

**RESOLUTION NO. 05-2023**

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF DERBY, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (STORM WATER DRAIN IMPROVEMENTS/OAK FOREST 2ND AND OAK FOREST 3RD ADDITIONS).**

**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Derby, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City-at-large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 et seq.; and

**WHEREAS**, the governing body of the City hereby finds and determines that the Petition was signed by the owners of record of more than one-half of the area liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of K.S.A. 12-6a01 et seq. (the "Act").

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:**

**Section 1. Findings of Advisability.** The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements (the "Improvements"):

Construction of storm water drain improvements to serve the Improvement District, all in accordance with City of Derby Standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is: \$108,000.00; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this Resolution.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Lot 2, Oak Forest 2nd Addition to the City of Derby, Sedgwick County, Kansas; and Lot 1, Oak Forest 3rd Addition to the City of Derby, Sedgwick County, Kansas.

(d) The method of assessment is on a fractional basis, as follows: Lot 2, Oak Forest 2nd Addition to the City of Derby, Sedgwick County, Kansas, shall be assessed 7/12 of the total costs of the Improvements; and Lot 1, Oak Forest 3rd Addition to the City of Derby, Sedgwick County, Kansas, shall be assessed 5/12 of the total costs of the Improvements.

In the event all or part of the lots or parcels in the proposed Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The proposed apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Section 2. Authorization of Improvements.** The abovesaid Improvements are hereby authorized and ordered to be made in accordance with the findings of the governing body of the City as set forth in *Section 1* of this Resolution.

**Section 3. Bond Authority; Reimbursement.** The Act provides for the costs of the Improvements, interest on interim financing and associated financing costs to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

**Section 4. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

**ADOPTED** by the governing body of the City on **FEBRUARY 14, 2023.**

(SEAL)

By: /s/Randy White  
Title: Mayor

ATTEST:

By: /s/Lynn Ciarleglio  
Title: City Clerk