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Ordinance No. 2649

AN ORDINANCE APPROVING THE SURVEYS AND DESCRIPTIONS OF CERTAIN INTERESTS IN REAL PROPERTY LOCATED OUTSIDE THE CITY OF DERBY, KANSAS, ACQUISITION OF WHICH IS NECESSARY FOR CONSTRUCTION OF THE DERBY WATER TREATMENT PLANT AND ASSOCIATED UTILITIES; DECLARING IT TO BE A PUBLIC NECESSITY TO ACQUIRE SAID INTERESTS BY PROCEEDINGS IN EMINENT DOMAIN FOR SUCH PURPOSES; AND DIRECTING THE CITY'S ATTORNEY TO MAKE PROPER APPLICATION TO THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR APPOINTMENT OF APPRAISERS TO APPRAISE SAID INTERESTS AND TO CONDUCT PROCEEDINGS IN EMINENT DOMAIN RELATIVE THERETO, ALL AS HEREINAFTER DESCRIBED.

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

SECTION 1. The surveys and descriptions of the interests in land necessary to be acquired from land located outside the City of Derby, Kansas, by proceedings in eminent domain for Derby Water Treatment Plant Construction and Associated Utilities, (the "Project"), as prepared by Professional Engineering Consultants and approved by the city engineer and filed with the city clerk on October 8, 2026, are hereby approved. Such surveys and descriptions were prepared pursuant to Resolution 34-2026, adopted by the Governing Body of the City of Derby on September 22, 2026, and published in the official City newspaper on September 30, 2026.

SECTION 2. It is hereby declared necessary to acquire by proceedings in eminent domain the following described interests in real property under the authority of Kansas Statutes Annotated 26-201 et seq., and amendments thereto, and all other applicable provisions of law for the purposes stated in section 1 hereof, and in accordance with the said surveys and descriptions filed by the city engineer, to wit:

Tract No. 01

OWNER: KENT A. OTT TRUST AND REBECCA M. OTT TRUST

PIN: 00309113 (S/2 NW/4, 14-29S-1E)

PERMANENT UTILITY EASEMENT DESCRIPTION

A 30-FOOT-WIDE PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON 10/31/2025 BY ERNEST CANTU JR. PS #1407 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 14; THENCE S89°01'20"W (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 2659.27 FEET TO THE EAST RIGHT OF WAY LINE OF S HILLSIDE STREET; THENCE N00□33'21"W ALONG SAID EAST LINE A DISTANCE OF 30.01 FEET TO A POINT 30.00 FEET NORMALLY DISTANT NORTH OF SAID SOUTH LINE; THENCE N89°01'20"E, PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 2659.01 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE S01°02'32"E ALONG SAID EAST LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; ENCOMPASSING 1.83 ACRES (79,781 SQUARE FEET), MORE OR LESS.

AND

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

A 20-FOOT-WIDE PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON 10/05/2026 BY BRIAN J. MARTIN PS #1747 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 14; THENCE N01°02'32"W (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING 30.00 FEET NORMALLY DISTANT NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE CONTINUING N01°02'32"W ALONG SAID EAST LINE A DISTANCE OF 20.00 FEET TO A POINT NORMALLY DISTANT 50.00 FEET NORTH OF SAID SOUTH LINE OF THE NORTHWEST QUARTER; THENCE S89°01'20"W, PARALLEL WITH AND 50.00 FEET NORMALLY DISTANT NORTH OF SAID SOUTH LINE, A DISTANCE OF 2658.84 FEET TO THE EAST RIGHT OF WAY LINE OF S HILLSIDE STREET; THENCE S00°33'21"E ALONG SAID EAST LINE A DISTANCE OF 20.00 FEET TO A POINT NORMALLY DISTANT 30.00 FEET NORTH OF SAID SOUTH LINE OF THE NORTHWEST QUARTER; THENCE N89°01 '20"E, PARALLEL WITH AND 30.00 FEET NORMALLY DISTANT NORTH OF SAID SOUTH LINE, A DISTANCE OF 2659.01 FEET TO THE POINT OF BEGINNING; ENCOMPASSING 1.22 ACRES (53,170 SQUARE FEET), MORE OR LESS.

Tract Nos. 02 and 03

OWNER: FRANCES ELIZABETH GLASER REVOCABLE TRUST and/or FRANCES ELIZABETH GLASER

PIN: 00309109 (S/2 NE/4, 14-29S-1E and Government Lot 6, 13-29S-1E)

PIN: 00309114 (SE/4, 14-29S-1E)

PERMANENT UTILITY EASEMENT DESCRIPTION

A PORTION OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 14 AND GOVERNMENT LOT 6 IN SECTION 13, TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON MAY 27, 2026 BY BRIAN J. MARTIN PS #1747 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE N89□08'54"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 668.66 FEET TO THE SOUTHWEST CORNER OF A PROPERTY DESCRIBED IN QUIT CLAIM DEED, DOCUMENT NO. 2025-016212, RECORDED APRIL 28, 2025 IN THE OFFICE OF THE REGISTER OF DEEDS, SEDGWICK COUNTY, KANSAS, SAID CORNER BEING THE POINT OF BEGINNING; THENCE N01°01'57"W ALONG THE WEST LINE OF SAID PROPERTY A DISTANCE OF 30.00 FEET; THENCE N89°08'54"E PARALLEL WITH AND 30.00 FEET NORTH OF SAID SOUTH LINE A DISTANCE OF 50.09 FEET; THENCE S00°51'06"E A DISTANCE OF 30.00 FEET TO SAID SOUTH LINE; THENCE N89°08'54"E ALONG SAID SOUTH LINE A DISTANCE OF 1,772.34 FEET TO A POINT 150.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE N00°51'06"W A DISTANCE OF 30.00 FEET; THENCE N89°08'54"E PARALLEL WITH AND 30.00 FEET NORTH OF SAID SOUTH LINE A DISTANCE OF 149.97 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER, SAID LINE BEING THE WEST LINE OF SAID GOVERNMENT LOT 6; THENCE CONTINUING N89°08'54"E A DISTANCE OF 49.40 FEET TO THE WEST BANK OF THE ARKANSAS RIVER; THENCE S22°28'49"E ALONG SAID WEST BANK A DISTANCE OF 32.28 FEET TO THE EASTERLY PROJECTION OF SAID SOUTH LINE; THENCE S89°08'54"W ALONG SAID EASTERLY PROJECTION A DISTANCE OF 61.26 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°55'26"E ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 30.00 FEET; THENCE S89°08'54"W PARALLEL WITH AND 30.00 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1,972.38 FEET; THENCE N00°51'06"W A DISTANCE OF 30 .00 FEET TO THE POINT OF BEGINNING.

ENCOMPASSING 1.53 ACRES (66,832 SQUARE FEET), MORE OR LESS.

AND

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT #1

A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON MAY 27, 2026 BY ERNEST CANTU JR. PS #1407 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L .S. #65, AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE N89°08'54"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 668.66 FEET TO THE SOUTHWEST CORNER OF A PROPERTY DESCRIBED IN QUIT CLAIM DEED, DOCUMENT NO. 2025-016212, RECORDED APRIL 28, 2025 IN THE OFFICE OF THE REGISTER OF DEEDS, SEDGWICK COUNTY, KANSAS; THENCE N01°01 '57"W ALONG THE WEST LINE OF SAID PROPERTY A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE N89°08'54"E PARALLEL WITH AND 30.00 FEET NORTH OF SAID SOUTH LINE A DISTANCE OF 50.09 FEET; THENCE S00°51'06"E A DISTANCE OF 30.00 FEET TO SAID SOUTH LINE; THENCE N89°08'54"E ALONG SAID SOUTH LINE A DISTANCE OF 20.00 FEET; THENCE N00°51'06"W A DISTANCE OF 50.00 FEET; THENCE S89°08'54"W PARALLEL WITH AND 50 .00 FEET NORTH OF SAID SOUTH LINE A DISTANCE OF 70.16 FEET TO SAID WEST LINE; THENCE S01°01 '57"E ALONG SAID WEST LINE A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. ENCOMPASSING 0.05 ACRES (2,003 SQUARE FEET), MORE OR LESS.

AND

TEMPORARY CONSTRUCTION EASEMENT #2

A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON MAY 27, 2026 BY ERNEST CANTU JR. PS #1407 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L .S. #65, AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE S89°08'54"W (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING; THENCE N00°51'06"W A DISTANCE OF 30.00 FEET; THENCE N89°08'54"E PARALLEL WITH AND 30.00 FEET NORTH OF SAID SOUTH LINE A DISTANCE OF 149.97 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER, SAID LINE BEING THE WEST LINE OF SAID GOVERNMENT LOT 6; THENCE CONTINUING N89°08'54"E A DISTANCE OF 49.40 FEET TO THE WEST BANK OF THE ARKANSAS RIVER; THENCE N22°28'49"W ALONG SAID WEST BANK A DISTANCE OF 21 .51 FEET; THENCE S89°08'54"W PARALLEL WITH AND 50 .00 FEET NORTH OF SAID SOUTH LINE A DISTANCE OF 41.49 FEET TO SAID EAST LINE; THENCE CONTINUING S89°08'54"W A DISTANCE OF 169.95 FEET; THENCE S00°51'06"E A DISTANCE OF 50.00 FEET TO SAID SOUTH LINE; THENCE N89°08'54"E ALONG SAID SOUTH LINE A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. ENCOMPASSING 0.11 ACRES (4 ,908 SQUARE FEET), MORE OR LESS.

AND

TEMPORARY CONSTRUCTION EASEMENT #3

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THESIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON MAY 27, 2026 BY ERNEST CANTU JR. PS #1407 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE N89°08'54"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 668.66 FEET TO THE SOUTHWEST CORNER OF A PROPERTY DESCRIBED IN QUIT CLAIM DEED, DOCUMENT NO. 2025-016212, RECORDED APRIL 28, 2025 IN THE OFFICE OF THE REGISTER OF DEEDS, SEDGWICK COUNTY, KANSAS; THENCE S00°51'06"E A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE N89°08'54"E PARALLEL WITH AND 30.00 FEET SOUTH OF SAID NORTH LINE A DISTANCE OF 1,972.38 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE S00°55'26"E ALONG SAID EAST LINE A DISTANCE OF 20.00 FEET; THENCE S89°08'54"W PARALLEL WITH AND 50.00 FEET SOUTH OF SAID NORTH LINE A DISTANCE OF 1,972.41 FEET; THENCE N00°51'06"W A DISTANCE OF 20 .00 FEET TO THE POINT OF BEGINNING. ENCOMPASSING 0.91 ACRES (39,448 SQUARE FEET), MORE OR LESS.

Tract No. 04

OWNER: BECK FAMILY LIVING TRUST

PIN: 30030991 (S/2 NE/4, 14-29S-1E)

PERMANENT EASEMENT DESCRIPTION

A 30-FOOT-WIDE PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 29 SOUTH, RANGE 1EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON 10/08/2026 BY BRIAN J. MARTIN PS #1747 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF SAID SECTION 14; THENCE N89°08'54"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 215.09 FEET TO A POINT ON THE EAST LINE OF A PROPERTY DESCRIBED IN DOC.#/FLM-PG: 2025016212 , IN THE OFFICE OF THE REGISTER OF DEEDS, SEDGWICK COUNTY, KANSAS, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING N89°08'54"E ALONG SAID SOUTH LINE A DISTANCE OF 453.51 FEET TO THE WEST LINE OF A PROPERTY DESCRIBED IN DOC.#/FLM-PG: 2025016212 IN SAID OFFICE OF THE REGISTER OF DEEDS; THENCE N01°01'57"W ALONG SAID WEST LINE A DISTANCE OF 30.00 FEET TO A POINT NORMALLY DISTANT 30.00 FEET NORTH OF SAID SOUTH LINE; THENCE S89°08'54"W, PARALLEL WITH AND NORMALLY DISTANT 30.00 FEET NORTH OF SAID LINE, A DISTANCE OF 453.52 FEET TO SAID EAST LINE OF A PROPERTY DESCRIBED IN BOOK 456, PAGE 39; THENCE S01°03'20"E ALONG SAID EAST LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; ENCOMPASSING 0.31 ACRE (13,605 SQUARE FEET), MORE OR LESS.

AND

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

A 20-FOOT-WIDE PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 29 SOUTH, RANGE 1 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGIWCK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON 10/05/2026 BY BRIAN J. MARTIN PS #1747 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF SAID SECTION 14; THENCE N89°08'54"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 215.09 FEET TO THE EAST LINE OF A PROPERTY DESCRIBED IN BOOK 456, PAGE 39, IN THE OFFICE OF THE REGISTER OF DEEDS, SEDGWICK COUNTY, KANSAS; THENCE N01°03'20"W ALONG SAID EAST LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING NORMALLY DISTANT 30.00 FEET NORTH OF SAID SOUTH LINE; THENCE CONTINUING N01°03'20"W ALONG SAID EAST LINE A DISTANCE OF 20.00 FEET TO A POINT NORMALLY DISTANT 50.00 FEET NORTH OF SAID SOUTH LINE; THENCE N89°08'54"E, PARALLEL WITH AND NORMALLY DISTANT 50.00 FEET NORTH OF SAID SOUTH LINE, A DISTANCE OF 453.53 FEET TO THE WEST LINE OF A PROPERTY DESCRIBED IN DOC.#/FLM-PG: 2025016212 IN SAID OFFICE OF THE REGISTER OF DEEDS; THENCE S01°01'57"E ALONG SAID WEST LINE A DISTANCE OF 20.00 FEET TO A POINT NORMALLY DISTANT 30.00 FEET NORTH OF SAID SOUTH LINE; THENCE S89°08'54"W, PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 453.52 FEET TO THE POINT OF BEGINNING; ENCOMPASSING 0.21 ACRE (9,070 SQUARE FEET), MORE OR LESS.

SECTION 3. The city attorney of the City is hereby directed, authorized and instructed to make proper application to the District Court of Sedgwick County, Kansas, for the appropriation of the above described interests in real property for the purposes hereinabove stated, praying for the condemnation thereof and the appointment of appraisers to assess, determine and affix the value of said interests, and damages resulting from the condemnation thereof, and to take such other proceedings as may be required by law, all in accordance with the Kansas Eminent Domain Procedure Act, K.S.A. 26-501 et seq.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication once in the official City newspaper.

ADOPTED by the Governing Body of the City of Derby, Kansas, this 13th day of October, 2026.

/s/Mark A. Staats
Mayor

ATTEST:

/s/Lynn Ciarleglio
City Clerk

Approved as to form:

/s/Jacqueline R. Butler
City Attorney