RESOLUTION NO. 8564

A RESOLUTION introduced by City Manager Jim Colson granting an exemption from the annexation requirement of City of Topeka Code § 13.10.120(a)(2) for connection to the city water system to a tract of land generally located on the south side of NE 43rd Street, approximately 740 feet east of Kansas Avenue, which is outside the city limits but within Shawnee County, Kansas.

WHEREAS, City of Topeka Code § 13.10.120(a)(2) provides that water service cannot be provided to an owner of real property located outside the city limits and the Municipal Services Area unless the property is annexed into the city; and

WHEREAS, City of Topeka Code § 13.10.120(c)(3) allows an exemption from the annexation requirement if the City Council determines that extension of water service is necessary to avoid unnecessary hardship in a situation not created by the actions of the applicant; and

WHEREAS, Bradley D. and Alicia Faith Gifford have provided sufficient evidence to support a finding of hardship.

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 the applicant has established that providing water service to property located generally on the south side of the 100-block of NE 43rd Street, would avoid an unnecessary hardship in a situation not created by the actions of the applicant.

2. The annexation requirement of City of Topeka Code § 13.10.120(a)(2) is hereby waived for the above-referenced property provided that the property is platted for no more than 1 lot to be served by city water and the owner executes a consent for annexation of the entire property.
3. All other appropriate building codes, fees, and charges related to the provision of water service are not specifically waived.

PASSED and APPROVED by City Council on October 22, 2013.

CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

ATTEST:

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Brenda Younger, City Clerk