

**ANNEXATION AREA 5.**

**CITY OF DERBY  
SERVICE EXTENSION PLAN REPORT FOR  
PROPERTIES LOCATED:**

**WEST OF ROCK ROAD  
&  
SOUTH OF CHET SMITH (87<sup>TH</sup> STREET SOUTH)  
(see attached legal description)**

**FEBRUARY, 2006**

## INTRODUCTION

The attached maps and following statements, regarding major municipal services, are presented as a service extension plan report in conjunction with the consideration of the annexation of eligible properties to the City of Derby by the Derby City Council.

State Law requires the preparation of such a plan report when a City pursues annexation in the absence of a petition or request from the properties owners. The plan report is to include a map or maps clearly delineating the land proposed for annexation; the present streets, water mains, sewers or other city utility lines and the proposed extensions thereof; and the general land use pattern in the area proposed for annexation. The plan report is also to include statements setting forth as necessary plans by the City for extending to the proposed annexation area each major municipal service provided to persons and property inside the City. These statements indicate the method by which the City plans to finance the extension of such services and the timing for their provision.

The plan report is placed on file for public inspection in the Office of the City Clerk and it is to be presented during the forthcoming Public Hearing conducted for consideration of the annexation proposal by the City Council of the City of Derby.

## DESCRIPTION OF THE PROPOSED ANNEXATION AREA

The proposed annexation area (**see Map 1.**) includes seven (7) unplatted tracts and Rock Road right-of-way from Chet Smith southward to the present City Limits (approximately  $\frac{3}{4}$  mile south of Chet Smith) in the general area of the southwest corner of the intersection of Rock Road and Chet Smith (87<sup>th</sup> Street South). Of those seven tracts, four (4) have been developed with single-family dwellings. Two of those dwellings have frontages to and consequently direct access to Chet Smith. The two other dwelling have frontage and access to Rock Road. Of the three "undeveloped" tracts, one has frontage to Rock Road, one has frontage to Chet Smith, the third tract, however, has no frontage or direct access to either Rock Road, Chet Smith or any other existing public street. That tract, though, is apparently under the same ownership as the tract to the north, which has access to Chet Smith. One of the tracts (2.12 acre tract adjacent to and south of the Tanglewood Church of Christ Addition) is in the process of being platted and if the plat is completed will be annexed to the City as part of the site's platting conditions. As indicated by Map 1, all of the tracts are adjacent to Derby's City Limits and in essence are surrounded by the City.

The overall site, excluding street right-of-way, includes approximately 14.43 acres. The two smallest tracts, those along Chet Smith are or were one-acre sites. One of those tracts has provided additional right-of-way for Chet Smith, thus reducing it to less than one acre (37, 299 sq. ft. after the dedication). Two of

the tracts along Rock Road, are approximately two (2) acres in size, with the third or southern most tract being approximately .98 acres. The final two tracts, the two located along the west side of the site, are just over 3 and 4 acres in size.

### **LAND USE AND ZONING-2004**

As indicated above, a portion of the site (4 of the tracts) has been developed with residential, single-family dwellings. Those four tracts represent approximately 4.8 acres of the overall site. The remaining portion of the proposed annexation area is undeveloped or in agricultural use but, as indicated above, one of the tracts (facing Rock Road) is in the process of being platted for development of a church. Present County zoning involves both "SF-20" and "RR" residential classifications. Minimum lot (tract) size is 20,000 square feet under the SF-20 classification and two acres under the RR classification. However, at least a 40,000 square foot tract is required for septic systems or 5 acres for a lagoon (the County may allow less than 5 acres in certain circumstances). The two dwellings along Chet Smith, even though under the RR zoning classification, are on tracts of an acre or less. Technically, these two dwellings are on nonconforming lots (tracts). However, the western dwelling is or had been indicated as being the same party as the owner of the 3.32-acre tract immediately to the south. The existing dwelling along Rock Road is zoned SF-20 and is on a tract of over two acres. The tract immediately north of the dwelling on Rock Road is zoned RR and has an accessory structure (old barn type structure) located on it but no residential dwelling is located on that tract. The two large tracts in the western portion of the site are under SF-20 zoning and neither tract has any structures or development other than agricultural uses at this time. The third or southern most tract, facing Rock Road, is zoned County "RR" but is only 0.98 acres in size. Upon annexation, all of the site will be placed under Derby's "R-1" single-family zoning classification. The City Council may also direct at that time that another zoning classification or case be initiated to place the area into a different classification such as the City's "R1-B", large lot (36,000 square foot minimum) residential, zoning classification.

To the east of the annexation area, adjacent to Rock Road is a church (Tanglewood Church of Christ Addition) that was annexed into the City in 2003. Over the last few years, that site has been used as a church under several different entities. To the west is a residential subdivision that was developed under County zoning but that has also been annexed into the City. To the south are two unplatted, undeveloped tracts that at this time have no direct access to a public street. South of those two tracts are platted additions within the City of Derby. One of those additions is the site of the recently constructed Park Hill elementary school and the other site is planned for a church development. To the north, on the north side of Chet Smith is Tiara Pines, an urban, City of Derby residential subdivision. Further east of the site, east of Rock Road is undeveloped and/or agricultural land all still under County jurisdiction..

## **EXTENSION OF MAJOR MUNICIPAL SERVICES**

### **A. Public Streets**

Except for one tract, ownership of which is indicated as being the same as the tract immediately to its north, all of the individual tracts have direct frontage and access to either Chet Smith or Rock Road. Both of these streets are paved mile line, arterial type facilities maintained by the City and/or County. At some point it is expected that, unless involved in a zone change, much of this site will be involved in development of urban scale, single-family residential uses or as indicated previously one of the tracts is being platted for a church under Derby's conditional use requirements. If not within the City at that time, all of these sites would be subject to annexation as a condition of platting. In any case, during the subdivision process any needed interior streets would be provided as a condition of platting and the installation of all such streets would be guaranteed by the party developing the site. The actual costs for such street improvements cannot be determined until such time as a development plan (plat) is submitted for consideration.

### **B. Sanitary Sewer**

The attached **Map 2**, of municipal sewer services, indicates that sanitary sewer lines presently exist in the vicinity of the proposed annexation area. A line now crosses Chet Smith and provides sewer service to the tracts with the two existing residential dwellings located along the south line of Chet Smith. As part of the expected platting of the proposed church site along Rock Road, that line is likely to be extended further south and therefore should be available to other tracts. An additional extension of sanitary sewer could be available from the south, from along the west line of the Cross of Glory Lutheran Church Addition which provided a guarantee at the time of platting for such a sewer line. The southern most tract, on Rock Road, is for now somewhat distant from an existing sewer line but other future developments in that area should bring sewer lines into an accessible location for providing service for that tract.

As with the development of streets for any proposed platting of these tracts, the cost of sanitary sewer for any such development(s) will depend on the actual design of any such plat, with the costs of such improvements being assessed against the development.

### **C. Water Service**

Presently, Rural Water District #3 has facilities in the vicinity of this site. Also, as indicated by **Map 3**, Derby has existing water lines in the vicinity of the annexation area. Water lines are located both in Chet Smith and Rock Road and, except for the southern most tract, are immediately adjacent to the existing dwellings involved in this proposed annexation. All of the proposed tracts for

annexation, except the southern most tract, are directly accessible to existing City fire hydrants. Map 3A shows 1 possible option for extending a water line down to the southern most tract. Such fire protection is not available from rural water lines. Existing dwellings can be connected to these water lines for a connection fee of \$500 to \$700. The undeveloped areas would be required to guarantee the extension of water to all lots proposed by any subsequent platting of the properties.

As required by State Law, if Rural Water District (RWD) facilities are impacted by this annexation, the City will negotiate with the RWD or establish by statutory proceedings appropriate compensation for any such involved facilities.

#### **D. Police Protection**

The proposed annexation area is already within or adjacent to an area covered by the City's Police operations. Given the site's generally inner City location, inclusion of that area into the Derby Police Department's area of responsibility requires no addition of staff or equipment than is already available. Law enforcement or police services, are currently provided through the County's Sheriff Department, which provides limited patrolling of such areas.

#### **E. Fire Protection**

Currently, the nearest fire protection for this site is provided from the County's fire station at the southeast corner of 63<sup>rd</sup> Street and Rock Road. Upon annexation, fire protection would be provided by the Derby Fire and Rescue Department (DFRD) from either of two stations, both of which are closer to this site than the County Fire District station. DFRD has two fully equipped stations with 24/7 full time coverage. Station 1 is located at 128 West Market and Station 2, the station nearest the site, is located at 1401 North Rock Road in Derby, just over 1.75 miles from this site. DFRD provides a full range of services from full certified EMT's for medical first response to confined space, motor vehicle and water rescue. Derby's fire response time in the City of Derby averages less than 4 minutes. With two facilities, Derby also provides greater availability in an emergency than would be the case for the single facility now provided by the County. With the existing water lines and planned extensions, existing hydrants are now available, with additional ones to be installed as water line extensions occur, that will provide these areas with appropriate fire protection. Fire protection for this area can be accomplished with existing equipment and staff.

#### **F. Other Municipal Services and Facilities**

This site's is located less than ½-mile east of **Garrett Park**, one of the City's largest park facilities. **Other parks**, including the City's largest and most modern park, High Park, are all easily accessible to the proposed annexation site. It is reasonable to assume that resident's in the existing single-fannily homes are

already users of these facilities. No County parks are reasonably available to this site and the nearest parks in Wichita are from 4 to 6 miles northwest of Derby. Similarly, the **Derby Public Library and Senior Center facilities** are just over a mile from the site and are available to, if not also already being used by, the residents within the proposed annexation area.

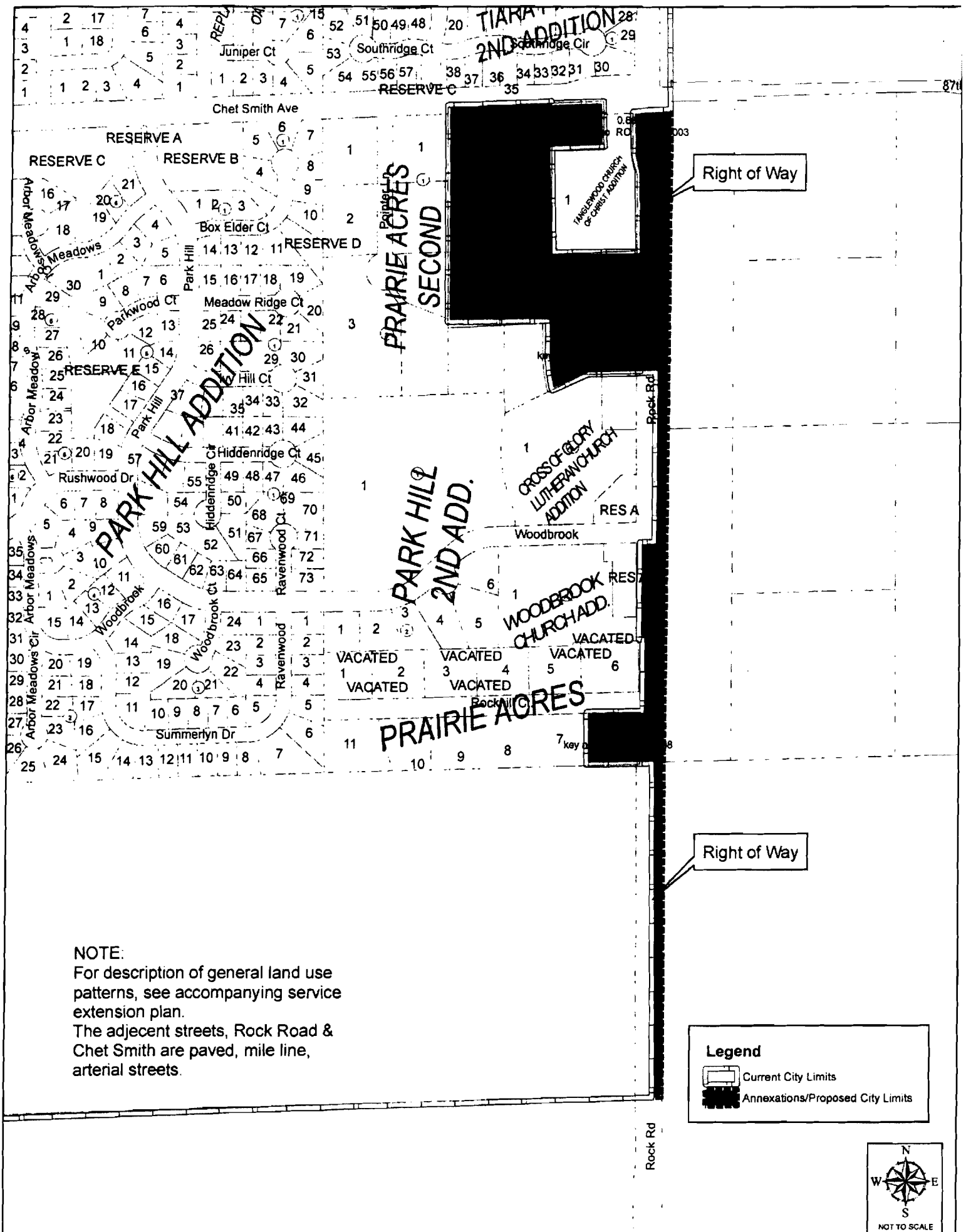
**Code enforcement** activities will be provided through the City's existing Zoning and Building Code personnel. Given the existing conditions of the proposed annexation area few code enforcement issues are anticipated. Any future zoning or platting proposals will be handled by Derby through the City's normal procedures.

See Map #3A, Possible Option for Water Line Extension

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
8" Pipe	300	LF	\$20.00	\$6,000
Fire Hydrant	1	EA	2,500.00	2,500
Site Clearing & Restoration	1	LS	1,000.00	<u>1,000</u>
Subtotal				\$9,500
30% - Contingency, Design, Inspection, Administration				<u>2,900</u>
Total				\$12,400

@ 5%, 15 years, Estimates Monthly "Special Assessment" \$98.00/month

Note: This cost estimate is based on only one possible alignment and benefit district out of a multitude of options and alternatives. Actual costs will vary based on size of project, number of benefiting properties, site conditions, etc. The cost does not include connection fees, or costs of private plumbing to connect to City main. The policy of the City of Derby is to not require extension of infrastructure upon annexation, but to extend said infrastructure only upon receipt of valid petitions from a majority of affected property owners.



**NOTE:**  
 For description of general land use patterns, see accompanying service extension plan.  
 The adjacent streets, Rock Road & Chet Smith are paved, mile line, arterial streets.

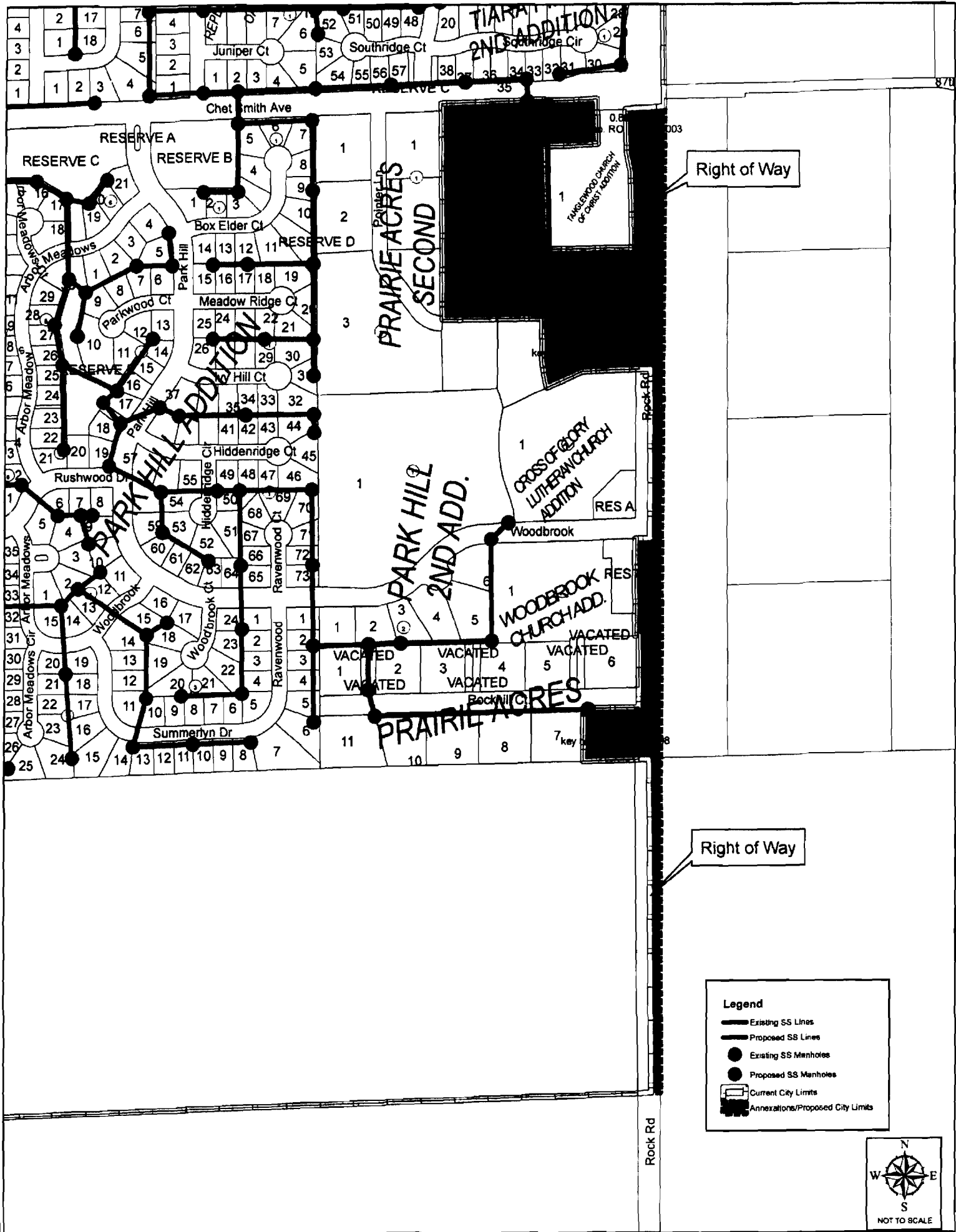
**Legend**

- Current City Limits
- Annexations/Proposed City Limits

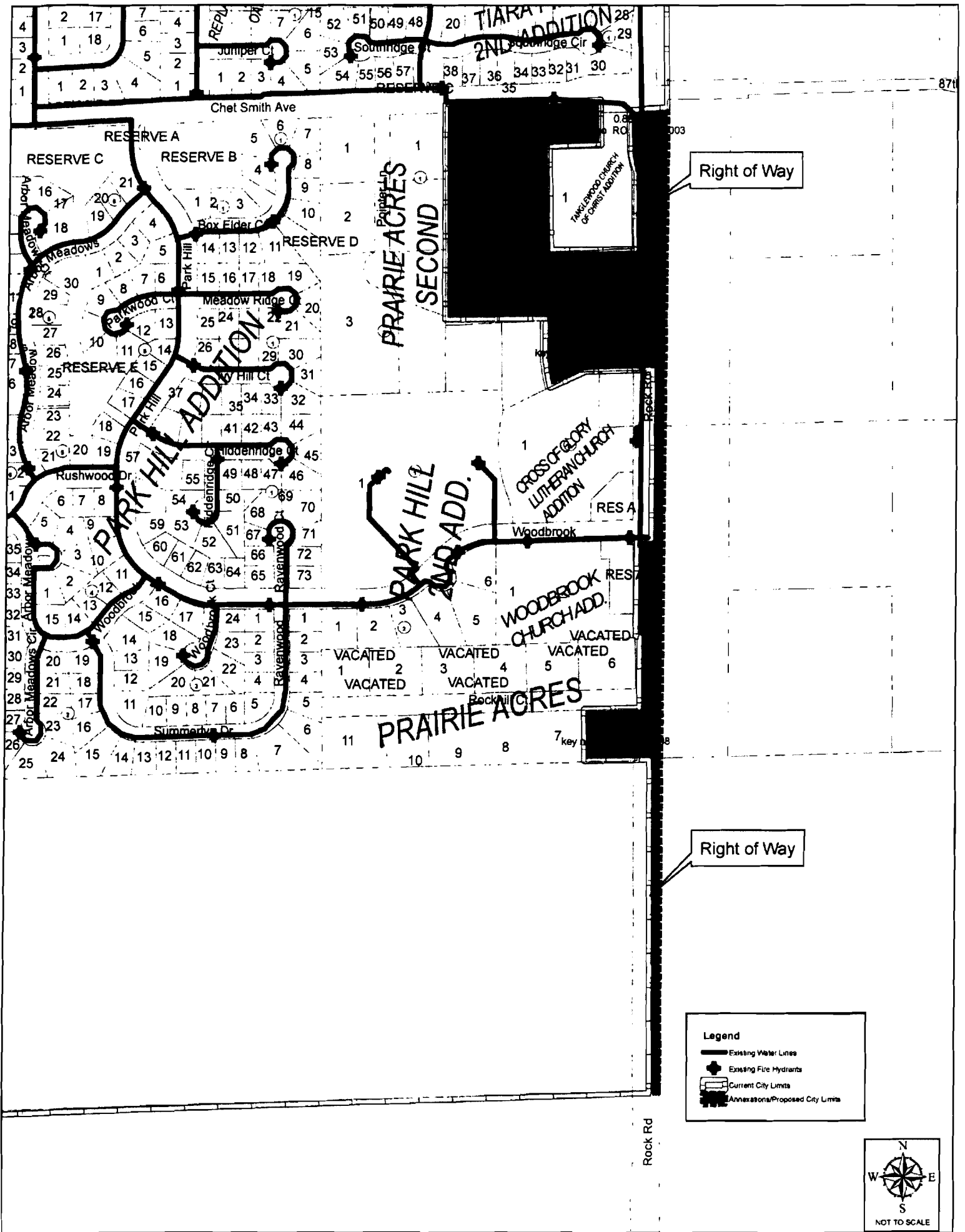


Proposed Annexation Area  
 Derby, Kansas  
 Map #1





Existing Sanitary Sewer Lines & Possible Extensions  
 Derby, Kansas  
 Map #2

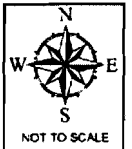


Right of Way

Right of Way

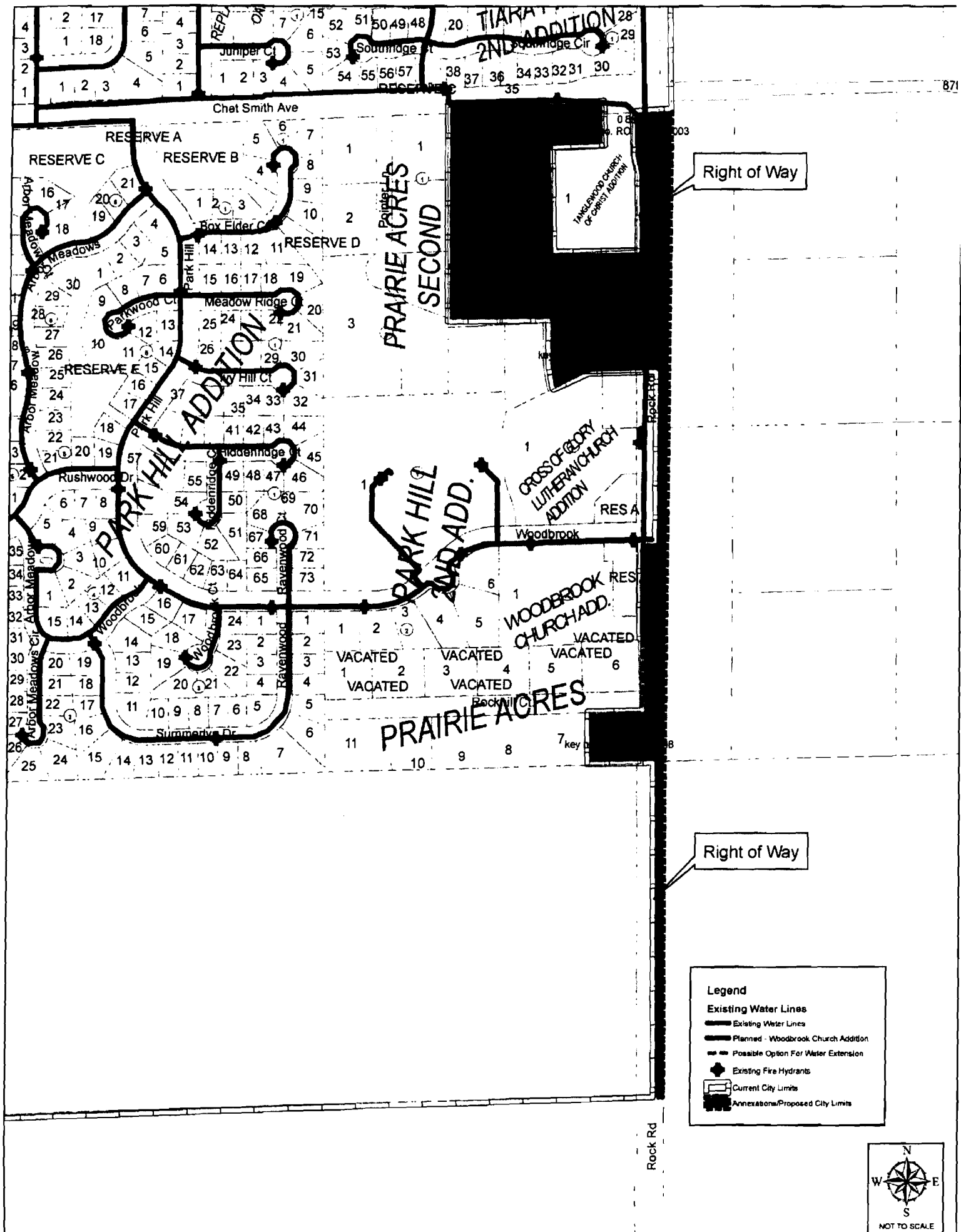
**Legend**

- Existing Water Lines
- ⊕ Existing Fire Hydrants
- ▭ Current City Limits
- ▨ Annexations/Proposed City Limits



NOT TO SCALE

Existing Water Lines  
 Derby, Kansas  
 Man #3



Possible Option For Water Line Extension  
 Derby, Kansas  
 Map #3A

**Annexation Area 5.**  
**Legal Description**

Beginning at the SE Corner of the N ½, SE ¼, Section 18, T29S, R2E of the 6<sup>th</sup> Principal Meridian, Sedgwick County, Kansas; thence north on the E line of said N ½, SE ¼, to the NE Corner thereof; thence west on the N line of said N ½, SE ¼, 251.6 feet to the SE Corner of Lot 7, PRAIRIE ACRES, Sedgwick County, Kansas; thence north on the east line of said Lot 7, a distance of 206.54 feet to a point on the south line of Rockhill Ct.; thence east on said S line, a distance of 201.6 feet to a point 80 feet south of the SE Corner of Lot 6, said PRAIRIE ACRES; thence north to the NE Corner said Lot 6; thence west on the north line of said Lot 6, 10 feet; thence north parallel with the E line of the NE ¼, Sec. 18, 387.07 feet; thence east parallel with the S line of said NE ¼, 60 feet to a point on the E line of said NE ¼, 876.61 feet north of the SE Corner thereof; thence north on the E line of said NE ¼, 673.58 feet, more or less, to a point 1108.1 feet south of the NE Corner of said NE ¼; thence west parallel with the north line of said NE ¼, 275.00 feet; thence S 65°53'20"W, 155.29 feet, more or less, to a point on a curve to the right; thence northerly along said curve having a central angle of 15°14'38" and a radius of 545 feet, an arc distance of 145 feet, (having a chord length of 144.57 feet bearing N 07°37'19" W) to the PT (point of tangency); thence N 00°00'00" E parallel with the E line of said NE ¼, 130 feet; thence S 88°08'05" W, parallel with the N line of said NE ¼, 380.73 feet to a point on the E line of PRAIRIE ACRES SECOND, Sedgwick County, Kansas; thence N 00°0'0" W on the E line of said PRAIRIE ACRES SECOND, parallel with the E line of said NE ¼, to the NE Corner of Lot 1, Block 1, PRAIRIE ACRES SECOND; thence north 27.5 feet; thence east parallel with and 22.5 feet from the N line of said Sec. 18, 417.42 feet, more or less, to a point 399.31 feet west of the E line of said Sec. 18; thence south 7.5 feet; thence east parallel with and 30 feet from the N line of said Sec. 18, 208.71 feet; thence south 45 feet to the NW Corner of Lot 1, TANGLEWOOD CHURCH OF CHRIST ADDITION, Sedgwick County, Kansas; thence south on the W line of said Lot 1, 133.71 feet; thence west on the line of said Lot 1, 208.71 feet; thence south on the W line of said Lot 1, 412.29 feet to the SW Corner thereof; thence east on the S line of said Lot 1, 339.31 feet to the SE Corner thereof; thence north on the E line of said Lot 1, being on the west right-of-way line of Rock Road, 546 feet to the NE Corner thereof; thence east parallel with the N line of said Sec. 18, 150 feet, more or less, to the east right-of-way line of Rock Road, being 50 feet east of the centerline of Rock Road, and 75 feet east of the west line of Sec. 17, T29S, R2E; thence south along E right-of-way to a point that is 1826.51 feet north and 75 feet east of the SW corner, NW ¼ said Section 17; thence southeasterly to a point that is 1726.51 north and 80 feet east of said SW corner; thence south, parallel and 80 feet east of the west line said NW ¼ a distance of 500.65 feet to a point that is 1225.86 feet north and 80 feet east of said SW corner; thence southwesterly to a point that is 1125.91 feet north and 75 feet east of said SW corner; thence south, parallel and 75 feet east of west line said NW ¼; to a point on the south line NW ¼, said point also being 75 feet east of the NW corner, SW ¼, Section 17; thence

south, parallel and 75 feet east of the west line said SW  $\frac{1}{4}$ ; to a point 74.23 feet south and 75 feet east of said NW corner; thence southwesterly to a point that is 174.18 feet south and 70 feet east of the said west line SW  $\frac{1}{4}$ ; thence south, parallel and 70 feet east of the west line of said SW  $\frac{1}{4}$ , a distance of 400.03 feet to a point that is to a point 574.21 feet south and 70 feet east of said NW corner; thence southwesterly, to a point that is 674.10 feet south and 60 feet east of said NW corner; thence south, parallel and 60 feet east of the west line of said SW  $\frac{1}{4}$ , a distance of 500.03 feet to a point that is 1174.13 feet south and 60 feet east of said NW corner; thence southwesterly to a point that is 1274.02 feet south and 50 feet south of said NW corner; thence south, parallel and 50 feet east of the west line, said SW  $\frac{1}{4}$  to the south line NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , said Section 17; thence west 50 feet to point of beginning.

## OWNERSHIP LIST

## PROPERTY DESCRIPTION

## PROPERTY OWNER

Lot 1, Block A Annexation No. 8	Sewell 2 <sup>nd</sup> Addition	Raymond D. Sewell P.O. Box 264 Derby, KS 67037
Lot 1, Block 1 Annexation No. 9	Bergman-Mize Addition	Eddie R. & Sylvia C. Miller P.O. Box 653 Derby, KS 67037
Beg at the SEly Cor of Lot 2; th. NWly along the Ely line 145'; th. W to a point 145' Nly of the SW Cor; th. SEly 145' to the SW Cor; th. Ely to beg, Block 1 Annexation No. 9	"	New Rapid of Kansas, LLC 115 S. Hydraulic Wichita, KS 67211
Beg 1293' N of the SW Cor of the SW/4; th. E 745'; th. N 300'; th. W 745'; th. S 300' to beg, except beg 1293' N & 50' E of the SW Cor of the SW/4 ; th. N 80.61'; th. SEly 71.26' to a point 62' E of the W line ; th. W 12.10' to beg for highway. 25-28-1E Annexation No. 1		Wayne L. & Judy M. Wayman 548 E. Main Mulvane, KS 67110
Lot 1, Block A Annexation No. 1	Mid States of Derby Addition	Property, LLC 548 E. Main Mulvane, KS 67110
Beg 462' E of the NW Cor of the NE/4 ; th. E 262.14'; th. S 197.7'; th. W 235.95'; th. N 32.67'; th. W29.2'; th. N 165' to beg, except the S 5'; th. E 40' & except the N 40' for road. 31-28-2E Annexation No. 2		Robert F. & Patricia S. Word 7401 E. 63 <sup>rd</sup> St. South Derby, KS 67037
Lot 1 Annexation No. 3	Calvary Baptist Church 2 <sup>nd</sup> Addition	Calvary Baptist Church 421 N. Westview Derby, KS 67037
The NE/4, except the E 1980' thereof. 5-29-2E Annexation No. 4		William D. Hamilton, David L. Hamilton, Joe S. Hamilton & Beverly J. Coover Trust % Beverly J. Coover Trust 1303 Marlboro Street Wichita, KS 67217
The W 208.71' of the E 399.31' of the N 208.71' of the NE/4, except the N 22.5' for road. 18-29-2E Annexation No. 5		Charles F. Everist & Robin L. Pool 7901 E. 87 <sup>th</sup> St. South Derby, KS 67037

The W 208.71' of the E 608.02' of the N 208.71' of the NE/4, except the N 22.5' for road. 18-29-2E <b>Annexation No. 5</b>		John P. Noonan Jr. & Cecille M. Noonan 7827 E. 87 <sup>th</sup> St. South Derby, KS 67037
The W 208.71' of the E 816.73' of the N 893' of the NE/4, except the N 22.5' for road. 18-29-2E <b>Annexation No. 5</b>		John D. & Deborah A. Olson 1109 N. Fontenelle Derby, KS 67037
The W 208.71' of the E 608.02' of the N 893' of the NE/4, except the N 208.71' for road. 18-29-2E <b>Annexation No. 5</b>		Mary Ann Hobson 609 N. Willow Derby, KS 67037
Beg 621' S of the NE Cor of the NE/4; th. S 272'; th. W 399.31'; th. N 272'; th. E 399.31' to beg, except the E 60' for highway. 18-29-2E <b>Annexation No. 5</b>		Derby Congregation of Jehovah Witnesses c/o Billie E. Long, Jr. 1923 E. 52 <sup>nd</sup> St. South Wichita, KS 67216
Beg 893' S of the NE Cor of the NE/4 ; th. W 436'; th. S 130'; th. Sly 145'; th. NEly 155' M-L to a point 1108.1' S & 275' W of the NE Cor of the NE/4 ; th. E 275'; th. N 215.1' to beg, except the E 35' for road. 18-29-2E <b>Annexation No. 5</b>		Carrye S. & Allen Wise 8901 S. Rock Road Derby, KS 67037
Beg 41.6' W of the SE Cor of the NE/4; th. W 210'; th. N 206.54'; th. E 211.8' M-L to the Wly line of County Road; th. Sly 206.54' to beg. 18-29-2E <b>Annexation No. 5</b>		Dennis D. & Brenda F. Riebel 9141 S. Rock Road Derby, KS 67037
Beg 1015' S of the NW Cor of the SW/4; th. E 348.53'; th. S 250'; th. W 348.53'; th. N 250' to beg, 18-29-2E <b>Annexation No. 6</b>		Dabney F. & Sandra R. Dabney 9240 S. Woodlawn Derby, KS 67037
Beg 1359.4' S of the NW Cor of the SE/4 of the NW/4; th. S 247'; th. E 383.3'; th. NW 385'; th. SW 327.3' to beg, except the W 30' for road. 1-29-1E <b>Annexation No. 7</b>		David A. & Drenda A. Duron 7610 S. McIntosh Derby, KS 67037