

ORDINANCE NO. 2517**AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE REASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NO. 2243 AND 2307 OF THE CITY OF DERBY, KANSAS TO PAY THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS IN ANDERSON FARM COMMERCIAL 3RD ADDITION, DERBY, SEDGWICK COUNTY, KANSAS AND BY ORDINANCE NO. 2459 OF THE CITY OF DERBY, KANSAS TO REASSESS THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS IN THE DERBY DESTINATION DEVELOPMENT 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. 9-2015, 13-2015, 14-2015, 15-2015 and 16-2015 of the City has heretofore authorized certain internal improvements known as follows to be constructed within the City (the "Improvements"):

- Anderson Farm Commercial 3rd Addition and USD 260 Middle School Additions – Sewer Improvements (Res. 9-2015)
- Anderson Farm Commercial 3rd Addition – Accel/Decel Lane on West Side of Rock Road (Resolution No. 13-2015);
- Anderson Farm Commercial 3rd Addition and USD 260 Middle School Additions – Left Turn Lane on Rock Road (Resolution No. 14-2015);
- Anderson Farm Commercial 3rd Addition and USD 260 Middle School Additions – Traffic Signalization Improvements (Resolution No. 15-2015);
- Anderson Farm Commercial 3rd Addition – Side-walk Improvements (Resolution No. 16-2015).

WHEREAS, the governing body of the City, pursuant to Ordinance No. 2243, 2307, and 2459 of the City, has levied and assessed a portion of the costs of the Improvements against the following property benefitted by such Improvements (the "Original Lot"):

Lot 1, Block A, Derby Destination Development 2nd Addition, Derby, Sedgwick County, Kansas
and

WHEREAS, the Original Lot has been divided by way of a lot split into Parcel 1A, Lot 1, Block A; Parcel 1C, Lot 1, Block A; and Parcel 1D, Lot 1, Block A (the "Divided Lots"), more particularly described as:

Parcel "1A"

Beginning at the Northeast corner of said Lot 1; thence thence South 00°00'00" East, along the East line of said Lot 1, a distance of 286.96 feet; thence departing said East line, North 90°00'00" West a distance of 250.25 feet to a point on the West line of said Lot 1; thence North 00°00'00" East, along said West line, a distance of 124.67 feet; thence continuing along said West line, northerly, along a curve to the left having a radius of 340.00 feet, a chord bearing of North 14°06'51" West, and a chord length of 165.82 feet for a distance of 167.51 feet to the Northwest corner of said Lot 1; thence North 89°42'33" East, along the North line of said Lot 1, a distance of 290.69 feet to the Point of Beginning, containing 73,770 square feet, or 1.694 acres, more or less. (hereinafter "Parcel 1A"); and

Parcel "1C"

Commencing at the Northeast corner of said Lot 1; thence South 00°00'00" East, along the East line of said Lot 1, a distance of 356.96 feet to the Point of Beginning; thence continuing along said East line, South 00°00'00" East a distance of 348.23 feet; thence departing said East line, North 90°00'00" West a distance of 250.25 feet to a point on the West line of said Lot 1; thence North 00°00'00" East, along said West line, a distance of 348.23 feet; thence departing said West line, North 90°00'00" East a distance of 250.25 feet to the Point of Beginning, containing 87,144 square feet, or 2.001 acres, more or less. (hereinafter "Parcel 1C"); and

Parcel "1D"

Commencing at the Northeast corner of said Lot 1; thence South 00°00'00" East, along the East line of said Lot 1, a distance of 705.19 feet to the Point of Beginning; thence continuing along said East line, South 00°00'00" East a distance of 139.00 feet to the Southeast corner thereof; thence North 90°00'00" West, along the South line of said Lot 1, a distance of 250.25 feet to the Southwest corner thereof; thence North 00°00'00" East, along the West

line of said Lot 1, a distance of 139.00 feet; thence departing said West line, North 90°00'00" East a distance of 250.25 feet to the Point of Beginning, containing 34,784 square feet, or 0.799 acres, more or less. (hereinafter "Parcel 1D").

WHEREAS, the City has received an Agreement proposing modification and re-assessment of the assessments levied and assessed against the Original Lot to conform to the Divided 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 Lot and the Divided 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 Lot to conform to the Divided Lots 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 Lot are hereby levied and assessed against the Divided Lots as **follows**:

- Parcel 1A, Lot 1, Block A, Derby Destination Development 2nd Addition, Derby, Sedgwick County, Kansas, shall pay 38/100 of the total cost of the Improvements originally assessed against the Original Lot described above.
- Parcel 1C, Lot 1, Block A, Derby Destination Development 2nd Addition, Derby, Sedgwick County, Kansas, shall pay 44/100 of the total cost of the Improvements originally assessed against the Original Lot described above.
- Parcel 1D, Lot 1, Block A, Derby Destination Development 2nd Addition, Derby, Sedgwick County, Kansas, shall pay 18/100 of the total cost of the Improvements originally assessed against the Original Lot described above.

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 February, 2023, and **SIGNED** by the Mayor.

(SEAL)

By: /s/Randy White
Title: Mayor

ATTEST:

By: /s/Lynn Ciarleglio
Title: City Clerk

Approved as to form:

/s/Jennifer Hill
Interim City Attorney