

ORDINANCE NO. 2277

**AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE REASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NOS. 1813, 1831 AND 1955 OF THE CITY OF DERBY, KANSAS TO PAY THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS IN THE OAKS COMMERCIAL 2ND 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. 61-2003, 64-2003, 67-2003, 71-2003, 77-2003, 78-2003, 79-2003 30-2007 and 07-2008 of the City has heretofore authorized certain internal improvements known as Water Main Improvements-Rock Road-Phase XV/The Oaks and Unplatted Tract 'A'; Sidewalk Improvements-Rock Road-Phase XV/The Oaks and Unplatted Tract 'A'; Street Improvements-Accel/Decel Lane-Rock Road-Phase XV/The Oaks Addition; Street Improvements-Center Left Turn Lane-Rock Road-Phase XV/The Oaks Addition; Sanitary Sewer Main Improvements/The Oaks And The Oaks 2nd Additions; Water Main Improvements/The Oaks And The Oaks 2nd Additions; Collector Streets Improvements/The Oaks And The Oaks 2nd Additions; Traffic Signalization-Tall Tree And Rock Road/Derby Marketplace And The Oaks Additions; and Traffic Signalization-Tall Tree And Rock Road/Derby Marketplace Second And The Oaks Additions, to be constructed within the City (the "Improvements"); and

**WHEREAS**, the governing body of the City, pursuant to Ordinance Nos. 1813, 1831 and 1955 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 1, Block A, The Oaks Commercial 2nd Addition, Derby, Sedgwick County, Kansas; and**

**WHEREAS**, the Original Lot has been divided by way of a lot split into Parcel 'A' and Parcel 'B', Lot 1, Block A, The Oaks Commercial 2nd Addition, Derby, Sedgwick County, Kansas (the "Divided Lots"); 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 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:

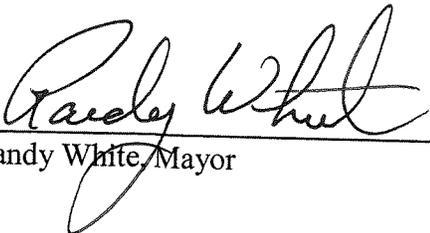
- Parcel 'A', Lot 1, Block A, The Oaks Commercial 2nd Addition shall pay 1/2 of the total cost originally assessed against the Original Lot described above.
- Parcel 'B', Lot 1, Block A, The Oaks Commercial 2nd Addition shall pay 1/2 of the total cost originally assessed against the Original Lot described 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.

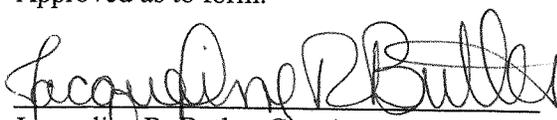
**PASSED** by the City Council this 28<sup>th</sup> day of June, 2016, and **SIGNED** by the Mayor.

  
\_\_\_\_\_  
Randy White, Mayor

Attest:

  
\_\_\_\_\_  
Karen Friend, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Jacqueline R. Butler, City Attorney