



Legal Publication

(Published in The Derby Informer on December 7, 2011)

Passed: 11/29/11
Published: 12/7/11
Ordinance No. 2097
AN ORDINANCE DIVIDING THE CITY OF DERBY, KANSAS, INTO FOUR WARDS FOR ELECTION PURPOSES; DESCRIBING EACH WARD; AND REPEALING ORDINANCE NO. 1774 OF THE CITY.

NOW THEREFORE be it ordained by the Governing Body of the City of Derby, Kansas

Section 1. The City of Derby, Kansas shall be divided into four wards, the designations and descriptions of which shall be as follows:

Ward Number One: Ward Number One shall consist of all that part of the City of Derby, Kansas, described as follows: The area bounded by a line that begins at the intersection of Oliver and 55th Street South, thence southerly along the west City Limits to Red Powell Drive, thence west along the City Limits along Red Powell extended to the extended centerline of Oliver, thence south along the City Limits to the extended centerline of 71st Street South, thence East along the centerline of 71st Street South and along the centerline of Meadowlark Boulevard to the west line of The Oaks Addition, thence north along said west line to the centerline of Tall Tree Road; thence east along Tall Tree Road to Amber Ridge Street as platted in Phillips-Rock Road Addition, thence north and west along the City Limits to Rock Road; thence northeast and north along the City Limits to 63rd Street South; thence west, south and west along the City Limits to point of beginning.

Ward Number Two: Ward Number Two shall consist of all that part of the City of Derby, Kansas, described as follows: The area bounded by a line that begins at the west City Limits at the extended centerline of 71st Street South, thence southerly and easterly along the west City Limits to McIntosh Road, thence south along the centerline of McIntosh to north line of Derby Industrial Park 2nd Addition, thence east to BNSF Railroad, thence northwesterly to north line of Lance Addition, thence easterly to Nelson Drive, thence southerly along Nelson Drive and easterly along the centerline of Crestway Avenue to Buckner Street, thence north along the centerline of Buckner Street to James Street, thence east along the centerline of James Street to Rock Road, thence south along

the centerline of Rock Road to Madison Avenue, thence east along the centerline of Madison Avenue to the east City Limits, thence northerly along the east City Limits to Meadowlark Boulevard, thence, north, west, north, and west along the City Limits to the intersection of Tall Tree Road and Amber Ridge Street as platted in the Phillips-Rock Road Addition, thence west along the centerline of Tall Tree Road to the west line of The Oaks Addition, thence south along west line of The Oaks Addition to Meadowlark, thence west along the centerline of Meadowlark Road and 71st Street South to the point of beginning.

Ward Number Three: Ward Number Three shall consist of all that part of the City of Derby, Kansas described as follows: The area bounded by a line that begins at the intersection of Madison and McIntosh, thence east along the centerline of Madison to Water Street, thence south on Water Street to Cherry Street to Buckner Street; thence north on the centerline of Buckner Avenue to Madison Avenue, thence east on the centerline of Madison Avenue to Derby Street thence south on the centerline of Derby Street to Market Street, thence east along the centerline of Market Street to Willow Street, thence south on the centerline of Willow to Kay Street, thence east along the centerline of Kay Street to Brookwood Drive, thence easterly along the stream centerline of Spring Creek to Rock Road, thence north on the centerline of Rock Road to a point south of Country View Drive, thence easterly and north along the southerly and east boundaries of Springcreek 2nd Addition and along the east line of Springcreek 2nd Addition extended north to Madison Avenue, thence west along the centerline of Madison Avenue to Rock Road thence north along the centerline of Rock Road to James, thence west along the centerline of James Street to Buckner Street, thence south along the centerline of Buckner Street to Crestway Avenue, thence westerly along the centerline of Crestway Avenue to Nelson Drive, thence northerly along Nelson Drive to a point between Crestway Avenue and Greenway Street, thence southwestly across K-15 to the north line of Lance Addition, thence along north and west lines of Lance Addition to the north line extended to Derby Industrial Park 2nd Addition, thence west to McIntosh, thence south, west, south and east along the city limits to point of beginning, TOGETHER with that land platted as Quail Run and Quail Run 2nd Additions.

Ward Number Four: Ward Number Four shall consist of all that part of the City of

Derby, Kansas as follows: The area bounded by a line that begins at the intersection of Madison and McIntosh, thence southerly, and east along the City Limits to Buckner, thence north and east to K-15, thence southerly, easterly, northerly, westerly, northerly, and easterly to Woodlawn Boulevard, thence southerly along the centerline of Woodlawn Boulevard to 91st Street South, thence west along the centerline and centerline extended of 91st Street South across K-15 to the west City Limits, thence southerly, easterly, southerly, easterly across K-15 and southerly along the City Limits to 95th Street South, thence easterly, north, and east along the City Limits to Woodlawn Boulevard, thence north, east, north, east, south and east along the City Limits to Rock Road, thence north, east, north, west and north along the City Limits to a point between Kay Street and Country View Drive, thence westerly to the intersection of Kay Street and Willow, thence north along the centerline of Willow to Market, thence along the centerline of Market to Derby Street, thence north along centerline of Derby Street to Madison, thence west on centerline of Madison to Buckner thence south on the centerline of Buckner to Cherry Street, thence west on the centerline of Cherry to Water Street, thence north on the centerline of Water Street to Madison, thence west on the centerline of Madison to the point of beginning, TOGETHER with that land platted as Dove Hollow Addition.

All in accordance with the Official Ward Boundary Map on file in the office of the City Clerk.

Section 2. The wards established pursuant to section one hereof shall be depicted on a map prepared by the city and maintained on file in the office of the city clerk provided, that in the event of a conflict between such map and a ward description contained in said section one, the map shall control.

Section 3. When any territory is annexed to the City of Derby, Kansas, it shall be considered a part of the ward to which it is annexed.

Section 4. Ordinance no. 1774 of the City is hereby repealed.

Section 5. This ordinance shall take effect and be in force and effect from and after its passage and publication in the official newspaper.

PASSED BY THE GOVERNING BODY of the City this 29th day of November, 2011.

Dion P. Avello, Mayor
ATTEST:
Jean Epperson, City Clerk
Approved as to form:
Philip H. Alexander, City Attorney

Legal Publication

(Published in The Derby Informer on December 7, 2011)

Passed: 11/29/11 Published: 12/7/11	RO DY07115 Lot 1 Mayfield Addition City of Derby, Sedgwick County, Kansas Address: 1462 Windmill Owner of record at time nuisance abated: Mark & Julie Palmer	\$128.75
ORDINANCE NO. 2099 AN ORDINANCE LEVYING AS SPECIAL ASSESSMENTS UPON CERTAIN REAL PROPERTY, HEREINAFTER DESCRIBED, DIRECT AND INDIRECT COSTS INCURRED BY THE CITY IN MOWING GRASS, CUTTING WEEDS, REMOVING DEBRIS OR OTHERWISE ABATING NUISANCES FOUND TO EXIST THEREON.	RO DY07246 Lot 8 Block 1 Spring Ridge 2 nd Addition City of Derby, Sedgwick County, Kansas Address: 2706 Old Spring Owner of record at time nuisance abated: Anna & Marcus Stelly	\$95.00
WHEREAS , the City of Derby has incurred certain costs in abating nuisances found to exist upon certain real property located within the City; and	RI DY00904 Lot 2 Block 1 Village Lake 2 nd Addition City of Derby, Sedgwick County, Kansas Address: 201 Village Lake Dr. Owner or record at time nuisance abated: Ben Tribble	\$140.00
WHEREAS , the City is authorized to recover so much of such costs as remains unpaid by levying the same as special assessments against the respective lots and parcels upon which such remedial work was performed by or on behalf of the City;	RO DY03930 Lot 7 Block A Woodland Valley Addition City of Derby, Sedgwick County, Kansas Address: 438 Songbird Owner of record at time nuisance abated: Sheri Barnes	\$106.25
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:	RO DY00672 Lot 10 Block 6 Pleasantview 3 rd Addition City of Derby, Sedgwick County, Kansas Address: 416 E. Lincoln Owner or record at time nuisance abated: Debra Jabes	\$173.75
Section 1. The sums set out opposite the following lots and parcels of land should be, and the same are hereby, levied as special assessments upon such lots and parcels to pay the cost incurred by the City in mowing grass, cutting weeds, removing debris, or otherwise abating nuisances found to exist thereon during the year 2011:	RI DY00539 Lot 7 Block 7 Replat of Part of North Village Addition City of Derby, Sedgwick County, Kansas Address: 501 Twisted Oak Owner of record at time nuisance abated: Jeremy Winegarner	\$370.00
Legal Description:	Assessment:	
RO DY013960016 Lot 17 Replat of Block 11 Pleasantview 2nd Addition City of Derby, Sedgwick County, Kansas Address: 1139 N. Westview Owner of record at time nuisance abated: Joshua Webster		\$95.00
RO DY03052 Lot 2 Block 11 Oak Forest Addition City of Derby, Sedgwick County, Kansas Address: 106 S. Ash Owner or record at time nuisance abated: George & Dawn Keene		\$117.50
RO DY02537 Lot 1 Block F Brookwood Addition City of Derby, Sedgwick County, Kansas Address: 1001 E. Market Owner of record at time nuisance abated: Kenneth & Shaney Thompson		\$106.25
RO DY02177 Lot 5 Block D Holbrook Addition City of Derby, Sedgwick County, Kansas Address: 1006 E. Kay Owner of record at time nuisance abated: Kyle Cadoret		\$95.00
RI DY00951 Lot 17 Block 2 Village Lake 2 nd Addition City of Derby, Sedgwick County, Kansas Address: 264 Village Lake Dr. Owner of record at time nuisance abated: Matthew Cannady		\$178.75

Section 2. This Ordinance shall be effective from and after its publication once in the official City newspaper.

PASSED BY THE GOVERNING BODY of the City of Derby, Kansas, this 29th day of November, 2011.

Dion P. Avello, Mayor
ATTEST:
Jean Epperson, City Clerk
Approved as to form:
Philip H. Alexander, City Attorney

Legal Publication

(Published in The Derby Informer on December 7, 2011)

Passed: 11/29/11
Published: 12/7/11
Ordinance No. 2098
A N O R D I N A N C E AUTHORIZING AND DIRECTING THE SUPPLEMENTATION AND RECODIFICATION OF THE DERBY MUNICIPAL CODE.

WHEREAS, the Governing Body of the City of Derby, Kansas is authorized by K.S.A. 12-3014 and 12-3015 to periodically supplement and recodify the general ordinances of the City, and to provide for publication of the same in loose-leaf book

form;
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:
SECTION 1. The city clerk is hereby authorized and directed to assemble all ordinances of the City of general application, having an effective date on or after November 17, 2010, but not later than December 7, 2011; to have such ordinances edited and consolidated as a supplement to the current Derby Municipal Code; and to present

the Derby Municipal Code as supplemented to the governing body for adoption.

SECTION 2. This ordinance shall be in force from and after its passage and publication in the official City newspaper.

PASSED BY THE GOVERNING BODY this 29th day of November, 2011.

Dion P. Avello, Mayor
ATTEST:
Jean Epperson, City Clerk
Approved as to form:
Philip H. Alexander, City Attorney

Legal Publication

(Published in The Derby Informer on December 7, 2011)

ORDINANCE NO. 2095
AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN LAND WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF DERBY, KANSAS.

WHEREAS, the owner of certain property, hereinafter described, has requested annexation thereof by the City of Derby, Kansas; and

WHEREAS, all of the conditions precedent to annexation of such property, as set forth in K.S.A. 12-520c and K.S.A. 12-539 *et seq.*, have been satisfied;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

SECTION 1. All of the following described property shall be and is hereby annexed and brought within the corporate limits of the City of Derby, Sedgwick County, Kansas:

A tract beginning at a point 186 feet East of the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 8, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas,

thence North parallel with the East line of said Southwest Quarter of the Southwest Quarter to the Center of Creek, a tributary to Spring Creek; thence Northwesterly down the center of Spring Creek; thence in a Northwesterly direction at right angles to center of said Spring Creek 50 feet; thence in a Northwesterly direction parallel to and 50 feet from the Center Line of said Spring Creek to a point 160.65 feet South of a point which is 64 rods South and 40 rods East of the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 8, thence North perpendicular to the North line of the said Southwest Quarter of the Northwest Quarter 160.65 feet; thence West parallel with the North line of the said Southwest Quarter of the Northwest Quarter, 660 feet to the West line of Section 8; thence South on the Section line to the Southwest corner of Section 8; thence East 1506.1 feet to the place of beginning, EXCEPT,

A tract beginning 1056 feet South of the Northwest Corner of the Southwest Quarter of the Northwest Quarter of said Section 8; thence East parallel with the North line of said Southwest Quarter of the Northwest Quarter, 660 feet; thence South at right angles 200.65 feet more or less to the center of Spring Creek; thence Southerly , Westerly and Northwesterly following the meanderings of the center of said Spring Creek to a point on the West line of the Northwest Quarter of said Southwest Quarter, 279.9 feet south of the Northwest corner thereof; thence North 279.9 feet to the Northwest corner of said Southwest Quarter; thence continuing along the West line of the Southwest Quarter of said Northwest Quarter 268.73 feet to beginning, except the North 200 feet thereof; AND EXCEPT,

A tract beginning 1056 feet South of the Northwest Corner of the Northwest Quarter of said Section 8, thence East parallel with the North line of said Southwest Quarter of the Northwest Quarter 660 feet; thence South at right angles 200 feet; thence West parallel with the North line of said Southwest Quarter of the Northwest Quarter 660 feet, more or less to the West line of said Southwest Quarter of the Northwest Quarter; thence North 200 feet to beginning, AND EXCEPT,

A tract beginning 279.9 feet South of the Northwest corner of the Southwest Quarter of said Section 8, thence South 721.1 feet; thence East 395 feet; thence North 600 feet to the center of the Creek, thence Westerly and Northwesterly along the Creek to beginning, AND EXCEPT,

The South 313.38 feet of the

East 142 feet of the West Half of the Southwest Quarter and the South 313.38 feet of the West 136 feet of the East Half of the Southwest Quarter of Section 8, Township 29 South, Range 2 East, Sedgwick County, Kansas, AND EXCEPT,

The East 400.71 feet of the West 1177.67 feet of the South 60 feet of the Southwest Quarter of the Southwest Quarter of Section 8, Township 29 South, Range 2 East, Sedgwick County, Kansas, AND EXCEPT,

A tract beginning at the Southeast corner of a parcel of land recorded on Film 1159, page 1101; thence East along the South line of the Southwest Quarter of Section 8, Township 29 South, Range 2 East, Sedgwick County, Kansas, a distance of 50.56 feet; thence North a distance of 60 feet; thence West parallel to said South line a distance of 50.56 feet; thence south 60 feet to the place of beginning.

SECTION 2. If any part or parts of this Ordinance shall be held invalid, such invalidity shall not affect the validity of the remaining parts of this Ordinance. The Governing Body hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such other part or parts hereof would be declared invalid.

SECTION 3. This Ordinance shall take effect and be in full force and effect from and after its adoption and publication once in the official City newspaper.

A D O P T E D B Y T H E GOVERNING BODY of the City of Derby, Kansas, this 29th day of November, 2011.

Dion P. Avello, Mayor
ATTEST:
Jean Epperson, City Clerk
Approved as to form:
Philip H. Alexander, City Attorney

Legal Publication

(Published in The Derby Informer on December 7, 2011)

Adopted: 11/29/11
Published: 12/7/11
Ordinance No. 2096

AN ORDINANCE APPROVING THE SURVEY AND DESCRIPTION OF CERTAIN INTERESTS IN REAL PROPERTY, ACQUISITION OF WHICH IS NECESSARY FOR EXTENSION OF MADISON AVENUE WITHIN THE CITY OF DERBY, KANSAS, FROM WATER STREET TO BUCKNER STREET, TOGETHER WITH APPROACHES, STORMWATER SEWERS, DITCHES AND OTHER DRAINAGE IMPROVEMENTS, TRAFFIC CONTROL DEVICES, AND OTHER IMPROVEMENTS APPURTENANT THERETO; DECLARING IT TO BE A PUBLIC NECESSITY TO ACQUIRE SAID INTERESTS BY PROCEEDINGS IN EMINENT DOMAIN FOR SUCH PURPOSES; AND DIRECTING THE CITY'S ATTORNEY TO MAKE PROPER APPLICATION TO THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR APPOINTMENT OF APPRAISERS TO APPRAISE SAID INTERESTS AND TO CONDUCT PROCEEDINGS IN EMINENT DOMAIN RELATIVE THERETO, ALL AS HEREINAFTER DESCRIBED.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

SECTION 1. The survey and description of the interests in land necessary to be acquired by proceedings in eminent domain for extension of Madison Avenue within the City of Derby, Kansas, from Water Street to Buckner Street, project no. 87KA-0480-01 (the "Project"), as prepared by the city engineer and filed with the city clerk on November 21, 2011, is hereby approved. Such survey and description was prepared pursuant to Resolution 44-2011, adopted by the Governing Body of said City on November 8, 2011, and published in the official City newspaper on November 23, 2011.

SECTION 2. It is hereby declared necessary to acquire by proceedings in eminent domain the following described

interests in real property under the authority of Kansas Statutes Annotated 26-201 *et seq.*, and amendments thereto, and all other applicable provisions of law for the purposes stated in section 1 hereof, and in accordance with the said survey and description filed by the city engineer, to wit:

Parcel 1:
A permanent easement for street right-of-way, including full access control, over, through and across all of Lots 119 and 121 on Buckner Street, together with that part of Lots 122, 120, and 118, and the north 10' of Lot 116 on Water Street lying east of and abutting the easterly right-of-way of the Burlington Northern and Santa Fe Railroad, Town of El Paso (now Derby), Sedgwick County, Kansas, together with the south 20.00 feet of Lot 1, Connelly Industrial Park, an Addition to Derby, Sedgwick County, Kansas.

SECTION 3. The city attorney of the City is hereby directed, authorized and instructed to make proper application to the District Court of Sedgwick County, Kansas, for the appropriation of the above described interests in real property for the purposes hereinabove stated, praying for the condemnation thereof and the appointment of appraisers to assess, determine and affix the value of said interests, and damages resulting from the condemnation thereof, and to take such other proceedings as may be required by law, all in accordance with the Kansas Eminent Domain Procedure Act, K.S.A. 26-501 *et seq.*

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication once in the official City newspaper.

A D O P T E D B Y T H E GOVERNING BODY of the City of Derby, Kansas, this 29th day of November, 2011.

Dion P. Avello, Mayor
ATTEST:
Jean Epperson, City Clerk
Approved as to form:
Philip H. Alexander, City Attorney

Legal Publication

(Published in The Derby Informer on December 7, 2011)

**ORDINANCE NO. 2100
AN ORDINANCE AMENDING
AND SUPPLEMENTING
ORDINANCE NO. 2069 OF
THE CITY OF DERBY, KANSAS
REGARDING ITS TAXABLE
INDUSTRIAL REVENUE BONDS,
SERIES A, 2011 AND SERIES B,
2011 (OXFORD DERBY MEMORY
CARE PROJECT).**

**THE GOVERNING BODY OF
THE CITY OF DERBY, KANSAS
HAS FOUND AND DETERMINED:**

A. The City of Derby, Kansas (the "Issuer") is authorized by the Kansas Economic Development Revenue Bond Act, as amended, as codified in K.S.A. 12-1740 *et seq.* (the "Act"), to acquire, construct, improve and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for such facilities, and to issue revenue bonds for the purpose of paying the costs of such facilities; and

B. On May 26, 2011, the Issuer's governing body passed Ordinance No. 2069 authorizing the issuance of its Taxable Industrial Revenue Bonds, Series A, 2011 and Series B,

2011 (Oxford Derby Memory Care Project) dated as of the Issue Date of the Bonds in the aggregate principal amount of not to exceed \$3,050,000 (the "Series A & B, 2011 Bonds"), for the purpose of paying the costs of acquiring, constructing, furnishing and equipping a certain residential health care facility (the "Project"), as more fully described in the Bond Agreement and in the Lease authorized in this ordinance for lease to Oxford Derby Memory Care, LLC (the "Tenant"); and

C. Subsequent to the passage of Ordinance No. 2069, the Tenant negotiated for the sale of the Bonds and agreement for fiscal and paying agent responsibilities with Andover State Bank, Andover, Kansas, for the Series A Bonds and fiscal and paying agent responsibilities with UMB Bank, n.a., Kansas City, Missouri, for the Series B Bonds; and

D. The Issuer's governing body finds that it is necessary and desirable in connection with the issuance of the Series A & B, 2011 Bonds to approve the replacement of Bank of Kansas with Andover State Bank and UMB Bank, n.a. in their various

capacities.

**NOW, THEREFORE, BE IT
ORDAINED BY THE GOVERNING
BODY OF THE CITY OF DERBY,
KANSAS:**

Section 1. **Approval of Bond Agreement.** The Issuer's governing body finds that it is necessary and desirable in connection with the issuance of the Series A & B, 2011 Bonds to execute and deliver the following document:

(i) a Bond Agreement dated as of the Issue Date of the Bonds (the "Bond Agreement"), among the Issuer, the Tenant, Andover State Bank, Andover, Kansas ("ASB") and UMB Bank, n.a., Kansas City, Missouri ("UMB") prescribing the terms and conditions of issuing and securing the Series A & B, 2011 Bonds;

Section 2. **Amendment of Section 4 of Ordinance No. 2069.** Section 4 is deleted in its entirety and replaced as follows:

Section 4. **Authorization of Bond Agreement.** The Issuer is authorized to enter into the Bond Agreement with ASB, UMB and the Tenant in the form approved in this ordinance. The Issuer will issue and sell the Bonds and provide for payment of

the Bonds and interest thereon from the revenues derived by the Issuer under the Lease and other moneys as described in the Bond Agreement, all on the terms and conditions in the Bond Agreement.

Section 3. **Amendment of Section 6 of Ordinance No. 2069.** Section 6 is deleted in its entirety and replaced as follows:

Section 6. **Approval of the Guaranty Agreement.** The form of the Guaranty Agreement dated as of the Issue Date of the Bonds between the Tenant, other guarantors named therein and ASB, for the benefit of the owners of the Series A, 2011 Bonds is approved.

Section 4. **Amendment of Section 7 of Ordinance No. 2069.** Section 7 is deleted in its entirety and replaced as follows:

Section 7. **Execution of Bonds and Bond Documents.** The Mayor of the Issuer is authorized and directed to execute the Series A, 2011 Bonds and deliver them to ASB for authentication on behalf of the Issuer in the manner provided by the Act and in the Bond Agreement. The Mayor of the Issuer is authorized and directed to execute the Series B, 2011 Bonds and deliver

them to UMB for authentication on behalf of the Issuer in the manner provided by the Act and in the Bond Agreement. The Mayor or member of the Issuer's governing body authorized by law to exercise the powers and duties of the Mayor in the Mayor's absence is further authorized and directed to execute and deliver the Bond Documents on behalf of the Issuer in substantially the forms presented for review prior to passage of this ordinance, with such corrections or amendments as the Mayor or other person lawfully acting in the absence of the Mayor may approve, which approval shall be evidenced by his or her signature. The authorized signatory may all sign and deliver other documents, or certificates as may be necessary or desirable to carry out the purposes and intent of this ordinance and the Bond Documents. The City Clerk or the Deputy City Clerk of the Issuer is hereby authorized and directed to attest the execution of the Series A & B, 2011 Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry

out the intent of this ordinance under the Issuer's corporate seal.

Section 5. **Ratification of Ordinance No. 2069.** Except as modified herein by the replacement of Bank of Kansas with Andover State Bank and UMB Bank, n.a., the rest and remainder of Ordinance No. 2069 is hereby ratified and shall remain in full force and effect.

Section 6. **Effective Date.** This ordinance shall take effect after its passage by the governing body of the Issuer, signature by the Mayor and publication once in the Issuer's official newspaper.

PASSED by the governing body of the City of Derby, Kansas this 29th day of November, 2011.

APPROVED AND SIGNED by the Mayor of the City of Derby, Kansas this 29th day of November, 2011.

[SEAL]
/s/ Dion P. Avello
Mayor
Attest:
Jean Epperson
City Clerk