ORDINANCE NO. 18548

AN ORDINANCE introduced by Councilmember Brett Blackburn relating to annexation and funding of sewer service and extensions, amending City of Topeka Code § 146-256, and specifically repealing said original section.

BE IT ORDAINED BY THE GOVERNNG BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. City of Topeka Code § 146-256, Annexation and funding of sewer service and extensions, is hereby amended to read as follows:

Annexation and Funding of Sewer Service and Extensions.

(A) It is the desire of the City of Topeka to conform to the Community Goals Statement adopted as part of the 1986 Shawnee County Wastewater Management Plan, as amended. Specifically the Statements include:

(1) Direct new growth to developable areas served by existing public facilities.

(2) Use the community’s provision of public facilities as a method of guiding growth.

(3) Identify environmentally sensitive areas and guide development away from areas of greatest adverse environmental impact.

(4) Identify and strive to preserve prime agricultural land for production of food and fiber.

(5) Encourage residential development near existing essential services, facilities, and centers of employment.
(B) The Shawnee County Wastewater Management Plan designates service areas into four (4) categories. These include: urban, primary urban, secondary urban, and rural-agriculture. Urban areas are those which are currently within the City of Topeka limits. Primary urban are those areas which are anticipated to become urbanized by 2005. Secondary urban are those areas which are expected to become urbanized by 2025. Rural-agriculture areas include the remainder of Shawnee County. It is the City of Topeka's intent to serve urban and primary urban service areas, and in some cases, to serve secondary urban service areas. In order to provide new services to expected growth areas, water pollution control will identify annual capital improvement expenditures as well as revenue from connection fees to facilitate the orderly expansion of the City of Topeka and its wastewater utility.

(C) The relationship of funding and annexation in the service areas will conform to the following policies:

(1) New or redeveloped parcels established by preliminary or final plat, lot split or otherwise after November 1, 2005, or parcels upon which a residential or commercial structure was located prior to November 1, 2005, and which structure has not previously been connected to the City sewer system that are adjacent to the existing City limits requiring sewer service shall require annexation prior to service being provided.

(2) New or redeveloped parcels established by preliminary or final plat, lot split or otherwise after November 1, 2005, or parcels upon which a residential or commercial structure was located prior to November 1, 2005, and which structure has not previously been connected to the City sewer system that
are contained within the primary service area as defined in the Shawnee County Wastewater Management Plan, as amended, and also contained in the current Municipal Services Boundary map Area as defined in Chapter 134 maintained by the City of Topeka public works and planning departments shall require annexation, except as provided in subsection (C)(6) below, prior to service being provided. A portion of the cost to design and construct the major interceptors necessary to serve these areas will may be paid through the City of Topeka water pollution control fund depending on priority and if sufficient capital improvement service extension funding is available and if the extension is consistent with the Topeka Utilities Extension Growth Policy maintained by the Public Works Department.

(3) New or redeveloped parcels established by preliminary or final plat, lot split or otherwise after November 1, 2005, or parcels upon which a residential or commercial structure was located prior to November 1, 2005, and which structure has not previously been connected to the City sewer system that are contained within the current Municipal Services Boundary map from the Area as defined in Chapter 134 City of Topeka public works and planning department shall require annexation, except as provided in subsection (C)(6) below, prior to service being provided. A portion of the cost to design and construct the major interceptors necessary to serve these areas will may be paid through the City of Topeka water pollution control fund depending on priority and if sufficient capital improvement service extension funding is
available and if the extension is consistent with the Topeka Utilities Extension Growth Policy maintained by the Public Works Department.

(4) New or redeveloped parcels established by preliminary or final plat, lot split or otherwise after November 1, 2005, or parcels upon which a residential or commercial structure was located prior to November 1, 2005, and which structure has not previously been connected to the City sewer system that are contained within the primary service area as amended and not in the current Municipal Services-Boundary map Area as defined in Chapter 134 shall require consent to annexation prior to service being provided. Major interceptors necessary to serve proposed development in this area shall conform to approved sizing and routing as determined by the City engineer. The total cost of extending City sewer service, including interceptors and service lines, shall be borne by the developer without any participation by the City of Topeka.

(5) New or redeveloped parcels established by preliminary or final plat, lot split or otherwise after November 1, 2005, or parcels upon which a residential or commercial structure was located prior to November 1, 2005, and which structure has not previously been connected to the City sewer system that are contained within the secondary urban service area as amended shall require consent to annexation prior to service being provided. Major interceptors necessary to serve proposed development in this area shall conform to approved sizing and routing as determined by the City engineer. The total cost of extending City sewer service, including interceptors and
service lines, shall be borne by the developer without any participation by the City of Topeka.

(6) An owner of real property outside the City limits may be exempt from the annexation requirement set forth in subsections C2 or C3 above if the property owner consents to annexation of the real property to be served and at least one of the following conditions are satisfied:

(i) To eliminate an imminent threat to public health and safety as determined and/or ordered by the Kansas Department of Health and Environment or a similar regulatory agency, or a Court of law.

(ii) To promote an economic development project as determined by the City Council.

(iii) To avoid unnecessary hardship in situations not created by the actions of the applicant as determined by the City Council.

(iv) The City is obligated to provide sanitary sewer service to the property owner by contract or other legally enforceable document.

(7) The City Council shall be notified of the approval of a sewer connection requiring only a consent to annexation under the exceptions set forth in subsection (C)(6)(i), (C)(6)(ii), (C)(6)(iii), and (C)(6)(iv).

Section 2. That City of Topeka Code § 142-256 is hereby specifically repealed.

Section 3. This Ordinance shall take effect and be in force after its passage, approval and publication in the official City newspaper.
PASSED and APPROVED by the City Council _DEC 20 2005_

William W. Bunten, Mayor

ATTEST:

C. Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE [21 MARCH 2005] BY [RDC]
TO BE CODIFIED [7]
NOT TO BE CODIFIED [ ]