

ORDINANCE NO. 2400

**AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE REASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NOS. 1813 AND 1929 OF THE CITY OF DERBY, KANSAS TO PAY THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS IN STONE CREEK COMMERCIAL 2ND AND 3RD ADDITIONS, 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. 20-2004, 21-2004, 22-2004, 34-2004, 52-2004, 53-2004, and 03-2007 of the City has heretofore authorized certain internal improvements known as follows to be constructed within the City (the "Improvements"):

- Stone Creek Commercial 2<sup>nd</sup> Addition Street Improvements, ST1 (Res. No. 20-2004)
- Stone Creek Commercial 2<sup>nd</sup> Addition Sanitary Sewer Improvements, SS1 (Res. No. 22-2004, as amended by 53-2004)
- Stone Creek Commercial 3<sup>rd</sup> Addition Waterline Improvements, Phase 1 (Res. No. 03-2007)
- Stone Creek Commercial 2<sup>nd</sup> Addition Waterline Improvements, W1 (Res. No. 34-2004, as amended by 52-2004)
- Stone Creek Commercial 2<sup>nd</sup> Addition Sidewalk Improvements (Res. No. 21-2004)

**WHEREAS**, the governing body of the City, pursuant to Ordinance Nos. 1813 and 1929 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, Stone Creek Commercial 3rd Addition, Derby, Sedgwick County, Kansas; and**

**WHEREAS**, the Original Lot has been divided by way of a lot split into Lot 1, Block A, except the East 28.32 feet thereof, Stone Creek Commercial 3<sup>rd</sup> Addition (Parcel A) and the East 28.32 feet of Lot 1, Block A, Stone Creek Commercial 3<sup>rd</sup> Addition (Parcel B) (the "Divided Lots"); and

**WHEREAS**, the City has received an Agreement proposing modification and re-assessment 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 91/100 of the total cost originally assessed against the Original Lot described above,
- Parcel B shall pay 9/100 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-assessment 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 10th day of September, 2019, and **SIGNED** by the Mayor.

  
Randy White, Mayor

Attest:

  
City Clerk

Approved as to form:

  
Jacqueline R. Butler, City Attorney

