

ORDINANCE NO. 2273

AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE REASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NOS. 1700, 1857, 1955, 1983 AND 2190 OF THE CITY OF DERBY, KANSAS TO PAY THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS IN DERBY MARKETPLACE THIRD 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. 02-1998, 04-1998, 08-2000, 73-2007 and 28-2009 of the City has heretofore authorized certain internal improvements known as 71st Street South and Rock Road Street Improvements/Derby Downs Addition; Sanitary Sewer Improvements/Derby Downs Addition; Sanitary Sewer Main/Derby Downs, Amber Ridge and Timberleaf Additions and Unplatted Tracts; Water Line Improvements/Derby Downs Addition, and 71st Street Turn Lane Improvements/Derby Marketplace 3rd Addition, to be constructed within the City (the "Improvements"); and

WHEREAS, the governing body of the City, pursuant to Ordinance Nos. 1700, 1857, 1955, 1983 and 2190 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 Lot"):

Lot 6, Block 1, Derby Marketplace Third Addition, Derby, Sedgwick County, Kansas; and

WHEREAS, the Original Lot has been proposed to be re-platted as Lots 1, 2 and 3, Block 1, Derby Marketplace Fourth Addition, Derby, Sedgwick County, Kansas (the "Replatted Lots"), and the proposed re-plat has been concurrently approved herewith; and

WHEREAS, the City has received an Agreement proposing modification and re-spread of the assessments levied and assessed against the Original Lot to conform to the re-plat; 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 Replatted 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 Replatted 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 Lot are hereby levied and assessed against the Replatted Lots as follows:

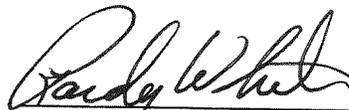
- Lot 1, Block 1, Derby Marketplace Fourth Addition shall pay 47.1% of the total cost originally assessed against the Original Lot described above.
- Lot 2, Block 1, Derby Marketplace Fourth Addition shall pay 45.8% of the total cost originally assessed against the Original Lot described above.
- Lot 3, Block 1, Derby Marketplace Fourth Addition shall pay 7.1% 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-spread 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. Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 4. This ordinance shall take effect and be in force and effect from and after its passage and publication once in the City's official newspaper as provided by State law and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

PASSED by the City Council this 24th day of May, 2016, and **SIGNED** by the Mayor.



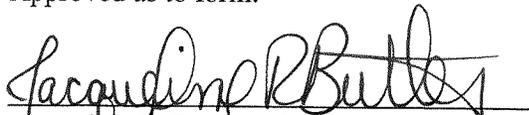
Randy White, Mayor

Attest:



Karen Friend, City Clerk

Approved as to form:



Jacqueline R. Butler, City Attorney