

ANNEXATION AREA 1.

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

**EAST OF K-15 HIGHWAY
&
NORTH OF 63RD 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 includes two (2) tracts and a section of Oliver Street right-of-way (**see Map 1.**), in the general area of the northeast corner of the intersection of K-15 Highway and 63rd Street South. The larger, 4.78 acre tract is unplatted and was originally developed with a rural, single-family dwelling. A large storage structure has been added which is apparently related to the non-residential uses located on the tract west of Oliver (the other tract involved in this proposed annexation). The smaller, 2.16 acre triangular tract (platted as the Mid States of Derby Addition) is the site of a business that services automated car washes and an office involved with an oil distribution service. The oil distribution office and equipment or materials used by automated car washes are located on the southern portion of the tract, with the northern portion being vacant. Both tracts have access to Oliver Street. Oliver has been terminated by a cal-de-sac to the south, thereby, preventing direct access to K-15 or 63rd Street South. The tract abutting K-15 Highway also does not have direct access out to that highway. The segment of Oliver involved in the annexation includes all of the right-of-way located between both tracts and a segment of half street right-of-way along the east side of the northern portion of the smaller tract. The combined area of the two tracts (excluding Oliver right-of-way) involved in this proposed annexation is 6.94 acres.

LAND USE AND ZONING-2005

A portion of the site (tract east of Oliver) was the location of a single-family dwelling but is now primarily being used for a warehouse facility and the outdoor storage of materials used by automated carwashes. This site is presently under, County "RR", single-family zoning which allows for single-family uses on sites of at least two acres; provided the site can be served by an appropriate (public) sanitary sewer system or is approved for the use of a septic system. If a sanitary sewer lagoon is to be used, a five acre site would typically be required. There is no indication that this site is using a lagoon, but rather appears to be or had been using a septic system. It is not known whether the residential dwelling is presently occupied. Given the other non-residential uses now on this tract it is doubtful.

The second tract, located adjacent to K-15 Highway is under the County's "LC", Light Commercial, zoning classification. Several non-residential uses are located on this tract.

Both tracts are surrounded on their north, east and south sides by the City of Derby. Although not yet developed, those surrounding areas are zoned "B-5", Restricted Commercial, Warehousing and Limited Manufacturing. To the west, across K-15 Highway and southward to 63rd Street South is a commercial use that provides outdoor RV storage and a retail business involving the sale of trailers, tools and construction type equipment. All of that site is still in the County, under County zoning.

EXTENSION OF MAJOR MUNICIPAL SERVICES

A. Public Streets

Both sites have access to Oliver, a paved public street. This street is terminated by a cul-de-sac just to the south of the larger tract. Access is provided to/from the north through 60th Street South, which connects to the recently realigned Buckner/Oliver Street, a four lane arterial that gives direct access southward to Derby and northward to Wichita. Although this segment of Oliver is paved, it is not developed to an urban standard (no curb and gutter). Consequently, this segment of street is subject to future improvement to an urban street standard.

B. Sanitary Sewer

The attached **Map 2.**, indicates that Derby's municipal sanitary sewer lines presently exist in the vicinity of the proposed annexation area. These lines have been constructed, and additional improvements are yet to be constructed, in conjunction with the Stone Creek Commercial 2nd Addition that surrounds the

tracts involved in the proposed annexation. Extensions or sewer lines beyond those being provided for the Stone Creek lots will, however, still be needed to bring service directly to these tracts. Any such additional sewer line extensions are within reason for the development of these tracts under Derby's control. Map 2A (see attached) has been prepared as an example of a possible option for extending sanitary sewer to this site. Accompanying that map is a table that indicates an estimated cost for the extension of sewer to the two tracts involved in this proposed annexation. As is indicated by Map 2A, an extension of a sanitary sewer line would be made from improvements being provided for the Stone Creek Commercial Additions.

Given the non-residential uses that have been on this "RR" rural residential zoned site and other recent non-residential development allowed by the County, this area should be served by a municipal type sewer system rather than an on-site system i.e. septic or lagoon sanitary sewer.

C. Water Service

Presently, Rural Water District #3 has facilities in the vicinity of this site. As indicated by **Map 3**, Derby has existing water lines in the vicinity of the annexation area and will have additional water line extensions provided with the further development of the Stone Creek Commercial Additions. Derby's municipal water lines exist at a number of locations in the immediate vicinity of the tracts. The water line in K-15 right-of-way is, however, owned by the City of Wichita. As with sanitary sewer, additional extensions will be needed from such water lines in order to directly serve these tracts. Water could initially be extended from a Derby line in 60th Street South, along Oliver. Map 3A and the accompanying table indicate a possible option and estimated cost for providing municipal water to the annexation site (two tracts). The water extension to this site would be provided from a water line that has been required (but not yet installed) by the platting of the Stone Creek Additions.

Non-residential uses should in particular be expected to be served by a municipal water system. Not only is that beneficial for such uses in general but the related installation of fire hydrants provides a level of fire protection not possible for sites operating with wells or on Rural Water District facilities.

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 63rd Street and Rock Road. Both of Derby's fire stations are also in reasonable proximity to the site and provide greater availability in an emergency than would be the case for the single facility now provided by the County.

Upon annexation, fire protection would be provided by the Derby Fire and Rescue Department (DFRD). DFRD has two fully equipped stations with 24/7 full time coverage. Station 1 is located at 128 West Market and Station 2 is located at 1401 North Rock Road in Derby. 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. Further, 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 therefore be accomplished with existing equipment and staff

F. Other Municipal Services and Facilities

Apparently both tracts are being and most likely will continue to be used for non-residential purposes. It is expected that zone changes will eventually be requested for both tracts and given the predominant zoning of the surrounding properties, non-residential zoning would be appropriate. For such uses or zoning, access to public parks, library facilities, senior center facilities and similar public facilities is not as important of a concern as it would be for areas of residential use.

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, rezoning of the properties is anticipated. Expansion or any further development on either tract will also involve platting of at least the larger tract and that any such development proceed through the City of Derby's normal review procedures.

See Map #2A, Possible Option for Sanitary Sewer Extension

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
8" Pipe	1300	LF	\$20.00	\$26,000
Manhole	4	EA	\$2,500.00	\$10,000
4" Stub	2	EA	\$500.00	\$1,000
Site Clearing & Restoration	1	LS	\$5,000	\$5,000
Subtotal				\$42,000
30% - Contingency, Design, Inspection, Administration				\$12,600
Total				\$54,600
Cost/Parcel = \$54,600/2				\$27,300
\$11,700				
@ 5%, 15 years, Estimated Monthly "Special Assessment"				\$216.00/month

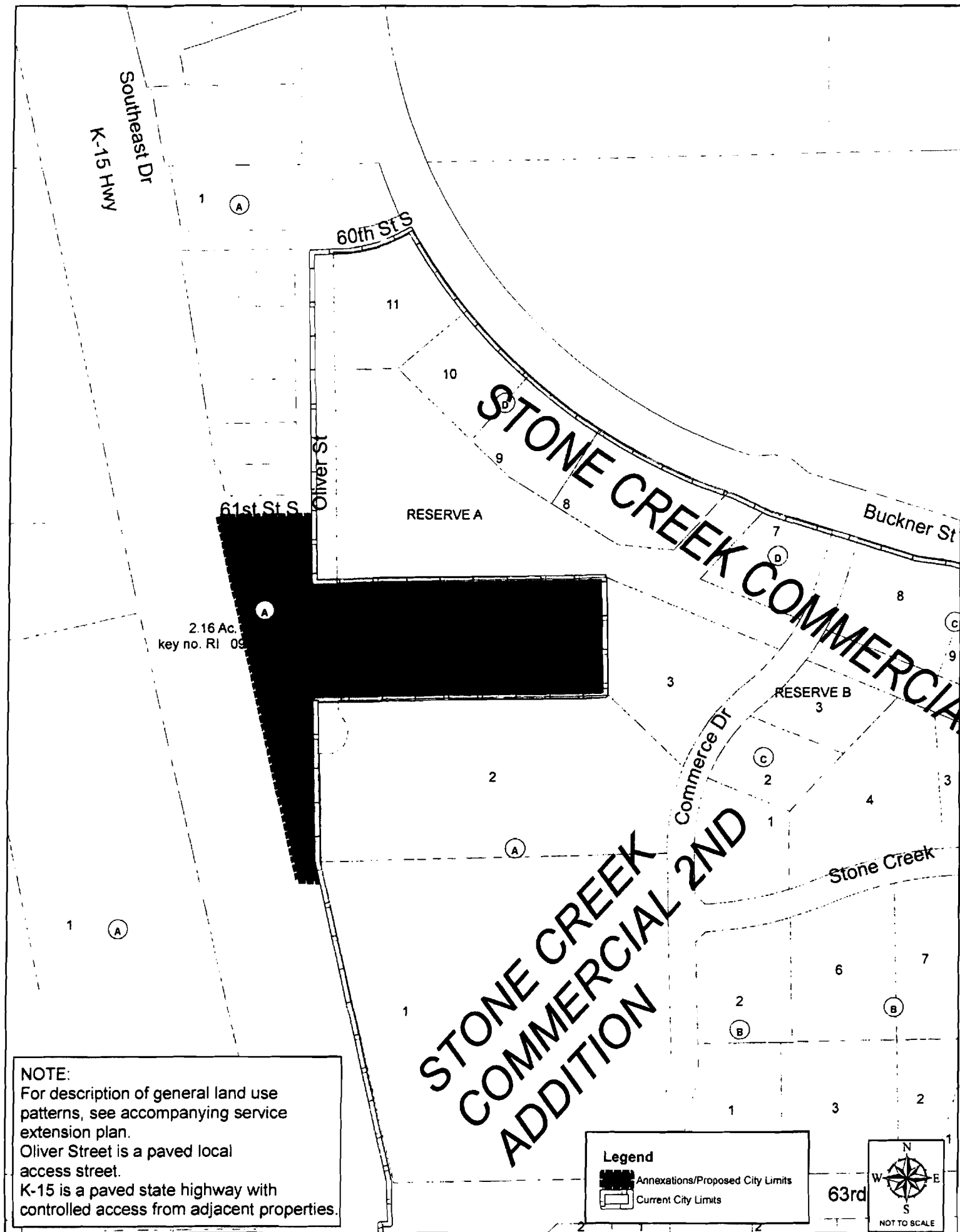
Note: This cost estimate is based on only one possible alignment and benefit district out of a multitude of options and alternatives. Actual costs will vary based on size of project, number of benefiting properties, site conditions, etc. The cost does not include connection fees, or costs of private 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.

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

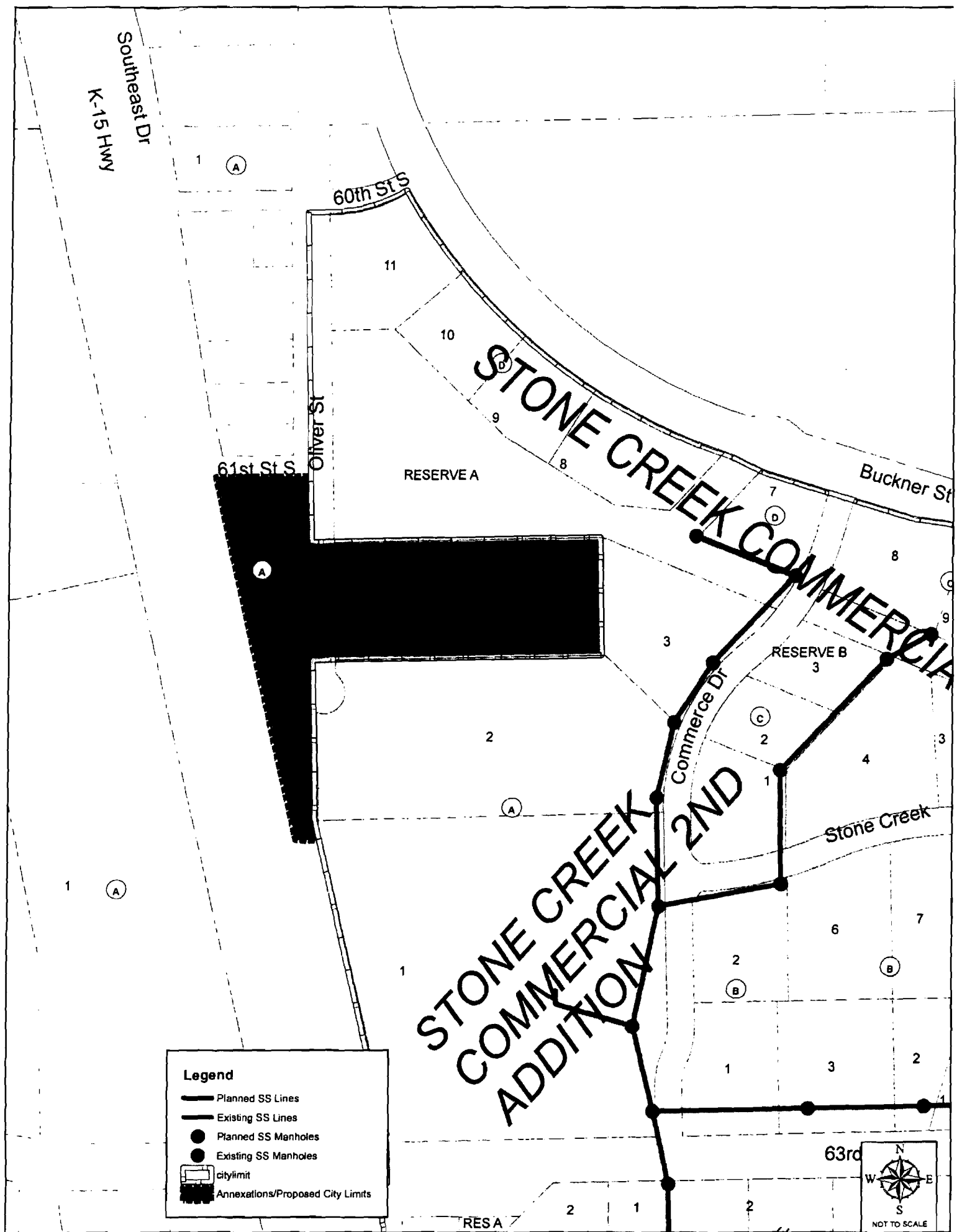
<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
8" Pipe	300	LF	\$20.00	\$6,000
Fire Hydrant	1	EA	2,500.00	2,500
Site Clearing & Restoration	1	LS	1,000.00	1,000
Subtotal				\$9,500
30% - Contingency, Design, Inspection, Administration				<u>2,900</u>
Total				\$12,400

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

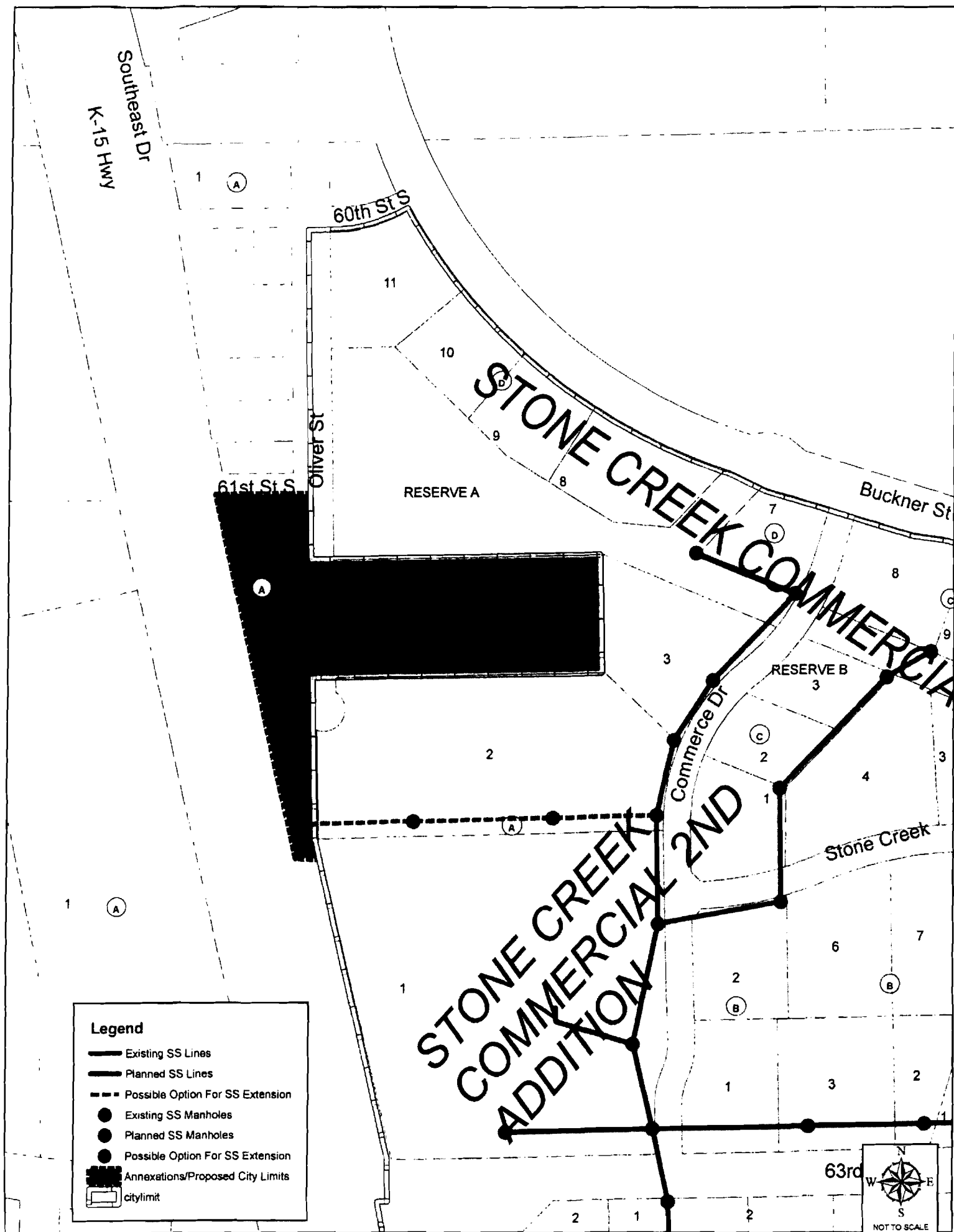
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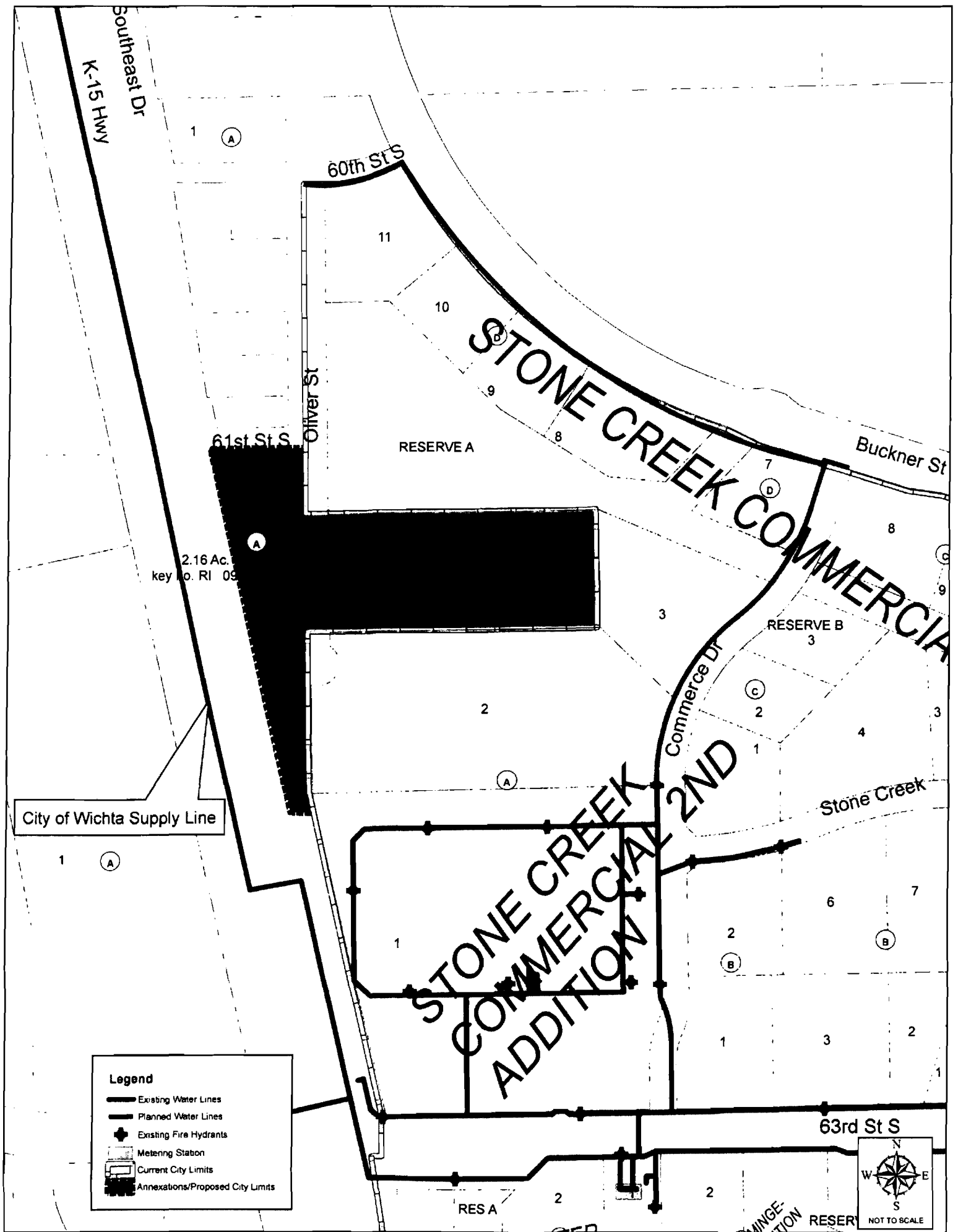
Proposed Annexation Area
Derby, Kansas
Map #1



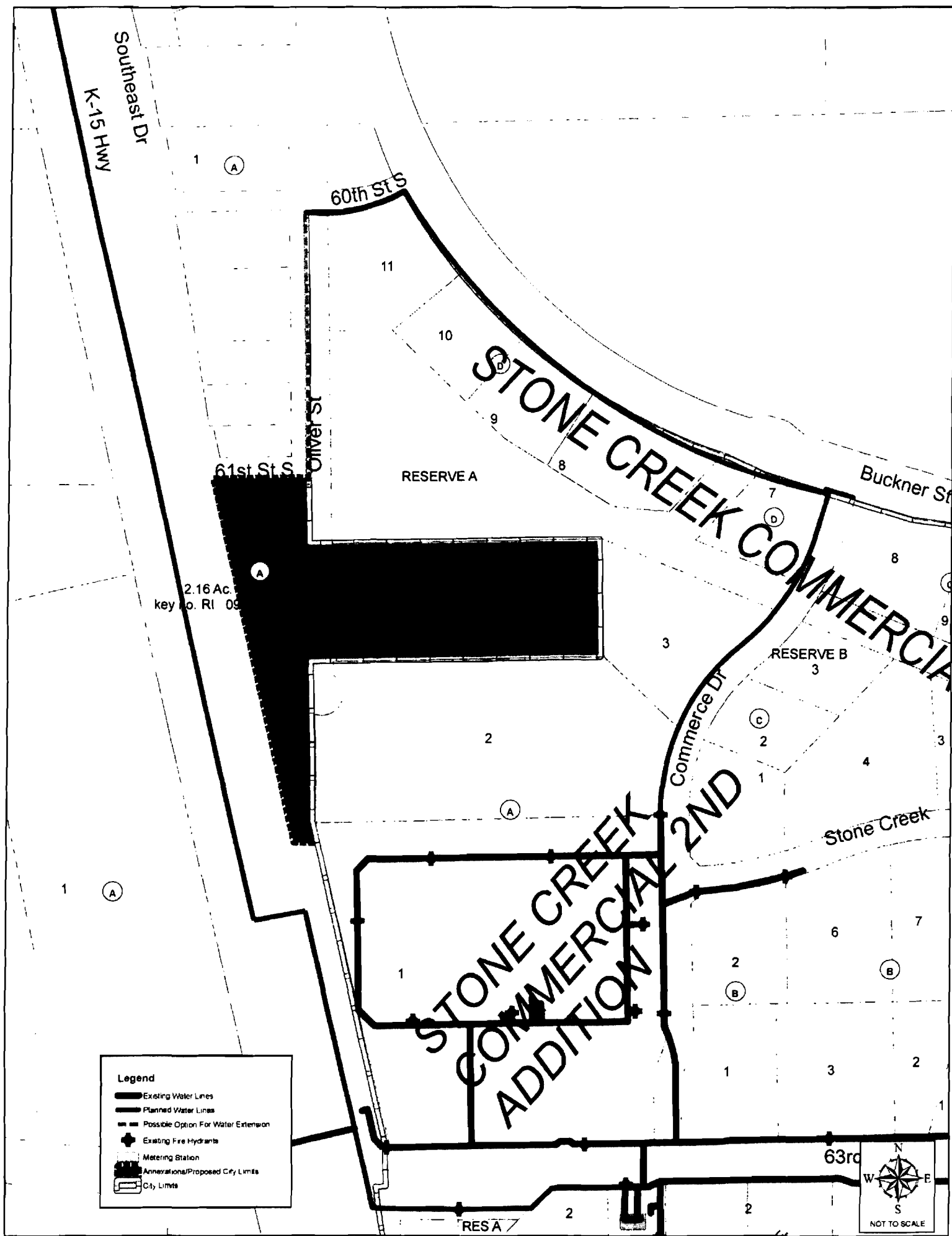
Existing & Planned Sanitary Sewer Lines
Derby, Kansas
Map #2



Possible Option For Sanitary Sewer Extension
Derby, Kansas



Existing & Planned Water Lines
Derby, Kansas



Possible Option For Water Line Extension
Derby, Kansas

Annexation Area 1.
Legal Description

Beginning at a point 893.3 feet south of the NW corner, SW 1/4, Section 25, Township 28 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, said point being 50 feet east of the NE corner Lot 1, Block A, Mid-States of Derby Addition; thence west along the extended N line and N line of said Lot 1, 250.93 feet to the NW corner thereof; thence southeasterly on the W line of said Lot 1, a distance of 954.34 feet to the SW Corner thereof; thence northeasterly with a deflection angle to the left of 90°14'15" a distance of 51.75 feet to the west line of said SW 1/4; thence north along said west line 459.96 feet; thence perpendicular to said west line a distance of 745 feet; thence north, parallel with said west line a distance of 300 feet; thence west, perpendicular to said west line a distance of 745 feet to the west line of said SW 1/4; thence north along said west line, a distance of 163.11 feet to the point of beginning

OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

Lot 1, Block A Annexation No. 8	Sewell 2 nd 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. W 29.2'; 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 rd St. South Derby, KS 67037
Lot 1 Annexation No. 3	Calvary Baptist Church 2 nd 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 th St. South Derby, KS 67037