

(Published in *The Derby Informer* on July 31, 2019)

**ORDINANCE NO. 2390**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF DERBY, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NOS. 43-2004, AS AMENDED BY RESOLUTION NO. 8-2018, 10-2014 AND 20-2014 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.**

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**WHEREAS**, the governing body of the City of Derby, Kansas (the "City") has previously authorized certain internal improvements (the "Improvements") to be constructed pursuant to K.S.A. 12-6a01 *et seq.* (the "Act"); and

**WHEREAS**, the governing body has heretofore received a waiver (the "Waiver") of public hearing and right to protest the levy of special assessment from the owners of 100% of the property liable for assessment for the cost of the Improvements; and

**WHEREAS**, the governing body desires to levy assessments on certain property benefited by the construction of the Improvements.

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

**Section 1. Levy of Assessments.** For the purpose of paying the costs of the following described Improvements:

**Project No. 1 – The Oaks 4th - Sanitary Sewer Improvements**

**Resolution No. 43-2004, as amended by Resolution No. 8-2018**

Construction of sanitary sewer improvements to serve Lots 1 through 15, Block A, The Oaks 4<sup>th</sup>, an addition to Derby, Sedgwick County, Kansas, all in accordance with City of Derby Standards and plans and specifications prepared or approved by the City Engineer;

**Project No. 2 - The Oaks 2nd - Water Line Improvements-Revised Phase 4A-Part 2**

**Resolution No. 10-2014**

Construct an eight inch (8") water main extension to serve Lot 7, Block D; and Lots 1 through 14, Block G, The Oaks 2<sup>nd</sup> in accordance with City of Derby Standards; and

**Project No. 3 –The Oaks 2nd - Street Improvements-Revised Phase 4A-Part 2**

**Resolution No. 20-2014**

Construct 31' back to back residential standard pavement on **Newberry Ct.** from south line of Newberry, south to and including the cul-de-sac, and on **Newberry Cir.** from the east line of Newberry Ct. east to and including the cul-de-sac, with incidental storm drainage to be installed where necessary, all in accordance with City of Derby Standards;

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney) against the property described on *Exhibit A* attached hereto.

**Section 2. Payment of Assessments.** The amounts so levied and assessed in *Section 1* of this Ordinance shall be due and payable from and after the date of publication of this Ordinance.

**Section 3. Notification.** The City Clerk shall notify the owners of the properties described in *Exhibit A* attached hereto insofar as known to the City Clerk, of the amounts of their respective assessments; and, the notice shall further state that pursuant to the Waiver, bonds will be issued therefor, and the amount of such assessment will be collected in installments with interest.

**Section 4. Certification.** The special assessments shall be certified by the City Clerk to the County Clerk in the same manner and at the same time as other taxes are certified and will be collected in **20** annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

**Section 5. Effective Date.** This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official City newspaper.

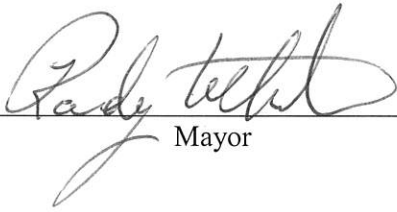
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**PASSED** by the governing body of the City on July 23, 2019 and signed and **APPROVED** by the Mayor.

(SEAL)

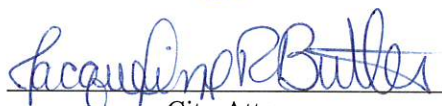
ATTEST:



  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM ONLY.

  
\_\_\_\_\_  
City Attorney

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**EXHIBIT A**

**CITY OF DERBY, KANSAS**

**THE OAKS 4<sup>TH</sup> – SANITARY SEWER IMPROVEMENTS  
RESOLUTION NO. 43-2004, AS AMENDED BY 8-2018**

Description of Property	Amount of Assessment
<b>The Oaks 4<sup>th</sup>, an addition to the City of Derby, Sedgwick County, Kansas:</b>	
Lot 1, Block A	\$ 5,353.59
Lot 2, Block A	5,353.59
Lot 3, Block A	5,353.59
Lot 4, Block A	5,353.59
Lot 5, Block A	5,353.59
Lot 6, Block A	5,353.59
Lot 7, Block A	5,353.59
Lot 8, Block A	5,353.59
Lot 9, Block A	5,353.59
Lot 10, Block A	5,353.59
Lot 11, Block A	5,353.59
Lot 12, Block A	5,353.59
Lot 13, Block A	5,353.59
Lot 14, Block A	5,353.58
Lot 15, Block A	5,353.58
<b>TOTAL</b>	<b>\$80,303.83</b>

**THE OAKS 2ND - WATER LINE IMPROVEMENTS-REVISED PHASE 4A-PART 2  
RESOLUTION NO. 10-2014**

Description of Property	Amount of Assessment
Lot 7, Block D; and Lots 1 through 14, Block G, The Oaks 2 <sup>nd</sup> , an addition to the City of Derby, Sedgwick County, Kansas, <i>replatted as Reserve A, and Lots 1 through 15, Block A, The Oaks 4<sup>th</sup>, an addition to the City of Derby, Sedgwick County, Kansas:</i>	
<b>The Oaks 4<sup>th</sup>, an addition to the City of Derby, Sedgwick County, Kansas:</b>	
Reserve A	\$ 0.00
Lot 1, Block A	3,021.06
Lot 2, Block A	3,021.06
Lot 3, Block A	3,021.06
Lot 4, Block A	3,021.06
Lot 5, Block A	3,021.06
Lot 6, Block A	3,021.06
Lot 7, Block A	3,021.06
Lot 8, Block A	3,021.06
Lot 9, Block A	3,021.06
Lot 10, Block A	3,021.06

Lot 11, Block A	3,021.06
Lot 12, Block A	3,021.06
Lot 13, Block A	3,021.05
Lot 14, Block A	3,021.05
Lot 15, Block A	3,021.05
<b>TOTAL</b>	<b>\$45,315.87</b>

**THE OAKS 2ND - STREET IMPROVEMENTS-REVISED PHASE 4A-PART 2  
RESOLUTION NO. 20-2014**

<b>Description of Property</b>	<b>Amount of Assessment</b>
Lot 7, Block D; and Lots 1 through 14, Block G, The Oaks 2 <sup>nd</sup> , an addition to the City of Derby, Sedgwick County, Kansas, <i>replatted as Reserve A, and Lots 1 through 15, Block A, The Oaks 4<sup>th</sup>, an addition to the City of Derby, Sedgwick County, Kansas:</i>	
<b>The Oaks 4<sup>th</sup>, an addition to the City of Derby, Sedgwick County, Kansas:</b>	
Reserve A	\$ 0.00
Lot 1, Block A	13,700.16
Lot 2, Block A	13,700.16
Lot 3, Block A	13,700.16
Lot 4, Block A	13,700.16
Lot 5, Block A	13,700.16
Lot 6, Block A	13,700.16
Lot 7, Block A	13,700.16
Lot 8, Block A	13,700.16
Lot 9, Block A	13,700.16
Lot 10, Block A	13,700.16
Lot 11, Block A	13,700.16
Lot 12, Block A	13,700.16
Lot 13, Block A	13,700.16
Lot 14, Block A	13,700.16
Lot 15, Block A	13,700.17
<b>TOTAL</b>	<b>\$205,502.41</b>

**EXHIBIT A-1**

**CITY OF DERBY, KANSAS**

**THE OAKS 4<sup>TH</sup> - SANITARY SEWER IMPROVEMENTS - RESOLUTION NO. 43-2004, AS AMENDED BY 8-2018**  
**THE OAKS 2ND - WATER LINE IMPROVEMENTS-REVISED PHASE 4A-PART 2 - RESOLUTION NO. 10-2014**  
**THE OAKS 2ND - STREET IMPROVEMENTS-REVISED PHASE 4A-PART 2 - RESOLUTION NO. 20-2014**

**STATEMENT OF FINAL COSTS**

<i>Years of Assessment</i>	<i>Res. #</i>	<i>Project</i>	<i>Construction, engineering &amp; inspection</i>	<i>Plus Admin. Fees</i>	<i>Plus Temp Note interest</i>	<i>Plus Temp Note Issuance/Bid Discount</i>	<i>Plus 2019-B Bonds Cost of Issuance &amp; Bid Discount</i>	<i>Capitalized Interest</i>	<i>Total Project Costs</i>
20	43-2004/08-2018	<i>The Oaks 2nd/replanted The Oaks 4th</i> The Oaks 4th Sanitary Sewer	68,707.35	3,435.37	1,561.83	2,025.60	1,167.38	3,406.29	80,303.83
20	10-2014	The Oaks 4th Water Line	38,771.92	1,938.60	881.35	1,143.06	658.76	1,922.19	45,315.87
20	20-2014	The Oaks 4th Street	175,826.32	8,791.32	3,996.82	5,183.64	2,987.40	8,716.92	205,502.41
	<b>TOTAL</b>		<b>283,305.59</b>	<b>14,165.28</b>	<b>6,440.00</b>	<b>8,352.30</b>	<b>4,813.54</b>	<b>14,045.40</b>	<b>331,122.11</b>

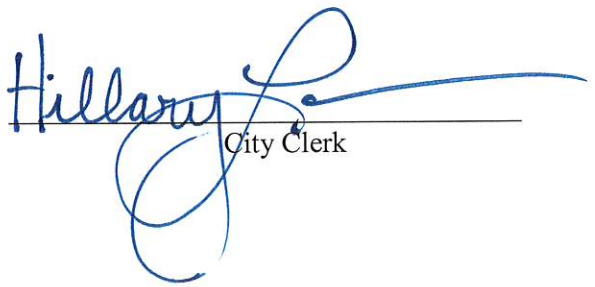
**EXHIBIT B**

**ASSESSMENT ROLL CERTIFICATION**

The undersigned having been designated by the City of Derby, Kansas (the "City"), to determine the amounts of the respective assessments and to prepare the proposed Assessment Roll therefor in connection with certain internal improvements previously authorized by the City Council, hereby reports that each and all of the respective assessments have been determined to be as shown on the Schedule(s) attached hereto and made a part hereof by reference as though fully set out herein.

Dated July 23, 2019.

**CITY OF DERBY, KANSAS**

By:  \_\_\_\_\_  
City Clerk

**SCHEDULE I**

**CITY OF DERBY, KANSAS**

**THE OAKS 4<sup>TH</sup> – SANITARY SEWER IMPROVEMENTS  
RESOLUTION NO. 43-2004, AS AMENDED BY 8-2018**

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<b>TOTAL</b>	<b>\$205,502.41</b>

**EXHIBIT C**

**WAIVER OF ASSESSMENT PROCEEDINGS**

TO THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

The undersigneds (jointly the "Owner"), hereby states that the Owner is the record titled owner of 100% of the real estate situated in the City of Derby, Sedgwick County, Kansas (the "City") hereinafter described (the "Property"), which is all of the property liable for special assessment for the costs of constructing the following described improvements (the "Improvements"):

**Project No. 1 – The Oaks 4th - Sanitary Sewer Improvements**

**Resolution No. 43-2004, as amended by Resolution No. 8-2018**

Construction of sanitary sewer improvements to serve Lots 1 through 15, Block A, The Oaks 4<sup>th</sup>, an addition to Derby, Sedgwick County, Kansas, all in accordance with City of Derby Standards and plans and specifications prepared or approved by the City Engineer.

**Project No. 2 - The Oaks 2nd - Water Line Improvements-Revised Phase 4A-Part 2**

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**Project No. 3 –The Oaks 2nd - Street Improvements-Revised Phase 4A-Part 2**

**Resolution No. 20-2014**

Construct 31' back to back residential standard pavement on **Newberry Ct.** from south line of Newberry, south to and including the cul-de-sac, and on **Newberry Cir.** from the east line of Newberry Ct. east to and including the cul-de-sac, with incidental storm drainage to be installed where necessary, all in accordance with City of Derby Standards.

The Owner hereby further states that the Owner has received a copy of the Statement of Final Costs and Assessment Roll Certification relating to the Improvements, which have been prepared by or on behalf of the City.

After being advised of the Owner's right to a public hearing and other matters related to the Improvements, the Owner hereby agrees to the following:

1. Waiver of formal notice of and the holding of a public hearing by the governing body of the City for the purpose of considering special assessments against the Property;
2. Consent to the levy of special assessments against the Property in the amounts hereinafter described (the "Special Assessment") by appropriate proceedings of the governing body of the City;
3. Waiver of the thirty (30) day period after publication of the assessment ordinance of the City to contest the levy of the Special Assessment;

4. Waiver of any period established by the City Council for the prepayment of the Special Assessment;
5. Consent that the City may immediately proceed to issue its general obligation bonds to finance the costs of the Improvements in accordance with K.S.A. 12-6a01 *et seq.*

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Dated: July 23, 2019

Signature	Date of Signature	Property Owned and Liabile for Assessment and Amount of Assessment																																																				
GJ PARTNERS LLC		<p><b>The Oaks 4th - Sanitary Sewer Improvements – Resolution No. 43-2004, as amended by Resolution No. 8-2018</b></p>																																																				
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