

DR 82-25 - City of Derby requests
determination on island annexation
proposal.

ACTION

COMMITTEE _____ DATE _____

M.A.P.C. _____

B.C.C./B. CO. C. *Approved* 11-17-82

DR 82-25 - City of Derby requests
determination on island annexation
proposal.

WICHITA-SEDGWICK COUNTY

DATE

RAL

METROPOLITAN AREA PLANNING DEPARTMENT

November 4, 1982

TO The Board of Sedgwick County Commissioners
FROM Robert A. Lakin, Director of Planning
SUBJECT City of Derby requests determination on island annexation proposal (DR 82-25)

Project Identification

The governing body of the City of Derby, Kansas, has reviewed a request from Mr. Larry Lusk for the annexation of property in his ownership to the City of Derby. The property is located south of 91st Street South and west of K-15 Highway. The property adjoins the site of the Derby wastewater treatment facility which, together with other properties east of K-15, has previously been incorporated as an "island" to the City of Derby. The property currently requested for annexation and those already annexed as "islands", are approximately one-quarter mile south of the current Derby City boundary. They are separated by several intervening parcels of property under separate ownership. The location of the property requested for annexation 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 does not adjoin the current boundary of the City proper, the laws of the State of Kansas require that the "island" annexation proposal be forwarded to the Board of County Commissioners for consideration.

The governing body of the City of Derby approved the necessary resolution on October 19, 1982, and has forwarded the same to the Board of Sedgwick County Commissioners. A copy of the resolution is attached for reference as Exhibit No. 2. The resolution requests the Board of Sedgwick County Commissioners to determine that the requested annexation will not hinder or prevent the proper growth and development of the area or any other city within the County. State law provides the Board of County Commissioners 30 days from receipt of the resolution to respond to the request.

Findings and Determinations

The property proposed for annexation to the City of Derby is approximately 7.4 acres in size. The property contains the office and maintenance buildings associated with a previous landfill operation that has been discontinued. The property is in the process of being platted as Lusk Industrial Addition and a change to industrial zoning will be initiated upon annexation into the City of Derby.

Page 2
November 4, 1982
County Commission
DR

The property owner intends to use the property for a transfer station for solid waste disposal service for the Derby area. Derby city officials have indicated that municipal services can be provided to the proposed annexation area. Water service, however, may not be immediately available to the property until adequately sized mains are extended to the area in the future.

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. The property is, furthermore, designated for industrial use in the City's adopted future land use plan.

It is also apparent that several intervening parcels and other lands adjacent thereto are annexable under normal annexation hearing procedures. It is recommended that the Derby City Council examine and consider annexing those eligible properties along the east side of K-15 between Shady Brook Lane and 91st Street South; thereby encompassing the island incorporation with a continuous and harmonious city boundary.

On the basis of these findings, it is apparent that the island annexation of the requested 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.

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, 229 N. Baltimore,
Derby, Kansas 67037
Jeff Griffith, Attorney at Law, 101 N. Baltimore, Derby, 67037
William D. Rustin, Sedgwick County Counselor
Claud Shelor, Director, Sedgwick County Department of Public
Works, 1015 Stillwell, Wichita 67213
Chief Gary Nichols, Sedgwick County Fire Department
4343 N. Woodlawn, 67220
Kenneth Duckworth, Director, Emergency Communications,
525 N. Main, Wichita 67203
Douglas Hahn, Ph.D., Environmental Resources, Sedgwick County

Sedgwick County Commission Agenda

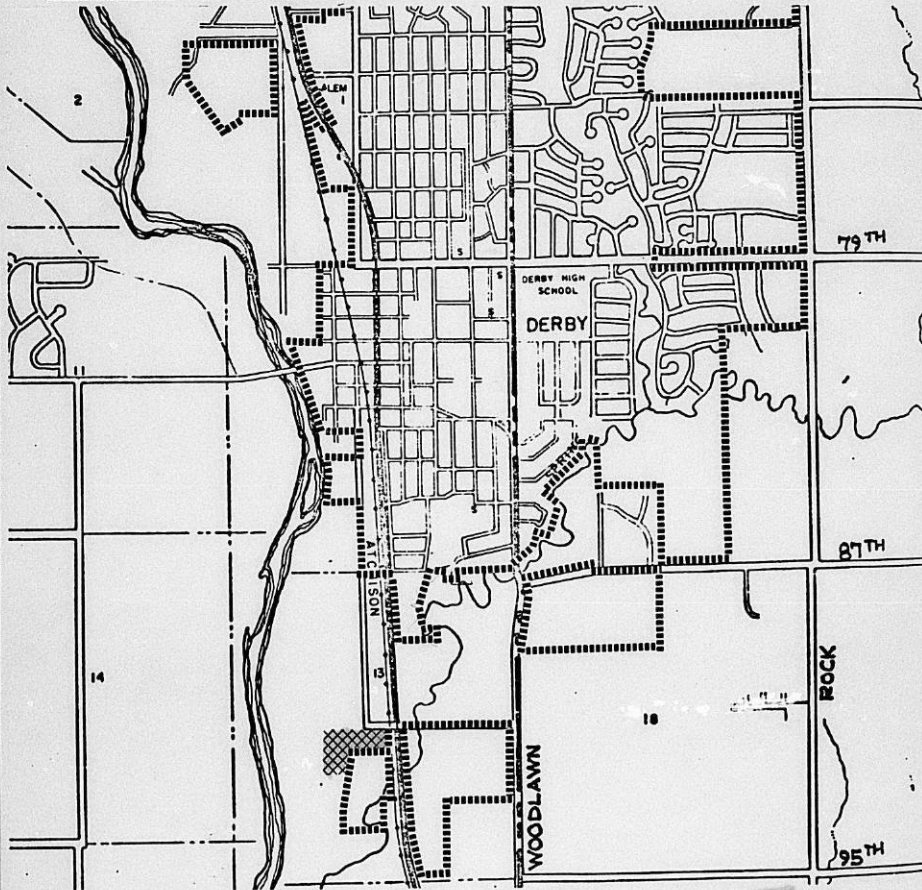
Item: Resolution No. 39-82
(DR 82-25)

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:

<u>7.42</u>	Area in Acres	Reason(s) for Annexation:
<u>0</u>	Population (Est.)	<u> </u> Petition <u> </u> %
<u>0</u>	Dwelling Units	<u> </u> Needed for benefit district
<u>1</u>	Business Units	<u> x </u> Other <u>Property owner's</u> <u>request.</u>

R - Rural 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.

RESOLUTION 39-82

A RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS TO APPROVE THE ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF DERBY.

WHEREAS, it is the desire of the Governing Body of the City of Derby to annex certain property, to-wit:

Part of the SE $\frac{1}{4}$ and part of Government Lot 3 in the SW $\frac{1}{4}$, all in Section 13, T29S, R1 E of the 6th P.M., Sedgwick County, Kansas, commencing at the NW corner of the SE $\frac{1}{4}$ of said Section 13; thence N90° 00'W along the north line of said SE $\frac{1}{4}$ extended west, 285 feet; thence S0° 00'E 270 feet to a point of beginning; thence S12° 30'W, 225.34 feet; thence N90° 00'W, 256.23 feet; thence N0° 00'E, 490 feet to the north line of said Government Lot 3; thence N90° 00'E along the north line of said Government Lot 3, 590 feet to the NW corner of said SE $\frac{1}{4}$; thence N90° 00'E, along the north line of said SE $\frac{1}{4}$, 398.35 feet to the west right of way line of the Atchison, Topeka and Santa Fe Railroad; thence southeasterly along the westerly line of said railroad to a point 30 feet south of the north line of said SE $\frac{1}{4}$; thence N90° 00'W parallel to the north line of said SE $\frac{1}{4}$, 30 feet; thence southeasterly parallel to the west line of said railroad to a point 270 feet south of north line of said SE $\frac{1}{4}$; thence N90° 00'W parallel to the north line of said SE $\frac{1}{4}$, 666.38 feet to the point of beginning; and,

WHEREAS, K.S.A 12-520c requires the Board of County Commissioners of Sedgwick County, Kansas to make certain determinations as to said annexation:

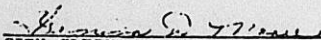
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS that the Governing Body hereby requests the Board of Commissioners of Sedgwick County, Kansas to determine that the annexation by the City of Derby, Kansas of the above described property will not hinder or prevent the proper growth and development of the area or that of any other incorporated city in Sedgwick County.

DATED this 19th day of October, 1982.



MAYOR

ATTEST:


CITY CLERK

RESOLUTION

A RESOLUTION APPROVING THE ANNEXATION OF
CERTAIN PROPERTY BY THE CITY OF DERBY

WHEREAS, the City of Derby has resolved to annex certain property in Sedgwick County, Kansas described as follows:

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WHEREAS, the City of Derby has requested the Board of County Commissioners of Sedgwick County, Kansas to determine whether said annexation will hinder or prevent proper growth development of the area or that of any other incorporated city in Sedgwick County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the Board of County Commissioners has determined that the annexation by the City of Derby of the above described property will not hinder or prevent proper growth and development of the area or that of any other incorporated city located in Sedgwick County, Kansas.

Commissioners present and voting were:

JACK SPRATT _____

TOM SCOTT _____

DONALD E. GRAGG _____

DATED this _____ day of _____, 1982.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

DOROTHY K. WHITE
County Clerk

JACK SPRATT,
Chairman

WILLIAM D. RUSTIN
County Counselor

TOM SCOTT,
Commissioner

DONALD E. GRAGG,
Commissioner

293-1982

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WHEREAS, the City of Derby has requested the Board of County Commissioners of Sedgwick County, Kansas to determine whether said annexation will hinder or prevent proper growth development of the area or that of any other incorporated city in Sedgwick County.

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*Published
by others*

Commissioners present and voting were:

JACK SPRATT *Yes*

TOM SCOTT *Yes*

DONALD E. GRAGG *Absent*

DATED this 17th day of November, 1982.



Dorothy K. White
DOROTHY K. WHITE
County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Jack Spratt
JACK SPRATT,
Chairman

William D. Rustin
WILLIAM D. RUSTIN
County Counselor

Tom Scott
TOM SCOTT,
Commissioner

Donald E. Gragg
DONALD E. GRAGG,
Commissioner

RESOLUTION

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CERTAIN PROPERTY BY THE CITY OF DERBY

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County Commissioners has determined that the annexation by
the City of Derby of the above described property will not
hinder or prevent proper growth and development of the area
or that of any other incorporated city located in Sedgwick
County, Kansas.

Commissioners present and voting were:

JACK SPRATT

Aye

TOM SCOTT

Aye

DONALD E. GRAGG

Absent

DATED this 17th day of November, 1982.



ATTEST:

Dorothy E. White
DOROTHY E. WHITE
County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Jack Spratt
JACK SPRATT
Chairman

William D. Rustin
WILLIAM D. RUSTIN
County Counselor

Tom Scott
TOM SCOTT,
Commissioner

DONALD E. GRAGG,
Commissioner

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

November 4, 1982

TO The Board of Sedgwick County Commissioners
FROM Robert A. Lakin, Director of Planning
SUBJECT City of Derby requests determination on island annexation proposal (DR 82-25)

Project Identification

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

The governing body of the City of Derby approved the necessary resolution on October 19, 1982, and has forwarded the same to the Board of Sedgwick County Commissioners. A copy of the resolution is attached for reference as Exhibit No. 2. The resolution requests the Board of Sedgwick County Commissioners to determine that the requested annexation will not hinder or prevent the proper growth and development of the area or any other city within the County. State law provides the Board of County Commissioners 30 days from receipt of the resolution to respond to the request.

Findings and Determinations

The property proposed for annexation to the City of Derby is approximately 7.4 acres in size. The property contains the office and maintenance buildings associated with a previous landfill operation that has been discontinued. The property is in the process of being platted as Lusk Industrial Addition and a change to industrial zoning will be initiated upon annexation into the City of Derby.

Page 2
November 4, 1982
County Commission
DR

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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. The property is, furthermore, designated for industrial use in the City's adopted future land use plan.

It is also apparent that several intervening parcels and other lands adjacent thereto are annexable under normal annexation hearing procedures. It is recommended that the Derby City Council examine and consider annexing those eligible properties along the east side of K-15 between Shady Brook Lane and 91st Street South; thereby encompassing the island incorporation with a continuous and harmonious city boundary.

On the basis of these findings, it is apparent that the island annexation of the requested 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.

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, 229 N. Baltimore,
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4343 N. Woodlawn, 67220
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Sedgwick County Commission Agenda

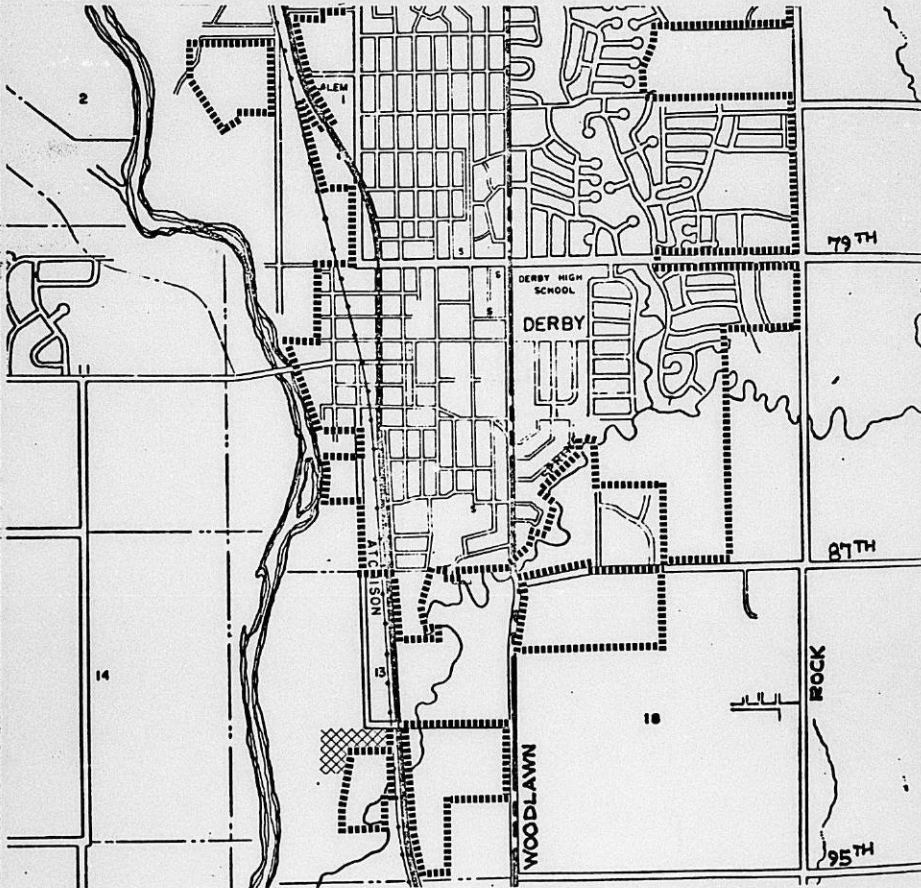
Item: Resolution No. 39-82
(DR 82-25)

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:

<u>7.42</u>	Area in Acres	Reason(s) for Annexation:
<u>0</u>	Population (Est.)	<u> </u> Petition <u> </u> %
<u>0</u>	Dwelling Units	<u> </u> Needed for benefit district
<u>1</u>	Business Units	<u> x </u> Other <u>Property owner's</u> <u>request.</u>

R - Rural Residential County Zoning.



Derby City Limits - - - - -

Area to be Annexed [Cross-hatched symbol]

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.

RESOLUTION 39-82

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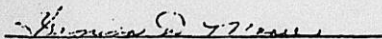
WHEREAS, K.S.A 12-520c requires the Board of County Commissioners of Sedgwick County, Kansas to make certain determinations as to said annexation:

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DATED this 19th day of October, 1982.


MAYOR

ATTEST:


CITY CLERK

RESOLUTION

**A RESOLUTION APPROVING THE ANNEXATION OF
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Commissioners present and voting were:

JACK SPRATT _____

TOM SCOTT _____

DONALD E. GRAGG _____

DATED this _____ day of _____, 1982.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

DOROTHY K. WHITE
County Clerk

JACK SPRATT,
Chairman

WILLIAM D. RUSTIN
County Counselor

TOM SCOTT,
Commissioner

DONALD E. GRAGG,
Commissioner

GRIFFITH & GRIFFITH

ATTORNEYS AT LAW
101 N. BALTIMORE
P. O. BOX 184
DERBY, KANSAS 67037
788-1551

October 21, 1982

JERRY L. GRIFFITH
JEFFREY L. GRIFFITH

Chairman Jack Spratt
Board of County Commissioners
525 N. Main
Wichita, Kansas 67203

Dear Chairman Spratt:

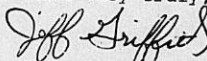
Enclosed please find the Resolution adopted by the City of Derby requesting the Board of County Commissioners to approve the annexation of certain property by the City of Derby. We would appreciate this being placed on the Commission agenda as soon as possible.

The owner of the property petitioned the City of Derby for the annexation and as that property does not border the City of Derby K.S.A. 12-520c requires the Board of County Commissioners to determine that the annexation by the City of Derby would not hinder or prevent the proper growth and development of the area or that of any other incorporated city in the county.

This property lies roughly a mile and a half south of Derby. The only other city nearby would be Mulvane about five or six miles to the south.

I have also prepared for your convenience a Resolution in which the Board of County Commissioners makes the required determinations. I will be in contact with your office in an effort to supply any additional information needed.

Yours very truly,



JEFF GRIFFITH
Attorney at Law

JG:ch
Enc.

cc: Commissioner Tom Scott
Commissioner Donald E. Gragg
William D. Rustin, County Counselor

DR82-25 City of Derby
request determination on
island annexation proposal.

Sedgwick County Commission Agenda

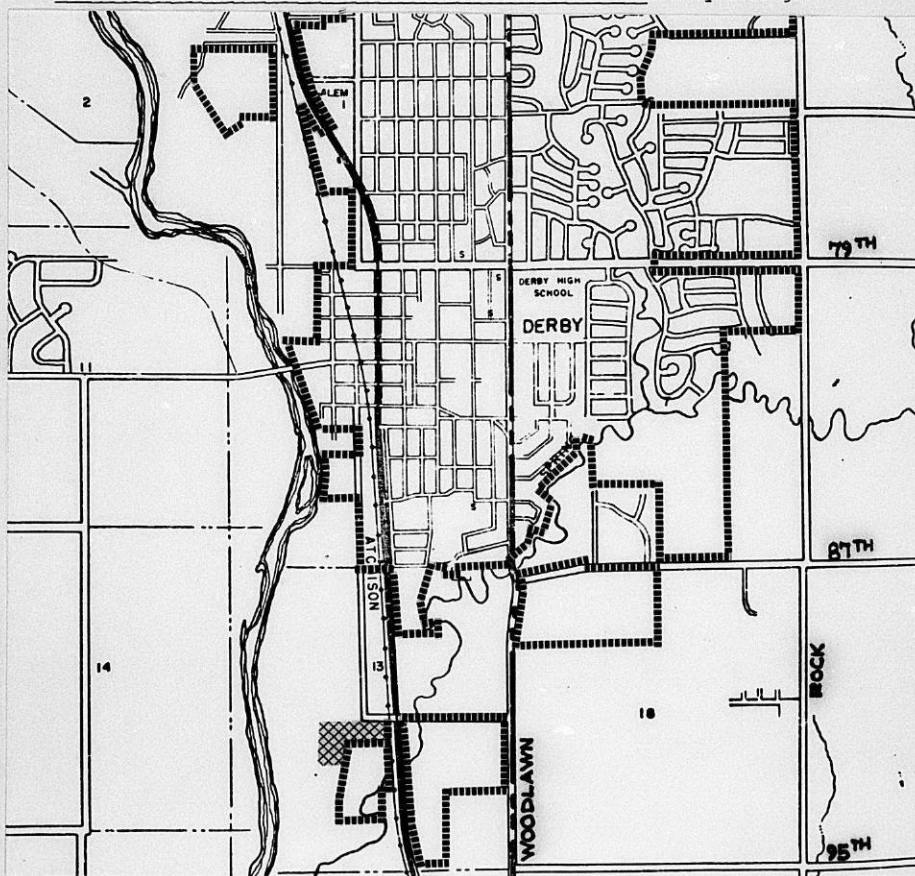
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<u>0</u>	Dwelling Units	<u> </u> Needed for benefit district
<u>1</u>	Business Units	<u> x </u> Other <u>Property owner's</u> <u>request.</u>

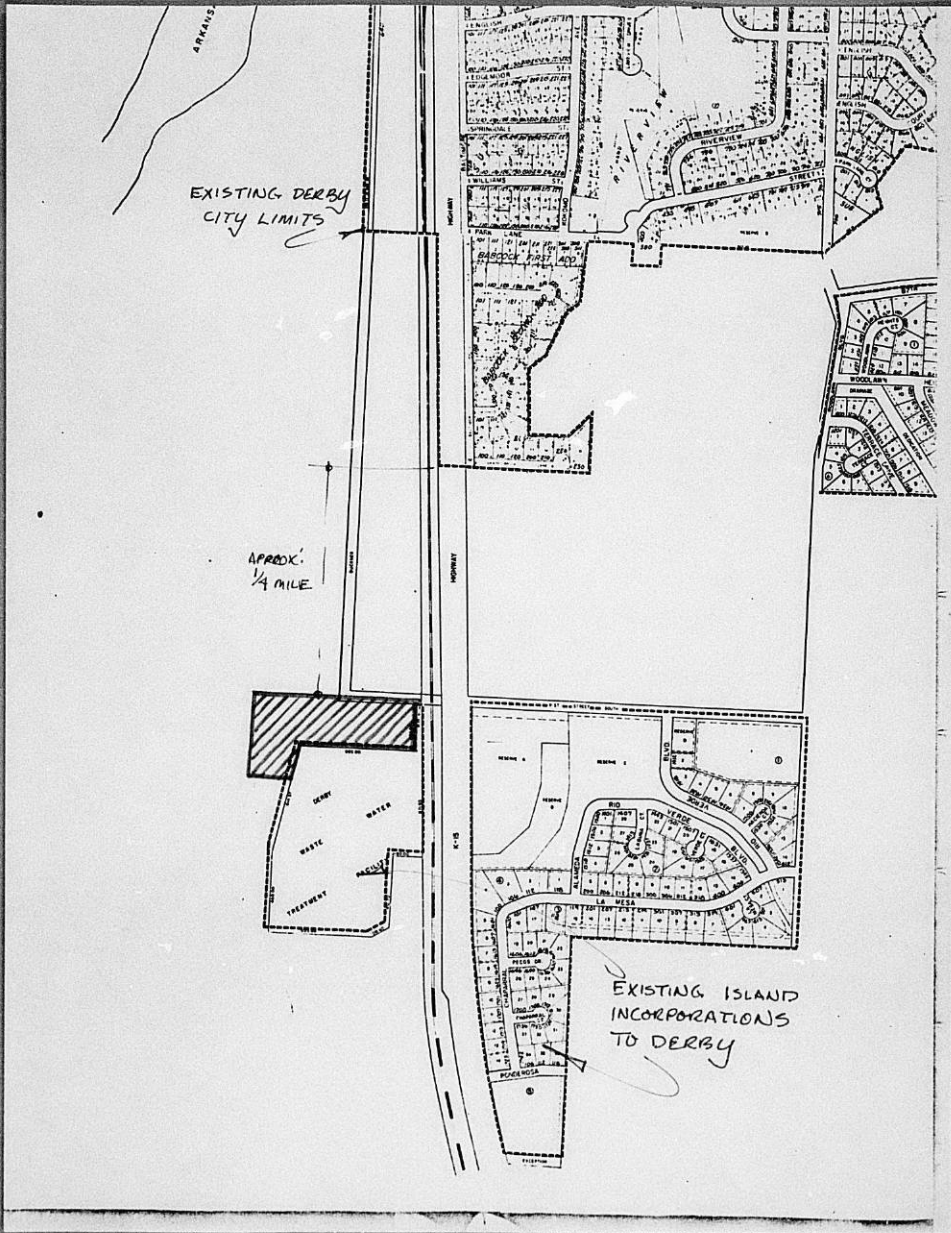
R - Rural Residential County Zoning.



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.



Sedgwick County Commission Agenda

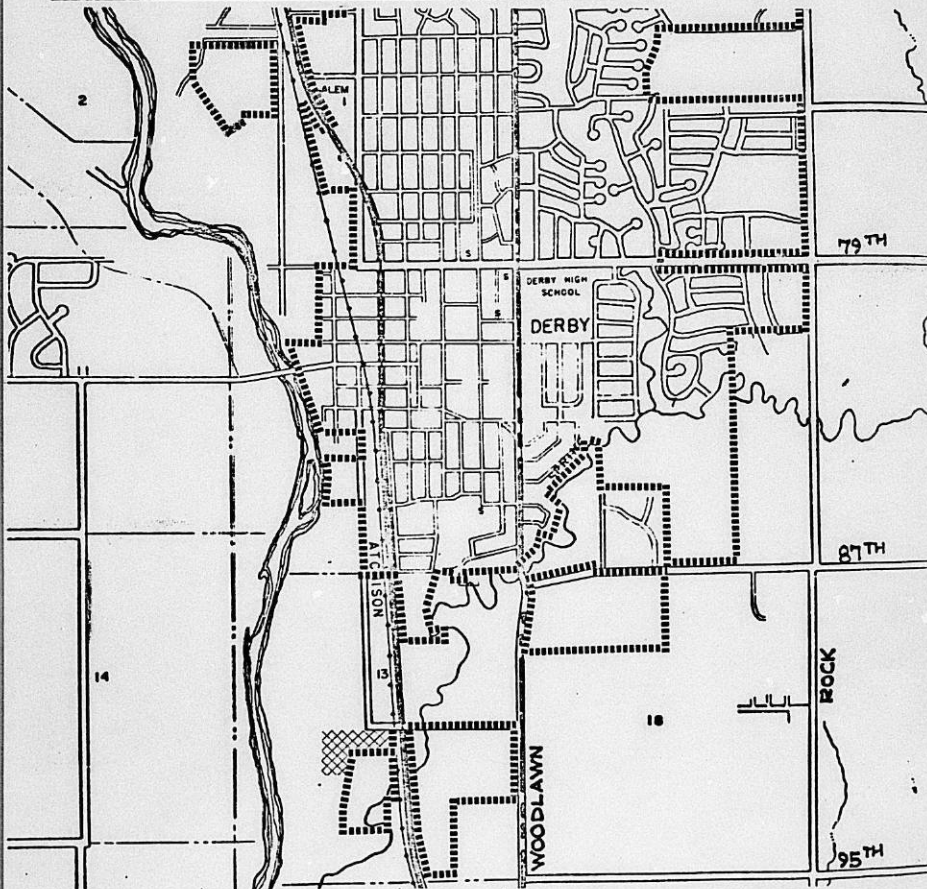
Item: Resolution No. 39-82
(DR 82-25)

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:

7.42	Area in Acres	Reason(s) for Annexation:
0	Population (Est.)	<input type="checkbox"/> Petition
0	Dwelling Units	<input type="checkbox"/> Needed for benefit district
1	Business Units	<input checked="" type="checkbox"/> Other <u>Property owner's</u> <u>request.</u>

R - Rural Residential County Zoning.



Derby City Limits Area to be Annexed [hatched symbol]

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.