

ANNEXATION AREA 7.

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

**WEST OF K-15 HIGHWAY
&
NORTH OF MADISON
(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 four (4) tracts, railroad right-of-way, McIntosh Road (Street) right-of-way and right-of-way involving K-15 Highway (**see Map 1.**). These sites are all in the general area east of McIntosh and north of Madison (79th Street South). The area of railroad right-or-way extends approximately from the north line of Madison to the south line of Meadowlark. The areas of highway rights-of-way extends from near James Street (if extended westward) to Meadowlark. The four tracts are located between the areas of right-of-way and McIntosh and north of Madison or more specifically immediately north of the Derby Industrial Park 2nd Addition. None of the tracts are platted

LAND USE AND ZONING-2005

The combined area of the four tracts is 9.29 acres. All four tracts are under the County's "RR" single-family zoning classification. While the two center tracts have been developed with single-family residences, the southern tract is undeveloped and the northern tract had been used for a commercial nursery. That nursery, however, has just recently gone out of business. However, a sod company is considering reopening a retail facility at this same location. Nearly all of the proposed annexation areas are surrounded by platted subdivisions within

the City of Derby. The area west of the two southern tracts, west of McIntosh, is still in the County and has been developed with single-family dwellings on large, unplatted, rural tracts. All along the west side of McIntosh, south to Madison are additional single-family dwellings also on large, unplatted tracts. North of these unplatted tracts, along the west side of McIntosh are platted, residential subdivisions, Woodland Valley and Sleepy Hollow Additions, that were themselves annexed to Derby not too many years ago. To the south is the Derby Industrial Park 2nd Addition. That Addition is zoned "M-1" Industrial and is partially developed with what can be considered "light" industrial or manufacturing type uses. The areas of railroad and highway rights-of-way involved in this proposed annexation pretty much buffers the residential areas to the west from the non-residential, commercial uses that predominate along the east side of K-15 Highway.

EXTENSION OF MAJOR MUNICIPAL SERVICES

A. Public Streets

McIntosh, which provides access to Madison to the south and Meadowlark to the north, is a paved two lane County type road. All four of the tracts involved in this proposed annexation front onto this street and this is the street by which access is and will continue to be provided. While a portion of McIntosh has been annexed to Derby (adjacent to the Woodland Valley Addition), this street (road) is still largely under County or Township control as to maintenance. As manufacturing uses increase within the Derby Industrial Park, improvements to McIntosh should be expected. Derby's Capital Improvement Program (CIP) is indicating that various improvements are planned for 2010.

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. The two northern tracts in particular can be considered as being served by or having relatively direct access to existing sewer lines. The southern two tracts would either need to access a line on the east side of K-15 Highway or have a line extended from existing lines located to the north or south of these two tracts. Any such extensions would be paid for by the involved properties.

Map 2A (see attached) has been prepared as an example of a possible option for extending sanitary sewer to the site. Accompanying that map is a table that indicates an estimated cost for the extension of sewer to the two southern tracts involved in this proposed annexation. As is indicated by Map 2A, an extension of a sanitary sewer line could be made from the Derby Industrial Park 2nd Addition.

C. Water Service

Map 3. indicates the location of existing water lines. As can be seen, the two northern tracts have direct access to an existing water line located in McIntosh right-of-way. The only costs for these properties to obtain water from Derby would be the typical costs for connecting to such water lines. The southern two tracts would be adjacent to a new water line in McIntosh planned to be constructed by the City in 2006. The City's water connection fees are based on the size of line being connected and begins at a fee of \$500 for a ¾ inch line, \$700 for a 1 inch line and so forth.

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 restitution 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 proximity to the City, 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

Being a County site, 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 or nearly three miles from the site. As noted below, Derby does have a fire station in closer proximity and Derby would provide a greater level of 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. Station 1 is the closest of the two Derby stations, being just over ½ mile from the annexation area. 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 in McIntosh fire hydrants are now available, that will provide these areas with fire

protection beyond what is available through the County's services. Fire protection for this area can therefore be accomplished with existing equipment and staff

F. Other Municipal Services and Facilities

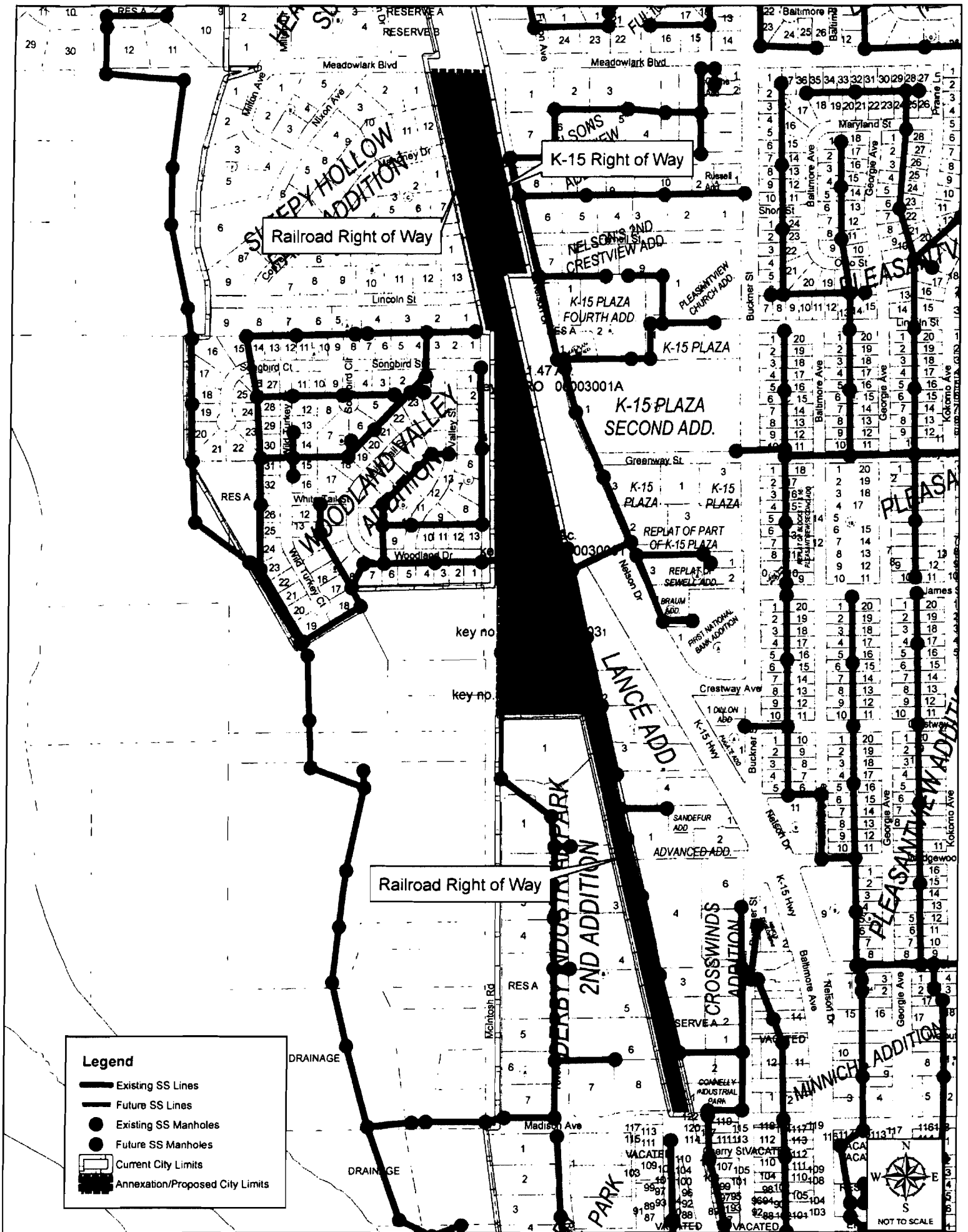
The nearest public park to these tracts is Woodland Park, a neighborhood level facility, located just over ¼ mile to the west. All other City parks are within 3 miles of the annexation areas. No County parks are reasonably available to this site and the nearest parks in Wichita are from 4 to 6 miles northwest of Derby. The City's library and Senior Center facility is located just over two miles from the site.

Code enforcement activities will be provided through the City's existing Zoning and Building Code personnel. Given the existing or prior uses of the proposed annexation area, rezoning of one of the tracts (previous garden center/nursery) may be under consideration. Further, development on any of the tracts will proceed through the City of Derby's normal review procedures. In addition, the vacant tract or the previous nursery site, will require the platting of those tracts which will also be handled through the City of Derby's normal review procedures.

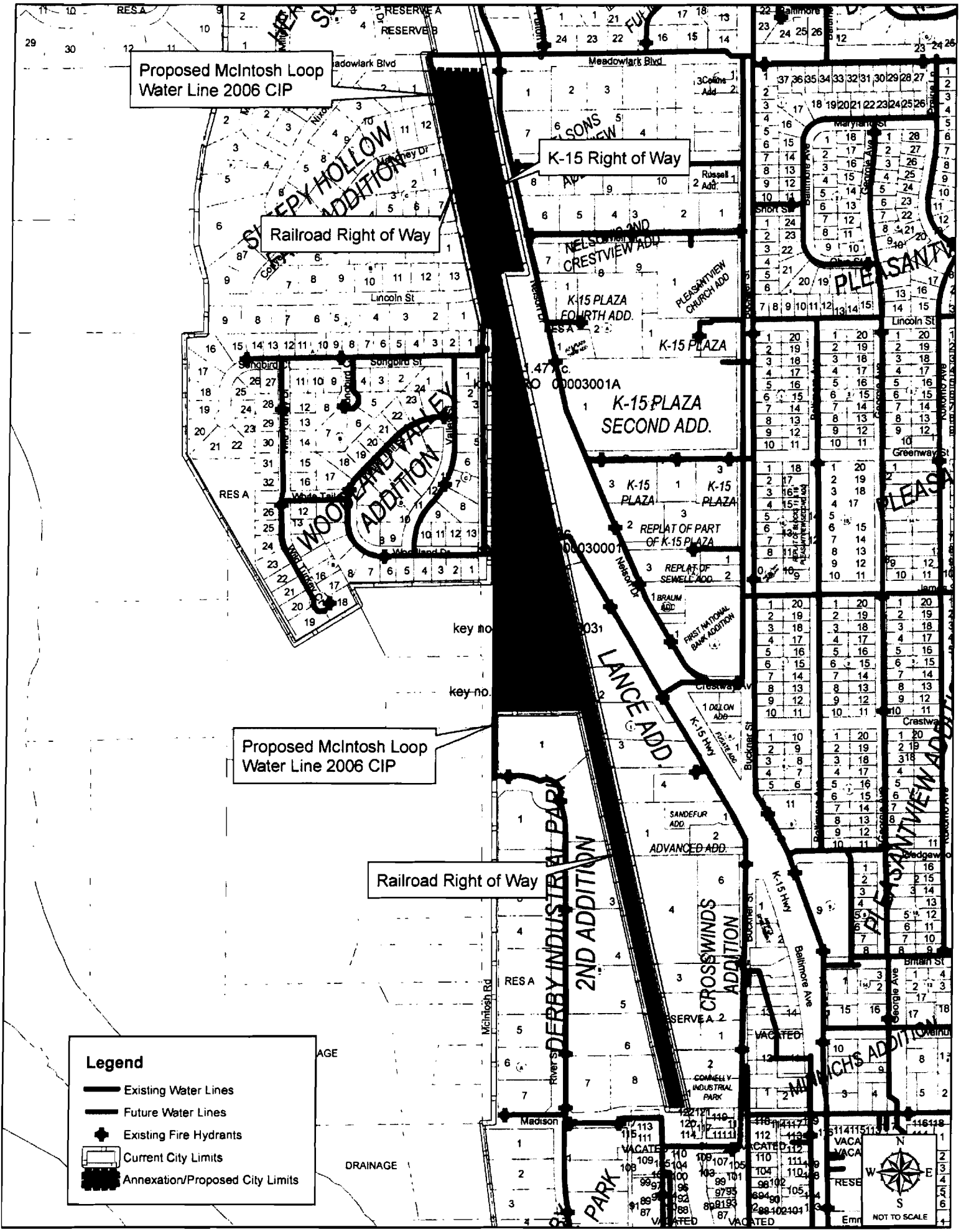
See Map #2A, Possible Option for Sanitary Sewer Extension

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
8" Pipe	600	LF	\$20.00	\$12,000
Manhole	2	EA	\$2,500.00	\$5,000
4" Stub	2	EA	\$500.00	\$1,000
Site Clearing & Restoration	1	LS	\$2,000.00	\$2,000
Subtotal				\$18,000
30% - Contingency, Design, Inspection, Administration				\$5,400
Total				\$23,400
Cost/Lot				\$11,700
@ 5%, 15 years, Estimated Monthly "Special Assessment"				\$93.00/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.



Future Sanitary Sewer Lines
 Derby, Kansas
 Map #2A



Proposed McIntosh Loop Water Line 2006 CIP

K-15 Right of Way

Railroad Right of Way

Proposed McIntosh Loop Water Line 2006 CIP

Railroad Right of Way

Legend

- Existing Water Lines
- Future Water Lines
- Existing Fire Hydrants
- Current City Limits
- Annexation/Proposed City Limits

Existing Water Lines
Derby, Kansas
Map #2

Annexation Area 7.
Legal Description

Beginning at a point on the west edge of pavement of Nelson Drive (State Highway K-15 Frontage Road) and 75 feet South of the N line of Sec. 1, T29S, R1E of the 6th Principal Meridian, Derby, Sedgwick County, Kansas; thence southerly on said westerly edge of pavement to a point on the S line extended of Nelson's 2nd Crestview Addition; thence west on the S line extended of said NELSON'S 2nd CRESTVIEW ADDITION to the easterly right-of-way line of the Atchison, Topeka & Santa Fe Railroad; thence southeasterly on said Railroad right-of-way to the N line of the TOWN OF EL PASO, now Derby, Kansas; thence west on said N line, to the westerly right-of-way line of the Atchison, Topeka & Santa Fe Railroad; thence northwesterly on said Railroad right-of-way to a point 594.15 feet south of the N line of the E ½, SW ¼, Sec. 1, T29S, R1E of the 6th PM; thence west parallel with, and 594.15 feet south of, the N line of said E ½, SW ¼, to a point 30 feet east of the W line of said E ½, SW ¼; thence north, parallel with and 30 feet east of the west line, E ½, SW ¼ and E ½, NW ¼, to a point 30 feet east and 1257.15 feet south of the NE Corner, SW ¼, NW ¼, said Section 1; thence west 30 feet to the east line of said SW ¼, NW ¼; thence N along said E line to the SE Corner, NW ¼, NW ¼, said Section 1; thence west 30 feet to the SE Corner of Lot 1, Block A, Sleepy Hollow Farm Addition, Sedgwick County, Kansas; thence north on the E line of said Lot 1, being the west right-of-way line of McIntosh Road, a distance of 24.4 feet; thence continuing on said W right-of-way and extended W right-of-way line, with a deflection angle left of 12°30', a distance of 1362.17 feet, more or less; to a point on the N line of Meadowlark Rd., thence E on said N line 61.41 feet, more or less, to the SE Corner, Reserve "B" Heavens First Subdivision, being on the westerly right-of-way line of the AT&SF Railroad, thence Southeasterly on said right-of-way line to a point 75 feet S of the N line said Sec. 1; thence E to the point of beginning.

<p>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 Annexation No. 5</p>		<p>John P. Noonan Jr. & Cecille M. Noonan 7827 E. 87th St. South Derby, KS 67037</p>
<p>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 Annexation No. 5</p>		<p>John D. & Deborah A. Olson 1109 N. Fontenelle Derby, KS 67037</p>
<p>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 Annexation No. 5</p>		<p>Mary Ann Hobson 609 N. Willow Derby, KS 67037</p>
<p>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 Annexation No. 5</p>		<p>Derby Congregation of Jehovah Witnesses c/o Billie E. Long, Jr. 1923 E. 52nd St. South Wichita, KS 67216</p>
<p>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 Annexation No. 5</p>		<p>Carrye S. & Allen Wise 8901 S. Rock Road Derby, KS 67037</p>
<p>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 Annexation No. 5</p>		<p>Dennis D. & Brenda F. Riebel 9141 S. Rock Road Derby, KS 67037</p>
<p>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 Annexation No. 6</p>		<p>Dabney F. & Sandra R. Dabney 9240 S. Woodlawn Derby, KS 67037</p>
<p>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 Annexation No. 7</p>		<p>David A. & Drenda A. Dunn 7610 S. McIntosh Derby, KS 67037</p>

<p>The S 312' of the N 594.15' of the NE/4 of the SW/4 lying W of AT & SF ROW. 1-29-1E Annexation No. 7</p>		<p>David A. & Drenda A. Dunn 7610 S. McIntosh Derby, KS 67037</p>
<p>Beg at the NW Cor of the SE/4 of the NW/4 ; th. 768.84'; th. E 205.98' M-L to the AT % SF ROW line ; th. NW along ROW 787.32' M-L to the N line of the SE/4 of the NW/4 ; th. W 24' to beg, except the W 40' for road. 1-29-1E Annexation No. 7</p>		<p>Easton Family, LP 7430 McIntosh Road Derby, KS 67037</p>
<p>Beg 768.84' S of the NW Cor of the SE/4 of the NW/4 ; th. S 590.56'; th. NE 332' to the AT & SF ROW; th. NW 476.68'; th. W 205.98' to beg, except the W 40' for road. 1-29-1E Annexation No. 7</p>		<p>Edna N. Sander Living Trust % Orville H. Sander 7530 McIntosh Road Derby, KS 67037</p>

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 24th day of February, 2006 at 7:00 A.M.

First American Title Kansas Agency, Inc.

By: _____
Licensed Abstracter

Order
ST 679697