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Sedgwick County

525 North Main Street 3rd
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Wichita, KS 67203

Legislation Details (With Text)

File #: 17-1007 **Version:** 1 **Name:**
Type: Other **Status:** New Business
File created: 11/17/2017 **In control:** Board of Sedgwick County Commissioners
On agenda: 12/6/2017 **Final action:** 12/6/2017
Title: POST-ANNEXATION PUBLIC HEARING CITY OF DERBY ANNEXATION ORD. NO. 2213.
Presented by: Justin M. Waggoner. Assistant County Counselor.

RECOMMENDED ACTION: Open the public hearing; receive testimony; close the public hearing and make the required statutory finding.

Sponsors:

Indexes:

Code sections:

Attachments: 1. PHQ Response Richard Dennis 11-14-2017 dh, 2. PHQ Response Derby Ord 2213 Christians, John Joyce, 3. PHQ Response Gerald Evans, 4. PHQ Response Kris Lisa Atcheson 9-6-2017, 5. PHQ Response Ysidro, 6. PHQ Response Heavener, 7. DerbyResponse_PrehearingQuestionnaire_2017, 8. 1a_DerbyAnnex_2213_noUnAnnexed_20171109, 9. 2_DerbyAnnex_2213_Detail_North_20171109, 10. 3a_DerbyAnnex_2213_SouthnoUnAnnexed_20171109, 11. Ord 2213, 12. City of Derby Service Extension Plan for Proposed Annexation, 13. Notice of Post Annexation Hearing Derby Fall 2017

Date	Ver.	Action By	Action	Result
12/6/2017	1	Board of Sedgwick County Commissioners	Approved	Pass

POST-ANNEXATION PUBLIC HEARING CITY OF DERBY ANNEXATION ORD. NO. 2213.

Presented by: Justin M. Waggoner. Assistant County Counselor.

RECOMMENDED ACTION: Open the public hearing; receive testimony; close the public hearing and make the required statutory finding.

In 2014, the City of Derby ("City") annexed 5 tracts, with 17 total parcels, owned by 14 different property owners ranging in size from 0.3 acres to 8.5 acres, with the majority being between 1 and 5 acres.

The 5 tracts are not contiguous with one another. Tracts 1 through 3 are located on or just to the west of McIntosh Rd. and in the area of 79th Street South. They are on the western edge of the City of Derby. Tract 4 is located in the area of Buckner and 87th Street South. Tract 5 is located on the southwest corner of the intersection between South Woodlawn and 87th Street South (Chet Smith).

All of the parcels are either residential (the vast majority) or else vacant. These properties were identified in the City's annexation plan. All properties adjoin the City's city limits.

The City prepared a service plan in accordance with state law that described the services the City would provide after annexation. State law requires that the Board hold a public hearing three (3) years after the annexation to determine whether or not the City has provided services in accordance

with the service plan. Notice of the hearing was sent to the City and the landowners in the area annexed. A copy of the service plan is included in the backup materials. Prehearing questionnaires were also sent to the City and the landowners. The City and five (5) owners provided responses to the prehearing questionnaires (all of which are included in the backup materials).

The Board is required to find whether or not the City has provided services in accordance with the service plan. If the Board finds the City has not provided services in accordance with the service plan, the City has 1 1/2 years to provide the services. If at the end of the 1 1/2 year period, any landowner believes the City still has not provided the services, the landowner(s) may petition for a de-annexation hearing to be held by the Board.

Alternatives: None. The Board is required to hold the public hearing, receive testimony, and make a finding whether or not the City has provided services in accordance with the service plan.

Financial Considerations: None

Legal Considerations: The hearing is required to be held by K.S.A. 12-531. The finding is made by simple majority vote.

Policy Considerations: None

Outside Attendees: Representatives of the City and landowners.

Multimedia Presentation: 3 aerial photos