

ORDINANCE NO. 2531

AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE REASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NOS. 1929, 1955, 1983 AND 2359 OF THE CITY OF DERBY, KANSAS TO PAY THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS IN THE OAKS ADDITION, DERBY, SEDGWICK COUNTY, KANSAS AND BY ORDINANCE NO. 2494 OF THE CITY OF DERBY, KANSAS TO REASSESS THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS IN THE OAKS COMMERCIAL 5TH ADDITION, DERBY, SEDGWICK COUNTY, KANSAS.

WHEREAS, the governing body of the City of Derby, Kansas (the "City"), pursuant to K.S.A. 12-6a01 et seq. (the "Act") and Resolution Nos. 51-2003, 64-2003, 67-2003, 71-2003, 30-2007, 07-2008, 23-2008, 26-2008, 73-2008, 74-2008, and 65-2016 of the City has heretofore authorized certain internal improvements known as follows to be constructed within the City (the "Improvements"):

- Street Improvements – Phase XIA (Resolution No. 74-2008);
- Sanitary Sewer Improvements – Phase XIB (Resolution No. 51-2003)
- Sanitary Sewer Improvements – Phase XIC (Resolution No. 26-2008);
- Water Main Improvements – Phase XIA (Resolution No. 23-2008)
- Sidewalk Improvements – Rock Road – Phase XV (Resolution No. 64-2003)
- Street Improvements – Center Left Turn Lane – Rock Road – Phase XV (Resolution No. 71-2003);
- Traffic Signalization – Tall Tree and Rock Road (Resolution No. 30-2007, subsequently amended by Resolution No. 07-2008);
- Street Improvements – Accel/Decel Lane – Rock Road – Phase XV (Resolution No. 67-2003);
- Sidewalk Improvements – Phase XIA (Resolution No. 73-2008);
- Traffic Signalization – Rock Road at Cambridge Street / The Oaks and El Paso Crossing Addition (Resolution No. 65-2016)

WHEREAS, the governing body of the City, pursuant to Ordinance Nos. 1929, 1955, 1983, 2359, and 2494 of the City, has levied and assessed a portion of the costs of the Improvements against the following properties benefitted by such Improvements (the "Original Lot"):

Lot 1, Block A, The Oaks Commercial 5th Addition, Derby, Sedgwick County, Kansas

WHEREAS, a portion of the Original Lot has been divided by way of a lot split into Lot 1 Parcel A and Lot 1 Parcel B, Block A, The Oaks Commercial 5th Addition (the "Divided Lots"), more particularly described as:

Parcel A Lot 1, Block A, The Oaks Commercial 5th Addition, Derby, Sedgwick County, Kansas Beginning at the Southeast corner of said Lot 1; thence S89°15'20"W, coincident with the south line of said Lot 1, 250.00 feet to the southwest corner of said Lot 1; thence N00°43'59"W, coincident with the west line of said Lot 1, 174.81 feet; thence N88°52'43"E, 124.53 feet; thence S78°31'49"E, 68.81 feet; thence N88°52'43"E, 58.21 feet to a point in the east line of said Lot 1; thence S00°44'09"E coincident with the east line of said Lot 1, 161.46 feet to the Point of Beginning.

Parcel B Lot 1, Block A, The Oaks Commercial 5th Addition, Derby, Sedgwick County, Kansas EXCEPT that portion of said Lot 1 described as Beginning at the Southeast corner of said Lot 1; thence S89°15'20"W, coincident with the south line of said Lot 1, 250.00 feet to the southwest corner of said Lot 1; thence N00°43'59"W, coincident with the west line of said Lot 1, 174.81 feet; thence N88°52'43"E, 124.53 feet; thence S78°31'49"E, 68.81 feet; thence N88°52'43"E, 58.21 feet to a point in the east line of said Lot 1; thence S00°44'09"E coincident with the east line of

said Lot 1, 161.46 feet to the Point of Beginning.

WHEREAS, the City has received an Agreement proposing modification and re-assessment of the assessments levied and assessed against the Original Lot to conform to the Divided Lots; and

WHEREAS, the governing body hereby finds and determines that said Agreement has been executed by all the owners of record of the Original Lot and the Divided Lots, being all the owners of record liable for the reassessment herein; and

WHEREAS, the governing body finds and determines that it is necessary and advisable to re-assess the amounts levied against the Original Lot to conform to the Divided Lots thereof.

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

Section 1. The aggregate assessments for the payment of the costs of the Improvements currently levied against the Original Lot are hereby levied and assessed against the Original Lot and Divided Lots as follows:

- Lot 1 Parcel A, Block A, The Oaks Commercial 5th shall pay 65/100 of the total cost of the Improvements originally assessed against the Original Lot described above.
- Lot 1 Parcel B, Block A, The Oaks Commercial 5th, shall pay 35/100 of the total cost of the Improvements originally assessed against the Original Lot described above.

Section 2. The Mayor or other authorized signatory is hereby authorized and directed to execute and deliver the Agreement proposing the re-assessment on behalf of the City in substantially the form presented for review prior to passage of this ordinance, and such other documents, certificates and instruments as may be necessary or desirable to carry out the purposes and intents of this ordinance. The City Clerk is hereby authorized and directed to attest the execution of the Agreement and such other documents, certificates, and instruments as may be necessary or desirable to carry out the intent of this ordinance under the City's corporate seal.

Section 3. This ordinance shall take effect and be in force and effect from and after its passage, approval and publication once in the City's official newspaper. A copy of this ordinance shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

PASSED BY THE CITY COUNCIL this 27th day of June, 2023, and **SIGNED** by the Mayor.

/s/Randy White
Randy White, Mayor

Attest:
/s/Lynn Ciarleglio
City Clerk

Approved as to form:
/s/Jacqueline Kelly
City Attorney