(Published in the Topeka Metro News December 24, 2003)

ORDINANCE NO. 18148

AN ORDINANCE introduced by Councilmember John Alcala relating to the extension of water service outside the city limits and establishing criteria therefore, amending City of Topeka Code § 146-37 and specifically repealing said original section.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That City of Topeka Code § 146-37, Water service to owner of real property outside city limits, is hereby amended to read as follows:

Water service to owner of real property outside city limits.

Requirements:

A. Annexation

City of Topeka water service provided to an owner of real property outside city limits will be conditioned on annexation of the area to be served.

B. Consent to Annexation

An owner of real property outside the City limits may be exempt from the annexation requirement set forth in subsection A above if the property owner consents to annexation of the area to be served and at least one (1) of the following conditions are present:

(1) The City Planning Commission has prior to March 1, 2003, approved a preliminary or final plat which includes City water service; or

(2) The City is obligated to provide water service by contract or other legally enforceable document to an individual, a rural water district, improvement district, or political subdivision; or

(3) The City has previously provided water service to the same parcel of real estate for which service has been requested; or
(4) The parcel of land to be served lies outside of the three (3) mile area adjacent to the City of Topeka boundaries; or

(5) To eliminate an imminent threat to public health and safety as determined by the Public Works Director or his or her designee; or

(6) To promote an economic development project as determined by resolution of the City Council.

(7) The City Council by Resolution approves the extension of water service on a case by case basis to avoid unnecessary hardship in situations not created by the actions of the applicant.

C. Platting

Further, before city water service is provided to an owner of real property outside city limits, the owner shall plat or cause to be platted the property to be served.

Exception:

An owner of real property outside the city limits may be exempt from the platting requirement set forth above provided the Planning Director and Public Works Director find that all of the following conditions exist:

(1) Land on which the principal structure is that of an existing detached single-family dwelling. That there are no other structures except permitted accessory structures, or uses for which water service is to be provided.

(2) As determined by the City of Topeka Public Works Department, adequate utility and drainage easements and/or street rights-of-way presently exist or can be secured by separate written instrument and recorded with the Shawnee County Register of Deeds for which the property owner consents.
(3) There is no existing or anticipated drainage problems related to the site or the development.

(4) Adequate public utilities and services otherwise service the site and the proposed development conforms to the dimensional requirements of the zoning district.

(5) The existing or proposed improvement is compliant with the current adopted Shawnee County Wastewater Management Plan, or variances as may be granted by the applicable governing body as provided by said plan.

Section 2. That the original City of Topeka Code § 146-37 is hereby specifically repealed.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council ________________ DEC 16 2003

Duane F. Pomeroy, Deputy Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 12/18/03 BY __________
TO BE CODIFIED __________
NOT TO BE CODIFIED __________

SEAL OF TOPEKA
CAPITAL CITY INCORPORATED
KANSAS