

Passed: March 27, 2018
Published: April 4, 2018

ORDINANCE NO. 2348

AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE REASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NOS. 1831, 1929, 1955, 1983, 2010, AND 2289 OF THE CITY OF DERBY, KANSAS TO PAY THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS IN THE OAKS, AN ADDITION TO 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, 61-2003, 64-2003, 67-2003, 71-2003, 07-2008, 23-2008, 46-2008, 73-2008, 74-2008, and 18-2015, of the City has heretofore authorized certain internal improvements known as follows to be constructed within the City (the "Improvements"):

- Sanitary Sewer Improvements-Phase XIB;
- Water Main Improvements-Rock Road-Phase XV;
- Sidewalk Improvements-Rock Road-Phase XV;
- Street Improvements-Accel/Decel Lane-Rock Road-Phase XV;
- Street Improvements-Center Left Turn Lane-Rock Road-Phase XV;
- Traffic Signalization Improvements-Tall Tree and Rock Road;
- Water Main Improvements-Phase XIA;
- Storm Water Sewer Improvements-Phase XI;
- Sidewalk Improvements-Phase XIA;
- Street Improvements-Phase XIA;
- Storm Water Sewer Improvements

WHEREAS, the governing body of the City, pursuant to Ordinance Nos. 1831, 1929, 1955, 1983, 2010 and 2289 of the City, has levied and assessed a portion of the costs of the Improvements against the following property benefitted by such Improvements (the "Original Property"):

Lot 2, Block C, The Oaks, an Addition to Derby, Sedgwick County, Kansas EXCEPT that part described as follows: Beginning at the NW corner of Lot 1 in said Block C, thence S00°29'09"W along the west line of said Lot 1, 194.94 feet; thence N89°30'51"W, 339.97 feet to a point on the west line of said Lot 2; thence N01°06'26"W along the west line of said Lot 2, 187.48 feet to the NW corner of said Lot 2; thence N88°53'32"E along the north line of said Lot 2, 270.78 feet to a deflection corner in said north line; thence S89°30'51"E along the north line of said Lot 2, 74.51 feet to the point of beginning; and EXCEPT that part described as follows: Beginning at the southeast corner of said Lot 2; thence N89°30'51"W along the south line of said Lot 2, 256.77 feet; thence N00°29'09"E, 8.08 feet; thence S89°30'51"E parallel with said south line of said Lot 2, 256.77 feet to a point on the

S89°30'51"E parallel with said south line of said Lot 2, 256.77 feet to a point on the east line of said Lot 2; thence S00°29'09"W along said east line, 8.08 feet to the point of beginning; and

WHEREAS, the Original Property has been divided by way of a re-plat into Lots 4-9, Block A; (the "Divided Lots"), more particularly described as:

Lots 4, 5, 6, 7, 8, and 9, Block A, The Oaks Commercial 4th Addition, Derby, Sedgwick County, Kansas; and

WHEREAS, the City has received an Agreement proposing modification and re-assessment of the assessments levied and assessed against the Original Property 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 Property 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 re-plat thereof.

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

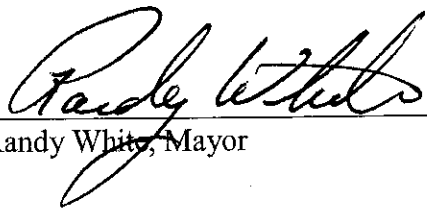
Section 1. The aggregate assessments for the payment of the costs of the Improvements currently levied against the Original Property are hereby levied and assessed against the Divided Lots as follows:

- Lot 4, Block A, The Oaks Commercial 4th Addition shall pay 162/1000 of the total cost originally assessed against the Original Property described above.
- Lot 5, Block A, The Oaks Commercial 4th Addition shall pay 167/1000 of the total cost originally assessed against the Original Property described above.
- Lot 6, Block A, The Oaks Commercial 4th Addition shall pay 193/1000 of the total cost originally assessed against the Original Property described above.
- Lot 7, Block A, The Oaks Commercial 4th Addition shall pay 159/1000 of the total cost originally assessed against the Original Property described above.
- Lot 8, Block A, The Oaks Commercial 4th Addition shall pay 150/1000 of the total cost originally assessed against the Original Property described above.
- Lot 9, Block A, The Oaks Commercial 4th Addition shall pay 169/1000 of the total cost originally assessed against the Original Property 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.

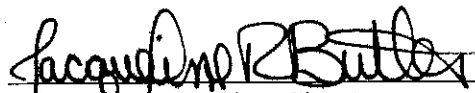
PASSED BY THE CITY COUNCIL this 27th day of March, 2018, and **SIGNED** by the Mayor.


Randy White, Mayor

Attest:


Karen Friend, City Clerk

Approved as to form:


Jacqueline R. Butler, City Attorney

