$, a chord bearing of $N83^{\circ}08'55''E$, and a chord distance of 313.10 feet; thence along said south line and said non-tangent curve to the right, 320.92 feet to a point on a curve to the left, said curve having a radius of 666.00 feet, a central angle of $31^{\circ}29'24''$, a chord bearing of $N89^{\circ}23'54''E$, and a chord distance of 361.45 feet; thence continuing along said south line for the next four courses and along said curve to the left, 366.04 feet to a point on a curve to the right, said curve having a radius of 200.00 feet, a central angle of $41^{\circ}14'40''$, a chord bearing of $S85^{\circ}43'27''E$, and a chord distance of 140.88 feet; thence along said curve to the right, 143.97 feet; thence $S65^{\circ}06'07''E$, 49.09 feet to a point on a curve to the left said curve having a radius of 140.00 feet, a central angle of $26^{\circ}03'16''$, a chord bearing of $S78^{\circ}07'46''E$, and a chord distance of 63.12 feet; thence continuing along said curve to the left, 63.66 feet; thence along the extended said south line, $N88^{\circ}50'36''E$, 67.18 feet to a point on said east line of said Southeast Quarter; thence along said east line, $S01^{\circ}09'24''E$, 807.37 feet to the POINT OF BEGINNING, EXCEPT for street right-of-way (collectively, the "Unplatted Tract 2 – Future Residential").

CORNERSTONE FIFTH ADDITION:

Block A, Lots 1 through 16, inclusive

Block B, Lots 1 through 13, inclusive

(collectively, the “Courtyards at Cornerstone Drainage Improvements Benefit District”).

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

(4) The method of assessment proposed for assessing costs of the proposed Courtyards at Cornerstone Drainage Improvements 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 shares being assessed to lots or tracts of substantially comparable size and value with consideration for their proximity to the Courtyards at Cornerstone Drainage Improvements, as follows:

Lots 1 through 24, Block 1, and Lots 1 through 9, Block 2; Courtyards at Cornerstone shall each pay $60/10000$ of the total cost payable by the Benefit District; Lots 1 through 7, Block 3, Lots 1 through 12, Block 4, and Lots 1 through 6, Block 5; Courtyards at Cornerstone shall each pay $61/10000$ of the total cost payable by the Benefit District; Unplatted Tract 1 – Future Phase shall pay $1721/10000$ of the total cost payable by the Benefit District; Unplatted Tract 2 – Future Residential shall pay $2268/10000$ of the total cost payable by the Benefit District; Lots 1 through 16, Block A, and Lots 1 through 13, Block B; Cornerstone Fifth Addition shall each pay $52/10000$ of the total cost payable by the Benefit District.

In the event all or part of the lots or tracts in the Courtyards at Cornerstone 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 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 Courtyards at Cornerstone Drainage Improvements, as between the Courtyards at Cornerstone Drainage Improvements Benefit District and the City-at-Large, is that One Hundred Percent (100%) of the costs shall be assessed against the proposed Courtyards at

Cornerstone Drainage Improvements Benefit District, and Zero Percent (0%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Courtyards at Cornerstone Water Improvements, Courtyards at Cornerstone Sewer Improvements, Courtyards at Cornerstone Paving Improvements and Courtyards at Cornerstone 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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Susan C. Renner, City Clerk

ATTEST:



Ronnie Price, Mayor

CITY OF ANDOVER, KANSAS

PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover,
Kansas on the 26th day of April, 2022.