

(Published in *The Augusta Daily Gazette* on August 3, 2013)

ORDINANCE NO. 1544

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS, LEVYING SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE CITY, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS BENEFITING SUCH REAL PROPERTIES; PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL ASSESSMENT TAXES BY PUBLICATION AND MAILING; AND PROVIDING FOR THE COLLECTION OF SAID SPECIAL ASSESSMENT TAXES. (PRAIRIE CREEK ADDITION IMPROVEMENTS, PHASE 1 PRAIRIE CREEK ADDITION IMPROVEMENTS AND WATER MAIN DESIGN PROJECT).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. For the purpose of paying the benefit districts' \$3,313,900.00 combined portions of the \$3,330,951.84 total local share of the costs of the following described improvements:

(1) The construction of water, sewer, and paving improvements, as authorized by Resolution No. 07-28, duly adopted 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 (the "Prairie Creek Addition Improvements"); and

(2) The construction of sewer and paving improvements, as authorized by Resolution No. 07-29, duly adopted October 9, 2007 and published October 25, 2007 as amended by Resolution No. 09-20 adopted October 13, 2009 and published October 16, 2009 (the "Phase 1 Prairie Creek Addition Improvements"); and

(3) The design of the water main, as authorized by Resolution No. 12-10, duly adopted August 28, 2012 and published September 1, 2012 (the "Water Main Design Project")

to the City of Andover, Kansas (the "City"), there are hereby levied and assessed against the properties liable therefor, the several amounts set forth below following the description of each lot, piece or parcel of land situated in the City of Andover, Butler County, Kansas, which are liable for assessment for said costs:

PRAIRIE CREEK ADDITION IMPROVEMENTS

<u>Legal Description</u>	<u>Water</u>	<u>Sewer</u>	<u>Paving</u>
Prairie Creek Addition:			
Block A, Lots 1 through 13, inclusive	\$2,988.00 each	\$2,729.52 each	\$12,110.00 each
Block B, Lots 1 through 21, inclusive	\$2,988.00 each	\$2,729.52 each	\$12,110.00 each
Block C, Lots 1 through 15, inclusive	\$2,988.00 each	\$2,729.52 each	\$12,110.00 each
Block D, Lots 1 through 51, inclusive	\$2,988.00 each	\$2,729.52 each	\$12,110.00 each
Unplatted Tract D (as defined below)	N/A	\$13,647.62	N/A

PHASE 1 PRAIRIE CREEK ADDITION IMPROVEMENTS

<u>Legal Description</u>	<u>Sewer</u>	<u>Paving</u>
Prairie Creek Addition:		
Block A, Lots 1 through 13, inclusive	\$358.28 each	\$2,853.26 each
Block B, Lots 1 through 21, inclusive	\$358.28 each	\$2,853.26 each
Block C, Lots 1 through 15, inclusive	\$358.28 each	\$2,853.26 each
Block D, Lots 1 through 51, inclusive	\$358.28 each	\$2,853.26 each
Unplatted Tract U1 (as defined below)	N/A	\$21,719.46
Unplatted Tract U1A (as defined below)	\$2,717.52	N/A
Unplatted Tract U2 (as defined below)	\$23,350.73	\$186,635.33
Unplatted Tract U3 (as defined below)	\$80,787.07	\$646,717.17
Unplatted Tract A (as defined below)	\$2,710.76	\$21,666.13
Unplatted Tract B/1 (as defined below)	\$3,185.65	\$25,452.70
Unplatted Tract B/2 (as defined below)	\$1,882.66	\$15,052.96
Unplatted Tract C (as defined below)	N/A	\$38,279.04
Unplatted Tract D (as defined below)	\$1,255.67	\$10,039.75

<u>Legal Description</u>	<u>Sewer</u>	<u>Paving</u>
Unplatted Tract E (as defined below)	N/A	\$5,386.53
Unplatted Tract F (as defined below)	\$2,673.58	\$21,372.80
Unplatted Tract G (as defined below)	\$691.21	\$5,519.86
Unplatted Tract I (as defined below)	\$1,441.57	\$11,519.71
Unplatted Tract K/1 (as defined below)	\$4,831.71	\$38,612.37
Unplatted Tract K/3 (as defined below)	\$7,643.87	N/A

*WATER MAIN DESIGN IMPROVEMENTS*

<u>Legal Description</u>	<u>Water Main Design</u>
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	\$15,200.00

SECTION 2. For purposes of the levy and assessments set forth in this Ordinance, references to unplatted tracts shall mean the following parcels:

UNPLATTED TRACT U1: That part of the SW ¼ of Sec. 9, Twp. 27-S, R-3-E of the 6<sup>th</sup> P.M., Butler County, Kansas described as follows: Beginning at the SW corner of said SW ¼; thence N00°03'10"E along the west line of said SW ¼, 931.23 feet; thence N56°44'04"E, 972.38 feet; thence S68°26'39"E, 734.02 feet to a point on a curve to the right; thence southwesterly along said curve, having a central angle of 06°48'27" and a radius of 1033.00 feet, an arc distance of 122.73 feet, (having a chord length of 122.66 feet bearing S27°35'25"W), to the P.T. of said curve; thence S30°59'38"W, 369.48 feet; thence S69°00'22"E, 331.98 feet; thence S18°11'31"W, 285.75 feet; thence S00°08'55"W, 380.95 feet to a point on the south line of said SW ¼; thence N89°55'35"W, along the south line of said SW ¼, 1469.26 feet to the point of beginning, TOGETHER with that part of the SE ¼ of Sec. 8, Twp. 27-S, R-3-E of the 6<sup>th</sup> P.M., Butler County, Kansas described as follows: Beginning at the SE corner of said SE ¼; thence westerly along the south line of said SE ¼, 624.81 feet, more or less, to a point 700.00 feet normally distant east of the west line of the SE ¼ of said SE ¼; thence northerly parallel with the west line of the SE ¼ of said SE ¼, 310.01 feet to a point 310.00 feet normally distant north of the south line of said SE ¼; thence easterly parallel

with the south line of said SE ¼, 624.35 feet, more or less, to a point on the east line of said SE ¼; thence southerly along the east line of said SE ¼, 310.01 feet to the point of beginning, all being subject to road rights-of-way of record. (Being platted as Prairie Creek Addition: Block A, Lots 1 through 13, inclusive; Block B, Lots 1 through 21, inclusive; Block C, Lots 1 through 15, inclusive; Block D, Lots 1 through 51, inclusive and Block E, Lot 1) (“Unplatted Tract U1”).

Unplatted Tract U1A: That part of the SE ¼ of Sec. 8, Twp. 27-S, R-3-E of the 6<sup>th</sup> P.M., Butler County, Kansas described as follows: Beginning at the SE corner of said SE ¼; thence westerly along the south line of said SE ¼, 624.81 feet, more or less, to a point 700.00 feet normally distant east of the west line of the SE ¼ of said SE ¼; thence northerly parallel with the west line of the SE ¼ of said SE ¼, 310.01 feet to a point 310.00 feet normally distant north of the south line of said SE ¼; thence easterly parallel with the south line of said SE ¼, 624.35 feet, more or less, to a point on the east line of said SE ¼; thence southerly along the east line of said SE ¼, 310.01 feet to the point of beginning, all being subject to road rights-of-way of record (“Unplatted Tract U1A”).

UNPLATTED TRACT U2: That part of the SW ¼ of Sec. 9, Twp. 27-S, R-3-E of the 6<sup>th</sup> P.M., Butler County, Kansas described as follows: Beginning at the SE corner of said SW ¼; thence N89°55'35"W along the South line of said SW ¼, 1179.61 feet to the intersection with the southerly extension of the east line of Block A, Prairie Creek Addition, Andover, Butler County, Kansas; thence N00°08'55"E along said extended east line, 380.96 feet to a deflection corner in said east line; thence N18°11'31"E along the east line of said Block A, 285.75 feet to the NE corner of Lot 11 in said Block A; thence N69°00'22"W along the north line of said Block A, 331.98 feet to the NW corner of Lot 13 in said Block A, said NW corner also being on the southeasterly right-of-way line of Limestone St. as dedicated in said Prairie Creek Addition; thence N30°59'38"E along said southeasterly right-of-way line, 369.48 feet to the P.C. of a curve to the left in said southeasterly right-of-way line; thence northeasterly along said curve, having a central angle of 06°48'27" and a radius of 1033.00 feet, an arc distance of 122.73 feet, (having a chord length of 122.66 feet bearing N27°35'25"E); thence S68°26'39"E along the southeasterly extension of the northeast line of Reserve "B" in said Prairie Creek Addition, 1238.61 feet to a point on the east line of the SW ¼ of said Sec. 9; thence S00°01'24"E along the east line of said SW ¼, 743.25 feet to the point of beginning, subject to road rights-of-way of record (“Unplatted Tract U2”).

UNPLATTED TRACT U3: That part of the SW ¼ of Sec. 9, Twp. 27-S, R-3-E of the 6<sup>th</sup> P.M., Butler County, Kansas described as follows: Beginning at the NW corner of said SW ¼; thence S89°56'37"E along the north line of said SW ¼, 2645.34 feet to the NE corner of said SW ¼; thence S00°01'24"E along the east line of said SW ¼, 1911.36 feet to the intersection with the southeasterly extension of the northeast line of Reserve "B", Prairie Creek Addition, Andover, Butler County, Kansas; thence N68°26'39"W along said extended northeast line

and along the northeast line of Block B, in said Prairie Creek Addition, 1972.63 feet to a deflection corner in the north line of Lot 16 in said Block B; thence S56°44'04"W along the northwest line of said Block B, 972.38 feet to a point on the west line of the SW ¼ of said Sec.9; thence N00°03'10"E along the east line of said SW ¼, 1722.57 feet to the point of beginning, all being subject to road rights-of-way of record ("Unplatted Tract U3").

UNPLATTED TRACT A: The North 250 feet of the East 583 feet of the following: The West Half of the Northeast Quarter of Section 17, Township 27 South, Range 3 East of the 6<sup>th</sup> P.M., in Butler County, Kansas ("Unplatted Tract A").

UNPLATTED TRACT B/1: The North 250 feet of the following: The Northeast Quarter of the Northeast Quarter lying South of the Old Railroad Right of Way in Section 17, Township 27 South, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Kansas ("Unplatted Tract B/1").

UNPLATTED TRACT B/2: The North 250 feet of the following: The Northeast Quarter of the Northeast Quarter lying North of the Old Railroad Right of Way in Section 17, Township 27 South, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Kansas ("Unplatted Tract B/2").

UNPLATTED TRACT C: The North 250 feet of the following: All that part of the Northwest Quarter of the Northwest Quarter of Section Numbered 16, Township Numbered 27 South, Range Numbered 3 East of the 6<sup>th</sup> P.M., Butler County, Kansas, that is North of the Northern right-of-way line of the Burlington Northern Railroad EXCEPT Beginning at the Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section Numbered 16, Township Numbered 27 South, Range Numbered 3 East of the 6<sup>th</sup> P.M., in Butler County, Kansas; thence south along the east line of said Quarter-Quarter, a distance of 604 feet; thence west parallel with the North line of said Quarter-Quarter, a distance of 450 feet; thence North parallel with said East line, a distance of 304 feet; thence East parallel with said North line, a distance of 180 feet; thence North parallel with said East line, a distance of 300 feet, to a point on said North line; thence East 270 feet to the point of beginning ("Unplatted Tract C").

UNPLATTED TRACT D: The North 250 feet of the following: Beginning at the Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section Numbered 16, Township Numbered 27 South, Range Numbered 3 East of the 6<sup>th</sup> P.M., in Butler County, Kansas; thence south along the east line of said Quarter-Quarter, a distance of 604 feet; thence west parallel with the North line of said Quarter-Quarter, a distance of 450 feet; thence North parallel with said East line, a distance of 304 feet; thence East parallel with said North line, a distance of 180 feet; thence North parallel with said East line, a distance of 300 feet, to a point on said North line; thence East 270 feet to the point of beginning ("Unplatted Tract D").

UNPLATTED TRACT E: The North 250 feet of the West 145 feet of the following: The Northeast Quarter of the Northwest Quarter EXCEPT that part deeded to Saint Louis, Wichita, and Western Railway Company in deed recorded in Volume 161 at Page 124, in Section 16, Township 27 South, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Kansas (“Unplatted Tract E”).

UNPLATTED TRACT F: The South 250 feet of the following described tracts: Beginning at the Southeast Corner of the West Half of the Southeast Quarter of Section 8, Township 27 South, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Kansas; thence West 508 feet; thence North 437 feet to the Frisco Right of Way; thence South and East along the Frisco Right of Way to the East Line of said West Half of the Southeast Quarter; thence South 230 feet to the point of beginning, Butler County, Kansas. TOGETHER WITH Beginning at a point 508 feet West of the Southeast Corner of the West Half of the Southeast Quarter of Section Numbered 8, Township Numbered 27 South, Range Numbered 3 East of the 6<sup>th</sup> P.M., thence North 290.4 feet; thence West 75 feet; thence South 290.4 feet; thence East 75 feet, to the place of beginning, Butler County, Kansas (“Unplatted Tract F”).

UNPLATTED TRACT G: Beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 8, Township 27 South, Range 3 East of the 6<sup>th</sup> P.M.; thence North 207.67 feet to the Southerly Right of Way of the St. Louis and San Francisco Railroad, thence Southeasterly along said Right of Way 487.60 feet to the South line of said Southeast Quarter, thence West 441.55 feet to the point of beginning, Butler County, Kansas (“Unplatted Tract G”).

UNPLATTED TRACT I: The South 250 feet of the following: The West 700 feet of the Southeast Quarter of the Southeast Quarter, lying north of the Old Railroad right of way in Section Numbered 8, Township Numbered 27 South, Range Numbered 3 East of the 6<sup>th</sup> P.M., in Butler County, Kansas (“Unplatted Tract I”).

UNPLATTED TRACT K/1: That part of the SE ¼ of Sec. 8, Twp. 27-S, R-3-E of the 6<sup>th</sup> P.M., Butler County, Kansas described as follows: Commencing at the SE corner of said SE ¼; thence northerly along the east line of said SE ¼, 310.01 feet to a point 310.00 feet normally distant north of the south line of said SE ¼, and for a point of beginning; thence continuing northerly along the east line of said SE ¼, 621.22 feet; thence southwesterly with a deflection angle to the left of 123°19'07”, 746.79 feet, more or less, to a point 700.00 feet normally distant east of the west line of the SE ¼ of said SE ¼; thence southerly parallel with the west line of the SE ¼ of said SE ¼, 205.81 feet to a point 310.00 feet normally distant north of the south line of said SE ¼; thence easterly parallel with the south line of said SE ¼, 624.35 feet, more or less, to the point of beginning, subject to road rights-of-way of record (“Unplatted Tract K/1”).

UNPLATTED TRACT K/3 That part of the SE ¼ of Sec. 8, Twp. 27-S, R-3-E of the 6<sup>th</sup> P.M., Butler County, Kansas described as follows: Commencing at the SE corner of said SE ¼; thence northerly along the east line of said SE ¼, 310.01 feet to a point 310.00 feet normally distant north of the south line of said SE ¼; thence continuing northerly along the east line of said SE ¼, 621.22 feet for a point of beginning; thence southwesterly with a deflection angle to the left of 123°19'07", 746.79 feet, more or less, to a point 700.00 feet normally distant east of the west line of the SE ¼ of said SE ¼; thence northerly parallel with the west line of the SE ¼ of said SE ¼, 810.82 feet to a point on the north line of the SE ¼ of said SE ¼; thence easterly along the north line of the SE ¼ of said SE ¼, 622.91 feet to the NE corner of the SE ¼ of said SE ¼; thence southerly along the east line of said SE ¼, 395.74 feet, more or less, to the point of beginning, subject to road rights-of-way of record ("Unplatted Tract K/3")

SECTION 3. The amounts so levied and assessed as set forth above shall be due and payable from and after the date of adoption of this Ordinance; and the City Clerk shall notify each and all of the owners of the above described properties, insofar as known to the City Clerk and at their last known post office address, of the amounts of their respective special assessments; and said notice shall further state that the owners of the properties will be given a period until Noon on Thursday, August 29, 2013, during which the special assessments may be paid in full at the Andover City Hall, 1609 E. Central, Andover, Kansas, and the lien against any property for which the special assessment is paid shall thereupon be discharged and satisfied. Said notice shall further state that for any assessments not paid by the specified date and time, general obligation bonds of the City, payable in installments over a period of twenty years, will be issued, and the principal amount of the unpaid assessments, together with interest of the unpaid principal balance thereof at a rate equal to the average annual interest rate on such general obligation bonds (such rate not to exceed the maximum rate allowed on such general obligation bonds by the laws of the State of Kansas) will be certified to the County Clerk of Butler County, Kansas for the aforesaid number of years, and will be levied against the property liable therefor in the same form and manner as, and will be collected at such time as is customary for, the levying and collecting of ad valorem property taxes, and the taxes so collected will be used for the purpose of paying the principal of and the interest on such general obligation bonds as they mature and become due. The first such levy shall be made in November 2014.

SECTION 4. The Mayor and City Clerk are hereby authorized and directed to take all such other actions not inconsistent herewith as may be appropriate or desirable to accomplish the purposes contemplated by this Ordinance.

SECTION 5. This Ordinance shall be in force and take effect from and after its passage, approval and publication one time in the City's official newspaper.

*[Remainder of Page Intentionally Left Blank]*

ADOPTED, PASSED AND APPROVED by the governing body of the City of Andover, Kansas on July 30, 2013.



CITY OF ANDOVER, KANSAS

By [Signature]  
Ben Lawrence, Mayor

ATTEST:

By [Signature]  
Susan C. Renner, City Clerk

I hereby certify that the foregoing is the original ordinance; that said ordinance was passed on the 30<sup>th</sup> day of JULY, 2013; that the record of the final vote on its passage is found on page 30 of the minutes from JULY 30, 2013; that it was published in the Augusta Daily Gazette on the 30<sup>th</sup> day of AUGUST, 2013.

City Clerk [Signature]



## EXCERPT OF MINUTES

The governing body of the City of Andover, Kansas met in regular session, at the usual meeting place in the City on July 30, 2013 at 7:00 p.m., with Mayor Ben Lawrence presiding, and the following members of the governing body present: Troy Tabor, Sheri Geisler, Clark Nelson, Caroline Hale, Kris Estes, and Byron Stout IV

and the following members absent: n/a

Thereupon, pursuant to duly published and mailed notice, there came on the agenda a public hearing for the purpose of hearing and considering any and all written and/or oral complaints and objections to the proposed assessments contained in the Assessment Rolls on file in the Office of the City Clerk for the costs of the (i) Prairie Creek Addition Improvements, as authorized by Resolution No. 07-28, duly adopted 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, (ii) Phase 1 Prairie Creek Addition Improvements, as authorized by Resolution No. 07-29, duly adopted October 9, 2007 and published October 25, 2007 as amended by Resolution No. 09-20 adopted October 13, 2009 and published October 16, 2009 and (iii) Water Main Design Project, as authorized by Resolution No. 12-10, duly adopted August 28, 2012 and published September 1, 2012.

It was determined by the governing body that Notice of the Hearing was duly published one time in the official newspaper of the City as required by law, and that Notice of Hearing and Statement of Cost Proposed to be Assessed was mailed to each and all of the owners of the properties liable for the proposed assessments prior to July 12, 2013, such publication having been accomplished on July 13, 2013, as required and provided by K.S.A. 12-6a09.

Thereupon, the Mayor announced that any and all written or oral complaints and objections from property owners to the several assessments as set forth in the Assessment Rolls would now be heard and considered by the governing body.

After full discussion and consideration and the hearing of any and all complaints or objections to the several assessments contained in the Assessment Rolls, it was determined that all of the individual assessments, shall be levied in the manner provided by law, and that the special assessments shall be certified to the Butler County Clerk for a period of twenty years, commencing November 2014.

In accordance with such determination, there came on for consideration the following Ordinance:

AN ORDINANCE OF THE CITY OF ANDOVER, KANSAS, LEVYING SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE CITY, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS BENEFITING SUCH REAL PROPERTIES; PROVIDING FOR THE GIVING OF NOTICE OF SAID SPECIAL ASSESSMENT TAXES BY PUBLICATION AND MAILING; AND PROVIDING FOR THE COLLECTION OF SAID SPECIAL ASSESSMENT TAXES. (PRAIRIE CREEK ADDITION IMPROVEMENTS, PHASE 1 PRAIRIE CREEK ADDITION IMPROVEMENTS AND WATER MAIN DESIGN PROJECT).

After discussion, upon the motion of Council Member Troy Tabor, seconded by Council Member by Council Member Byron Stout, each section of the Ordinance was adopted by a majority vote of the members elect.

Thereupon, the Ordinance, having been adopted by a majority vote of the members of the governing body, it was given No. 1544, and was directed to be signed by the Mayor and attested by the City Clerk. The City Clerk was directed to cause the publication of the Ordinance one time in the City's official newspaper as set forth therein and required by law; and was further directed to cause to be mailed on the same day as said publication, a Notice of Assessment to each and all of the property owners liable for the assessments contained therein, all in the form and manner required by law and as provided in the Ordinance.

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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 30, 2013 meeting of the governing body of the City of Andover, Kansas.



  
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Susan C. Renner, City Clerk