

(Published in *The Augusta Daily Gazette* on September 1, 2012)

ORDINANCE NO. 1516

AN ORDINANCE AUTHORIZING A WATER MAIN DESIGN PROJECT IN THE CITY OF ANDOVER, KANSAS, AS HERETOFORE DETERMINED ADVISABLE AND AUTHORIZED TO BE MADE BY RESOLUTION NO. 12-10 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 PROJECT; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PAYMENT OF THE COSTS OF SAID PROJECT.

WHEREAS, the governing body of the City of Andover, Kansas (the "City") has heretofore by Resolution No. 12-10 (the "Authorizing Resolution"), duly adopted this August 28, 2012, and to be published in the City's official newspaper as required by law on September 1, 2012, found and determined it to be advisable and authorized the Water Main Design Project in the City, as provided by K.S.A. 12-6a01, *et seq.*, as amended and supplemented, at a total estimated cost of \$19,762, which costs will be levied and assessed, in part, against properties benefiting from the Water Main Design Project; and

WHEREAS, the governing body of the City, upon an examination thereof, has considered and found and determined a certain subject petition filed on August 24, 2012 (the "Petition") 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 Water Main Design Project; and

WHEREAS, the governing body of the City has commenced consideration of the Petition (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 Water Main Design Project; 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 Water Main Design Project;

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 Water Main Design Project determined advisable and authorized by the Authorizing Resolution, 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 Water Main Design Project, 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. 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.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas on August 28, 2012.



ATTEST

CITY OF ANDOVER, KANSAS

By [Signature]
Ben Lawrence, Mayor

By [Signature]
Susan C. Renner, City Clerk

I hereby certify that the foregoing is the original ordinance; that said ordinance was passed on the 28 day of August, 2012; that the record of the final vote on its passage is found on page 6 of the minutes from August 28, 2012; that it was published in the Augusta Daily Gazette on the 1 day of September, 2012.

City Clerk [Signature]

EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas, met at the normal meeting place in the City on August 28, 2012, at 7:00 p.m., with the Mayor Ben Lawrence presiding, and the following members of the governing body present: Byron Stout IV, Sheri Geisler, Troy Tabor, Caroline Hale, and Kris Estes

and the following members absent: Clark Nelson

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

A RESOLUTION DETERMINING THE ADVISABILITY OF DESIGNING CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF ANDOVER, KANSAS; SETTING FORTH THE GENERAL NATURE OF THE PROJECT, 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 PROJECT IN ACCORDANCE WITH THE FINDINGS OF THE GOVERNING BODY; AND DIRECTING THE PUBLICATION AND RECORDING OF THIS RESOLUTION (WATER MAIN DESIGN PROJECT).

Thereupon, the Resolution was considered and discussed; and on motion of Council Member Byron Stout, seconded by Council Member Troy Tabor, 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, it was given No. 12-10, 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 A WATER MAIN DESIGN PROJECT IN THE CITY OF ANDOVER, KANSAS, AS HERETOFORE DETERMINED ADVISABLE AND AUTHORIZED TO BE MADE BY RESOLUTION NO. 12-10 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 PROJECT; AUTHORIZING THE ISSUANCE OF
GENERAL OBLIGATION BONDS FOR THE PAYMENT OF THE COSTS OF
SAID PROJECT.

Thereupon, the Ordinance was considered and discussed; and on motion of Council Member Troy Tabor, seconded by Council Member Byron Stout, 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. 1516 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.

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 August 28, 2012 meeting of the governing body of the City of Andover, Kansas.



Susan C. Renner, City Clerk