

Passed: 12/22/09

Published: _____

ORDINANCE NO. 2005

AN ORDINANCE REZONING CERTAIN REAL PROPERTY FROM SEDGWICK COUNTY ZONING DISTRICT RR "RURAL RESIDENTIAL DISTRICT" TO PUD "QUAIL RUN ADDITION PLANNED UNIT DEVELOPMENT DISTRICT" UPON ANNEXATION THEREOF BY THE CITY OF DERBY, KANSAS; AND AMENDING THE OFFICIAL ZONING MAP OR MAPS OF THE CITY TO REFLECT SUCH AMENDMENT, ALL PURSUANT TO THE ZONING REGULATIONS OF THE CITY.

BE IT ORDAINED by the Governing Body of the City of Derby, Kansas:

SECTION 1. Having received the recommendation of the City Planning Commission following notice and hearing thereon as provided by law, and pursuant to Zoning Regulations of the City of Derby, Kansas, the zoning of the following described real property is hereby amended from Sedgwick County Zoning District RR "Rural Residential District" to PUD "Quail Run Addition Planned Unit Development":

That part of the Northwest Quarter of Section 9, Township 29 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as commencing at the northwest corner of said Northwest Quarter; thence east along the north line of said Northwest Quarter, 808.00 feet for a point of beginning; thence south parallel with the west line of said Northwest Quarter, 660.00 feet; thence east parallel with the north line of said Northwest Quarter, 512.00 feet, more or less, to a point on the west line of Lot 2, Block C, Quail Run Addition, Derby, Sedgwick County, Kansas; thence north along the extended west line of said Block C, 660.00 feet to a point on the north line of said Northwest Quarter; thence west along the north line of said Northwest Quarter to the point of beginning, except the north 40 feet thereof for road, TOGETHER WITH that part of said Northwest Quarter described as commencing at the northwest corner of said Northwest Quarter; thence N89°53'13"E along the north line of said Northwest Quarter, 808.00 feet to the northerly extension of the west line of a tract of land described in the Kansas Special Warranty Deed recorded in DOC.#/FLM-PG: 29013234; thence S00°18'11"E along said extended west line, 660.00 to the southwest corner of said tract of land and for a point of beginning; thence N89°53'13"E along the south line of said tract of land, 512.00 feet, more or less, to the southeast corner of said tract of land, said southeast corner also being a point on the west line of Lot 2, Block C, Quail Run Addition, Derby, Sedgwick County, Kansas, said point being 14.02 feet North of the southwest corner of said Lot 2; thence S00°17'50"E along the west line of said Block C, 662.56 feet to a point on the south line of the North Half of said Northwest Quarter; thence N89°47'36"W along said south line, 32.96 feet; thence N00°17'50"W parallel with the west line of said Block C, 410.04 feet to the P.C. of a curve to the left; thence Northerly and Northwesterly along said curve, having a central angle of 33°56'23" and a radius of 140.00 feet, an arc distance of 82.93 feet, (having a chord length of 81.72 feet bearing N17°16'01"W), to the P.T. of said curve; thence N34°14'13"W, 67.35 feet; thence N33°08'55"W, 101.98 feet to a point 33.00 feet south of the south line of said tract of land described in the Kansas Special Warranty Deed recorded in DOC.#/FLM-PG:

29013234; thence S89°53'13"W parallel with said south line, 350.00 feet to the extended west line of said tract of land; thence N00°18'11"W along said extended west line, 33.00 feet to the point of beginning, and TOGETHER WITH that part of said Northwest Quarter described as commencing at the northwest corner of said Northwest Quarter; thence N19°53'13"E along the north line of said Northwest Quarter, 808.00 feet to the northerly extension of the west line of a tract of land described in the Kansas Special Warranty Deed recorded in DOC.#/FLM-PG: 29013234; thence S00°18'11"E along said extended west line of said tract of land, 660.00 feet to the southwest corner of said tract of land; thence continuing S00°18'11"E along the extended west line of said tract of land, 33.00 feet for a point of beginning; thence N89°53'13"E parallel with the south line of said tract of land, 350.00 feet; thence S33°08'55"E, 101.98 feet; thence S34°14'13"E, 67.35 feet to the P.C. of a curve to the right; thence Southeasterly and Southerly along said curve, having a central angle of 33°56'23" and a radius of 140.00 feet, an arc distance of 82.93 feet, (having a chord length of 81.72 feet bearing S17°16'01"E), to the P.T. of said curve; thence S00°17'50"E parallel with the west line of Block C, Quail Run Addition, Derby, Sedgwick County, Kansas, 410.04 feet to a point on the south line of the North Half of said Northwest Quarter; thence N89°47'36"W along said south line, 260.37 feet; thence N56°01'11"W, 286.66 feet; thence N04°35'26"W, 96.39 feet; thence N59°17'42"W, 144.83 feet; thence N01°49'08"W, 297.06 feet to a point 33.00 feet normally distant South of the extended south line of said tract of land described in the Kansas Special Warranty Deed recorded in DOC.#/FLM-PG: 29013234; thence N89°53'13"E parallel with said extended south line of said tract of land, 169.71 feet to the point of beginning, all being subject to road rights-of-way of record;

such zone change to be effective upon annexation of the described by the City.

SECTION 2. If any part of this ordinance is determined by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of the remaining parts of this ordinance. The Governing Body hereby declares that it would have passed the remaining parts of this ordinance if it had known that any part or parts hereof would be declared invalid.

SECTION 3. This Ordinance shall take effect and be in full force and effect from and after its passage and publication once in the official City newspaper.

ADOPTED BY THE GOVERNING BODY this 22nd day of December, 2009.




Dion P. Avello, Mayor

ATTEST:



Jean Epperson, City Clerk

Approved as to form:



Philip H. Alexander, City Attorney