

RESOLUTION NO. 7434

A RESOLUTION introduced by Mayor James A. McClinton requesting the Board of Commissioners, Shawnee County, Kansas, to approve annexation of noncontiguous property.

WHEREAS, the City of Topeka has received a written request and consent for annexation (see Exhibits A and B) for the property known as Legacy Woods and described as follows (See Exhibit C, plat of Legacy Woods and Exhibit D, map showing location of Legacy Woods in relation to the existing City boundaries):

The Southeast Quarter, and part of the Southwest Quarter of the Southeast Quarter of Section Nineteen (19), Township Twelve (12) South, Range Fifteen (15) East of the Sixth Principal Meridian, Shawnee County, Kansas. More particularly described as follows: Beginning at the Southeast corner of said Southeast Quarter of Section 19; thence South 88 degrees 55 minutes 46 seconds West assumed bearing along the South line of said Southeast Quarter of Section 19, 1514.83 feet; thence North 05 degrees 10 minutes 07 seconds West 447.72 feet; thence North 04 degrees 19 minutes 01 seconds East 525.97 feet; thence North 27 degrees 41 minutes 10 seconds East 165.43 feet; thence North 00 degrees 01 minutes 25 seconds West 205.85 feet; thence North 88 degrees 47 minutes 37 seconds East 1439.12 feet to the East line of said Southeast Quarter of Section 19; thence South 00 degrees 00 minutes 43 seconds West along the East line of said Southeast Quarter of Section 19, 1324.72 feet to the Point of Beginning. Containing 45.97 acres more or less; and

WHEREAS, the City of Topeka can provide services to the property as evidenced by the attached statements from the various departments of the City (See Exhibit E); and

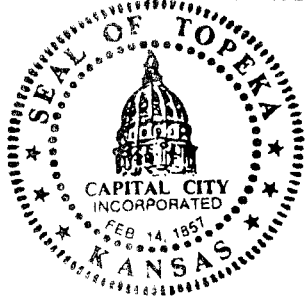
WHEREAS, the City Council of the City of Topeka desires to annex this area into the corporate limits of the City of Topeka; and

WHEREAS, the property constitutes an "island" annexation requiring review by the Board of Commissioners of Shawnee County.

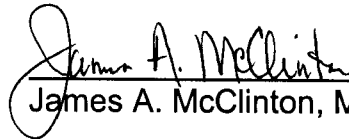
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, request the Board of Commissioners of Shawnee County to make a finding as

required under K.S.A. 12-520c(a)(3) that the annexation of the above-described land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city.

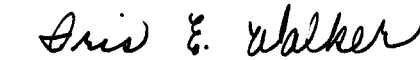
PASSED and APPROVED by City Council JAN 13 2004.



CITY OF TOPEKA, KANSAS


James A. McClinton, Mayor

ATTEST:


Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 1/9/04 BY BBL

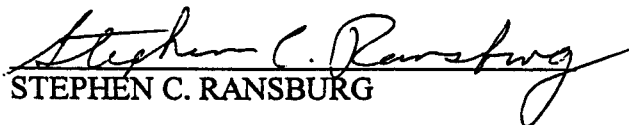
CONSENT TO ANNEXATION

Now on this 12 day of September, 2003, Stephen C. Ransburg, as owner of record of the real estate described in Exhibit "A", attached hereto and initialed by Stephen C. Ransburg, does hereby evidence his complete and irrevocable consent to annexation by the City of Topeka of the said real estate, in accordance with the laws of the State of Kansas, upon written approval by the undersigned, and recordation, of the final plat of the said real estate, which said final plat shall be known as:

"Legacy Woods Subdivision"

This consent shall be complete and irrevocable upon written approval by the undersigned of the final plat, noted above, and recordation of the said final plat.


This consent shall run with the land described above and shall be binding upon the heirs, successors and assigns of the undersigned and shall be filed of record with the Shawnee County Register of Deeds Office upon execution.


STEPHEN C. RANSBURG

STATE OF WISCONSIN)
) ss:
COUNTY OF Adams)

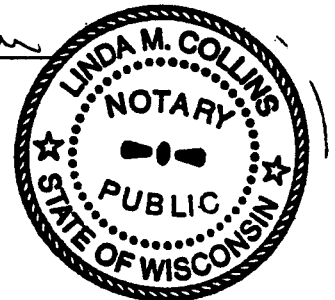
The foregoing instrument of writing was acknowledged before me this 12 day of September, 2003, by Stephen C. Ransburg, and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN under by my hand and affixed my notary seal the day and year last above written.


Notary Public

My Appointment Expires: 6/4/06

198603



BARTLETT & WEST
ENGINEERS
SERVICE. THE BARTLETT & WEST WAY.

Exhibit B

November 11, 2003

Mr. David Thurbon, Planning Director
Topeka Planning Department
515 S Kansas Ave, Ste 404
Topeka, KS 66603

Re: Legacy Woods
Project No.: 13840.100

RECEIVED

NOV 13 2003

Topeka Shawnee County
Metropolitan Planning Department

Dear Mr. Thurbon:

I would like to follow up our conversation of last week with this recap of my understandings and request for action by the City Council.

We understand that our request to visit with the Public Safety Committee regarding the consent to annexation for Legacy Woods has been deemed unnecessary. Therefore, we would like to request that the consent for annexation be placed on the City Council's agenda at the earliest date possible. We request that the City receive the consent for annexation and refer it to the County Commission with a request for the County to have a determination as to whether it will allow the City to annex Legacy Woods.

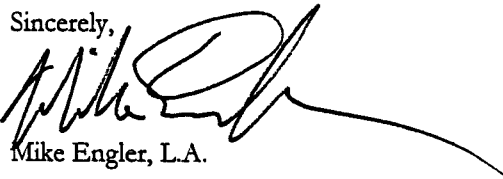
We would note the following points that we feel should be considered regarding this proposed development:

1. The Legacy Woods preliminary plat has been approved.
2. Sewer service will be provided by Shawnee County via the Sherwood Regional System.
3. While we wish to be part of the City and have City Water service, the development could physically be served by Shawnee County Rural Water No. 6.
4. This plat is in the same vicinity as Monarch Meadows and Lauren's Bay and will use the same principal trafficway as they will.

In regard to water service, we have not approached District No. 6 because we know that this is in the area that the City has expressed a desire to serve with water. If the City does not wish to annex this area and no longer wishes to be the service provided for this area, we need to know this so that we can contact District No. 6 and proceed with development in accordance with the approved preliminary plat.

Please advise us on the date that this request will be heard by the City Council.

Sincerely,


Mike Engler, L.A.

cc: Kurt Chrysler
George Coe
J.B. King
Stephen Ransburg

1200 SW EXECUTIVE DRIVE ■ TOPEKA KS 66615-3850
785.272.2252 ■ FAX 785.272.7349 ■ 888.200.6464

WWW.BARTWEST.COM

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 19,
TOWNSHIP 12, SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL
MERIDIAN, SHAWNEE COUNTY, KANSAS.

[illegible]

NOTES:
1. SEWER SERVICE SHALL BE BY CENTRAL COLLECTION SYSTEM TO SHERWOOD TREATMENT PLANT

2. THE PROPOSED SUBDIVISION IS NOT IN A FEMA DESIGNATED FLOOD PLAIN.
3. ALL DRAINAGE AND GREEN SPACE EASEMENTS ARE NON-BUILDABLE.
4. WATER SERVICE PROVIDED BY CITY OF TORONTO.

1. VARIANCE REQUESTED TO EXCEED MAXIMUM CUL-DE-SAC LENGTH OF 500 FEET TO 500 FEET FOR S.W. 43RD TERRACE AND 44TH TERRACE TEMPORARY TURN-AROUND EASEMENT.

5. VARIANCE REQUESTED TO EXCEED MAXIMUM CUL-DE-SAC LENGTH OF 500 FEET TO 605 FEET FOR S.W. 44TH TERRACE.

7. APPROXIMATELY 3 ACRES DEDICATED FOR GREENSPACE.

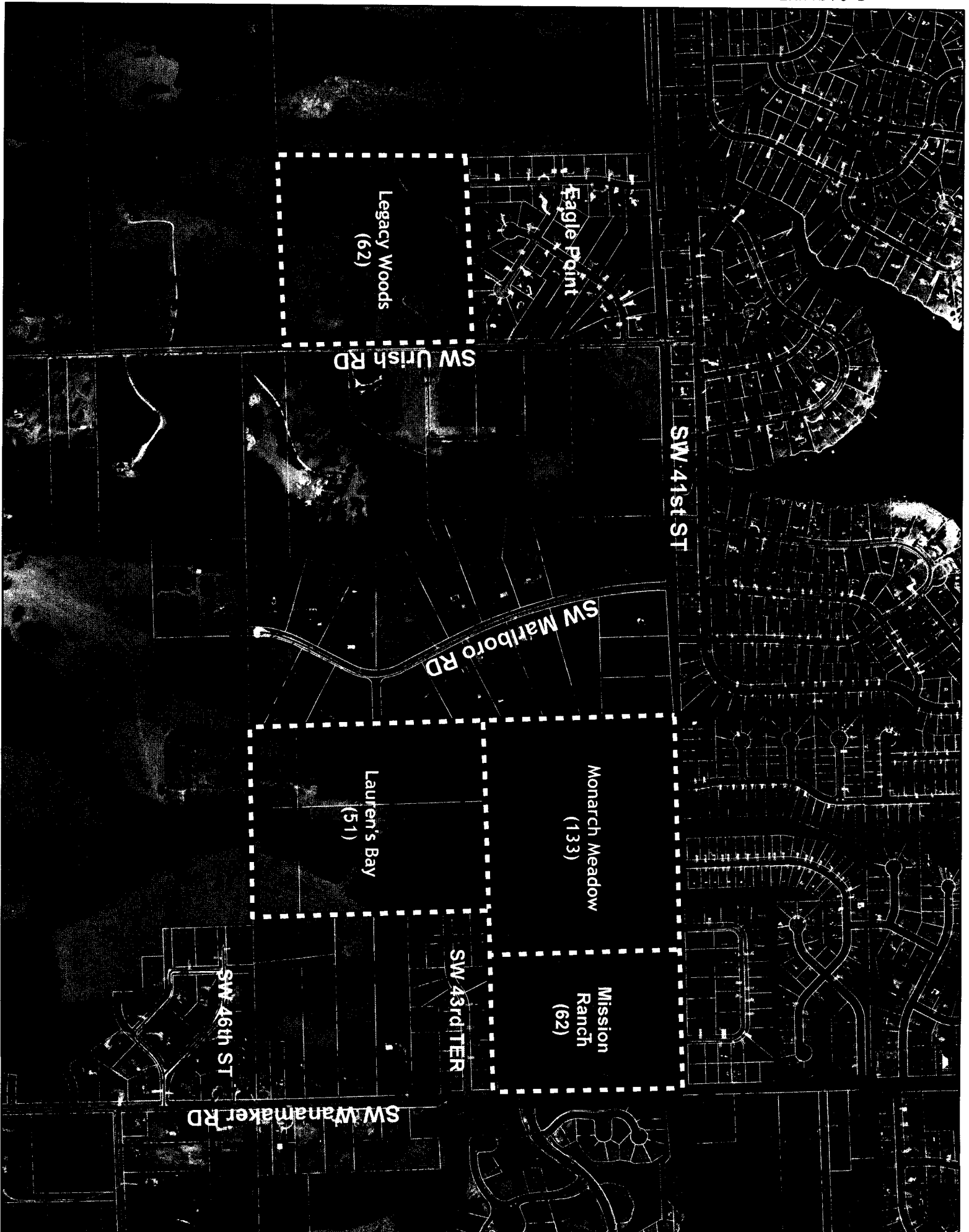
2. NATURAL DRAINAGE EASEMENTS PROVIDE FOR CONVEYANCE OF STORM WATER, GREEN SPACE, AND REQUIRED STREAM BUFFER.

**DEVELOPER & PURCHASER
UNDER CONTRACT
LEGACY WOODS, INC.**

**OWNER
STEPHEN RANSBERG**

P 03/21

Exhibit C



LEGACY WOODS – TOPEKA CITY SERVICES

Summary of comments submitted to the Planning Department stating the various departments' ability to provide city services to the Legacy Woods Subdivision.

January 2004

City Engineer (Tim Green)

Unopposed to annexation. The streets will be constructed by the developer, at his expense, in accordance with City Standards. Sewerage will be handled by the Lake Sherwood Treatment Plant.

The only issue that would arise is the condition of SW 41st street. Since the improvements at 41st and Wanamaker are on schedule for 2006. This intersection will handle the project traffic in a safe manner.

Water Superintendent (Don Rankin)

The Water Division currently serves the area north of the proposed Legacy Woods. 8-inch water mains extend along Urish and Aylesbury. This configuration will allow the City to serve Legacy Woods with minimal effort. There are no Rural Water districts that have claim to this area. A transmission main is planned along 41st Street in 2004 that further supports the development and annexation of this area. If it is not annexed, the City cannot service the area by current city ordinance.

Water Pollution Control (Mark Green)

This subdivision would be served by the Sherwood treatment plant so it would have county sewer service, therefore, it does not impact WPC.

Fire Department (Dennis Phillips)

The Fire Department has two fire stations, which would provide fire protection to this area. Station No. 8 is 3.7 miles away and No. 12 is 4.5 miles away. The average response time would be approximately 5 minutes. There is an engine company and an aerial company at Station No. 8. Station No. 12 has an engine company and a chief car.

These companies could provide adequate fire protection to this area. Each fire company is assigned four firefighters per shift and never operates with less than three firefighters. Mission Township's Fire Department, which provides fire protection at this time, has two full time firefighters per shift and the rest of their firefighters are volunteers.

As the City does more annexation in this area in the future, it is anticipated that another fire station may need to be added to help with fire protection.

Traffic Operations (Gary Wurdack)

The initial street name signs will need to be provided at the cost of the developer or financing authority. The City can fabricate and install the signs for the cost of materials. Costs can be determined at the time of permitting of financing of the street and storm construction, or at the time of permitting or financing of the street and storm construction, or at the time of final platting as the needs of the developer dictate. Based on the preliminary plat layout there are five street name sign assemblies needed. After the initial installation of street name signs, the City will provide the ongoing maintenance for them.

The City will provide at their cost any required initial and ongoing stop, speed limit, and related traffic signing.

The developer will be required to furnish and install end of roadway markers or barricades at the roadways, which are dead end without standard cul-de-sacs.

The City development code Section 134-175 requires the developer of a subdivision to pay for and provide for any costs of street lighting above the City standard aerial secondary system. This means that in subdivisions where utilities are underground, a conduit system needs to be designed and installed for use by the future street lighting system. A street lighting conduit system will need to be designed in coordination with the City Traffic Operations Section and Westar Energy to provide for future street lighting needs and to minimize the conduit system length. The costs of the conduit system and design will need to be borne by the developer or financing authority as appropriate.

Police (Ed Klumpp)

Will result in some inconvenience since it is not contiguous to the city limits, however, similar situations have occurred in the past. This is a developing area of the community and approval of this request may facilitate other annexations and orderly growth for the City in this area. The Police Department can provide service to this area.