

Passed: 06/22/2021
Published: 06/30/2021

ORDINANCE NO. 2462

AN ORDINANCE INCLUDING, INCORPORATING, AND ANNEXING CERTAIN LAND INTO THE LIMITS AND BOUNDARIES OF THE CITY OF DERBY, KANSAS.

WHEREAS, the governing body of the City of Derby, Kansas ("City") announced its intention to consider annexation of land where some part adjoins the city by adoption of its Resolution No. 02-2021 on April 13, 2021; and

WHEREAS, said resolution fixed June 22, 2021 at 6:30 p.m. as the date and time for a public hearing on such proposed annexation before the governing body of the City and notice thereof was mailed to interested parties and published as required by law; and

WHEREAS, such public hearing was conducted on June 22, 2021 and all parties present at such meeting and interested in the proposed annexation were heard by the governing body of the City;

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

SECTION 1. That the following-described lands are hereby included, incorporated, annexed, and brought within the corporate limits of the City of Derby, Sedgwick County, Kansas, pursuant to K.S.A. 12-520, as amended, and other relevant authority:

The West 90 feet of the North 484 feet of the Northwest Quarter of the Northeast Quarter, EXCEPT the North 40 feet for road, of Section 8, Township 29 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas;

AND,

The West 180 feet of the NW1/4 of the NE1/4 of Section 8, Township 29 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT the North 484 feet of the West 90 feet thereof;

AND,

A tract in the Northwest Quarter of the Northeast Quarter of Section 8, Township 29 South, Range 2 East of the 6th P.M., in Sedgwick County, Kansas described as follows: Commencing at the Northwest corner of said Northwest

Quarter of the Northeast Quarter; thence East along the North line of said Northwest Quarter of the Northeast Quarter, 758 feet; thence with an angle to the right of 90°25', a distance of 493.76 feet for place of beginning; thence continuing South on last described line, 827.65 feet more or less to the South line of said Northwest Quarter of the Northeast Quarter; thence West along said South line, 585.83 feet more or less to a point 180 feet East of the Southwest corner of said Northwest Quarter of the Northeast Quarter; thence North parallel with the West line of said Northwest Quarter of the Northeast Quarter, 1320.4 feet more or less to the North line of said Northwest Quarter of the Northeast Quarter; thence East along said North line 203 feet; thence South parallel with said West line 484 feet; thence East parallel with said North line 279 feet; thence South parallel with said West line 9.76 feet; thence East parallel with said North line 98.65 feet more or less to the place of beginning, except that part lying East of a line beginning at a point 758 feet East of said Northwest corner of the Northwest Quarter of the Northeast Quarter and extending thence South to a point lying East of the Southwest corner of said Northwest Quarter of said Northeast Quarter of said Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, being the West line of a 33 foot wide roadway as conveyed in Deed Book 766, Page 571;

AND,

The East 90 feet of the West 482 feet of the North 484 feet of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section Eight (8), Township Twenty-nine (29) South, Range Two (2) East of the 6th P.M., Sedgwick County, Kansas, Subject to road easement on the North 40 feet AND The East 9 feet of the West 392 feet of the North 484 feet of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section Eight (8), Township Twenty-Nine (29) South, Range Two (2) East, of the 6th P.M., Sedgwick County, Kansas ALSO DESCRIBED as the East 99 feet of the West 482 feet of the North 484 feet of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas;

AND,

The East 180 feet of the West

662 feet of the North 484 feet of the Northwest Quarter of the Northeast Quarter of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas;

AND,

Beginning 758 feet East of the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, thence with an angle to the right of 90°25' a distance of 493.76 feet, thence West 98.65 feet more or less to a point 662 feet East of the West line of said Northwest Quarter of the Northeast Quarter, thence North 493.76 feet, thence East 96 feet to beginning;

AND,

A tract in the Northwest Quarter of the Northeast Quarter of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the Northeast corner thereof; thence West 523.57 feet, more or less, to a point 791 feet East of the Northwest corner of said Northwest Quarter of the Northeast Quarter; thence with an angle to the left of 89°35', a distance of 1321.47 feet, more or less, to the South line of said Northwest Quarter of the Northeast Quarter; thence East along said South line, 518.9 feet, more or less, to the Southeast corner of said Northwest Quarter of the Northeast Quarter; thence North 1323.38 feet, more or less, to the beginning, EXCEPT therefrom the following: Beginning at the Northeast corner of said Northwest Quarter of the Northeast Quarter; thence West 505 feet; thence, with an angle to the left of 89°35', a distance of 475.6 feet; thence East parallel with the North line of said Northwest Quarter of the Northeast Quarter, 503.8 feet, more or less, to the East line of said Northwest Quarter of the Northeast Quarter; thence North 475.6 feet to the beginning;

AND,

Tract beginning 505 feet West of the Northeast corner of the NW/4 of NE/4 of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence with an angle to the left of 89°35', 475.60 feet; thence East 102.5 feet; thence North 475.60 feet; thence West 105 feet to the point of beginning;

AND,

Beginning 300 feet West of the Northeast Corner of the Northwest Quarter of the Northeast Quarter; thence South 475.6 feet, thence West 100 feet, thence North 475.6 feet, thence East 100 feet to place of beginning, all in Section 8, Township 29 South, Range 2 East of the 6th P.M., in Sedgwick County, Kansas;

AND,

All that certain parcel of land in Sedgwick County, Kansas being known and designated as the West 100 feet of the East 300 feet of the North 475.6 feet of the Northwest Quarter of the Northeast Quarter of Section 8, Township 29 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT for the North 40 feet thereof for road;

AND,

The East 200 feet of the North 475.6 feet of the Northwest Quarter of the Northeast Quarter of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, except the North 40 feet for road

SECTION 2. 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 3. 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.

SECTION 4. The City Clerk shall certify a copy of this ordinance to the county clerk, the register of deeds and the county election commissioner of Sedgwick County, Kansas for filing, all in accordance with K.S.A. 12-522, and amendments thereto.

PASSED by the City Council this 22nd day of June, 2021, and **SIGNED** by the Mayor.

Randy White, Mayor
Attest:

Lynn Ciarleglio, City Clerk

Approved as to form:

/s/ Jacqueline R. Butler
City Attorney