

After recording, return to:

City of Andover, Kansas
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at www.andoverks.com on May 21, 2022)

RESOLUTION NO. 22-10

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 (LAKEVIEW HEIGHTS PAVING IMPROVEMENTS).

WHEREAS, on April 11, 2022 one petition (the "Petition") was filed in the Office of the City Clerk of the City of Andover, Kansas (the "City"), requesting that certain paving improvements be made to the Lakeview Heights Addition in the City; and

WHEREAS, the aforementioned Petition 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, and (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

WHEREAS, the governing body of the City, upon an examination thereof on May 10, 2022, has considered and found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of a majority of the area liable for assessment for the costs of improvements requested thereby.

NOW, 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. Lakeview Heights Paving Improvements (the “Lakeview Heights Paving Improvements”)

(1) The internal improvements are described as and consist of the excavation and construction of paving improvements and related appurtenances necessary to serve the Benefit District (as hereinafter defined) in the City of Andover, Kansas (such improvements being commonly known as “Lakeview Heights Paving Improvements”).

(2) The estimated or probable costs of the Lakeview Heights Paving Improvements, as “cost” is defined in subparagraph (d) of K.S.A. 12-6a01, is One Nine Hundred Sixty-Four Thousand Dollars (\$1,964,000) (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 March 1, 2022).

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

LAKEVIEW HEIGHTS ADDITION:

Block B, Lots 1-6, inclusive
Block C, Lots 1-13, inclusive
Block D, Lots 1-11, inclusive
Block E, Lots 1-17, inclusive
Block F, Lots 1-4, 7, inclusive
Block G, Lots 1-4, inclusive

(collectively, the “Benefit District”).

(4) The method of assessment proposed for assessing costs of the proposed Lakeview Heights Paving 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 Lakeview Heights Paving Improvements, as between the Benefit District and the City-at-Large, is that Forty-Three Percent (43%) of the costs shall be assessed against the proposed Benefit District, and Fifty-Seven Percent (57%) of the cost shall be apportioned to the City-at-Large.

SECTION 2. The Lakeview Heights Paving 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 the 10th day of May, 2022.

CITY OF ANDOVER, KANSAS



Ronnie Price, Mayor



Susan C. Renner, City Clerk