

ORDINANCE NO. 2615

AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE REASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NOS. 2114, 2326, AND 2435 OF THE CITY OF DERBY, KANSAS TO PAY THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS IN THE SPRING RIDGE 4TH ADDITION, DERBY, SEDGWICK COUNTY, KANSAS.

WHEREAS, the governing body of the City of Derby, Kansas (the "City"), pursuant to K.S.A. 12-6a01 et seq. (the "Act") and Resolution Nos. 17-2009, 20-2016, 28-1018, 29-2018, and 30-2018 of the City has heretofore authorized certain internal improvements known as follows to be constructed within the City (the "Improvements"):

- STREET AND DRAINAGE IMP SPRING RIDGE ADD PHASE 3 (Res. No. 17-2009)
- DRAINAGE PHASE 3A/SPRING RIDGE ADD PROJ #8 (Res. No. 20-2016)
- WATER MAIN IMP PHASE 1 PART 1 SPRING RIDGE 3RD ADD (Res. No. 28-2018)
- PAVING AND SANITARY SEWER IMP PHASE 1 PART 2 SPRING RIDGE 3RD ADD (Res. No. 29-2018)
- DRAINAGE IMP PHASE 1 PART 1 SPRING RIDGE 3RD ADD (Res. No. 30-2018)

WHEREAS, the governing body of the City, pursuant to Ordinance Nos. 2114, 2326, and 2435 of the City, has levied and assessed a portion of the costs of the Improvements against the following properties benefitted by such Improvements (the "Original Lots"):

Lots 1 through 9, Block 4, SPRING RIDGE 3rd ADDITION and Lot 37, Block 8 of the SPRING RIDGE 3RD ADDITION, and Lots 20 through 31, Block 3 of SPRING RIDGE 3RD ADDITION, Derby, Sedgwick County, Kansas; and

WHEREAS, a portion of the Original Lots have been replatted into Lot 9, Block A, SPRING RIDGE 4TH Addition, Derby, Sedgwick County, Kansas and Lots 13 through 24, Block D, SPRING RIDGE 4TH Addition, Derby, Sedgwick County, Kansas (the "Replatted Lots"); and

WHEREAS, the City has received an Agreement proposing modification and re-assessment of the assessments levied and assessed against the Original Lots to conform to the Replatted Lots; and

WHEREAS, the governing body hereby finds and determines that said Agreement has been executed by all the owners of record of the Original Lots and the Replatted Lots, being all the owners of record liable for the reassessment herein; and

WHEREAS, the governing body finds and determines that it is necessary and advisable to re-assess the amounts levied against the Original Lots and Replatted Lots to conform to the replat thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. The aggregate assessments for the payment of the costs of the Improvements currently levied against the Original Lots are hereby levied and assessed against the Replatted Lots as follows:

- Lot 9, Block A, SPRING RIDGE 4TH Addition, Derby, Sedgwick County, Kansas, Lots 13 through 24, Block D, SPRING RIDGE 4th Addition, Derby, Sedgwick County, Kansas, and Lots 20-31, Block 3, SPRING RIDGE 3RD Addition, Derby, Sedgwick County, Kansas shall each pay 1/25th of the total cost of Res No. 17-2009

- originally assessed against the Original Lots described above, and remaining unpaid; and
- Lot 9, Block A, SPRING RIDGE 4TH Addition, Derby, Sedgwick County, Kansas, Lots 13 through 24, Block D, SPRING RIDGE 4th Addition, Derby, Sedgwick County, Kansas, and Lots 20-31, Block 3, SPRING RIDGE 3RD Addition, Derby, Sedgwick County, Kansas shall each pay 1/25th of the total cost of Res No. 20-2016 originally assessed against the Original Lots described above, and remaining unpaid; and
- Lots 13 through 24, Block D, SPRING RIDGE 4th Addition, Derby, Sedgwick County, Kansas, and Lots 20-31, Block 3, SPRING RIDGE 3RD Addition, Derby, Sedgwick County, Kansas shall each pay 1/24th of the total cost of Res No. 28-2018 originally assessed against the Original Lots described above, and remaining unpaid; and
- Lots 13 through 24, Block D, SPRING RIDGE 4th Addition, Derby, Sedgwick County, Kansas, and Lots 20-31, Block 3, SPRING RIDGE 3RD Addition, Derby, Sedgwick County, Kansas shall each pay 1/24th of the total cost of Res No. 29-2018 originally assessed against the Original Lots described above, and remaining unpaid; and
- Lots 13 through 24, Block D, SPRING RIDGE 4th Addition, Derby, Sedgwick County, Kansas, and Lots 20-31, Block 3, SPRING RIDGE 3RD Addition, Derby, Sedgwick County, Kansas shall each pay 1/24th of the total cost of Res No. 30-2018 originally assessed against the Original Lots described above, and remaining unpaid.

Section 2. The Mayor or other authorized signatory is hereby authorized and directed to execute and deliver the Agreement proposing the re-assessment on behalf of the City in substantially the form presented for review prior to passage of this ordinance, and such other documents, certificates and instruments as may be necessary or desirable to carry out the purposes and intents of this ordinance. The City Clerk is hereby authorized and directed to attest the execution of the Agreement and such other documents, certificates, and instruments as may be necessary or desirable to carry out the intent of this ordinance under the City's corporate seal.

Section 3. This ordinance shall take effect and be in force and effect from and after its passage, approval and publication once in the City's official newspaper. A copy of this ordinance shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

PASSED by the City Council this 14th day of October, 2025, and **SIGNED** by the Mayor.

/s/Mark A. Staats
Mayor

Attest:

/s/Lynn Ciarleglio
City Clerk

Approved as to form:

/s/Jacqueline R. Butler
City Attorney