



April 20, 2021

RECEIVED APR 22 2021

Metropolitan Area Planning Commission
Attn: Metropolitan Area Planning Department
271 W. 3rd St. North
Wichita, KS 67202

RE: Proposed Unilateral Annexation

Pursuant to K.S.A. 12-520a(d), enclosed is a copy of Derby Resolution No. 02-2021, stating the City's intent to consider annexation of certain lands adjoining the City of Derby's corporate boundaries and establishing the date of the public hearing required for such annexation. A sketch of the proposed annexation area is also enclosed. The City Council will conduct the required public hearing on the proposed annexation at 6:30 p.m. on Tuesday, June 22, 2021 during its regular meeting.

Further, as requested by Resolution No. 109-2012 adopted by the Board of County Commissioners, Derby's plan for extension of major municipal services to the subject properties is enclosed. The City requests that the Metropolitan Area Planning Commission reviews the request and materials at its June 3, 2021 meeting.

The City welcomes input—both during and in advance of the public hearing—from any person or agency interested in or affected by the proposed annexation. Should you have questions, comments, or concerns about any aspect of the service extension plan, please contact me, Everett Haynes Assistant City Planner at (316) 788-6632 Ext. 1230 or via email at everetthaynes@derbyweb.com

Everett Haynes
Assistant City Planner
P: (316) 788-6632 Ext. 1230
E: everetthaynes@derbyweb.com

Attached: Resolution No. 02-2021
Sketch of Proposed Annexation Area
Service Extension Plan

**WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT**

DATE: June 3, 2021

TO: Wichita-Sedgwick County Metropolitan Area Planning Commission

FROM: Matthew Williams, Associate Planner

RE: DER 2021-00003: THE CITY OF DERBY SEEKS UNILATERAL
ANNEXATION OF TRACTS OF LAND ON THE SOUTH SIDE OF EAST
79TH STREET SOUTH AND WITHIN ONE-HALF MILE WEST OF SOUTH
WEBB ROAD. – Resolution No. 02-2021.

Background: On April 13, 2021, the City of Derby passed Resolution No. 02-2021 authorizing a public hearing on June 22, 2021 for the purpose of considering the unilateral annexation of properties on the south side of East 79th Street South and within one-half mile west of South Webb Road, eligible for annexation under KSA 12-520(a) and situated immediately adjacent to the City of Derby.

Prior to unilaterally annexing property, Kansas statutes require that a plan be prepared indicating the means by which city services will be extended to the area proposed for annexation. The City of Derby has submitted to the MAPD, a copy of the service plan that describes the extension of services to the annexation area.

Analysis: Kansas statutes governing unilateral annexations provide for official notification to certain local officials, including planning commissions having jurisdiction in the area. Additionally, Kansas statutes require that the planning commission review the proposal and make a finding of compatibility or incompatibility with any adopted land use or comprehensive plans related to the area and the annexing city.

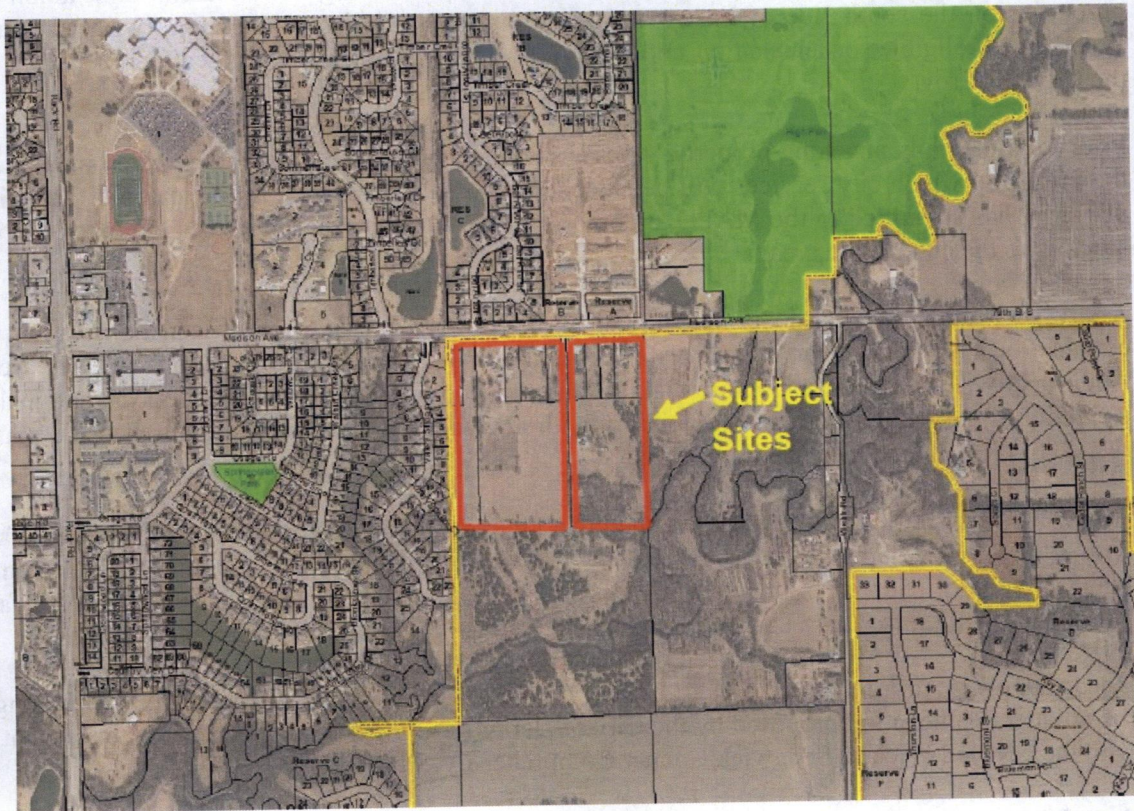
After review by staff, it has been determined that all tracts proposed for unilateral annexation fall within the City of Derby 2035 Urban Growth Area as designated in the Community Investments Plan 2015-2035, adopted by the MAPC on November 19, 2015. All annexation properties fall within Derby's *Future Land Use Map* as identified in the City of Derby Comprehensive Plan.

Recommended Action: That the Metropolitan Area Planning Commission pass a motion finding the unilateral annexation proposed by the City of Derby Resolution No. 02-2021 to be consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

Attachments:

Annexation Area Map
Resolution No. 02-2021
Service Extension Report
2035 Urban Growth Areas Map

Proposed Unilateral (K.S.A. 12-520) Annexation
8729-9121 E. 79th St. S.
Located East of Rock Rd. and South of Madison Ave.



MAPC/BZA VOTING ROSTER

DATE: June 3, 2021

Agenda Item #5.1: DER21-03

#3 Consent ☐

Present 9

COMMISSIONER	YES	NO	ABSTAIN
GREENE	X		
B. JOHNSON	X		
McKAY	X		
GROSS	X		
FOX	X		
DOOL			
BLICK			
NICKS			
D. FOSTER	X		
WARREN	X		
J. JOHNSON			
MILES	X		
HARTMAN	X		
FLORENCE			

9 IN FAVOR
0 OPPOSED
0 ABSTAINED

MOTION:
Warren
 2ND:
Green
 ABSTAINED:

 Notes:

Resolution No.02-2021

A RESOLUTION SETTING FORTH THE INTENTION OF THE CITY OF DERBY, KANSAS, TO CONSIDER ANNEXATION OF CERTAIN LANDS, ALL PURSUANT TO K.S.A. 12-519 *ET SEQ.*

WHEREAS, the City of Derby, Kansas (the "City"), seeks to plan for incorporation of certain unincorporated lands into the City and for extension of municipal services to such lands; and

WHEREAS, K.S.A. 12-519 *et seq.* provides a process by which unincorporated areas may be annexed;

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

SECTION 1. A public hearing shall be conducted to consider annexation and incorporation of certain lands, hereinafter described, into the City of Derby, Kansas. Such public hearing shall be held in the Council Room at City Hall, 611 N. Mulberry, Derby, Kansas 67037, and shall commence at 6:30 p.m., Tuesday, June 22, 2021.

SECTION 2. The Governing Body finds and determines that the place designated for such hearing is the most convenient place reasonably available to accommodate all persons who may be interested in the proposed annexation, and that adequate facilities for the conduct of such hearing are not available within the lands to be considered for annexation. The Governing Body further finds and determines that the time and date of the hearing, being a regular meeting date for the City Council, is most convenient for the greatest number of interested persons.

SECTION 3. At such public hearing, the Governing Body will consider annexation of the following described lands:

The West 90 feet of the North 484 feet of the Northwest Quarter of the Northeast Quarter, EXCEPT the North 40 feet for road, of Section 8, Township 29 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas;

AND,

The West 180 feet of the NW1/4 of the NE1/4 of Section 8, Township 29 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT the North 484 feet of the West 90 feet thereof;

AND,

A tract in the Northwest Quarter of the Northeast Quarter of Section 8, Township 29 South, Range 2 East of the 6th P.M., in Sedgwick County, Kansas described as follows: Commencing at the Northwest corner of said Northwest Quarter of the Northeast Quarter; thence East along the North line of said Northwest Quarter of the Northeast Quarter, 758 feet; thence with an angle to the right of 90°25', a distance of 493.76 feet for place of beginning; thence continuing South on last described line, 827.65 feet more or less to the South line of said Northwest Quarter of the Northeast Quarter; thence West along said South line, 585.83 feet more or less to a point 180 feet East of the Southwest corner of said Northwest Quarter of the Northeast Quarter; thence North parallel with the West line of said Northwest Quarter of the Northeast Quarter, 1320.4 feet more or less to the North line of said Northwest Quarter of the Northeast Quarter; thence East along said North line 203 feet; thence South parallel with said West line 484 feet; thence East parallel with said North line 279 feet; thence South parallel with said West line 9.76 feet; thence East parallel with said North line 98.65 feet more or less to the place of beginning, except that part lying East of a line beginning at a point 758 feet East of said Northwest corner of the Northwest Quarter of the Northeast Quarter and extending thence South to a point lying East of the Southwest corner of said Northwest Quarter of said Northeast Quarter of said Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, being the West line of a 33 foot wide roadway as conveyed in Deed Book 766, Page 571;

AND,

The East 90 feet of the West 482 feet of the North 484 feet of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section Eight (8), Township Twenty-nine (29) South, Range Two (2) East of the 6th P.M., Sedgwick County, Kansas, Subject to road easement on the North 40 feet AND The East 9 feet of the West 392 feet of the North 484 feet of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section Eight (8), Township Twenty-Nine (29) South, Range Two (2) East, of the 6th P.M., Sedgwick County, Kansas ALSO DESCRIBED as the East 99 feet of the West 482 feet of the North 484 feet of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas;

AND,

The East 180 feet of the West 662 feet of the North 484 feet of the Northwest Quarter of the Northeast Quarter of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas;

AND,

Beginning 758 feet East of the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, thence with an angle to the right of 90°25' a distance of 493.76 feet, thence West 98.65 feet more or less to a point 662 feet East of the West line

of said Northwest Quarter of the Northeast Quarter, thence North 493.76 feet, thence East 96 feet to beginning;

AND,

A tract in the Northwest Quarter of the Northeast Quarter of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the Northeast corner thereof; thence West 523.57 feet, more or less, to a point 791 feet East of the Northwest corner of said Northwest Quarter of the Northeast Quarter; thence with an angle to the left of 89°35', a distance of 1321.47 feet, more or less, to the South line of said Northwest Quarter of the Northeast Quarter; thence East along said South line, 518.9 feet, more or less, to the Southeast corner of said Northwest Quarter of the Northeast Quarter; thence North 1323.38 feet, more or less, to the beginning, EXCEPT therefrom the following: Beginning at the Northeast corner of said Northwest Quarter of the Northeast Quarter; thence West 505 feet; thence, with an angle to the left of 89°35', a distance of 475.6 feet; thence East parallel with the North line of said Northwest Quarter of the Northeast Quarter, 503.8 feet, more or less, to the East line of said Northwest Quarter of the Northeast Quarter; thence North 475.6 feet to the beginning;

AND,

Tract beginning 505 feet West of the Northeast corner of the NW/4 of NE/4 of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence with an angle to the left of 89°35', 475.60 feet; thence East 102.5 feet; thence North 475.60 feet; thence West 105 feet to the point of beginning;

AND,

Beginning 300 feet West of the Northeast Corner of the Northwest Quarter of the Northeast Quarter; thence South 475.6 feet, thence West 100 feet, thence North 475.6 feet, thence East 100 feet to place of beginning, all in Section 8, Township 29 South, Range 2 East of the 6th P.M., in Sedgwick County, Kansas;

AND,

All that certain parcel of land in Sedgwick County, Kansas being known and designated as the West 100 feet of the East 300 feet of the North 475.6 feet of the Northwest Quarter of the Northeast Quarter of Section 8, Township 29 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT for the North 40 feet thereof for road;

AND,

The East 200 feet of the North 475.6 feet of the Northwest Quarter of the Northeast Quarter of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, except the North 40 feet for road

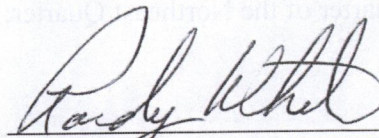
which lands meet one or more of the conditions set forth in K.S.A. 12-520(a), as amended.

SECTION 4. The City's plans for the extension of major municipal services to the lands proposed to be annexed, as required under the provisions of K.S.A. 12-520b, are available for inspection during regular office hours in the office of the City Clerk.

SECTION 5. A copy of this resolution, together with a sketch clearly delineating the lands proposed for annexation, shall be mailed by certified mail to each owner of land proposed to be annexed and to all other persons or entities entitled by law to notice thereof, on or before April 23, 2021.

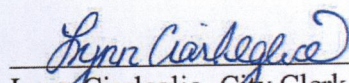
SECTION 6. This resolution, together with a sketch clearly delineating the area proposed for annexation, shall be published once in the official newspaper of the City on June 9, 2021.

ADOPTED BY THE GOVERNING BODY of the City of Derby, Kansas, this 13th day of April, 2021.



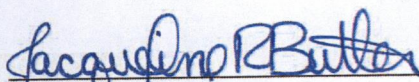
Randy White, Mayor

Attest:



Lynn Ciarleglio, City Clerk

Approved as to form:



Jacqueline R. Butler, City Attorney