

Passed: February 14, 2017  
Published: February 22, 2017

ORDINANCE NO. 2310

**AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE REASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NOS. 1813, 1929, 1983 AND 1955 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, 67-2003, 71-2003, 77-2003, 78-2003, 79-2003, 07-2008, 23-2008, 73-2008 and 74-2008 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/The Oaks Addition;
- 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 Street Improvements/The Oaks and The Oaks 2nd Additions;
- Traffic Signalization Improvements-Tall Tree and Rock Road/Derby Marketplace Second and The Oaks Additions;
- Water Main Improvements-Phase XIA/The Oaks Addition;
- Sidewalk Improvements-Phase XIA/The Oaks Addition; and
- Street Improvements-Phase XIA/The Oaks Addition

**WHEREAS**, the governing body of the City, pursuant to Ordinance Nos. 1813, 1929, 1983 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 6, Block B, The Oaks, an Addition to Derby, Sedgwick County, Kansas; and**

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

**Parcel ‘A’** The north 213.00 feet of Lot 6, Block B, The Oaks, an Addition to Derby, Sedgwick County, Kansas.

**Parcel ‘B’** Lot 6, Block B, The Oaks, an Addition to Derby, Sedgwick County, Kansas, EXCEPT the north 213.00 feet thereof; 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:**

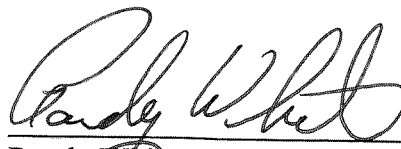
**Section 1.** The aggregate assessments for the payment of the costs of the Improvements currently levied against the Original Lot are hereby levied and assessed against the Divided Lots as follows:

- Parcel 'A' shall pay 47/100 of the total cost originally assessed against the Original Lot described above.
- Parcel 'B' shall pay 53/100 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-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.** 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 14<sup>th</sup> day of February, 2017, and **SIGNED** by the Mayor.



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Randy White, Mayor

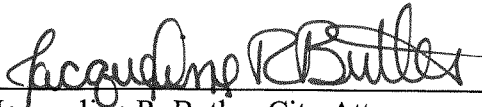
Attest:



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Karen Friend, City Clerk  
Deputy City Clerk

Approved as to form:

  
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Jacqueline R. Butler, City Attorney