RESOLUTION NO. __7596__

A RESOLUTION introduced by Councilmember Jeff Preisner granting an exemption from the annexation requirements of City of Topeka Code § 146-37, as amended, for the provision of water to certain specified property located in Shawnee County, Kansas.

WHEREAS, City of Topeka Code § 146-37(A) states that the provision of City of Topeka water service to an owner of real property outside the city limits is conditioned on annexation of the area to be served; and

WHEREAS, City of Topeka Code § 146-37(B)(7) states that an owner of real property outside the city limits may be exempt from the above-referenced annexation requirement if the City Council by resolution approves the extension of water service after finding that the extension is needed to avoid unnecessary hardship in situations not created by the actions of the applicant; and

WHEREAS, Legacy Woods, LLC has provided sufficient evidence to support a finding that extension of water to its property is needed to avoid unnecessary hardship in a situation not created by its actions; and

WHEREAS, Legacy Woods, LLC initiated its project with the City prior to the adoption of City of Topeka Code § 146-37.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas, that:

1. Pursuant to City of Topeka Code § 146-37(B)(7), the Council of the City of Topeka, Kansas finds that providing water to the Legacy Woods Subdivision would avoid an unnecessary hardship in a situation not created by the actions of this applicant.
2. The annexation requirement of City of Topeka Code § 146-37(A) is hereby waived for the following described property to wit:

A tract of land in the Southeast Quarter of Section 19, Township 12 South, Range 15 east of the 6th P.M., Shawnee County, Kansas, described as follows:

Beginning at the Southeast corner of said Southeast Quarter of Section 19; thence South 87°13'13" West assumed bearing along the South line of said Southeast Quarter of Section 19, 1514.83 feet; thence North 06°52'40" West 447.72 feet; thence North 02°36'28" East 525.97 feet; thence North 25°58'37" East 165.43 feet; thence North 01°43'58" West 205.85 feet; thence North 87°05'04" East 1439.12 feet to the East line of said Southeast Quarter of Section 19; thence South 01°41'50" 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.

3. All other appropriate building code, fees, charges, and the consent to annexation requirement for the provision of city water service to this property are specifically not waived.

PASSED and APPROVED by City Council MAR 15 2005

CITY OF TOPEKA, KANSAS

James A. McClintock, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE 3/17/05 BY F[illegible]