

ORDINANCE NO. 2614**AN ORDINANCE APPROVING A SPECIAL USE FOR A PUBLIC UTILITY ON CERTAIN LANDS LOCATED WITHIN THE M-1 INDUSTRIAL DISTRICT, ALL PURSUANT TO THE ZONING REGULATIONS OF THE CITY.****BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:**

SECTION 1. Having received the recommendation of the City Planning Commission following notice and hearing thereon as provided by law and pursuant to Zoning Regulations of the City of Derby, Kansas, a special use is hereby approved for a public utility within the M-1 Industrial District on property described as:

TRACT 1
BEGINNING AT THE NORTHWEST CORNER OF SAID NORTH HALF; THENCE S01°14'43"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE WEST LINE OF SAID NORTH HALF A DISTANCE OF 312.00 FEET; THENCE N89°01'50"E A DISTANCE OF 407.00 FEET; THENCE N01°14'43"W A DISTANCE OF 312.00 FEET TO THE NORTH LINE OF SAID NORTH HALF; THENCE S89°01'50"W ALONG SAID NORTH LINE A DISTANCE OF 407.00 FEET TO THE POINT OF BEGINNING; ENCOMPASSING 126,985 SQFT OR 2.92 ACRES MORE OR LESS; THE WEST 25 FEET THEREOF SUBJECT TO ROAD RIGHT OF WAY PER ROAD RECORD BOOK C, PAGE 432.

TRACT 2
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTH HALF; THENCE S01°14'43"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE WEST LINE OF SAID NORTH HALF A DISTANCE OF 781.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S01°14'43"E ALONG SAID WEST LINE A DISTANCE OF 550.00 FEET; THENCE N89°10'18"E ALONG THE SOUTH LINE OF SAID NORTH HALF A DISTANCE OF 939.00 FEET; THENCE N01°14'43"W A DISTANCE OF 314.00 FEET; THENCE S89°10'18"W A DISTANCE OF 364.00 FEET; THENCE N01°14'43"W A DISTANCE OF 236.00 FEET; THENCE S89°10'18"W A DISTANCE OF 575.00 FEET TO THE POINT OF BEGINNING; ENCOMPASSING 430,535 SQFT OR 9.88 ACRES MORE OR LESS; THE WEST 25 FEET THEREOF SUBJECT TO ROAD RIGHT OF WAY PER ROAD RECORD BOOK C, PAGE 432.

SECTION 2. Approval of the special use for a public utility is subject to the following conditions:

1. The public utility shall be limited to a water

treatment facility with affiliated municipal facilities and two water wells.

2. The public utility shall be developed in conformance with site plans approved by the Planning Commission.
3. The hedge rows on the north and south property lines shall be preserved to the extent practical.
4. The public utility shall not be constructed until the subject property is platted.
5. The site shall be inspected and approved for conformance with the requirements of the special use prior to commencing operation.
6. The public utility shall comply with all other applicable zoning and building code requirements of the City.
7. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, the Zoning Administrator, in addition to enforcing the other remedies set forth in the zoning regulations, may declare that the Special Use is null and void.

SECTION 3. Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication of the ordinance, or a summary thereof, once in the City's official newspaper as provided by State law. Publication of the ordinance shall be withheld until the plat of the subject property is recorded, which shall occur no later than one year from the passage of the ordinance.

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