RESOLUTION NO. 8403

A RESOLUTION introduced by Councilmember Sylvia Ortiz granting an exemption from the annexation requirements of City of Topeka Code § 13.20.220(c)(2) and § 13.10.120, as amended, for connection to the city sewer system and the provision of water to certain specified property located in Shawnee County, Kansas.

WHEREAS, City of Topeka Code § 13.20.220(c)(2) and § 13.10.120(a) state that the provision of City of Topeka sewer and 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 § 13.20.220(c)(6) and § 13.10.120(c)(3) state 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 sewer and water service after finding that the extension is needed to avoid unnecessary hardship in situations not created by the actions of the applicant or to promote an economic development project as determined by the City Council; and

WHEREAS, LKQ Industries have provided sufficient evidence to support such findings.

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

1. Pursuant to City of Topeka Code § 13.20.220(c)(6) and § 13.10.120(c)(3), the Council of the City of Topeka, Kansas, finds that providing sewer and water service to LKQ Industries would avoid an unnecessary hardship in a situation not created by the actions of the applicant or to promote an economic development project. The property is located at a temporary address known as 5913 SW Topeka Boulevard until a permanent address is established.
2. The annexation requirement of City of Topeka Code § 13.20.220(c)(2) and § 13.10.120(a) is hereby waived for the above-referenced property.

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

PASSED and APPROVED by City Council February 21, 2012.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk