

Passed: January 24, 2017

Published: March 22, 2017

ORDINANCE NO. 2307

AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE REASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NO. 2224 AND ORDINANCE NO. 2243 OF THE CITY OF DERBY, KANSAS TO PAY THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS IN ANDERSON FARM COMMERCIAL 3rd 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. 34-2007, 9-2015, 13-2015, 14-2015, 15-2015, and 16-2015 of the City has heretofore authorized certain internal improvements known as follows to be constructed within the City (the “Improvements”):

- Sanitary Sewer Improvements – Phase 1/Anderson Farm Commercial Addition;
- Anderson Farm Commercial 3rd and USD 260 Middle School Additions—Sanitary Sewer Improvements;
- Anderson Farm Commercial 3rd Addition—Accel/Decel Lane on West Side of Rock Road;
- Anderson Farm Commercial 3rd Addition and USD 260 Middle School Additions—Left Turn Lane on Rock Road;
- Anderson Farm Commercial 3rd and USD 260 Middle School Additions—Traffic Signalization Improvements; and
- Anderson Farm 3rd Commercial Addition—Sidewalk Improvements

WHEREAS, the governing body of the City, pursuant to Ordinance No. 2224 and Ordinance No. 2243 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 Lots”):

Lots 1-6 and Lot 8, Block A, Anderson Farm Commercial 3rd Addition, Derby, Sedgwick County, Kansas; and

WHEREAS, the Original Lots have been proposed to be re-platted as Lots 1-7 and Reserves A-B, Block A, Derby Destination Development, 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 Lots 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 Lots 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 Lots are hereby levied and assessed against the Replatted Lots on a fractional basis as follows:

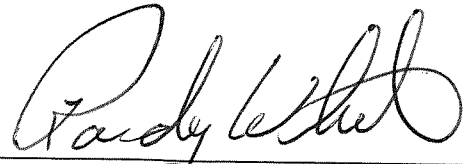
- Lot 1, Block A, Derby Destination Development shall pay 0/100 of the total cost originally assessed against the Original Lots described above;
- Lot 2, Block A, Derby Destination Development shall pay 6/100 of the total cost originally assessed against the Original Lots described above;
- Lot 3, Block A, Derby Destination Development shall pay 8/100 of the total cost originally assessed against the Original Lots described above;
- Lot 4, Block A, Derby Destination Development shall pay 4/100 of the total cost originally assessed against the Original Lots described above;
- Lot 5, Block A, Derby Destination Development shall pay 4/100 of the total cost originally assessed against the Original Lots described above;
- Lot 6, Block A, Derby Destination Development shall pay 39/100 of the total cost originally assessed against the Original Lots described above;
- Lot 7, Block A, Derby Destination Development shall pay 39/100 of the total cost originally assessed against the Original Lots described above;
- Reserve A, Block A, Derby Destination Development shall pay 0/100 of the total cost originally assessed against the Original Lots described above; and
- Reserve B, Block A, Derby Destination Development shall pay 0/100 of the total cost originally assessed against the Original Lots 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 Agreements 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, publication once in the official City newspaper and upon filing of the plat of Derby Destination Development, Derby, Sedgwick County, Kansas with the Sedgwick County

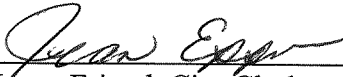
Register of Deeds. A copy of this ordinance shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

PASSED BY THE CITY COUNCIL this 24th day of January, 2017 and **SIGNED** by the Mayor.



Randy White, Mayor

Attest:



~~Karen Friend, City Clerk~~
Jean Epperson, Deputy City Clerk

Approved as to form:



Jacqueline R. Butler, City Attorney

