

ORDINANCE NO. 2392

AN ORDINANCE APPROVING AN AGREEMENT REGARDING THE REASSESSMENT OF CERTAIN SPECIAL ASSESSMENTS LEVIED BY ORDINANCE NOS. 1831, 1929, 1989, 2289, AND 2359 OF THE CITY OF DERBY, KANSAS TO PAY THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS IN THE COURTYARDS AT THE OAKS 2ND 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. 38-2003, 63-2003, 65-2003, 21-2005, 22-2005, 48-2007, 12-2014, 22-2014, and 30-2014 of the City has heretofore authorized certain internal improvements known as follows to be constructed within the City (the “Improvements”):

- The Oaks and Oaks 2nd Additions Sidewalk Improvements, Phase XV (Res. No. 63-2003)
- The Oaks and Oaks 2nd Additions Stormwater Sewer Improvements, Phase XV (Res. No. 65-2003)
- The Oaks Addition Waterline Improvements, Phases V & VII (Res No. 21-2005)
- The Oaks Addition Street Improvements, Phases V & VII (Res No. 22-2005)
- The Oaks and Oaks 2nd Additions Stormwater Sewer, Phase XV (Res. No. 48-2007)
- The Oaks Addition Stormwater Sewer Improvements, Phase VII (Res. No. 38-2003)
- The Oaks, The Oaks 2nd and The Oaks 3rd Waterline Improvements (Res. No. 12-2014)
- The Oaks, The Oaks 2nd and The Oaks 3rd Street Improvements (Res. No. 22-2014)
- The Oaks, The Oaks 2nd and The Oaks 3rd Traffic Signal Improvements at Meadowlark and Triple Creek Dr. (Res. No. 30-2014)

WHEREAS, the governing body of the City, pursuant to Ordinance Nos. 1831, 1929, 1989, 2289, and 2359 of the City, has levied and assessed a portion of the costs of the Improvements against the following properties benefitted by such Improvements (the “Original Lots”):

Lots 17 through 28, Block O, and Lots 32 through 45, Block P, The Oaks Addition, Derby, Sedgwick County, Kansas; and

WHEREAS, the Original Lots have been divided by way of a re-plat into Courtyards at the Oaks 2nd Addition (the “Divided Lots”), more particularly described as:

Lots 1 through 28, Block 1 and Lots 1 through 26, Block 2, Courtyards at the Oaks 2nd Addition, Derby, Sedgwick County, Kansas; and

WHEREAS, the City has received an Agreement proposing modification and re-assessment of the assessments levied and assessed against the Original Lots 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 Lots 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 Lots are hereby levied and assessed against the Divided Lots as follows:


- Lots 1 through 28, Block 1; Lots 1 through 26, Block 2; Courtyards at the Oaks 2nd Addition shall each pay 1/54 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-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.

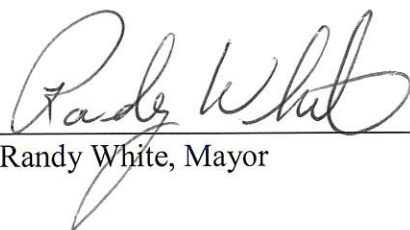
PASSED BY THE CITY COUNCIL this 13th day of August, 2019, and **SIGNED** by the Mayor.

Attest:



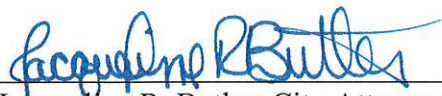
City Clerk





Randy White, Mayor

Approved as to form:



Jacqueline R. Butler, City Attorney