

ORDINANCE NO. 2631

AN ORDINANCE APPROVING THE SURVEY AND DESCRIPTION OF CERTAIN INTERESTS IN REAL PROPERTY WITHIN THE CITY OF DERBY, KANSAS, ACQUISITION OF WHICH IS NECESSARY FOR RECONSTRUCTION AND IMPROVEMENT OF NORTH ROCK ROAD WITHIN AND BEYOND THE CITY OF DERBY, KANSAS, FROM FREEDOM DRIVE TO ONE-HALF MILE NORTH OF 55TH STREET AND 55TH STREET FROM APPROXIMATELY 1000' WEST OF ROCK ROAD TO APPROXIMATELY 1250' EAST OF ROCK ROAD, TOGETHER WITH APPROACHES, STORMWATER SEWERS, DITCHES AND OTHER DRAINAGE IMPROVEMENTS, TRAFFIC CONTROL DEVICES, AND OTHER IMPROVEMENTS APPURTENANT THERETO; 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 within the City of Derby, Kansas, by proceedings in eminent domain for North Rock Road Reconstruction Project, (the "Project"), as prepared by the city engineer and filed with the city clerk on Monday, February 2, 2026, are hereby approved. Such surveys and descriptions were prepared pursuant to Resolution 19-2026, adopted by the Governing Body of the City of Derby on January 27, 2026, and published in the official City newspaper on February 4, 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: ABRAHAM A. YAZDANI
PIN: 00265805

PERMANENT RIGHT OF WAY DESCRIPTION

A PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, ALL IN SECTION 19, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON APRIL 3, 2025, BY ERNEST CANTU JR. P.S. #1407 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A. (CLS#65), AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; THENCE S89°21'41"W (BEARINGS BASED ON THE KANSAS REGIONAL COORDINATE SYSTEM, ZONE 17, WICHITA ZONE) ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 120.00 FEET; THENCE N00°08'19"W A DISTANCE OF 40.00 FEET TO THE NORTH RIGHT OF WAY LINE OF 55TH STREET AND THE POINT OF BEGINNING; THENCE CONTINUING N00°08'19"W A DISTANCE OF 20.00 FEET; THENCE N89°21'41"E A DISTANCE OF 20.00 FEET; THENCE N44°36'42"E A DISTANCE OF 35.51 FEET TO THE WEST RIGHT OF WAY LINE OF ROCK ROAD, SAID RIGHT OF WAY LINE BEING 75.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 19; THENCE S00°08'19"E ALONG SAID WEST LINE A DISTANCE OF 45.00 FEET TO THE NORTH RIGHT OF WAY LINE OF 55TH STREET; THENCE S89°21'41"W ALONG SAID NORTH LINE A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING; ENCOMPASSING 0.028 ACRE, MORE OR LESS.

AND TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

A PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, ALL IN SECTION 19, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY,

KANSAS, BEING DESCRIBED AND PREPARED ON APRIL 7, 2025, BY ERNEST CANTU JR. P.S. #1407 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A. (CLS#65), AS FOLLOWS:

EASEMENT #1

COMMENCING AT THE SOUTHEAST CORNER OF SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; THENCE S89°21'41"W (BEARINGS BASED ON THE KANSAS REGIONAL COORDINATE SYSTEM, ZONE 17, WICHITA ZONE) ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 120.00 FEET; THENCE N00°08'19"W A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°08'19"W A DISTANCE OF 80.39 FEET; THENCE N89°51'41"E A DISTANCE OF 35.00 FEET TO A POINT 85.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE N00°08'19"W, PARALLEL WITH SAID EAST LINE, A DISTANCE OF 524.13 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE N89°21'23"E ALONG SAID NORTH LINE A DISTANCE OF 10.00 FEET TO THE WEST RIGHT OF WAY LINE OF ROCK ROAD SAID RIGHT OF WAY LINE BEING 75.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE S00°08'19"E ALONG SAID EAST LINE A DISTANCE OF 579.21 FEET; THENCE S44°36'42"W A DISTANCE OF 35.51 FEET; THENCE S89°21'41"W A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; ENCOMPASSING 0.196 ACRE, MORE OR LESS.

AND EASEMENT #2

THE NORTH 10.00 FEET OF THE SOUTH 50.00 FEET OF THE EAST 1080 FEET OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; EXCEPT THE EAST 120.00 FEET THEREOF; ENCOMPASSING 0.220 ACRE, MORE OR LESS.

Tract No. 02

OWNER: THE BRIDGE 55, LLC
PIN: 00265840 (N/2 SW/4)
PIN: 00347343 (S/2 SW/4)

PERMANENT RIGHT OF WAY DESCRIPTION

A PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON OCTOBER 7, 2025, BY ERNEST CANTU JR. P.S. #1407 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A. (CLS#65), AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; THENCE N00°08'19"W (BEARINGS BASED ON THE KANSAS REGIONAL COORDINATE SYSTEM, ZONE 17, WICHITA ZONE) ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 1328.45 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER; THENCE N89°33'33"E ALONG SAID NORTH LINE A DISTANCE OF 45.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF ROCK ROAD AND THE POINT OF BEGINNING; THENCE S00°08'19"E ALONG SAID EAST LINE A DISTANCE OF 1273.41 FEET TO A DEFLECTION IN SAID EAST LINE;

THENCE S45°18'53"E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 35.25 FEET TO THE NORTH LINE OF THE RIGHT OF WAY FOR 55TH STREET, SAID LINE BEING 30.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE N89°30'34"E ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 1916.44 FEET; THENCE N00°29'26"W A DISTANCE OF 30.00 FEET; THENCE S89°30'34"W A DISTANCE OF 1551.68 FEET; THENCE N81°57'39"W A DISTANCE OF 101.13 FEET TO A POINT 75.00 FEET NORTH OF SAID SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE S89°30'34"W A DISTANCE OF 259.47 FEET TO A POINT 75.00 FEET EAST OF SAID WEST LINE OF SAID SOUTHWEST QUARTER; THENCE N00°09'19"W A DISTANCE OF 249.99 FEET; THENCE N08°40'11"W A DISTANCE OF 101.13 FEET; THENCE N00°08'19"W A DISTANCE OF 903.30 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER; THENCE S89°33'33"W ALONG SAID NORTH LINE A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; ENCOMPASSING 1.98 ACRES, MORE OR LESS.²

AND PERMANENT RIGHT OF WAY DESCRIPTION

A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON OCTOBER 7, 2025, BY ERNEST CANTU JR. P.S. #1407 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A. (CLS#65), AS FOLLOWS:

THE EAST 15.00 FEET OF THE WEST 60.00 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; ENCOMPASSING 0.46 ACRE, MORE OR LESS.

AND TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

EASEMENT #1
A PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON OCTOBER 7, 2025, BY ERNEST CANTU JR. P.S. #1407 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A. (CLS#65), AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; THENCE N00°08'19"W (BEARINGS BASED ON THE KANSAS REGIONAL COORDINATE SYSTEM, ZONE 17, WICHITA ZONE) ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 1328.45 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER; THENCE N89°33'33"E ALONG SAID NORTH LINE A DISTANCE OF 45.00 FEET TO THE EAST RIGHT OF WAY LINE OF ROCK ROAD; THENCE CONTINUING N89°33'33"E ALONG SAID NORTH LINE A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N89°33'33"E A DISTANCE OF 15.00 FEET; THENCE S00°08'19"E A DISTANCE OF 262.62 FEET;

THENCE N89°51'41"E A DISTANCE OF 15.00 FEET TO A POINT 90.00 FEET EAST OF SAID WEST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°08'19"E A DISTANCE OF 669.62 FEET; THENCE S08°39'55"E A DISTANCE OF 101.12 FEET TO A POINT 105.00 FEET EAST OF SAID WEST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°08'19"E A DISTANCE OF 165.95 FEET TO A POINT 125.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE N89°30'34"E A DISTANCE OF 115.01 FEET; THENCE S00°08'19"E A DISTANCE OF 55.00 FEET TO A POINT 70.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE S89°30'34"W A DISTANCE OF 145.00 FEET TO A POINT 75.00 FEET EAST OF SAID WEST LINE OF SAID SOUTHWEST QUARTER; THENCE N00°08'19"W A DISTANCE OF 249.99 FEET; THENCE N08°40'11"W A DISTANCE OF 101.13 FEET TO A POINT 60.00 FEET EAST OF SAID WEST LINE OF SAID SOUTHWEST QUARTER; THENCE N00°08'19"W A DISTANCE OF 903.30 FEET TO THE POINT OF BEGINNING; ENCOMPASSING 0.91 ACRES, MORE OR LESS.

AND EASEMENT #2

A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, BEING DESCRIBED AND PREPARED ON OCTOBER 1, 2025, BY ERNEST CANTU JR. P.S. #1407 AND PROFESSIONAL ENGINEERING CONSULTANTS P.A. (CLS#65), AS FOLLOWS:

THE EAST 15.00 FEET OF THE WEST 75.00 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 28 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS; ENCOMPASSING 0.46 ACRE, 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 10th day of February, 2026.

/s/Mark A. Staats
Mayor

ATTEST:

/s/Lynn Ciarleglio
City Clerk

Approved as to form:

/s/Jacqueline R. Butler
City Attorney