

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

RTN: City of Andover  
(3) P.O. Box 295  
Andover, KS 67002

RESOLUTION NO. 12-08

A RESOLUTION DETERMINING THE ADVISABILITY OF MAKING CERTAIN 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 (SANITARY SEWER IMPROVEMENTS AND STORM SEWER IMPROVEMENTS).

WHEREAS, on July 26, 2012 and August 22, 2012, respectively, two (2) separate petitions were filed in the Office of the City Clerk of the City of Andover, Kansas (the "City") requesting that certain sanitary and storm sewer improvements be made to serve Lot 1, Block A, The Course at Green Valley Greens 11<sup>th</sup> Addition 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 August 28, 2012, 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 the area liable for assessment for the costs of improvements requested thereby.

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

A. Sanitary Sewer Improvements (the "Sanitary Sewer Improvements")

TWG REF: 382842  
Resolution of Advisability

REC  
COMP  
NUM

*[Handwritten initials and marks]*



BUTLER COUNTY, KS  
REGISTER OF DEEDS  
Marria McCoy

Book: 2013 Page: 12134

Receipt #: 81385  
Pages Recorded: 4

Total Fees: No Charge

Date Recorded: 9/6/2012 1:00:15 PM

(1) The internal improvements are described as and consist of the excavation and construction of a certain lateral sanitary sewer 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 "Sanitary Sewer Improvements").

(2) The estimated or probable costs of the Sanitary Sewer Improvements, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Forty-Two Thousand Dollars (\$42,000) (said cost to be increased at the rate of 1% per month from August 1, 2012).

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

Lot 1, Block A, The Course at Green Valley Greens 11<sup>th</sup> Addition

(the "Benefit District").

(4) The method of assessment proposed for assessing costs of the proposed Sanitary Sewer Improvements to the properties in the proposed benefit district is on a per lot basis 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 or upon a per lot basis, as may be required by the owner.

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 Sanitary 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.

**B. Storm Sewer Improvements (the "Storm Sewer Improvements")**

(1) The internal improvements are described as and consist of the excavation and construction of a certain storm sewer system and related appurtenances necessary to serve the Benefit District in the City of Andover,

Kansas, (such improvements being commonly known as “Storm Sewer Improvements”).

(2) The estimated or probable costs of the Storm Sewer Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Twenty Thousand Dollars (\$20,000) (said cost to be increased at the rate of 1% per month from September 1, 2012).

(3) The extent of the improvement district to be assessed for the costs of the Storm Sewer Improvements shall include and consist of the real property in the Benefit District.

(4) The method of assessment proposed for assessing costs of the proposed Storm Sewer Improvements to the properties in the proposed benefit district is on a per lot basis 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 or upon a per lot basis, as may be required by the owner.

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 Storm 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.

SECTION 2. The Sanitary Sewer Improvements and Storm Sewer 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 August 28, 2012.



CITY OF ANDOVER, KANSAS

  
\_\_\_\_\_  
Ben Lawrence, Mayor

ATTEST:

  
\_\_\_\_\_  
Susan C. Renner, City Clerk