

DR 82-6 - City of Derby proposes
Island Annexation generally loca-
ted on the west side of Derby.

ACTION

DATE

COMMITTEE _____

M.A.P.C. _____

~~B.C.C./B. CO. C. Adopted South Line~~ 3-1-82

Map No. 5838
Sec. I2
Twp. 29S
Range 1E

DATA SHEET

DR - 82-6
Filed 2-23-82

APPLICATION REQUEST: Island Annexation proposal by City of Derby.

APPLICATION DATA:

1. Applicant: City of Derby
Address Derby City Hall, Derby, Kansas 67037 Phone 788-1519
2. Agent: Ward Clements, City Administrator
Address Derby City Hall, Derby, Kansas 67037 Phone 788-1519
3. General Location: West side of Derby Address _____
4. Proposed Use: Residential

AREA DATA:

1. Acres: 42 (1550 ft. by 1260 ft.)
2. Adjoining Zoning: E "R" S "R" W "R" N "R-1"
3. Land Use: East Residential South Agricultural
West Agricultural North Residential
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: Agricultural
6. Area (is) ~~(is not)~~ platted.
being _____

PHOTO DATA:

Taken by _____ Date _____ Time _____

HASTINGS, MN
LOS ANGELES, CALIF. / WASHINGTON, DC
MCGREGOR TX / LOCUST GROVE, GA
U.S.A.

Speed
No. 2153C

PICTURE SHEET

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE

B. Co. C. - 3-1-82
February 24, 1982

Agenda Copy.

TO The Board of Sedgwick County Commissioners
FROM Robert A. Lakin, Director of Planning
SUBJECT Resolution No. 2-82, City of Derby requests determination on Island Annexation (DR 82-6)

Project Identification

The governing body of the City of Derby, Kansas, has reviewed a request from Mr. Roger W. Heitschmidt for the annexation of property in his ownership to the City of Derby. The property is located immediately west of the City of Derby in an area west of McIntosh Road and south of an area platted as Sleepy Hollow Farm Addition. Sleepy Hollow Addition is not part of the City of Derby, and the property is separated from the Derby city limits to the east by several small intervening parcels of property under separate ownership. The location of the property in relation to the City of Derby is indicated on the map attached as Exhibit No. 1.

Due to the fact that the property requested to be annexed to the City of Derby does not adjoin the current boundary of the City, the laws of the State of Kansas require that the "island" annexation proposal be forwarded by resolution to the Board of County Commissioners for consideration.

The governing body of the City of Derby approved the necessary resolution on February 2, 1982, and has forwarded the same to the Board of Sedgwick County Commissioners. A copy resolution is attached for reference as Exhibit No. 2. The resolution requests the Board of Sedgwick County Commissioners to make a finding and determine that the annexation of the property in question to the City of Derby will in no way hinder or prevent the proper growth and development of the area or any other city within the County. State law allows 30 days from the day of receipt of the resolution to respond to the request.

Findings and Determinations

The property proposed for annexation to the City of Derby is approximately 40 acres in size. The property is being platted into 113 single family lots under the name of Woodland Valley Addition. The individual lots are very comparable in size to the lot sizes found to exist within the City of Derby. The lot sizes are slightly smaller than those lots found to exist in the unincorporated Sleepy Hollow Farm Addition adjoining the property on the north.

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February 24, 1982
Sedgwick County Board of Commissioners
DR 82-6

The property is currently zoned the "R" rural residential district under the Sedgwick County Zoning Resolution. Upon annexation to the City of Derby, the zoning classification on the property would automatically convert to the "R-1" single family residential district under the Derby Zoning Ordinance. The Derby "R-1" classification will adequately accommodate the proposed development density reflected by the platted lot sizes.

Derby city officials have indicated that the City of Derby is prepared to provide adequate municipal services to the proposed annexation area. Adequately sized water and sewer mains can be extended to the area following annexation. City fire and police protection are readily available and can be provided to the area following annexation without overburdening existing personnel and equipment.

Upon review of the City of Derby's Comprehensive Development Plan it is apparent that the property proposed for annexation is well within the future growth area of the city.

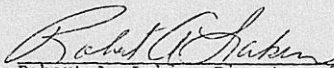
It is also apparent that the intervening land and other lands adjacent thereto (to the north, northeast and east), are annexable under the normal annexation procedures. There appears to be no major service problems should these lands be annexed. If the property in question is annexed, it is recommended that the Derby City Council examine and consider annexing those adjacent lands (such as along K-15, Nelson, McIntosh, Meadowlark, etc.), to make the City boundary more continuous and harmonious, and to bring available municipal services into this area.

On the basis of these findings, it is apparent that the annexation of the property to the City of Derby will not hinder or prevent the proper growth and development of the area or any other city within Sedgwick County.

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February 24, 1982
Sedgwick County Board of Commissioners
DR 82-6

Recommendation

It is recommended that the Board of Sedgwick County Commissioners adopt a resolution of finding and determination that the proposed annexation by the City of Derby will not hinder or prevent the proper growth and development of the area or any other incorporated city located within Sedgwick County. An example resolution is attached for your consideration as Exhibit No. 3.



Robert A. Lakin, Director of Planning

RAL:RLY:vn

Attachments

cc: Ward R. Clements, Jr., City Administrator, Derby, Kansas
William D. Rustin, Sedgwick County Counselor
Claud Shelor, Director, Department of Public Works, Sedgwick
County
Chief Gary Nichols, Sedgwick County Fire Department
4343 N. Woodlawn, Wichita, KS 67220
Kenneth Duckworth, Emergency Communications, Sedgwick
County Courthouse

Exhibit No. 1

Sedgwick County Commission Agenda

Item: Resolution No. 2-82
(DR 82-6)

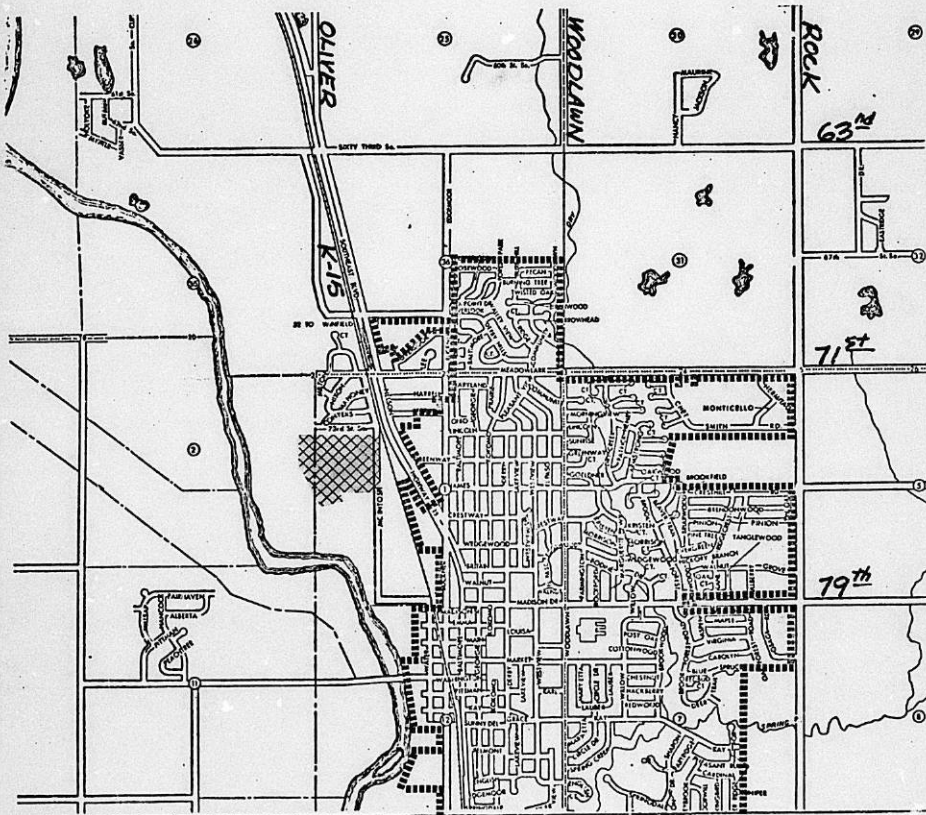
A resolution for including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Derby, Kansas, and relating thereto.

General Location:

42	Area in Acres	Reason(s) for Annexation
0	Population (Est.)	<input type="checkbox"/> Petition
0	Dwelling Units	<input type="checkbox"/> Needed for benefit district
0	Business Units	<input checked="" type="checkbox"/> Other Requested by property owners

"R-1" Suburban Residential

County Zoning



Derby City Limits Area to be Annexed

The Director of Planning recommends that the resolution be adopted.

ACTION: Adopt the resolution and direct the County Clerk to forward a copy to the City of Derby, Kansas, and spread the same at length upon the journal of proceedings of the Board of Sedgwick County Commissioners.

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

That it is necessary for the orderly growth of the City of Derby, Kansas to annex the following described land located in Sedgwick County, Kansas as petitioned by Roger W. Heitschmidt, owner of said property:

BEGINNING at an iron pipe found at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 1, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas;

Thence with an assumed bearing of South 0°00'00" East on the East line of said Southwest Quarter of said Northwest Quarter, for a distance of 1,257.15 feet to a point which is described as 2,702.59 feet North of the Southeast corner of Lot 1 in said Section 1;

Thence with a bearing of South 89°21'00" West on the North line of an unplatted parcel now owned by Roy M. Ellis, et ux, a distance of 700.91 feet, more or less, to an iron pipe found at the Northwest corner of said Ellis property;

Thence with a bearing of South 26°07'00" East on the Westerly line of said Ellis property and into Lot 1, Section 1, a distance of 110.25 feet to a 5/8" rebar driven in;

Thence with a bearing of South 60°00'00" West, a distance of 382.53 feet to a 5/8" rebar driven in;

Thence with a bearing of North 30°00'00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,162.77 feet to a 5/8" rebar driven in;

Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

BE IT FURTHER RESOLVED, that prior to the publication of an ordinance annexing the above described property the Board of Sedgwick County Commissioners is hereby requested to find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other unincorporated city within Sedgwick County, as specified under subsection (a) (3) of K.S.A. 12-520c.

The City Clerk is hereby directed to file a certified copy of this resolution with the Board of County Commissioners for their findings and determination.

Adopted at Derby, Kansas, this 2nd day of February, 1982.

ATTEST:

Genevieve D. Moore
City Clerk

APPROVED:

Don Stuck
Mayor

CERTIFICATE OF THE CLERK OF THE CITY OF DERBY, KANSAS. THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT WHICH IS ON FILE IN THIS OFFICE.

DONE THIS 4th DAY OF February 1982.

BY: Genevieve D. Moore
CITY CLERK

RESOLUTION

A RESOLUTION BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS RESPONDING TO THE REQUEST OF THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, TO MAKE FINDINGS AND DETERMINE THE ADVISABILITY OF ANNEXING TO THE CITY OF DERBY CERTAIN NON-ADJOINING PROPERTIES AS PROVIDED FOR IN K.S.A. 12-520c.

WHEREAS, the owner of the following described property has petitioned for the annexation to the City of Derby, of parts of Sections 1 and 2, Township 29 South, Range 1 East of the 6th P.M., more fully described as follows:

BEGINNING at an iron pipe found at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 1, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas;

Thence with an assumed bearing of South 0°00'00" East on the East line of said Southwest Quarter of said Northwest Quarter, for a distance of 1,257.15 feet to a point which is described as 2,702.59 feet North of the Southeast corner of Lot 1 in said Section 1;

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Thence with a bearing of South 60°00'00" West, a distance of 382.53 feet to a 5/8" rebar driven in:

Thence with a bearing of North 30°00'00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,102.77 feet to a 5/8" rebar driven in:

Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

WHEREAS, The City Council of the City of Derby, Kansas, did on February 2, 1982, pass a resolution on the advisability of annexing the above described property and requesting findings and determinations by the Board of Sedgwick County Commissioners that annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County as provided for in K.S.A. 12-520c:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Sedgwick County Commissioners hereby finds and determines that the annexation of the above described property to the City of Derby, Kansas, will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within Sedgwick County.

BE IT FURTHER RESOLVED, that the City of Derby be notified of this determination and that the Sedgwick County Clerk spread these findings at length on the journal of proceedings of the Board of Sedgwick County Commissioners in Sedgwick County, Kansas.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this _____ day of _____, 1982.

Jack Spratt, Chairman

Tom Scott, Chairman Pro-Tem

(SEAL)

Donald E. Gragg, Commissioner

Dorothy K. White
County Clerk

Approved as to form by:

William D. Rustin
County Counselor

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

July 22, 1983

TO Richard A. Euson, Assistant County Counselor
FROM Robert A. Lakin, Director of Planning
SUBJECT Request for Evaluation of Derby Island Annexation Proposal

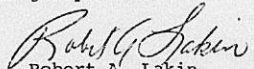
Upon review of the legal description of the property proposed to be annexed as an island to the City of Derby, we have determined that an earlier proposal covering the same property was reviewed by our department and approved by the Board of Sedgwick County Commissioners on March 1, 1982. A copy of our previous evaluation of the proposal is attached for your reference. There have been no significant changes in the conditions associated with the property since our previous evaluation and our comments and recommendations would, therefore, remain the same.

Also, attached is a copy of the resolution adopted by the Board of Sedgwick County Commissioners wherein the required findings and determinations were made.

Apparently, from discussions with the Derby City Manager, the Derby officials had delayed action on the annexation and platting of the subject property to address an associated drainage problem.

It would appear that, based on the resolution adopted on March 1, 1982, the City of Derby could proceed with annexation of the property without further review by the Board of Sedgwick County Commissioners.

If you have questions concerning this matter, please contact me or Bob Young in the Planning Department.


Robert A. Lakin
Director of Planning

RAL:RLY:jps
Attachment

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

February 24, 1982

TO The Board of Sedgwick County Commissioners

FROM Robert A. Lakin, Director of Planning

SUBJECT Resolution No. 2-82, City of Derby requests determination on Island Annexation (DR 82-6)

Project Identification

The governing body of the City of Derby, Kansas, has reviewed a request from Mr. Roger W. Heitschmidt for the annexation of property in his ownership to the City of Derby. The property is located immediately west of the City of Derby in an area west of McIntosh Road and south of an area platted as Sleepy Hollow Farm Addition. Sleepy Hollow Addition is not part of the City of Derby, and the property is separated from the Derby city limits to the east by several small intervening parcels of property under separate ownership. The location of the property in relation to the City of Derby is indicated on the map attached as Exhibit No. 1.

Due to the fact that the property requested to be annexed to the City of Derby does not adjoin the current boundary of the City, the laws of the State of Kansas require that the "island" annexation proposal be forwarded by resolution to the Board of County Commissioners for consideration.

The governing body of the City of Derby approved the necessary resolution on February 2, 1982, and has forwarded the same to the Board of Sedgwick County Commissioners. A copy resolution is attached for reference as Exhibit No. 2. The resolution requests the Board of Sedgwick County Commissioners to make a finding and determine that the annexation of the property in question to the City of Derby will in no way hinder or prevent the proper growth and development of the area or any other city within the County. State law allows 30 days from the day of receipt of the resolution to respond to the request.

Findings and Determinations

The property proposed for annexation to the City of Derby is approximately 40 acres in size. The property is being platted into 113 single family lots under the name of Woodland Valley Addition. The individual lots are very comparable in size to the lot sizes found to exist within the City of Derby. The lot sizes are slightly smaller than those lots found to exist in the unincorporated Sleepy Hollow Farm Addition adjoining the property on the north.

Page 2
February 24, 1982
Sedgwick County Board of Commissioners.
DR 82-6

The property is currently zoned the "R" rural residential district under the Sedgwick County Zoning Resolution. Upon annexation to the City of Derby, the zoning classification on the property would automatically convert to the "R-1" single family residential district under the Derby Zoning Ordinance. The Derby "R-1" classification will adequately accommodate the proposed development density reflected by the platted lot sizes.

Derby city officials have indicated that the City of Derby is prepared to provide adequate municipal services to the proposed annexation area. Adequately sized water and sewer mains can be extended to the area following annexation. City fire and police protection are readily available and can be provided to the area following annexation without overburdening existing personnel and equipment.

Upon review of the City of Derby's Comprehensive Development Plan it is apparent that the property proposed for annexation is well within the future growth area of the city.

It is also apparent that the intervening land and other lands adjacent thereto (to the north, northeast and east), are annexable under the normal annexation procedures. There appears to be no major service problems should these lands be annexed. If the property in question is annexed, it is recommended that the Derby City Council examine and consider annexing those adjacent lands (such as along K-15, Nelson, McIntosh, Meadowlark, etc.), to make the City boundary more continuous and harmonious, and to bring available municipal services into this area.

On the basis of these findings, it is apparent that the annexation of the property to the City of Derby will not hinder or prevent the proper growth and development of the area or any other city within Sedgwick County.

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February 24, 1982
Sedgwick County Board of Commissioners
DR 82-6

Recommendation

It is recommended that the Board of Sedgwick County Commissioners adopt a resolution of finding and determination that the proposed annexation by the City of Derby will not hinder or prevent the proper growth and development of the area or any other incorporated city located within Sedgwick County. An example resolution is attached for your consideration as Exhibit No. 3.


Robert A. Lakin, Director of Planning

RAL:RLY:vn

Attachments

cc: Ward R. Clements, Jr., City Administrator, Derby, Kansas
William D. Rustin, Sedgwick County Counselor
Claud Shelor, Director, Department of Public Works, Sedgwick
County
Chief Gary Nichols, Sedgwick County Fire Department
4343 N. Woodlawn, Wichita, KS 67220
Kenneth Duckworth, Emergency Communications, Sedgwick
County Courthouse

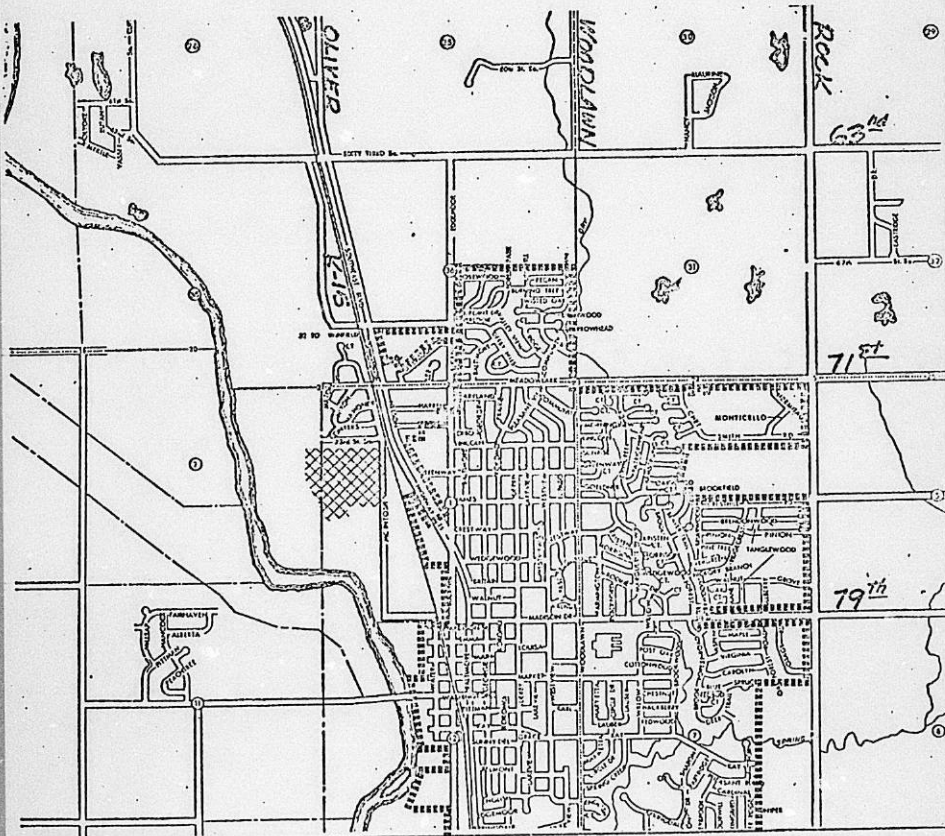
Sedgwick County Commission Agenda

Item: Resolution No. 2-82
(DR 82-6)

A resolution for including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Derby, Kansas, and relating thereto.

General Location:

42	Area in Acres	Reason(s) for Annexation
0	Population (Est.)	Petition <u> </u> §
0	Dwelling Units	<u> </u> Needed for benefit district
0	Business Units	<u> x </u> Other Requested by property
		<u>owners</u>
"R-1" Suburban Residential		County Zoning



Derby City Limits Area to be Annexed

The Director of Planning recommends that the resolution be adopted.

ACTION: Adopt the resolution and direct the County Clerk to forward a copy to the City of Derby, Kansas, and spread the same at length upon the journal of proceedings of the Board of Sedgwick County Commissioners.

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

That it is necessary for the orderly growth of the City of Derby, Kansas to annex the following described land located in Sedgwick County, Kansas as petitioned by Roger W. Heitschmidt, owner of said property:

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Thence with an assumed bearing of South 0°00'00" East on the East line of said Southwest Quarter of said Northwest Quarter, for a distance of 1,257.15 feet to a point which is described as 2,702.59 feet North of the Southeast corner of Lot 1 in said Section 1;

Thence with a bearing of South 89°21'00" West on the North line of an unplatted parcel now owned by Roy M. Ellis, et ux, a distance of 700.91 feet, more or less, to an iron pipe found at the Northwest corner of said Ellis property;

Thence with a bearing of South 26°07'00" East on the Westerly line of said Ellis property and into Lot 1, Section 1, a distance of 110.25 feet to a 5/8" rebar driven in;

Thence with a bearing of South 60°00'00" West, a distance of 382.53 feet to a 5/8" rebar driven in;

Thence with a bearing of North 30°00'00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,102.77 feet to a 5/8" rebar driven in;

Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

BE IT FURTHER RESOLVED, that prior to the publication of an ordinance annexing the above described property the Board of Sedgwick County Commissioners is hereby requested to find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other unincorporated city within Sedgwick County, as specified under subsection (a) (3) of K.S.A. 12-520c.

The City Clerk is hereby directed to file a certified copy of this resolution with the Board of County Commissioners for their findings and determination.

Adopted at Derby, Kansas, this 2nd day of February, 1982.

ATTEST:

Shirley D. Moore
City Clerk

APPROVED:

Don Stork
Mayor

CERTIFICATE OF THE CLERK OF THE CITY OF DERBY, KANSAS. THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT WHICH IS ON FILE IN THIS OFFICE.

DONE THIS 4th DAY OF February 1982.

BY: Shirley D. Moore
CITY CLERK

R E S O L U T I O N

A RESOLUTION BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS RESPONDING TO THE REQUEST OF THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, TO MAKE FINDINGS AND DETERMINE THE ADVISABILITY OF ANNEXING TO THE CITY OF DERBY CERTAIN NON-ADJOINING PROPERTIES AS PROVIDED FOR IN K.S.A. 12-520c.

WHEREAS, the owner of the following described property has petitioned for the annexation to the City of Derby, of parts of Sections 1 and 2, Township 29 South, Range 1 East of the 6th P.M., more fully described as follows:

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WHEREAS, The City Council of the City of Derby, Kansas, did on February 2, 1982, pass a resolution on the advisability of annexing the above described property and requesting findings and determinations by the Board of Sedgwick County Commissioners that annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County as provided for in K.S.A. 12-520c:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Sedgwick County Commissioners hereby finds and determines that the annexation of the above described property to the City of Derby, Kansas, will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within Sedgwick County.

BE IT FURTHER RESOLVED, that the City of Derby be notified of this determination and that the Sedgwick County Clerk spread these findings at length on the journal of proceedings of the Board of Sedgwick County Commissioners in Sedgwick County, Kansas.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this _____ day of _____, 1982.

Jack Spratt, Chairman

Tom Scott, Chairman Pro-Tem

(SEAL)

Donald E. Gragg, Commissioner

Dorothy K. White
County Clerk

Approved as to form by:

William D. Rustin
County Counselor

R#71-1982

RESOLUTION

A RESOLUTION BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS RESPONDING TO THE REQUEST OF THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, TO MAKE FINDINGS AND DETERMINE THE ADVISABILITY OF ANNEXING TO THE CITY OF DERBY CERTAIN NON-ADJOINING PROPERTIES AS PROVIDED FOR IN K.S.A. 12-520c.

WHEREAS, the owner of the following described property has petitioned for the annexation to the City of Derby, of parts of Sections 1 and 2, Township 29 South, Range 1 East of the 6th P.M., more fully described as follows:

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NOW, THEREFORE, BE IT RESOLVED, that the Board of Sedgwick County Commissioners hereby finds and determines that the annexation of the above described property to the City of Derby, Kansas, will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within Sedgwick County.

BE IT FURTHER RESOLVED, that the City of Derby be notified of this determination and that the Sedgwick County Clerk spread these findings at length on the journal of proceedings of the Board of Sedgwick County Commissioners in Sedgwick County, Kansas.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 1st day of March, 1982.

absent
Jack Spratt, Chairman

[Signature]
Tom Scott, Chairman Pro-Tem

[Signature]
Donald E. Gragg, Commissioner



[Signature]
Dorothy K. White
County Clerk

Approved as to form by:
[Signature]
William D. Rustin
County Counselor

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

July 22, 1983

TO Richard A. Euson, Assistant County Counselor
FROM Robert A. Lakin, Director of Planning
SUBJECT Request for Evaluation of Derby Island Annexation Proposal

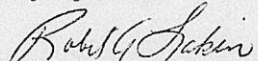
Upon review of the legal description of the property proposed to be annexed as an island to the City of Derby, we have determined that an earlier proposal covering the same property was reviewed by our department and approved by the Board of Sedgwick County Commissioners on March 1, 1982. A copy of our previous evaluation of the proposal is attached for your reference. There have been no significant changes in the conditions associated with the property since our previous evaluation and our comments and recommendations would, therefore, remain the same.

Also, attached is a copy of the resolution adopted by the Board of Sedgwick County Commissioners wherein the required findings and determinations were made.

Apparently, from discussions with the Derby City Manager, the Derby officials had delayed action on the annexation and platting of the subject property to address an associated drainage problem.

It would appear that, based on the resolution adopted on March 1, 1982, the City of Derby could proceed with annexation of the property without further review by the Board of Sedgwick County Commissioners.

If you have questions concerning this matter, please contact me or Bob Young in the Planning Department.


Robert A. Lakin
Director of Planning

RAL:RLY:jps
Attachment

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

February 24, 1982

TO The Board of Sedgwick County Commissioners
FROM Robert A. Lakin, Director of Planning
SUBJECT Resolution No. 2-82, City of Derby requests determination on Island Annexation (DR 82-6)

Project Identification

The governing body of the City of Derby, Kansas, has reviewed a request from Mr. Roger W. Heitschmidt for the annexation of property in his ownership to the City of Derby. The property is located immediately west of the City of Derby in an area west of McIntosh Road and south of an area platted as Sleepy Hollow Farm Addition. Sleepy Hollow Addition is not part of the City of Derby, and the property is separated from the Derby city limits to the east by several small intervening parcels of property under separate ownership. The location of the property in relation to the City of Derby is indicated on the map attached as Exhibit No. 1.

Due to the fact that the property requested to be annexed to the City of Derby does not adjoin the current boundary of the City, the laws of the State of Kansas require that the "island" annexation proposal be forwarded by resolution to the Board of County Commissioners for consideration.

The governing body of the City of Derby approved the necessary resolution on February 2, 1982, and has forwarded the same to the Board of Sedgwick County Commissioners. A copy resolution is attached for reference as Exhibit No. 2. The resolution requests the Board of Sedgwick County Commissioners to make a finding and determine that the annexation of the property in question to the City of Derby will in no way hinder or prevent the proper growth and development of the area or any other city within the County. State law allows 30 days from the day of receipt of the resolution to respond to the request.

Findings and Determinations

The property proposed for annexation to the City of Derby is approximately 40 acres in size. The property is being platted into 113 single family lots under the name of Woodland Valley Addition. The individual lots are very comparable in size to the lot sizes found to exist within the City of Derby. The lot sizes are slightly smaller than those lots found to exist in the unincorporated Sleepy Hollow Farm Addition adjoining the property on the north.

Page 2
February 24, 1982
Sedgwick County Board of Commissioners
DR 82-6

The property is currently zoned the "R" rural residential district under the Sedgwick County Zoning Resolution. Upon annexation to the City of Derby, the zoning classification on the property would automatically convert to the "R-1" single family residential district under the Derby Zoning Ordinance. The Derby "R-1" classification will adequately accommodate the proposed development density reflected by the platted lot sizes.

Derby city officials have indicated that the City of Derby is prepared to provide adequate municipal services to the proposed annexation area. Adequately sized water and sewer mains can be extended to the area following annexation. City fire and police protection are readily available and can be provided to the area following annexation without overburdening existing personnel and equipment.

Upon review of the City of Derby's Comprehensive Development Plan it is apparent that the property proposed for annexation is well within the future growth area of the city.

It is also apparent that the intervening land and other lands adjacent thereto (to the north, northeast and east), are annexable under the normal annexation procedures. There appears to be no major service problems should these lands be annexed. If the property in question is annexed, it is recommended that the Derby City Council examine and consider annexing those adjacent lands (such as along K-15, Nelson, McIntosh, Meadowlark, etc.), to make the City boundary more continuous and harmonious, and to bring available municipal services into this area.

On the basis of these findings, it is apparent that the annexation of the property to the City of Derby will not hinder or prevent the proper growth and development of the area or any other city within Sedgwick County.

Page 3
February 24, 1982
Sedgwick County Board of Commissioners
DR 82-6

Recommendation

It is recommended that the Board of Sedgwick County Commissioners adopt a resolution of finding and determination that the proposed annexation by the City of Derby will not hinder or prevent the proper growth and development of the area or any other incorporated city located within Sedgwick County. An example resolution is attached for your consideration as Exhibit No. 3.


Robert A. Lakin, Director of Planning

RAL:RLY:vn

Attachments

cc: Ward R. Clements, Jr., City Administrator, Derby, Kansas
William D. Rustin, Sedgwick County Counselor
Claud Shelor, Director, Department of Public Works, Sedgwick
County
Chief Gary Nichols, Sedgwick County Fire Department
4343 N. Woodlawn, Wichita, KS 67220
Kenneth Duckworth, Emergency Communications, Sedgwick
County Courthouse

Sedgwick County Commission Agenda

Item: Resolution No. 2-82
(DR 82-6)

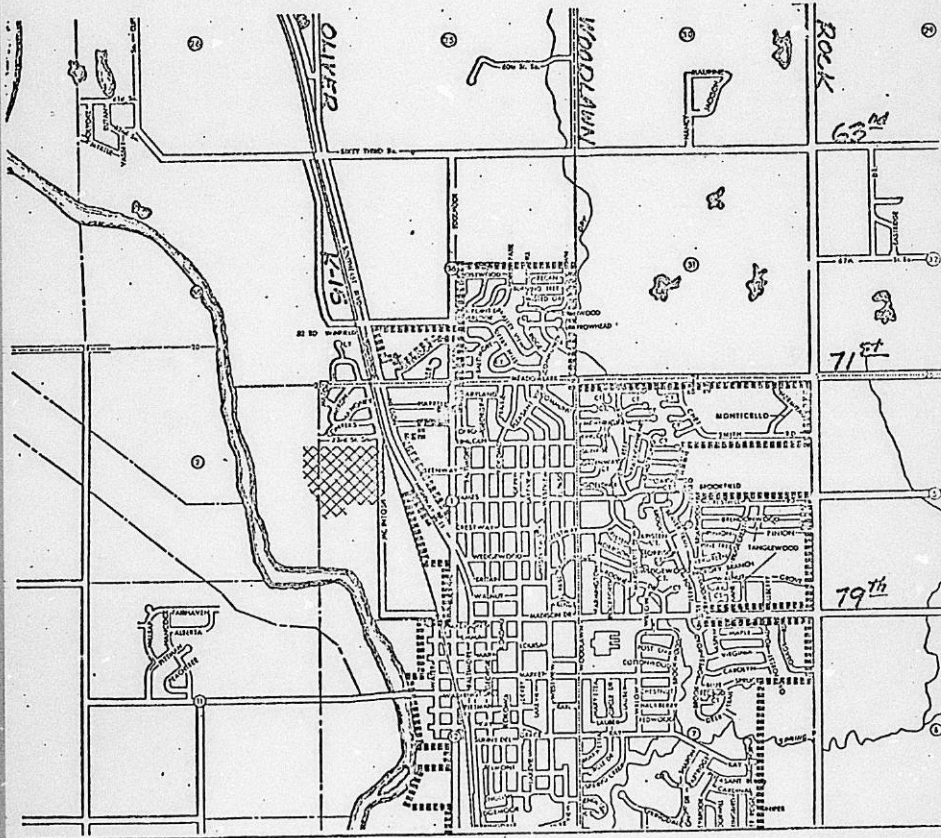
A resolution for including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Derby, Kansas, and relating thereto.

General Location:

42	Area in Acres	Reason(s) for Annexation	
0	Population (Est.)	<input type="checkbox"/> Petition	
0	Dwelling Units	<input type="checkbox"/> Needed for benefit district	
0	Business Units	<input checked="" type="checkbox"/> Other Requested by property owners	

"R-1" Suburban Residential

County Zoning



Derby City Limits Area to be Annexed

The Director of Planning recommends that the resolution be adopted.

ACTION: Adopt the resolution and direct the County Clerk to forward a copy to the City of Derby, Kansas, and spread the same at length upon the journal of proceedings of the Board of Sedgwick County Commissioners.

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

That it is necessary for the orderly growth of the City of Derby, Kansas to annex the following described land located in Sedgwick County, Kansas as petitioned by Roger W. Heitschmidt, owner of said property:

BEGINNING at an iron pipe found at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 1, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas;

Thence with an assumed bearing of South 0°00'00" East on the East line of said Southwest Quarter of said Northwest Quarter, for a distance of 1,257.15 feet to a point which is described as 2,702.59 feet North of the Southeast corner of Lot 1 in said Section 1;

Thence with a bearing of South 89°21'00" West on the North line of an unplatted parcel now owned by Roy M. Ellis, et ux, a distance of 700.91 feet, more or less, to an iron pipe found at the Northwest corner of said Ellis property;

Thence with a bearing of South 26°07'00" East on the Westerly line of said Ellis property and into Lot 1, Section 1, a distance of 110.25 feet to a 5/8" rebar driven in;

Thence with a bearing of South 60°00'00" West, a distance of 382.53 feet to a 5/8" rebar driven in;

Thence with a bearing of North 30°00'00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,102.77 feet to a 5/8" rebar driven in;

Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

BE IT FURTHER RESOLVED, that prior to the publication of an ordinance annexing the above described property the Board of Sedgwick County Commissioners is hereby requested to find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other unincorporated city within Sedgwick County, as specified under subsection (a) (3) of K.S.A. 12-520c.

The City Clerk is hereby directed to file a certified copy of this resolution with the Board of County Commissioners for their findings and determination.

Adopted at Derby, Kansas, this 2nd day of February, 1982.

ATTEST:

Shirley D. Moore
City Clerk

APPROVED:

Don Stock
Mayor

CERTIFICATE OF THE CLERK OF THE CITY OF DERBY, KANSAS. THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT WHICH IS ON FILE IN THIS OFFICE.

DONE THIS 4th DAY OF February 1982.

BY: Shirley D. Moore
CITY CLERK

RESOLUTION

A RESOLUTION BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS RESPONDING TO THE REQUEST OF THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, TO MAKE FINDINGS AND DETERMINE THE ADVISABILITY OF ANNEXING TO THE CITY OF DERBY CERTAIN NON-ADJOINING PROPERTIES AS PROVIDED FOR IN K.S.A. 12-520c.

WHEREAS, the owner of the following described property has petitioned for the annexation to the City of Derby, of parts of Sections 1 and 2, Township 29 South, Range 1 East of the 6th P.M., more fully described as follows:

BEGINNING at an iron pipe found at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 1, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas;

Thence with an assumed bearing of South 0°00'00" East on the East line of said Southwest Quarter of said Northwest Quarter, for a distance of 1,257.15 feet to a point which is described as 2,702.59 feet North of the Southeast corner of Lot 1 in said Section 1;

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Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

WHEREAS, The City Council of the City of Derby, Kansas, did on February 2, 1982, pass a resolution on the advisability of annexing the above described property and requesting findings and determinations by the Board of Sedgwick County Commissioners that annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County as provided for in K.S.A. 12-520c:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Sedgwick County Commissioners hereby finds and determines that the annexation of the above described property to the City of Derby, Kansas, will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within Sedgwick County.

BE IT FURTHER RESOLVED, that the City of Derby be notified of this determination and that the Sedgwick County Clerk spread these findings at length on the journal of proceedings of the Board of Sedgwick County Commissioners in Sedgwick County, Kansas.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this _____ day of _____, 1982.

Jack Spratt, Chairman

Tom Scott, Chairman Pro-Tem

(SEAL)

Donald E. Gragg, Commissioner

Dorothy K. White
County Clerk

Approved as to form by:

William D. Rustin
County Counselor

R#71-1982

RESOLUTION

A RESOLUTION BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS RESPONDING TO THE REQUEST OF THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, TO MAKE FINDINGS AND DETERMINE THE ADVISABILITY OF ANNEXING TO THE CITY OF DERBY CERTAIN NON-ADJOINING PROPERTIES AS PROVIDED FOR IN K.S.A. 12-520c.

WHEREAS, the owner of the following described property has petitioned for the annexation to the City of Derby, of parts of Sections 1 and 2, Township 29 South, Range 1 East of the 6th P.M., more fully described as follows:

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Thence with a bearing of South 60°00'00" West, a distance of 382.53 feet to a 5/8" rebar driven in:

Thence with a bearing of North 30°00'00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,102.77 feet to a 5/8" rebar driven in:

Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

WHEREAS, The City Council of the City of Derby, Kansas, did on February 2, 1982, pass a resolution on the advisability of annexing the above described property and requesting findings and determinations by the Board of Sedgwick County Commissioners that annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County as provided for in K.S.A. 12-520c:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Sedgwick County Commissioners hereby finds and determines that the annexation of the above described property to the City of Derby, Kansas, will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within Sedgwick County.

BE IT FURTHER RESOLVED, that the City of Derby be notified of this determination and that the Sedgwick County Clerk spread these findings at length on the journal of proceedings of the Board of Sedgwick County Commissioners in Sedgwick County, Kansas.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 1st day of March, 1982.

absent
Jack Spratt, Chairman

[Signature]
Tom Scott, Chairman Pro-Tem

[Signature]
Donald E. Gragg, Commissioner



[Signature]
Dorothy K. White
County Clerk

Approved as to form by:
[Signature]
William D. Rustin
County Counselor

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

July 22, 1983

TO Richard A. Euson, Assistant County Counselor
FROM Robert A. Lakin, Director of Planning

SUBJECT Request for Evaluation of Derby Island Annexation Proposal

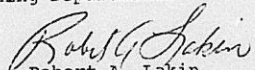
Upon review of the legal description of the property proposed to be annexed as an island to the City of Derby, we have determined that an earlier proposal covering the same property was reviewed by our department and approved by the Board of Sedgwick County Commissioners on March 1, 1982. A copy of our previous evaluation of the proposal is attached for your reference. There have been no significant changes in the conditions associated with the property since our previous evaluation and our comments and recommendations would, therefore, remain the same.

Also, attached is a copy of the resolution adopted by the Board of Sedgwick County Commissioners wherein the required findings and determinations were made.

Apparently, from discussions with the Derby City Manager, the Derby officials had delayed action on the annexation and platting of the subject property to address an associated drainage problem.

It would appear that, based on the resolution adopted on March 1, 1982, the City of Derby could proceed with annexation of the property without further review by the Board of Sedgwick County Commissioners.

If you have questions concerning this matter, please contact me or Bob Young in the Planning Department.


Robert A. Lakin
Director of Planning

RAL:RLY:jps
Attachment

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

February 24, 1982

TO The Board of Sedgwick County Commissioners

FROM Robert A. Lakin, Director of Planning

SUBJECT Resolution No. 2-82, City of Derby requests determination on Island Annexation (DR 82-6)

Project Identification

The governing body of the City of Derby, Kansas, has reviewed a request from Mr. Roger W. Heitschmidt for the annexation of property in his ownership to the City of Derby. The property is located immediately west of the City of Derby in an area west of McIntosh Road and south of an area platted as Sleepy Hollow Farm Addition. Sleepy Hollow Addition is not part of the City of Derby, and the property is separated from the Derby city limits to the east by several small intervening parcels of property under separate ownership. The location of the property in relation to the City of Derby is indicated on the map attached as Exhibit No. 1.

Due to the fact that the property requested to be annexed to the City of Derby does not adjoin the current boundary of the City, the laws of the State of Kansas require that the "island" annexation proposal be forwarded by resolution to the Board of County Commissioners for consideration.

The governing body of the City of Derby approved the necessary resolution on February 2, 1982, and has forwarded the same to the Board of Sedgwick County Commissioners. A copy resolution is attached for reference as Exhibit No. 2. The resolution requests the Board of Sedgwick County Commissioners to make a finding and determine that the annexation of the property in question to the City of Derby will in no way hinder or prevent the proper growth and development of the area or any other city within the County. State law allows 30 days from the day of receipt of the resolution to respond to the request.

Findings and Determinations

The property proposed for annexation to the City of Derby is approximately 40 acres in size. The property is being platted into 113 single family lots under the name of Woodland Valley Addition. The individual lots are very comparable in size to the lot sizes found to exist within the City of Derby. The lot sizes are slightly smaller than those lots found to exist in the unincorporated Sleepy Hollow Farm Addition adjoining the property on the north.

Page 2
February 24, 1982
Sedgwick County Board of Commissioners
DR 82-6

The property is currently zoned the "R" rural residential district under the Sedgwick County Zoning Resolution. Upon annexation to the City of Derby, the zoning classification on the property would automatically convert to the "R-1" single family residential district under the Derby Zoning Ordinance. The Derby "R-1" classification will adequately accommodate the proposed development density reflected by the platted lot sizes.

Derby city officials have indicated that the City of Derby is prepared to provide adequate municipal services to the proposed annexation area. Adequately sized water and sewer mains can be extended to the area following annexation. City fire and police protection are readily available and can be provided to the area following annexation without overburdening existing personnel and equipment.

Upon review of the City of Derby's Comprehensive Development Plan it is apparent that the property proposed for annexation is well within the future growth area of the city.

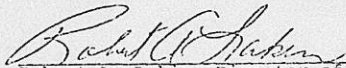
It is also apparent that the intervening land and other lands adjacent thereto (to the north, northeast and east), are annexable under the normal annexation procedures. There appears to be no major service problems should these lands be annexed. If the property in question is annexed, it is recommended that the Derby City Council examine and consider annexing those adjacent lands (such as along K-15, Nelson, McIntosh, Meadowlark, etc.), to make the City boundary more continuous and harmonious, and to bring available municipal services into this area.

On the basis of these findings, it is apparent that the annexation of the property to the City of Derby will not hinder or prevent the proper growth and development of the area or any other city within Sedgwick County.

Page 3
February 24, 1982
Sedgwick County Board of Commissioners
DR 82-6

Recommendation

It is recommended that the Board of Sedgwick County Commissioners adopt a resolution of finding and determination that the proposed annexation by the City of Derby will not hinder or prevent the proper growth and development of the area or any other incorporated city located within Sedgwick County. An example resolution is attached for your consideration as Exhibit No. 3.



Robert A. Lakin, Director of Planning

RAL:RLY:vn

Attachments

cc: Ward R. Clements, Jr., City Administrator, Derby, Kansas
William D. Rustin, Sedgwick County Counselor
Claud Shelor, Director, Department of Public Works, Sedgwick
County
Chief Gary Nichols, Sedgwick County Fire Department
4343 N. Woodlawn, Wichita, KS 67220
Kenneth Duckworth, Emergency Communications, Sedgwick
County Courthouse

Sedgwick County Commission Agenda

Item: Resolution No. 2-82
(DR 82-6)

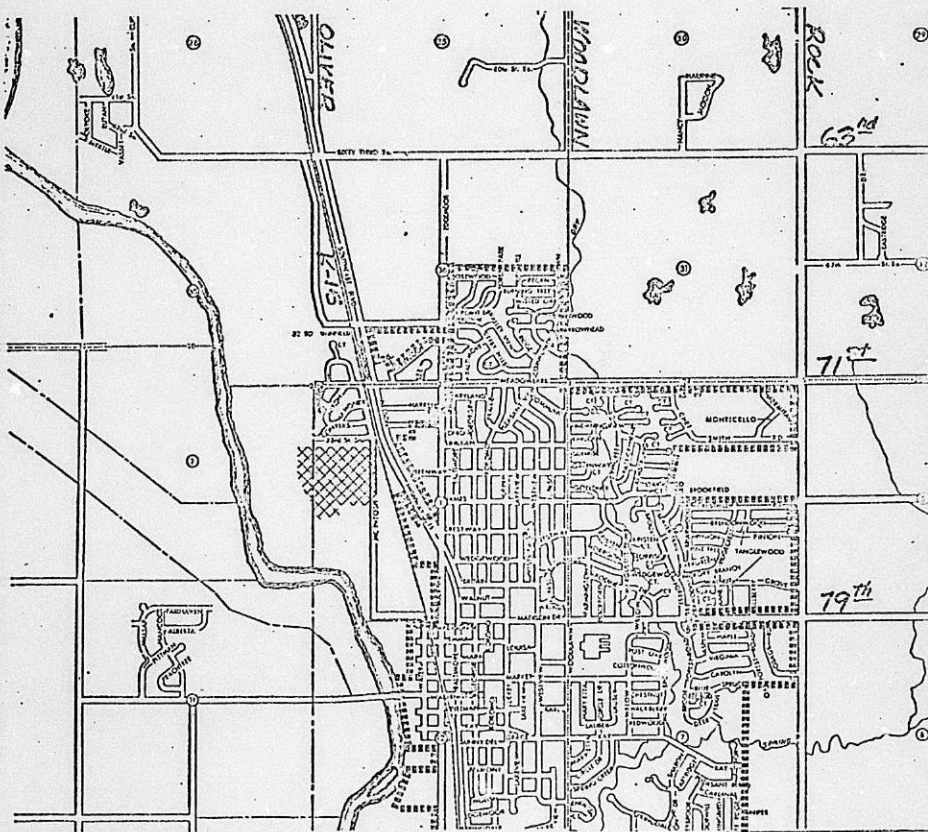
A resolution for including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Derby, Kansas, and relating thereto.

General Location:

42	Area in Acres	Reason(s) for Annexation
0	Population (Est.)	<input type="checkbox"/> Petition
0	Dwelling Units	<input type="checkbox"/> Needed for benefit district
0	Business Units	<input checked="" type="checkbox"/> Other Requested by property owners

"R-1" Suburban Residential

County Zoning



Derby City Limits Area to be Annexed

The Director of Planning recommends that the resolution be adopted.

ACTION: Adopt the resolution and direct the County Clerk to forward a copy to the City of Derby, Kansas, and spread the same at length upon the journal of proceedings of the Board of Sedgwick County Commissioners.

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

That it is necessary for the orderly growth of the City of Derby, Kansas to annex the following described land located in Sedgwick County, Kansas as petitioned by Roger W. Heitschmidt, owner of said property:

BEGINNING at an iron pipe found at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 1, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas;

Thence with an assumed bearing of South 0°00'00" East on the East line of said Southwest Quarter of said Northwest Quarter, for a distance of 1,257.15 feet to a point which is described as 2,702.59 feet North of the Southeast corner of Lot 1 in said Section 1;

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Thence with a bearing of South 60°00'00" West, a distance of 382.53 feet to a 5/8" rebar driven in;

Thence with a bearing of North 30°00'00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,162.77 feet to a 5/8" rebar driven in;

Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

BE IT FURTHER RESOLVED, that prior to the publication of an ordinance annexing the above described property the Board of Sedgwick County Commissioners is hereby requested to find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other unincorporated city within Sedgwick County, as specified under subsection (a) (3) of K.S.A. 12-520c.

The City Clerk is hereby directed to file a certified copy of this resolution with the Board of County Commissioners for their findings and determination.

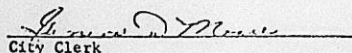
Adopted at Derby, Kansas, this 2nd day of February, 1982.

APPROVED:



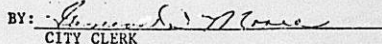
Mayor

ATTEST:


City Clerk

CERTIFICATE OF THE CLERK OF THE CITY OF DERBY, KANSAS. THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT WHICH IS ON FILE IN THIS OFFICE.

DONE THIS 4th DAY OF February 1982.

BY: 
CITY CLERK

R E S O L U T I O N

A RESOLUTION BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS RESPONDING TO THE REQUEST OF THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, TO MAKE FINDINGS AND DETERMINE THE ADVISABILITY OF ANNEXING TO THE CITY OF DERBY CERTAIN NON-ADJOINING PROPERTIES AS PROVIDED FOR IN K.S.A. 12-520c.

WHEREAS, the owner of the following described property has petitioned for the annexation to the City of Derby, of parts of Sections 1 and 2, Township 29 South, Range 1 East of the 6th P.M., more fully described as follows:

BEGINNING at an iron pipe found at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 1, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas;

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Thence with a bearing of South 60°00'00" West, a distance of 382.53 feet to a 5/8" rebar driven in:

Thence with a bearing of North 30°00'00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,102.77 feet to a 5/8" rebar driven in:

Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

WHEREAS, The City Council of the City of Derby, Kansas, did on February 2, 1982, pass a resolution on the advisability of annexing the above described property and requesting findings and determinations by the Board of Sedgwick County Commissioners that annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County as provided for in K.S.A. 12-520c:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Sedgwick County Commissioners hereby finds and determines that the annexation of the above described property to the City of Derby, Kansas, will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within Sedgwick County.

BE IT FURTHER RESOLVED, that the City of Derby be notified of this determination and that the Sedgwick County Clerk spread these findings at length on the journal of proceedings of the Board of Sedgwick County Commissioners in Sedgwick County, Kansas.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this _____ day of _____, 1982.

Jack Spratt, Chairman

Tom Scott, Chairman Pro-Tem

(SEAL)

Donald E. Gragg, Commissioner

Dorothy K. White
County Clerk

Approved as to form by:

William D. Rustin
County Counselor

R#71-1982

RESOLUTION

A RESOLUTION BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS RESPONDING TO THE REQUEST OF THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, TO MAKE FINDINGS AND DETERMINE THE ADVISABILITY OF ANNEXING TO THE CITY OF DERBY CERTAIN NON-ADJOINING PROPERTIES AS PROVIDED FOR IN K.S.A. 12-520c.

WHEREAS, the owner of the following described property has petitioned for the annexation to the City of Derby, of parts of Sections 1 and 2, Township 29 South, Range 1 East of the 6th P.M., more fully described as follows:

BEGINNING at an iron pipe found at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 1, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas;

Thence with an assumed bearing of South 0°00'00" East on the East line of said Southwest Quarter of said Northwest Quarter, for a distance of 1,257.15 feet to a point which is described as 2,702.59 feet North of the Southeast corner of Lot 1 in said Section 1;

Thence with a bearing of South 89°21'00" West on the North line of an unplatted parcel now owned by Roy M. Ellis, et ux, a distance of 700.91 feet, more or less, to an iron pipe found at the Northwest corner of said Ellis property;

Thence with a bearing of South 26°07'00" East on the Westerly line of said Ellis property and into Lot 1 Section 1, a distance of 110.25 feet to a 5/8" rebar driven in;

Thence with a bearing of South 60°00'00" West, a distance of 382.53 feet to a 5/8" rebar driven in;

Thence with a bearing of North 30°00'00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,102.77 feet to a 5/8" rebar driven in;

Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

WHEREAS, The City Council of the City of Derby, Kansas, did on February 2, 1982, pass a resolution on the advisability of annexing the above described property and requesting findings and determinations by the Board of Sedgwick County Commissioners that annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County as provided for in K.S.A. 12-520c:

NOW, THEREFORE, BE IT RESOLVED, that the board of Sedgwick County Commissioners hereby finds and determines that the annexation of the above described property to the City of Derby, Kansas, will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within Sedgwick County.

BE IT FURTHER RESOLVED, that the City of Derby be notified of this determination and that the Sedgwick County Clerk spread these findings at length on the journal of proceedings of the Board of Sedgwick County Commissioners in Sedgwick County, Kansas.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 1st day of March, 1982.

absent
Jack Spratt, Chairman

[Signature]
Tom Scott, Chairman Pro-Tem

[Signature]
Donald E. Gragg, Commissioner



[Signature]
Dorothy K. White
County Clerk

Approved as to form by:
[Signature]
William D. Rustin
County Counselor

July 22, 1983

Richard A. Euson, Assistant County Counselor

Robert A. Lakin, Director of Planning

Request for Evaluation of Derby Island Annexation Proposal

Upon review of the legal description of the property proposed to be annexed as an island to the City of Derby, we have determined that an earlier proposal covering the same property was reviewed by our department and approved by the Board of Sedgwick County Commissioners on March 1, 1982. A copy of our previous evaluation of the proposal is attached for your reference. There have been no significant changes in the conditions associated with the property since our previous evaluation and our comments and recommendations would, therefore, remain the same.

Also, attached is a copy of the resolution adopted by the Board of Sedgwick County Commissioners wherein the required findings and determinations were made.

Apparently, from discussions with the Derby City Manager, the Derby officials had delayed action on the annexation and platting of the subject property to address an associated drainage problem.

It would appear that, based on the resolution adopted on March 1, 1982, the City of Derby could proceed with annexation of the property without further review by the Board of Sedgwick County Commissioners.

If you have questions concerning this matter, please contact me or Bob Young in the Planning Department.

Robert A. Lakin
Director of Planning

RAL:RLY:jps
Attachment

R#71-1982

RESOLUTION

A RESOLUTION BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS RESPONDING TO THE REQUEST OF THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, TO MAKE FINDINGS AND DETERMINE THE ADVISABILITY OF ANNEXING TO THE CITY OF DERBY CERTAIN NON-ADJOINING PROPERTIES AS PROVIDED FOR IN K.S.A. 12-520c.

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Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

WHEREAS, The City Council of the City of Derby, Kansas, did on February 2, 1982, pass a resolution on the advisability of annexing the above described property and requesting findings and determinations by the Board of Sedgwick County Commissioners that annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County as provided for in K.S.A. 12-520c:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Sedgwick County Commissioners hereby finds and determines that the annexation of the above described property to the City of Derby, Kansas, will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within Sedgwick County.

BE IT FURTHER RESOLVED, that the City of Derby be notified of this determination and that the Sedgwick County Clerk spread these findings at length on the journal of proceedings of the Board of Sedgwick County Commissioners in Sedgwick County, Kansas.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 1st day of March, 1982.

abaent
Jack Spratt, Chairman

Tom Scott
Tom Scott, Chairman Pro-Tem

Donald E. Gragg
Donald E. Gragg, Commissioner



Dorothy K. White
Dorothy K. White
County Clerk

Approved as to form by:
William D. Rustin
William D. Rustin
County Counselor

R#71-1982

RESOLUTION

A RESOLUTION BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS RESPONDING TO THE REQUEST OF THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, TO MAKE FINDINGS AND DETERMINE THE ADVISABILITY OF ANNEXING TO THE CITY OF DERBY CERTAIN NON-ADJOINING PROPERTIES AS PROVIDED FOR IN K.S.A. 12-520c.

WHEREAS, the owner of the following described property has petitioned for the annexation to the City of Derby, of parts of Sections 1 and 2, Township 29 South, Range 1 East of the 6th P.M., more fully described as follows:

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Thence with a bearing of North 30°00'00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,102.77 feet to a 5/8" rebar driven in;

Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

WHEREAS, The City Council of the City of Derby, Kansas, did on February 2, 1982, pass a resolution on the advisability of annexing the above described property and requesting findings and determinations by the Board of Sedgwick County Commissioners that annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County as provided for in K.S.A. 12-520c:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Sedgwick County Commissioners hereby finds and determines that the annexation of the above described property to the City of Derby, Kansas, will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within Sedgwick County.

BE IT FURTHER RESOLVED, that the City of Derby be notified of this determination and that the Sedgwick County Clerk spread these findings at length on the journal of proceedings of the Board of Sedgwick County Commissioners in Sedgwick County, Kansas.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 1st day of March, 1982.

absent
Jack Spratt, Chairman

[Signature]
Tom Scott, Chairman Pro-Tem

[Signature]
Donald E. Gragg, Commissioner



[Signature]
Dorothy K. White
County Clerk

Approved as to form by:
[Signature]
William D. Rustin
County Counselor



SEDGWICK COUNTY, KANSAS
LEGAL DEPARTMENT

Richard A. Euson
Assistant County Counselor

COUNTY COURTHOUSE • SUITE 315 • WICHITA, KANSAS 67203-3790 • TELEPHONE (316) 268-7111

TO: Robert Lakin, Director of Planning
FROM: Richard A. Euson, Assistant County Counselor *RAE*
DATE: July 20, 1983
RE: Island Annexation

Attached is a resolution of the City of Derby passed May 17, 1983, requesting that the Board of County Commissioners make findings and determinations as to a certain proposed island annexation. As in the past, we request your assistance in formulating such findings and presenting the same to the Board for their consideration of this annexation request.

Thank you for your cooperation in this matter.

mp

cc: William D. Rustin

RECEIVED

JUL 21 1983

METROPOLITAN PLANNING

ROUTE _____

RESOLUTION NO. 4-83



WHEREAS, the City of Derby desires to annex certain property into the corporate boundaries of the City; and,

WHEREAS, the owner of said property, Inter Vestco Inc., Kansas Corporation has consented to the said annexation.

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

SECTION 1. That it is necessary for the orderly growth of the City of Derby, Kansas, to annex the following described land located in Sedgwick County, Kansas as consented to by Inter Vestco, Inc., Kansas Corporation, owner of said property:

Beginning at an iron pipe found at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 1, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas: thence with an assumed bearing of South 00 00' 00" East on the East line of said Southwest Quarter of said Northwest Quarter, for a distance of 1,257.15 feet to a point which is described as 2,702.59 feet North of the Southeast corner of Lot 1 in said Section 1; thence with a bearing of South 89° 21' 00" West on the North line of an unplatted parcel now owned by Roy M. Ellis, et us, a distance of 700.-1 feet, more or less, to an iron pipe found at the Northwest corner of said Ellis property; thence with a bearing of South 26° 07' 00" East on the Westerly line of said Ellis property and into Lot 1, Section 1, a distance of 110.25 feet to a 5/8" rebar driven in; thence with a bearing of South 60° 00' 00" West, a distance of 382.53 feet to a 5/8" rebar driven in; thence with a bearing of North 30° 00' 00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,102.77 feet to a 5/8" rebar driven in; thence with a bearing of North 0° 00' 00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "Sleepy Hollow Farm Addition" extended from the East; thence North 89° 51' 10" East on said South line of said "Sleepy Hollow Farm Addition" and the extension of said South line, a distance of 1,535 feet, more or less, to the point of beginning.

SECTION 2. That prior to the publication of an ordinance annexing the above described property the board of Sedgwick County Commissioners is hereby requested to find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within Sedgwick County, as specified under subsection (a) (3) of K.S.A. 12-520C.

SECTION 3. The City Clerk is hereby directed to file a certified copy of this resolution with the board of county commissioners for their findings and determination.

ADOPTED this 7th day of May, 1983, at Derby, Kansas.

Don Stock

MAYOR

ATTEST:

Geneva D. Moore
CITY CLERK

CERTIFICATE OF THE CLERK OF THE CITY OF DERBY, KANSAS. THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT WHICH IS ON FILE OR OF RECORD IN THIS OFFICE

DONE THIS 5th DAY July 1983

BY: *Geneva D. Moore*
CITY CLERK

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

February 24, 1982

TO The Board of Sedgwick County Commissioners
FROM Robert A. Lakin, Director of Planning
SUBJECT Resolution No. 2-82, City of Derby requests determination on Island Annexation (DR 82-6)

Project Identification

The governing body of the City of Derby, Kansas, has reviewed a request from Mr. Roger W. Heitschmidt for the annexation of property in his ownership to the City of Derby. The property is located immediately west of the City of Derby in an area west of McIntosh Road and south of an area platted as Sleepy Hollow Farm Addition. Sleepy Hollow Addition is not part of the City of Derby, and the property is separated from the Derby city limits to the east by several small intervening parcels of property under separate ownership. The location of the property in relation to the City of Derby is indicated on the map attached as Exhibit No. 1.

Due to the fact that the property requested to be annexed to the City of Derby does not adjoin the current boundary of the City, the laws of the State of Kansas require that the "island" annexation proposal be forwarded by resolution to the Board of County Commissioners for consideration.

The governing body of the City of Derby approved the necessary resolution on February 2, 1982, and has forwarded the same to the Board of Sedgwick County Commissioners. A copy resolution is attached for reference as Exhibit No. 2. The resolution requests the Board of Sedgwick County Commissioners to make a finding and determine that the annexation of the property in question to the City of Derby will in no way hinder or prevent the proper growth and development of the area or any other city within the County. State law allows 30 days from the day of receipt of the resolution to respond to the request.

Findings and Determinations

The property proposed for annexation to the City of Derby is approximately 40 acres in size. The property is being platted into 113 single family lots under the name of Woodland Valley Addition. The individual lots are very comparable in size to the lot sizes found to exist within the City of Derby. The lot sizes are slightly smaller than those lots found to exist in the unincorporated Sleepy Hollow Farm Addition adjoining the property on the north.

Page 2
February 24, 1982
Sedgwick County Board of Commissioners
DR 82-6

The property is currently zoned the "R" rural residential district under the Sedgwick County Zoning Resolution. Upon annexation to the City of Derby, the zoning classification on the property would automatically convert to the "R-1" single family residential district under the Derby Zoning Ordinance. The Derby "R-1" classification will adequately accommodate the proposed development density reflected by the platted lot sizes.

Derby city officials have indicated that the City of Derby is prepared to provide adequate municipal services to the proposed annexation area. Adequately sized water and sewer mains can be extended to the area following annexation. City fire and police protection are readily available and can be provided to the area following annexation without overburdening existing personnel and equipment.

Upon review of the City of Derby's Comprehensive Development Plan it is apparent that the property proposed for annexation is well within the future growth area of the city.

It is also apparent that the intervening land and other lands adjacent thereto (to the north, northeast and east), are annexable under the normal annexation procedures. There appears to be no major service problems should these lands be annexed. If the property in question is annexed, it is recommended that the Derby City Council examine and consider annexing those adjacent lands (such as along K-15, Nelson, McIntosh, Meadowlark, etc.), to make the City boundary more continuous and harmonious, and to bring available municipal services into this area.

On the basis of these findings, it is apparent that the annexation of the property to the City of Derby will not hinder or prevent the proper growth and development of the area or any other city within Sedgwick County.

Page 3
February 24, 1982
Sedgwick County Board of Commissioners
DR 82-6

Recommendation

It is recommended that the Board of Sedgwick County Commissioners adopt a resolution of finding and determination that the proposed annexation by the City of Derby will not hinder or prevent the proper growth and development of the area or any other incorporated city located within Sedgwick County. An example resolution is attached for your consideration as Exhibit No. 3.


Robert A. Lakin, Director of Planning

RAL:RLY:vn
Attachments

cc: Ward R. Clements, Jr., City Administrator, Derby, Kansas
William D. Rustin, Sedgwick County Counselor
Claud Shelor, Director, Department of Public Works, Sedgwick County
Chief Gary Nichols, Sedgwick County Fire Department
4343 N. Woodlawn, Wichita, KS 67220
Kenneth Duckworth, Emergency Communications, Sedgwick County Courthouse

Sedgwick County Commission Agenda

Item: Resolution No. 2-82
(DR 82-6)

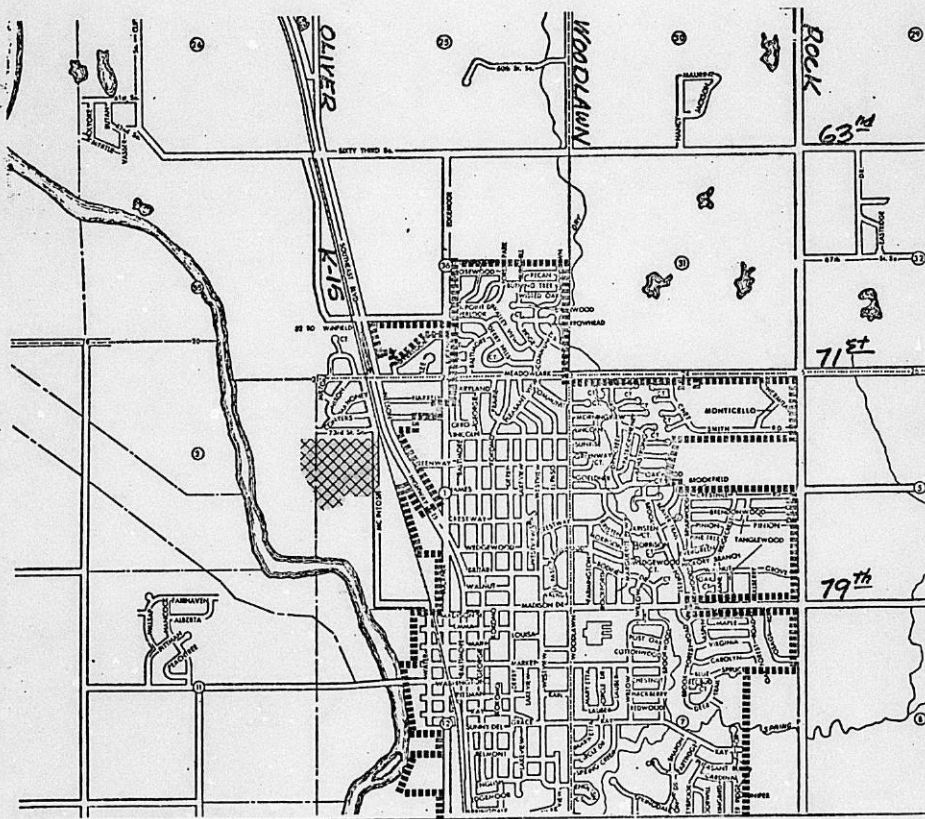
A resolution for including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Derby, Kansas, and relating thereto.

General Location:

42	Area in Acres	Reason(s) for Annexation	
0	Population (Est.)	<input type="checkbox"/> Petition	
0	Dwelling Units	<input type="checkbox"/> Needed for benefit district	
0	Business Units	<input checked="" type="checkbox"/> Other Requested by property owners	

"R-1" Suburban Residential

County Zoning



Derby City Limits ■■■■■ Area to be Annexed [hatched box]

The Director of Planning recommends that the resolution be adopted.

ACTION: Adopt the resolution and direct the County Clerk to forward a copy to the City of Derby, Kansas, and spread the same at length upon the journal of proceedings of the Board of Sedgwick County Commissioners.

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

That it is necessary for the orderly growth of the City of Derby, Kansas to annex the following described land located in Sedgwick County, Kansas as petitioned by Roger W. Heitschmidt, owner of said property:

BEGINNING at an iron pipe found at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 1, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas;

Thence with an assumed bearing of South 0°00'00" East on the East line of said Southwest Quarter of said Northwest Quarter, for a distance of 1,257.15 feet to a point which is described as 2,702.59 feet North of the Southeast corner of Lot 1 in said Section 1;

Thence with a bearing of South 89°21'00" West on the North line of an unplatted parcel now owned by Roy M. Ellis, et ux, a distance of 700.91 feet, more or less, to an iron pipe found at the Northwest corner of said Ellis property;

Thence with a bearing of South 26°07'00" East on the Westerly line of said Ellis property and into Lot 1, Section 1, a distance of 110.25 feet to a 5/8" rebar driven in;

Thence with a bearing of South 60°00'00" West, a distance of 382.53 feet to a 5/8" rebar driven in;

Thence with a bearing of North 30°00'00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,162.77 feet to a 5/8" rebar driven in;

Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

BE IT FURTHER RESOLVED, that prior to the publication of an ordinance annexing the above described property the Board of Sedgwick County Commissioners is hereby requested to find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other unincorporated city within Sedgwick County, as specified under subsection (a) (3) of K.S.A. 12-520c.

The City Clerk is hereby directed to file a certified copy of this resolution with the Board of County Commissioners for their findings and determination.

Adopted at Derby, Kansas, this 2nd day of February, 1982.

ATTEST:

Shirley D. Moore
City Clerk

APPROVED:

Don Spick
Mayor

CERTIFICATE OF THE CLERK OF THE CITY OF DERBY, KANSAS. THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT WHICH IS ON FILE IN THIS OFFICE.

DONE THIS 4th DAY OF February 1982.

BY: Shirley D. Moore
CITY CLERK

R E S O L U T I O N

A RESOLUTION BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS RESPONDING TO THE REQUEST OF THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, TO MAKE FINDINGS AND DETERMINE THE ADVISABILITY OF ANNEXING TO THE CITY OF DERBY CERTAIN NON-ADJOINING PROPERTIES AS PROVIDED FOR IN K.S.A. 12-520c.

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WHEREAS, The City Council of the City of Derby, Kansas, did on February 2, 1982, pass a resolution on the advisability of annexing the above described property and requesting findings and determinations by the Board of Sedgwick County Commissioners that annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County as provided for in K.S.A. 12-520c:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Sedgwick County Commissioners hereby finds and determines that the annexation of the above described property to the City of Derby, Kansas, will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within Sedgwick County.

BE IT FURTHER RESOLVED, that the City of Derby be notified of this determination and that the Sedgwick County Clerk spread these findings at length on the journal of proceedings of the Board of Sedgwick County Commissioners in Sedgwick County, Kansas.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this _____ day of _____, 1982.

Jack Spratt, Chairman

Tom Scott, Chairman Pro-Tem

(SEAL)

Donald E. Gragg, Commissioner

Dorothy K. White
County Clerk

Approved as to form by:

William D. Rustin
County Counselor

R E S O L U T I O N

A RESOLUTION BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS RESPONDING TO THE REQUEST OF THE CITY COUNCIL OF THE CITY OF DERBY, KANSAS, TO MAKE FINDINGS AND DETERMINE THE ADVISABILITY OF ANNEXING TO THE CITY OF DERBY CERTAIN NON-ADJOINING PROPERTIES AS PROVIDED FOR IN K.S.A. 12-520c.

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Thence with a bearing of North 30°00'00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,102.77 feet to a 5/8" rebar driven in:

Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

WHEREAS, The City Council of the City of Derby, Kansas, did on February 2, 1982, pass a resolution on the advisability of annexing the above described property and requesting findings and determinations by the Board of Sedgwick County Commissioners that annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County as provided for in K.S.A. 12-520c:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Sedgwick County Commissioners hereby finds and determines that the annexation of the above described property to the City of Derby, Kansas, will not hinder or prevent the proper growth and development of the area or that of any other incorporated city within Sedgwick County.

BE IT FURTHER RESOLVED, that the City of Derby be notified of this determination and that the Sedgwick County Clerk spread these findings at length on the journal of proceedings of the Board of Sedgwick County Commissioners in Sedgwick County, Kansas.

PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this _____ day of _____, 1982.

Jack Spratt, Chairman

Tom Scott, Chairman Pro-Tem

(SEAL)

Donald E. Gragg, Commissioner

Dorothy K. White
County Clerk

Approved as to form by:

William D. Rustin
County Counselor

SEDGWICK COUNTY, KANSAS
BOARD OF COUNTY COMMISSIONERS

DATE February 17, 1982

RECEIVED

FEB 19 1982

METROPOLITAN PLANNING

TO Robert Lakin, Director WSC

FROM Don Gragg *D.G.G.*

SUBJECT

Would you prepare the information for the County Board that was suggested by Richard Euson, Assistant Sedgwick County Counselor regarding the Island Annexation Resolution sent to us by the City of Derby.

DEG/rh

CC: Jack Spratt
Tom Scott
William Rustin
Castina Towel



SEDGWICK COUNTY, KANSAS

LEGAL DEPARTMENT

Richard A. Euson
Assistant County Counselor

COUNTY COURTHOUSE • SUITE 315 • WICHITA, KANSAS 67203 • TELEPHONE (316) 268-7111

TO: Donald E. Gragg, Commissioner, First District
FROM: Richard A. Euson, Assistant County Counselor *RAE*
DATE: February 11, 1982
RE: Island Annexation by City of Derby

Whenever a city desires to annex land not adjoining the city boundaries, it must first request the Board of County Commissioners to find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located in the county. K.S.A. 12-520c requires the Board of County Commissioners to make its findings within 30 days following receipt of the city's resolution of intent to annex. The only option open the Board would be either to find that annexation would hinder and delay or to find that such annexation would not.

MAPD should be called upon to assist the Board in making its findings, and it would be preferable that such department submit a written and oral report as well as proposed written findings, together with their recommendations. In this manner, there should be sufficient factual basis to withstand appeal to the district court in the event such an appeal is taken.

SEDGWICK COUNTY, KANSAS
BOARD OF COUNTY COMMISSIONERS

DATE February 17, 1982



TO Castina Towel, Department of Administration

FROM Don Gragg *D.G.G.*

SUBJECT

RE: Agenda item for the next regular meeting
of the Board of County Commissioners.

Item see attached Resolution Number 2-82

CC: Jack Spratt
Tom Scott
William Rustin
Robert Lakin

RECEIVED

FEB 19 1982

METROPOLITAN PLANNING

ROUTE _____

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

That it is necessary for the orderly growth of the City of Derby, Kansas to annex the following described land located in Sedgwick County, Kansas as petitioned by Roger W. Heitschmidt, owner of said property:

BEGINNING at an iron pipe found at the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 1, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas;

Thence with an assumed bearing of South 0°00'00" East on the East line of said Southwest Quarter of said Northwest Quarter, for a distance of 1,257.15 feet to a point which is described as 2,702.59 feet North of the Southeast corner of Lot 1 in said Section 1;

Thence with a bearing of South 89°21'00" West on the North line of an unplatted parcel now owned by Roy M. Ellis, et ux, a distance of 700.91 feet, more or less, to an iron pipe found at the Northwest corner of said Ellis property;

Thence with a bearing of South 26°07'00" East on the Westerly line of said Ellis property and into Lot 1, Section 1, a distance of 110.25 feet to a 5/8" rebar driven in;

Thence with a bearing of South 60°00'00" West, a distance of 382.53 feet to a 5/8" rebar driven in;

Thence with a bearing of North 30°00'00" West and into Lot 2 in Section 2 of said Township and Range, for a distance of 1,102.77 feet to a 5/8" rebar driven in;

Thence with a bearing of North 0°00'00" East a distance of 596.39 feet, more or less, to a 5/8" rebar driven in on the intersection with the South line of "SLEEPY HOLLOW FARM ADDITION" extended from the East;

Thence North 89°51'10" East on said South line of said "SLEEPY HOLLOW FARM ADDITION" and the extension of said South line, a distance of 1,535 feet, more or less, to the POINT OF BEGINNING.

BE IT FURTHER RESOLVED, that prior to the publication of an ordinance annexing the above described property the Board of Sedgwick County Commissioners is hereby requested to find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other unincorporated city within Sedgwick County, as specified under subsection (a) (3) of K.S.A. 12-520c.

The City Clerk is hereby directed to file a certified copy of this resolution with the Board of County Commissioners for their findings and determination.

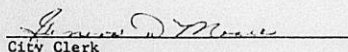
Adopted at Derby, Kansas, this 2nd day of February, 1982.

APPROVED:



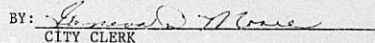
Mayor

ATTEST:


City Clerk

CERTIFICATE OF THE CLERK OF THE CITY OF DERBY, KANSAS. THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT WHICH IS ON FILE IN THIS OFFICE.

DONE THIS 4th DAY OF February 1982.

BY: 
CITY CLERK

