

RESOLUTION NO. 13-21

A RESOLUTION SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING TO RECEIVE AND HEAR COMPLAINTS AND OBJECTIONS TO THE PROPOSED SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS IN THE CITY, AS HERETOFORE AUTHORIZED BY RESOLUTION NO. 07-28 (AS AMENDED BY RESOLUTION NOS. 09-16, 09-19, 10-02 AND 10-14), RESOLUTION NO. 07-29 (AS AMENDED BY RESOLUTION NO. 09-20) AND RESOLUTION NO. 12-10; DIRECTING PUBLICATION OF A NOTICE OF PUBLIC HEARING; AND FURTHER DIRECTING THE MAILING OF A NOTICE OF HEARING AND STATEMENT OF COSTS PROPOSED TO BE ASSESSED TO EACH AND ALL OF THE PROPERTY OWNERS LIABLE FOR SUCH SPECIAL ASSESSMENTS.

WHEREAS, the governing body of the City of Andover, Kansas (the "City"), adopted Resolution No. 07-28 on October 9, 2007 and published October 25, 2007, as amended by (i) Resolution No. 09-16 adopted August 11, 2009 and published August 14, 2009, (ii) Resolution No. 09-19 adopted October 13, 2009 and published October 16, 2009, (iii) Resolution No. 10-02 adopted February 23, 2010 and published February 26, 2010, and (iv) Resolution No. 10-14 adopted July 27, 2010 and published July 30, 2010, which authorized the construction of certain Prairie Creek Addition Water Improvements, Prairie Creek Addition Sewer Improvements and Prairie Creek Addition Paving Improvements (collectively, the "Prairie Creek Addition Improvements") in the City, in accordance with K.S.A. 12-6a01 *et seq.*, as supplemented and amended; and

WHEREAS, the governing body of the City of Andover, Kansas (the "City"), adopted Resolution No. 07-29 on October 9, 2007 and published October 25, 2007, as amended by Resolution No. 09-20 adopted October 13, 2009 and published October 16, 2009, which authorized the construction of certain Sanitary Sewer Main Improvements and 13th Street & Prairie Creek Road Paving Phase 1 Improvements (collectively, the "Phase 1 Prairie Creek Addition Improvements") in the City, in accordance with K.S.A. 12-6a01 *et seq.*, as supplemented and amended; and

WHEREAS, the governing body of the City of Andover, Kansas (the "City"), adopted Resolution No. 12-10 on August 28, 2012 and published September 1, 2012, which authorized the Water Main Design Project (the "Water Main Design Project") in the City, in accordance with K.S.A. 12-6a01 *et seq.*, as supplemented and amended; and

WHEREAS, said Prairie Creek Addition Improvements, Phase 1 Prairie Creek Addition Improvements and the Water Main Design Project (collectively, the "Improvements") are now completed, and a Certification of Total Final Costs and Assessment Roll for said Improvements has been prepared, and has been presented to and approved by the governing body; and

WHEREAS, it is necessary to hold a public hearing to receive complaints and objections to the proposed special assessments for the costs of said Improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. Authorization of Public Hearing. It is hereby authorized, ordered and directed that a public hearing to receive and hear complaints and objections to the proposed special assessments for the construction of the Improvements (as defined above) in the City, as heretofore authorized by Resolution No. 07-28 (as amended by Resolution No. 09-16, 09-19, 10-02 and 10-14), Resolution No. 07-29 (as amended by Resolution No. 09-20) and Resolution No. 12-10 shall be held at the usual meeting place, Andover, Kansas, at 7:00 P.M., on Tuesday, July 30, 2013.

SECTION 2. Authorization of Publication of Notice of Public Hearing. The City Clerk is hereby authorized, ordered and directed to cause the publication of a Notice of Public Hearing, in the form and manner required by law, in the City's official newspaper one time on July 13, 2013, said date being at least Ten (10) days prior to the date of the hearing.

SECTION 3. Authorization of Mail Notice of Public Hearing and Statement of Cost. The City Clerk is hereby further authorized, ordered and directed to cause to be mailed, by first class United States Mail, postage prepaid, a "Notice of Public Hearing and Statement of Cost Proposed to be Assessed", in the form and manner required by law, to each and all of the property owners liable for said special assessments, at their last known post office address of record, on the same day as the publication of the Notice of Public Hearing required by Section 2 hereof.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas, on, July 9, 2013.

CITY OF ANDOVER, KANSAS

[seal]

By _____
Ben Lawrence, Mayor

ATTEST:

By _____
Susan C. Renner, City Clerk

EXCERPT OF MINUTES

The City Council of the City of Andover, Kansas, met in regular session, at the usual meeting place in said City on July 9, 2013, at 7:00 P.M., with Ben Lawrence, Mayor, presiding, and the following members present: Troy Tabor, Sheri Geisler, Clark Nelson, Caroline Hale, Kris Estes, and Byron Stout IV

The following members were absent: n/a

Thereupon, there was presented to the governing body a Resolution entitled:

A RESOLUTION SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING TO RECEIVE AND HEAR COMPLAINTS AND OBJECTIONS TO THE PROPOSED SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS IN THE CITY, AS HERETOFORE AUTHORIZED BY RESOLUTION NO. 07-28 (AS AMENDED BY RESOLUTION NOS. 09-16, 09-19, 10-02 AND 10-14), RESOLUTION NO. 07-29 (AS AMENDED BY RESOLUTION NO. 09-20) AND RESOLUTION NO. 12-10; DIRECTING PUBLICATION OF A NOTICE OF PUBLIC HEARING; AND FURTHER DIRECTING THE MAILING OF A NOTICE OF HEARING AND STATEMENT OF COSTS PROPOSED TO BE ASSESSED TO EACH AND ALL OF THE PROPERTY OWNERS LIABLE FOR SUCH SPECIAL ASSESSMENTS.

After discussion, upon motion by Council Member Byron Stout, seconded by Council Member Caroline Hale, the Resolution was passed by a majority of the members present.

A majority of the members having voted in favor of the passage of said Resolution, it was designated Resolution No. 13-21 and was ordered to be executed by the Mayor and by the City Clerk.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the July 9, 2013, meeting of the governing body of the City of Andover, Kansas.

[seal]

Susan C. Renner, City Clerk