

RESOLUTION NO. 23-2025**A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 632023 OF THE CITY OF DERBY, KANSAS, WHICH DETERMINED THE ADVISABILITY OF MAKING CERTAIN IMPROVEMENT IN THE CITY (SIDEWALK-PHASE 1 IMPROVEMENTS/COURTYARDS AT CROSSWATER SECOND).**

WHEREAS, the governing body of the City of Derby, Kansas (the "City"), adopted Resolution No. 63-2023 on September 26, 2023 (the "Prior Resolution"), which authorized pursuant to K.S.A. 126a01 et seq. certain sidewalk improvements to serve the following described improvement district:

Lots 1 through 3, Block 1; Lots 1 through 11, Block 4; Lots 1 through 21, Block 5; and Lots 1 through 17, Block 6, Courtyards at CrossWater to the City of Derby, Sedgwick County, Kansas; and

WHEREAS, the Prior Resolution was recorded with the Register of Deeds of Sedgwick County, Kansas, and appears at DOC. #/FLM-PG: 30267683; and

WHEREAS, the City has received and filed a revised Petition proposing modifications of the estimated costs of the improvements and the improvement district, and the City hereby finds and determines that said revised Petition is sufficient and that it is necessary to make such modifications; and

WHEREAS, in order to make such modifications, the governing body of the City hereby finds and determines it necessary to amend and supplement Section 1 of the Prior Resolution, as hereinafter set forth.

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

Section 1. Amendments. *Section 1* of the Prior Resolution is hereby amended to read as follows:

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 a 10' wide sidewalk within public right-of-way along the north side of Meadowlark Blvd. commencing at approximately at the west Courtyards at CrossWater Second property line and extending east as far as the west property line of Lot 6, Block 1, Courtyards at CrossWater Second Addition, 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: \$41,000, exclusive of interest on financing and administrative and financing costs; said estimated cost to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of the

Prior Resolution.

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

Lots 1 through 5, Block 1; Lots 32 through 38, Block 2; Lots 1 through 5 and Lots 16 through 21, Block 3; Lots 6 through 13, Block 4; and Lots 1 through 21, Block 5; Courtyards at CrossWater Second Addition to the City of Derby, Sedgwick County, Kansas.

(d) The method of assessment is: equally per lot (48 lots).

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 the basis of the method of assessment set forth herein. Where the 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.

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: (1) \$4,522.83 of the costs of the Improvements shall be assessed against the Improvement District, and of the remaining balance (2) 50% to be assessed against the Improvement District and 50% to be paid by the City-at-large.

Section 2. Repealer; Ratification. *Section 1* of the Prior Resolution is hereby repealed and the rest and remainder thereof ratified and confirmed.

Section 3. 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 July 22, 2025.

(SEAL)

By: /s/Mark A. Staats
Title: Mayor

ATTEST:

By: /s/Lynn Ciarleglio
Title: City Clerk