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Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Text

File #: 17-372, **Version:** 1

POST-ANNEXATION PUBLIC HEARING CITY OF DERBY ANNEXATION ORD. NO. 2193.

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 4 tracts with 5 total parcels ranging in size from 0.7 acres to 7.7 acres. The 4 tracts are not contiguous with one another and there are 5 different property owners. Tract 1 is located south of 55th Street South approximately ½ mile west of Woodlawn Boulevard. Tract 2 is located at the corner of 63rd Street South and Rock Road. Tract 3 is located on Rock Road approximately ½ mile north of Chet Smith Avenue (87th Street South). Finally, Tract 4 is located approximately ¼ mile east of Rock Road on Chet Smith Avenue (87th Street South).

Tracts 1, 3 and 4 are all residential properties. Tract 2 includes a commercial property on one parcel and a residential property on the other parcel. These properties were identified in the City's annexation plan adopted in 2013, which identified short-term annexation properties as those completely surrounded or nearly surrounded by the City, and for which major municipal services were already available or could readily be made available.

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 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 the owner of Tract 1 are the only parties to have provided responses (both 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: 5 aerial photos