

RESOLUTION NO. 21-2025

A RESOLUTION DETERMINING THE ADVISABILITY OF MAKING CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF DERBY, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR MAKING THE IMPROVEMENTS (SANITARY SEWER-PHASE 2 IMPROVEMENTS/COURTYARDS AT CROSSWATER SECOND) AND REPEALING A PRIOR RESOLUTION RELATED THERETO.

WHEREAS, a petition (the "Petition") was filed with the City Clerk of the City of Derby, Kansas (the "City") proposing certain internal improvements; and said 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 said 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. 126a01 et seq. (the "Act"); and

WHEREAS, the governing body of the City has heretofore adopted Resolution No. 06-2024 relating to the proposed improvements set forth in the Petition, but due to modifications of the estimated costs of the improvements and the improvement district, the City finds and determines that is necessary to repeal Resolution No. 06-2024.

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 a lateral sanitary sewer, including necessary sewer mains and appurtenances to serve the area described as the Improvement District, 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: \$516,000, 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 6 through 16, Block 1; Lots 1 through

32, Block 2; and Lots 6 through 15, Block 3; Courtyards at CrossWater Second Addition to the City of Derby, Sedgwick County, Kansas.

(d) The method of assessment is: equally per lot (52 lots).

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 the basis of the method of assessment set forth herein. 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. 06-2024 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.

ADOPTED by the governing body of the City on July 22, 2025.

(SEAL)

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

ATTEST:

By: /s/Lynn Ciarleglio
Title: City Clerk