

(Published in *The Augusta Daily Gazette* on September 14, 2013)

RESOLUTION NO. 13-26

A RESOLUTION DETERMINING THE ADVISABILITY OF MAKING CERTAIN INTERNAL 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 (CORNERSTONE FOURTH ADDITION WATER IMPROVEMENTS, CORNERSTONE FOURTH ADDITION SEWER IMPROVEMENTS AND CORNERSTONE FOURTH ADDITION PAVING AND STORM WATER SEWER IMPROVEMENTS).

WHEREAS, on September 4, 2013, three petitions were filed in the Office of the City Clerk of the City of Andover, Kansas (the "City") requesting that certain water, sewer, paving and storm water sewer improvements be made to the Cornerstone Fourth 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 September 10, 2013, 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 of 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 Improvements (hereinafter defined) in the City, and the following findings are hereby made regarding said Improvements:

A. Cornerstone Fourth Addition Water Improvements (the “Cornerstone Fourth Addition Water Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of certain water distribution 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 “Cornerstone Fourth Addition Water Improvements”).

(2) The estimated or probable costs of the Cornerstone Fourth Addition Water Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is One Hundred Seven Thousand Dollars (\$107,000) (said cost may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the rate of 1% per month from and after August 1, 2013).

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

- Cornerstone Fourth Addition
 - Block 1, Lots 1 through 8, inclusive
 - Block 2, Lots 1 through 14, inclusive
 - Block 2, Lots 17 through 22, inclusive
 - Block 3, Lots 1 through 9, inclusive

(collectively the “Benefit District”).

The Benefit District does not include all the property that may be deemed benefited by the Cornerstone Fourth Addition Water Improvements. 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 Cornerstone Fourth Addition Water Improvements 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 Cornerstone Fourth Addition Water Improvements to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot 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. 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 Cornerstone Fourth Addition Water 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. Cornerstone Fourth Addition Sewer Improvements (the “Cornerstone Fourth Addition Sewer Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of certain sanitary sewer lateral system and related appurtenances necessary to serve the Benefit District in the City of Andover, Kansas, (such improvements being commonly known as “Cornerstone Fourth Addition Sewer Improvements”).

(2) The estimated or probable costs of the Cornerstone Fourth Addition Sewer Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Three Hundred Eight Thousand Dollars (\$308,000) (said cost may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the rate of 1% per month from and after August 1, 2013).

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

The Benefit District does not include all the property that may be deemed benefited by Cornerstone Fourth Addition Sewer Improvements. 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 Cornerstone Fourth Addition Sewer Improvements 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 Cornerstone Fourth Addition Sewer Improvements to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot 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. 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 Cornerstone Fourth Addition 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.

C. Cornerstone Fourth Addition Paving and Storm Water Sewer Improvements (the “Cornerstone Fourth Addition Paving and Storm Water Sewer Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of street and drainage improvements and related appurtenances necessary such as paving on Lakeview Ct. (from the north line of Cornerstone Parkway to a point approximately 250 feet north), Silverdale St. (from the southeast corner of Lot 1, Block 1, The Cornerstone Fourth Addition to the southwest corner of Lot 1, Block 2, The Cornerstone Fourth Addition), Candle Star Court (from the eastern edge of Silverdale Street to a point approximately 60 feet north) and on Silverdale Court (from the north edge of Silverdale Street to a point approximately 60 feet north) to serve the Benefit District in the City of Andover, Kansas, (such improvements being commonly known as “Cornerstone Fourth Addition Paving and Storm Water Sewer Improvements”).

(2) The estimated or probable costs of the Cornerstone Fourth Addition Paving and Storm Water Sewer Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is Five Hundred Sixty Thousand Dollars (\$560,000) (said cost may be increased to include temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the rate of 1% per month from and after August 1, 2013).

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

The Benefit District does not include all the property that may be deemed benefited by the Cornerstone Fourth Addition Paving and Storm Water Sewer Improvements. 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 Cornerstone Fourth Addition Paving and Storm Water Sewer Improvements 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 Cornerstone Fourth Addition Paving and Storm Water Sewer Improvements to the properties in the proposed benefit district is that all the lots shall pay an equal share per lot 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. 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 Cornerstone Fourth Addition Paving and Storm Water 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 Cornerstone Fourth Addition Water Improvements, Cornerstone Fourth Addition Sewer Improvements, Cornerstone Fourth Addition Paving and Storm Water Sewer Improvements (collectively herein, the "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 September 10, 2013.

CITY OF ANDOVER, KANSAS

[seal]

Ben Lawrence, Mayor

ATTEST:

Susan C. Renner, City Clerk