ORDINANCE NO. 18399

AN ORDINANCE introduced by Mayor James A. McClinton, relating water service to owners of real property outside city limits, amending Topeka City 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 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. The reconnection of service shall be limited to the same size of service line as the previous service. Further, the
reconnection shall be limited to the same number of lines or connections which previously
existed; or

(4) The parcel of land to be served lies outside of the three 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 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 MAR 15 2005

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 2/4/05 BY 3MC
TO BE CODIFIED X
NOT TO BE CODIFIED

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