

ANNEXATION AREA 9.

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

**EAST OF K-15 HIGHWAY
&
NORTH OF RED POWELL DRIVE
(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 involves two tracts (**see Map 1.**) located along the east side of Nelson Drive (frontage road to K-15 Highway) and north of Red Powell Drive. The site is platted as the Bergman-Mize Addition. The southern tract is Lot 1 of the Addition and is approximately 0.40 acres. The other tract is, however, only a portion (the southern portion) of Lot 2 of the Addition and is approximately 0.33 acres. Commercial development has occupied the tracts for a number of years. The northern tract presently is the location of an automobile repair service (Rapid Muffler). On the other tract (Lot) is a retail liquor store. Although basically surrounded by the City of Derby, this site was not previously considered for annexation because liquor sales were not allowed within Derby's City Limits. Consequently, the site was allowed to remain technically a County site. However, as of February 2006 liquor sales will be allowed within Derby.

LAND USE AND ZONING-2005

Presently, this site is under the County's "LC" light commercial zoning classification. Surrounding areas are under Derby's zoning classifications. The only residential zoning near the site is to the west, across K-15 Highway. Otherwise, the site is essentially in an area along Nelson Drive typified by Derby's "B-3" General Business or "B-5" Restricted Commercial, Warehousing and Limited Manufacturing zoning classifications. Being north of Red Powell Drive it is an area specifically recommended for "B-5" zoning, that is, the zoning classification considered most compatible with the operations at McConnell AFB. Both to the north and south of this site, along Nelson Drive, and to the east, nonresidential uses predominant.

Under Derby's annexation procedures this site would be brought into the City under "R-1" single-family zoning. Subsequently, the property owner, the Planning Commission or the Governing Body may file an application to initiate a zone change, which in this case would most likely be for "B-3" or "B-5" zoning. While such a zone change application can be considered prior to the site's actual annexation, actual publication of the zone change would need to come after publication of the annexation ordinance.

EXTENSION OF MAJOR MUNICIPAL SERVICES

A. Public Streets

As indicated above, this site is adjacent to Nelson Drive, a paved frontage road to K-15, a State Highway. A number of improvements to K-15 Highway in Derby have recently been completed by the State. At this time no improvements to the frontage road, Nelson Drive, are considered necessary or are anticipated.

B. Sanitary Sewer

The attached **Map 2**, indicates that Derby's municipal sanitary sewer lines exist immediately adjacent to the proposed annexation area and the site is already connected to City sanitary sewer.

C. Water Service

Map 3 indicates that existing water lines are in the vicinity and reasonably accessible to the proposed annexation site. Consequently this site can be considered to be served by municipal water subject to the City's connection fees, which would for a site like this be in the range of \$500 to \$700. In addition, the City's Capital Improvement Program includes, in 2007, the installation of a water line across the sites frontage to Nelson Drive. This site would consequently be

included in the benefit district and special assessments involved in such an improvement. These water line improvements will also include the installation of fire hydrants thereby providing this site with a level of fire protection not now available from this site's present water source.

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 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

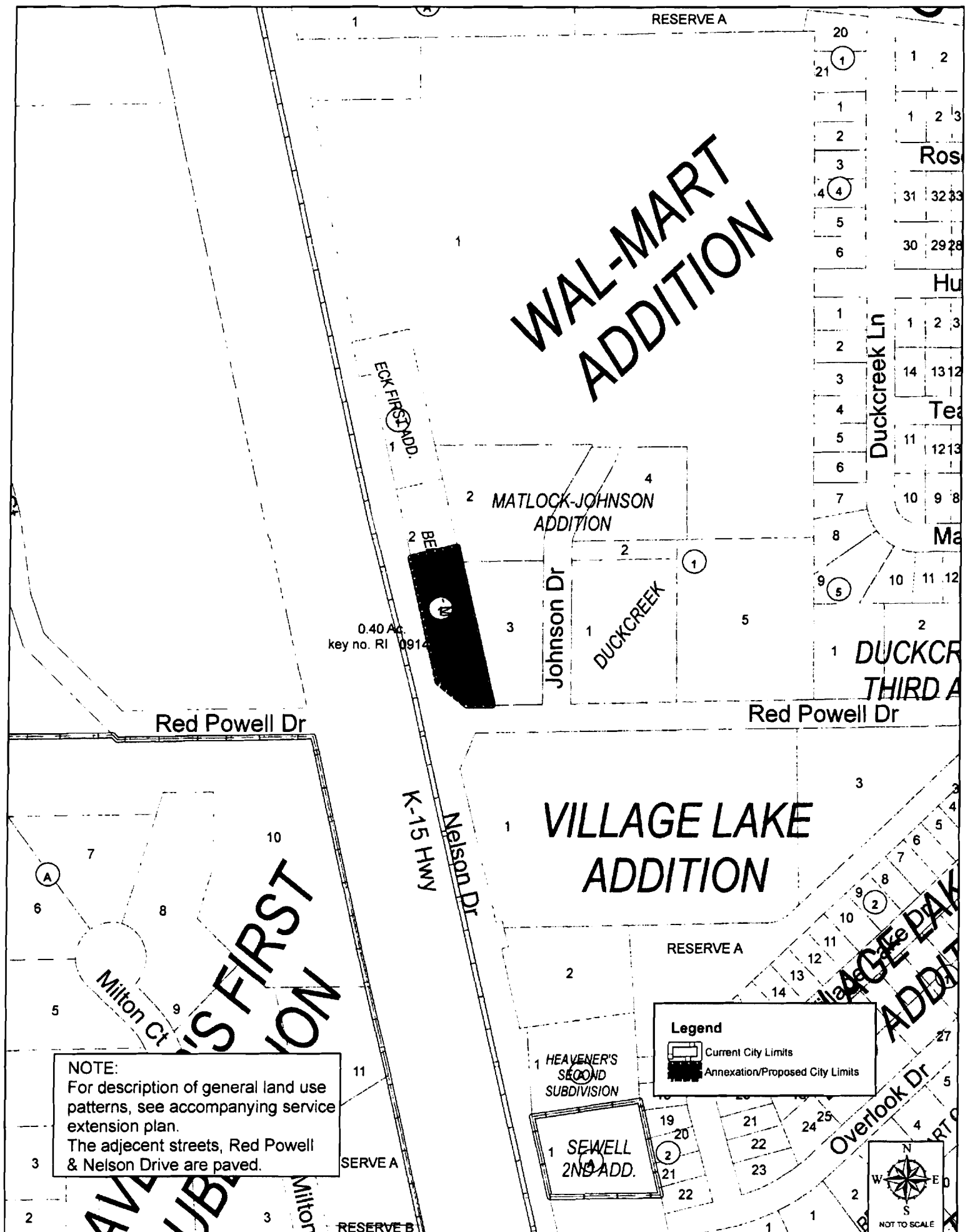
Being a County site, the nearest fire protection for this site is provided from the County's fire station at the southeast corner of 63rd Street and Rock Road. However, both of Derby's fire stations are in closer proximity to the site than the County's Station and provide greater availability in an emergency 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. Both of these Stations would be approximately 2 miles from the 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. 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

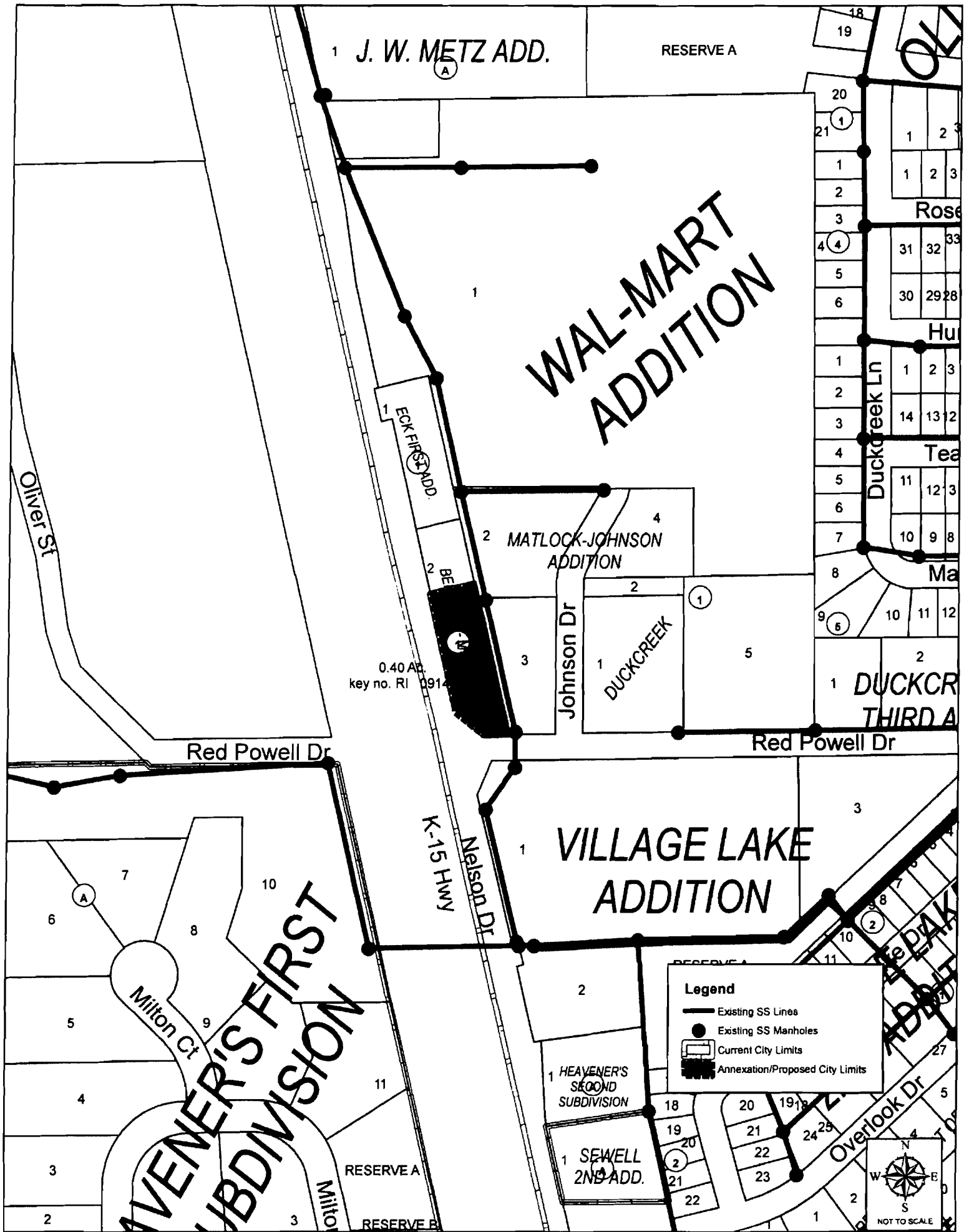
F. Other Municipal Services and Facilities

Apparently these tracts will likely continue to be used for non-residential purposes. It is expected that a zone change will eventually be requested and given the predominant zoning of the surrounding properties, such 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.

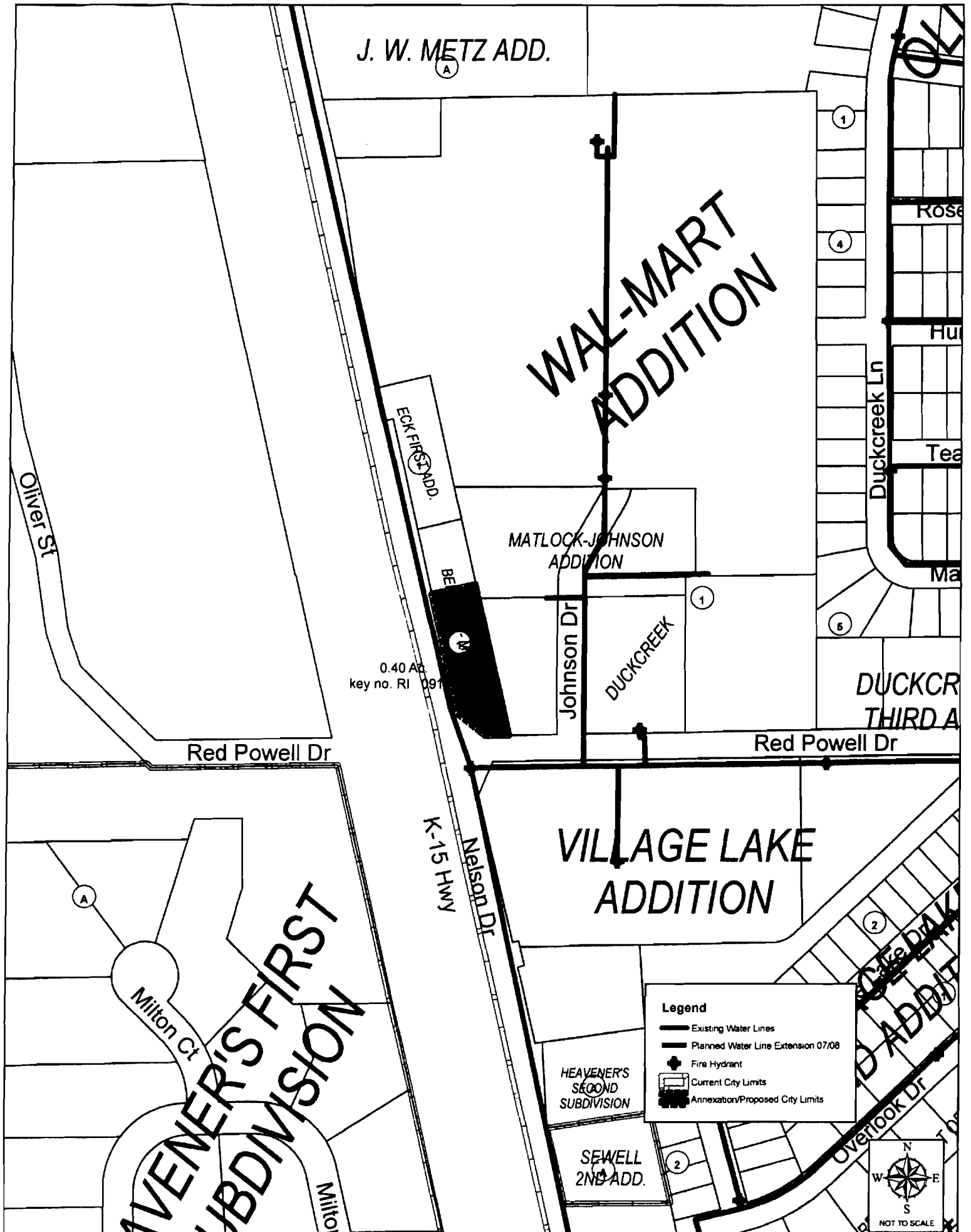
Code enforcement activities will be provided through the City's existing Zoning and Building Code personnel. Given the existing conditions of the proposed annexation area, rezoning of the properties is anticipated and any such request will proceed through the City of Derby's normal review procedures.



Proposed Annexation Area
Derby, Kansas
Map #1



Existing Sanitary Sewer Lines
Derby, Kansas
Map #2



Existing Water Lines
Derby, Kansas
Map #3

Annexation Area 9.
Legal Description

Lot 1 and the southerly 145 feet of Lot 2, Block 1, BERGMAN-MIZE ADDITION,
Sedgwick County, Kansas.

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