

(Published in *The Derby Informer*, on December 16, 2020)

RESOLUTION NO. 53-2020

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NOS. 46-2016 AND 50-2016 OF THE CITY OF DERBY, KANSAS, WHICH DETERMINED THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF DERBY, KANSAS (PAVING IMPROVEMENTS – PHASES 3 AND 4/NORTHBROOK ADDITION).

WHEREAS, the governing body of the City of Derby, Kansas (the "City"), has heretofore by Resolution No. 46-2016 of the City, duly adopted on November 22, 2016 (the "Phase 3 Prior Resolution"), authorized, pursuant to K.S.A. 12-6a01 *et seq.*, the following described improvements:

Construct 31' back to back residential standard pavement on **Bellows St.** from the west line of the plat to the east line of Lot 18, Block A, on **Tyndall St.** from the south line of Lot 5, Block B, to the south line of Bellows St., and on **Laughlin St.** from the north line of Lot 13, Block D, to the north line of Lot 18, Block A, with incidental storm drainage to be installed where necessary, and sidewalk to be installed on Bellows St. adjacent to Reserve "C" and Reserve "D", all in accordance with City of Derby Standards and plans and specifications prepared or approved by the City Engineer

(the "Phase 3 Improvements") to serve the following described improvement district:

Lots 18 through 26, Block A; Lots 1 through 5, Block B; Lots 9 through 17, Block C; Lots 1 through 12, Block D; and Lots 23 through 25, Block D, Northbrook Addition, an addition to the City of Derby, Sedgwick County, Kansas (the "Phase 3 Improvement District"); and

WHEREAS, the Phase 3 Prior Resolution was recorded with the Register of Deeds of Sedgwick County, Kansas, and appears at DOC. #/FLM-PG: 29658100; and

WHEREAS, the governing body of the City has heretofore by Resolution No. 50-2016 of the City, duly adopted on November 22, 2016 (the "Phase 4 Prior Resolution"), authorized, pursuant to K.S.A. 12-6a01 *et seq.*, the following described improvements:

Construct 31' back to back residential standard pavement on **Laughlin St.** from the north line of Lot 18, Block A, to the north line of the plat, and on **Laughlin Ct.** from the west line of Laughlin St., west to and including the cul-de-sac, with incidental storm drainage to be installed where necessary, and sidewalk to be installed on Laughlin St. adjacent to Reserve "A", Reserve "B", Reserve "I" and Reserve "L", all in accordance with City of Derby Standards and plans and specifications prepared or approved by the City Engineer

(the "Phase 4 Improvements") to serve the following described improvement district:

Lots 1 through 17, Block A; and Lots 1 through 8, Block C, Northbrook Addition, an addition to the City of Derby, Sedgwick County, Kansas (the "Phase 4 Improvement District"); and

WHEREAS, the Phase 4 Prior Resolution was recorded with the Register of Deeds of Sedgwick County, Kansas, and appears at DOC. #/FLM-PG: 29658104; and

WHEREAS, the City has received and filed an Amended Petition proposing modifications of the improvements, estimated costs, extent of the improvement district and method of assessment, all relating to the Phase 3 Prior Resolution and the Phase 4 Prior Resolution; and

WHEREAS, the governing body of the City hereby finds and determines it necessary to modify the Phase 3 Prior Resolution and the Phase 4 Prior Resolution; and

WHEREAS, the governing body of the City hereby finds and determines that said Amended Petition is sufficient and that it is necessary to make such modifications; and

WHEREAS, in order to make such modifications, the governing body of the City hereby finds and determines it necessary to amend and supplement *Section 1* of the Phase 3 Prior Resolution and *Section 1* of the Phase 4 Prior Resolution, as hereinafter set forth.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. Amendments. *Section 1* of the Phase 3 Prior Resolution and *Section 1* of the Phase 4 Prior Resolution are hereby amended to read as follows:

Section 1. Findings of Advisability. The governing body hereby finds and determines that:

(a) It is advisable to make the following improvements (the "Improvements"):

Construct 31' back to back residential standard pavement on **Bellows St.** from the west line of the plat to the east line of Lot 18, Block A, on **Tyndall St.** from the south line of Lot 5, Block B, to the south line of Bellows St., on **Laughlin St.** from the north line of Lot 13, Block D, to the north line of the plat, and on **Laughlin Ct.** from the west line of Laughlin St., west to and including the cul-de-sac, with incidental storm drainage to be installed where necessary, and sidewalk to be installed on Laughlin St. adjacent to Reserve "A", Reserve "B", Reserve "T" and Reserve "L", on Bellows St. adjacent to Reserve "C" and Reserve "D"; and on Woodlawn St, from the south line of Freedom St, to the south line of the plat, all in accordance with City of Derby Standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the Improvements is: \$635,000, to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of this Resolution.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

Lots 1 through 26, Block A; Lots 1 through 5, Block B; Lots 1 through 17, Block C; Lots 1 through 12, Block D; and Lots 23 through 25, Block D, Northbrook Addition to the City of Derby, Sedgwick County, Kansas.

(d) The method of assessment is on a fractional basis, as follows: Lots 18 through 26, Block A; Lots 1 through 3, Block B; and Lots 9 through 16, Block C, shall be assessed 10/709 of the total costs of the Improvements; Lots 1 through 17, Block A; and Lots 1 through 8, Block C, shall be assessed 11/709 of the total costs of the Improvements; and Lots 4 and 5, Block B; Lot 17, Block C; Lots 1 through 12, Block D; and Lots 23 through 25, Block D, shall each be assessed 13/709 of the total costs of the Improvements.

In the event all or part of the lots or parcels in the proposed Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

Section 2. Repealer; Ratification. *Section 1* of the Phase 3 Prior Resolution and *Section 1* of the Phase 4 Prior Resolution are hereby repealed and the rest and remainder thereof ratified and confirmed.


Section 3. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED AND APPROVED by the governing body of the City of Derby, Kansas, on December 8, 2020.

(SEAL)

ATTEST:



By: 
Name: Randy White
Title: Mayor

By: 
Name: Lynn Ciarleglio
Title: City Clerk