

RESOLUTION NO. 09-2026

**A RESOLUTION DETERMINING THE ADVISABILITY OF MAKING CERTAIN IMPROVEMENTS IN THE CITY OF DERBY, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF SUCH IMPROVEMENTS (ACCEL DECEL IMPROVEMENTS-MADISON AVENUE/STERLING EAST AND STERLING EAST 2ND ADDITIONS) AND REPEALING RESOLUTION NO. 45-2023.**

**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Derby, Kansas (the "City") proposing certain internal improvements, and the 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 a sufficient amount of owners liable for assessment for the proposed improvements in accordance with K.S.A. 12-6a04, 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 an accel/decel lane on the south side of E. 79th St. S. (Madison Ave.) from a point 300 feet west of the west line of Woodstone St. to a point 300 feet east of the east line of Woodstone St., and all necessary improvements related thereto, 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: \$122,000, 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 this Resolution.
- (c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is: Lots 1 through 29, Block A; Lots 1 through 28, Block B; Lots 1 through 15, Block C; Lots 9 through 20, Block F; Lots 1 through 34, Block G; Lots 1 through 17, Block H; Lots 1 through 7, Block I; and Lots 9 through 33, Block J; all in Sterling East Addition to the City of Derby, Sedgwick County, Kansas; and

Lots 1 through 8, Block A; Lots 1 through 12, Block B; Lots 1 through 10, Block C; and Lots 1 through 10, Block D; all in Sterling East 2nd Addition to the City of Derby, Sedgwick County, Kansas.

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

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. 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: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

**Section 2. Authorization of Improvements.** The 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. Repealer.** Resolution No. 45-2023 is hereby repealed.

**Section 5. 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.

(SEAL)

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

ATTEST:

By: /s/Lynn Ciarleglio  
Title: City Clerk