RESOLUTION NO. 8480

A RESOLUTION introduced by Councilmember John Alcala granting an exemption from the annexation requirement of City of Topeka Code § 13.10.120(a) so that water service can be provided to Lots 4 and 5 in Hinds Subdivision #2 and Lots 18, 19 and 20 in Hinds Subdivision, which is located outside City limits but within Shawnee County, Kansas.

WHEREAS, City of Topeka Code § 13.10.120(a) provides that 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 § 13.10.120(c)(3) provides for an exemption to this 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, the owner of the property, Kaw Valley State Bank, has consented to annexation if, in the future, the City decides to annex the property; and

WHEREAS, Kaw Valley State Bank has established that the extension of water to its property is necessary to avoid unnecessary hardship not caused by the owner’s actions.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that:

1. Pursuant to City of Topeka Code § 13.10.120(c)(3), the Council of the City of Topeka, Kansas, finds that providing water service to Lots 4 and 5 in Hinds Subdivision #2 and Lots 18, 19 and 20 in Hinds Subdivision would avoid an unnecessary hardship for the property owner, Kaw Valley State Bank, in a situation not created by the owner’s actions.

2. The annexation requirement of City of Topeka Code § 13.10.120(a) is hereby waived for the above-referenced property.
3. All other appropriate building code, fees, and charges are specifically not waived.

PASSED and APPROVED by City Council November 13, 2012.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk