

Passed: January 14, 2020

Published: January 22, 2020

ORDINANCE NO. 2421

AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE REASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NO. 1955 OF THE CITY OF DERBY, KANSAS TO PAY THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS IN DERBY MARKETPLACE SECOND 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. 32-2007, 31-2007, 30-2007, 28-2007, 27-2007, 25-2007, 24-2007, 46-2007, 09-2008, 07-2008, 06-2008, 04-2008, 03-2008, and 02-2008 of the City has heretofore authorized certain internal improvements known as follows to be constructed within the City (the “Improvements”):

- Derby Marketplace Addition Water Main Improvements (Resolution 32-2007, as amended and supplemented by Resolution 02-2008);
- Derby Marketplace Addition Water Line Improvements (Resolution 31-2007, as amended and supplemented by Resolution 03-2008);
- Derby Marketplace Addition and The Oaks Traffic Signalization – Tall Tree and Rock Rd. (Resolution 30-2007, as amended and supplemented by Resolution 07-2008);
- Derby Marketplace Addition Street Improvements (Resolution 28-2007, as amended and supplemented by Resolution 04-2008);
- Derby Marketplace Addition Sanitary Sewer Improvements (Resolution 27-2007, as amended and supplemented by Resolution 46-2007);
- Derby Marketplace Addition Drainage Improvements (Resolution 25-2007, as amended and supplemented by Resolution 09-2008);
- Derby Marketplace Addition Accel/Decel Lane Improvements –Rock Rd. (Resolution 24-2007, as amended and supplemented by Resolution 06-2008);

WHEREAS, the governing body of the City, pursuant to Ordinance No. 1955 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 1, Derby Marketplace Second Addition, Derby, Sedgwick County, Kansas
and

WHEREAS, the Original Lot has been divided by way of a lot split into Lot 1, Parcel A, Block 1; and Lot 1, Parcel B, Block 1 (the “Divided Lots”), more particularly described as:

Parcel “A” Lot 1, Block 1, Derby Marketplace Second Addition, an Addition to Derby, Sedgwick County, Kansas, except that part described as

beginning at the S.E. Corner of said Lot 1; thence S88°45'41"W, along the South line of said Lot 1, 376.16 feet to the S.W. Corner of said Lot 1; thence N00°26'53"W, along the West line of said Lot 1, 120.32 feet; thence N89°33'07"E, 102.06 feet; thence S00°04'21"W, 32.84 feet; thence S89°55'39"E, 269.58 feet to the East line of said Lot 1, said Lot line being a curve, having a radius of 2,000.00 feet; thence Southerly, along said curve to the right, through a Central Angle of 00°31'20", an arc distance of 27.82 feet and having a chord bearing of S04°08'37"E, 27.82 feet to the P.T. of said curve; thence S03°44'42"E, along the East Line of said Lot 1, 52.16 feet to the Point of Beginning.

Parcel "B"

That Part of Lot 1, Block 1, Derby Marketplace Second Addition, an Addition to Derby, Sedgwick County, Kansas, described as beginning at the S.E. Corner of said Lot 1; thence S88°45'41"W, along the South line of said Lot 1, 376.16 feet to the S.W. Corner of said Lot 1; thence N00°26'53"W, along the West line of said Lot 1, 120.32 feet; thence N89°33'07"E, 102.06 feet; thence S00°04'21"W, 32.84 feet; thence S89°55'39"E, 269.58 feet to the East line of said Lot 1, said Lot line being a curve, having a radius of 2,000.00 feet; thence Southerly, along said curve to the right, through a Central Angle of 00°31'20", an arc distance of 27.82 feet and having a chord bearing of S04°08'37"E, 27.82 feet to the P.T. of said curve; thence S03°44'42"E, along the East Line of said Lot 1, 52.16 feet to the Point of Beginning; and

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 Divided Lots to conform to the lot split thereof.

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

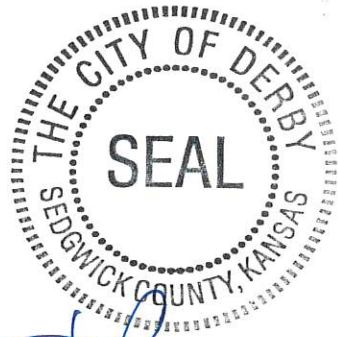
Section 1. The aggregate assessments for the payment of the costs of the Improvements currently levied against the Original Lot are hereby levied and assessed against the Divided Lots as follows:

- Lot 1, Parcel A, Block 1, Derby Marketplace Second Addition shall pay 69/100 of the total cost originally assessed against the Original Lot described above.
- Lot 1, Parcel B, Block A, Derby Marketplace Second Addition shall pay 31/100 of the total cost 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 of a summary thereof 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.

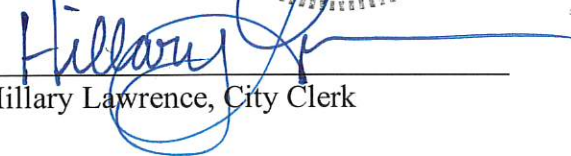
PASSED BY THE CITY COUNCIL this 14th day of January, 2020, and **SIGNED** by the Mayor.





Randy White, Mayor

Attest:



Hillary Lawrence, City Clerk

Approved as to form:



Jacqueline R. Butler, City Attorney