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Sedgwick County

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Legislation Details (With Text)

File #: 18-656 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 8/10/2018 **In control:** Board of Sedgwick County Commissioners
On agenda: 9/5/2018 **Final action:** 9/5/2018
Title: ISLAND ANNEXATION REQUEST FOR THE CITY OF DERBY PURSUANT TO CITY OF DERBY RESOLUTION NO. 15-2018.
Presented by: Justin M. Waggoner, Assistant County Counselor.

RECOMMENDED ACTION: Find that the proposed annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located in Sedgwick County; and therefor approve the resolution.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Map for Derby Seven Oaks Farm Island Annexation, 2. MAPD Staff Report DER2018-00008 Derby island annexation, 3. Derby Island Annexation Res. No. 15-2018, 4. Seven Oaks Consent for Annexation with Legal Description, 5. Resolution on 2018 Derby Island Annexation Findings, 6. Map Aerial.pdf, 7. Map Zoomed Out

Date	Ver.	Action By	Action	Result
9/5/2018	1	Board of Sedgwick County Commissioners	Approved	Pass

ISLAND ANNEXATION REQUEST FOR THE CITY OF DERBY PURSUANT TO CITY OF DERBY RESOLUTION NO. 15-2018.

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

RECOMMENDED ACTION: Find that the proposed annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located in Sedgwick County; and therefor approve the resolution.

On August 8, 2018, the County Clerk received a certified copy of a resolution passed by the Derby City Council requesting the Board of County Commissioners make a finding that the proposed annexation will not hinder or prevent the proper growth and development of the area or any other city in the County. In this particular instance, the property owner has requested an island annexation.

The proposed annexation is to the south and east of the intersection of 79th Street South and Webb Road. The property is within the 2035 Urban Growth Area designation for the City of Derby within the Community Investments Plan 2015-2035, adopted by the Board of County Commissioners in 2016. The land that is proposed to be annexed is not in any other city's proposed growth area.

The land that is proposed to be annexed is adjacent to land to the south and the east that was annexed by the City of Derby in 2007, but that land is an island in that it is not contiguous with the rest of the City. A city cannot unilaterally annex land adjoining an island annexation until the city limits have reached the island annexation area, which is why this matter has been brought as an island

annexation.

The annexation area consists of approximately 9 acres of RR-rural residential zoned land. The City of Derby's agenda item on this matter noted that the property owner has proposed to include the 9 acres proposed to be annexed and the land annexed in 2007 (which remains undeveloped and is the Quail Run Addition). The plan is to replat this area as Cedar Ranch Estates, which would have increased lot sizes (minimum of 0.69 acres). The City of Derby would intend to extend municipal services to the property.

Metropolitan Area Planning Department staff reviewed this matter and suggested that the BoCC find that the proposed island annexation would not hinder the proper growth and development of the area, nor any other city in Sedgwick County.

Alternatives: Make a finding that the proposed annexation will either hinder or prevent the proper growth and development of the area; or that it would hinder or prevent the proper growth and development of any other city; or both, and therefore deny annexation request.

Financial Considerations: None

Legal Considerations: K.S.A. 12-520c provides a process for cities to annex land not adjoining the city where: (1) the land is located in the same county as the city; (2) the owner(s) of the land consent to the annexation; and (3) the Board of County Commissioners, by a two-thirds (2/3) vote, makes a finding the annexation will not hinder or prevent the proper growth and development of the area or that of any other city located in the County.

Policy Considerations: None

Outside Attendees: Unknown

Multimedia Presentation: Maps