

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

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

RESOLUTION NO. 12-10

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).

WHEREAS, on August 24, 2012, a single petition was filed in the Office of the City Clerk of the City of Andover, Kansas (the "City") a certain Water Main Design Project be made in the City; and

WHEREAS, the aforementioned petition (the "Petition") sets forth (a) the general nature of the project, (b) the estimated or probable costs of the project, (c) the extent of the improvement district to be assessed for the costs of the project, (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 project be done 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 project; and

WHEREAS, the governing body of the City, upon an examination thereof on August 28, 2012, 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 the project 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 undertake a certain Water Main Design Project (hereinafter defined) in the City, and the following findings are hereby made regarding said Water Main Design Project:

- A. Water Main Design Project (the "Water Main Design Project")



BUTLER COUNTY, KS
REGISTER OF DEEDS
Marcia McCoy

Book: 2013 Page: 12135

Receipt #: 61385
Pages Recorded: 4

Total Fees: No Charge

Date Recorded: 9/6/2012 1:00:16 PM

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(1) The project is described as and consists of the preliminary design for the certain water main and related appurtenances necessary to serve the Benefit District (as hereinafter defined) in the City of Andover, Kansas,.

(2) The estimated or probable costs of the Water Main Design Project, as "cost" is defined in subparagraph (d) of K.S.A. 12-6a01, is Nineteen Thousand Seven Hundred Sixty-Two Dollars (\$19,762).

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

Benefit District: The Southeast Quarter of the Southeast Quarter, EXCEPT the west seven hundred (700) feet thereof, in Section 8, Township 27 South, Range 3 East of the Sixth Principal Meridian, Andover, Butler County, Kansas (the "Benefit District")

(the "Benefit District").

The Benefit District does not include all the property that may be deemed benefited by the Water Main Design Project. 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 Water Main Design Project 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 Water Main Design Project to the properties in the proposed benefit district is on a square foot 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 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 Water Main Design Project, as between the Benefit District and the City-at-large, is that Seventy-Six and 75/100 Percent (76.75%) of the costs shall be assessed against the proposed Benefit District, and Twenty-Three and 25/100 Percent (23.25%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Water Main Design Project is 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