

1 RESOLUTION NO. 7320

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3 A RESOLUTION introduced by Mayor Felker relating to the development of street
4 drainage structures in improvement district projects increasing the
5 amount of stormwater utility fees to be set aside for drainage
6 improvements, and rescinding City of Topeka Resolution No. 3755.
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8 WHEREAS, the City Council of the City of Topeka has previously adopted
9 Resolution No. 3755, which provided a formal policy for the City of Topeka to participate in
10 the cost of constructing drainage structures on some streets in developer and/or
11 improvement district projects; and

12 WHEREAS, the City Council for the City of Topeka, hereinafter referred to as "City
13 Council," recognizes that additional funding is necessary to address street drainage
14 problems in many different areas within the City.

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

17 Section 1. That City of Topeka shall participate in the cost of street drainage
18 structures in developer and/or improvement district projects, when the following three (3)
19 conditions exist:

- 20 1. The street has a classification of residential or higher;
- 21 2. The drainage area for the structure must contain a minimum of fifty (50)
22 acres; and
- 23 3. A minimum of twenty percent (20%) of the drainage area must be outside the
24 improvement district, the developer's subdivision, or area of ownership.

25 Section 2. Upon application by the developer or improvement district, the City
26 Engineer shall certify to the City Council whether the three (3) conditions have been met.
27 The City Engineer shall prioritize projects based on street functional classification and

28 drainage area of the structure. The City Attorney shall then prepare one (1) or more of the
29 following necessary documents, as directed by the City Council:

30 1. Prepare an agreement for the City to reimburse the developer for part of the
31 drainage structure cost. The amount may be equal to the percentage of the drainage area
32 outside the developer's subdivision or area of ownership multiplied by the cost of the
33 drainage structure, some other designated percentage of the structure's cost, or a
34 designated lump sum.

35 2. Prepare an agreement for the developer to reimburse the City for his/her
36 share of the drainage structure cost. The amount may be equal to the percentage of the
37 drainage area within the developer's subdivision or area of ownership multiplied by the cost
38 of the drainage structure or a designated lump sum. Additionally, the City Council may
39 direct the City Attorney to prepare the necessary legislation for City Council approval of the
40 drainage project.

41 3. Prepare the appropriate legislation specifying the percentage or amount of the
42 drainage structure cost the City Council designates to be paid for by the City-at-Large and
43 not assessed against the improvement district. The amount may be equal to the
44 percentage of the drainage area outside the developer's subdivision or area of ownership
45 multiplied by the cost of the drainage structure, some other designated percentage of the
46 structure's cost or a designated lump sum.

47 Section 3. No reimbursements shall be made for drainage structures constructed
48 unless an agreement is signed prior to construction.

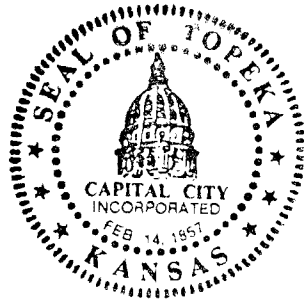
49 Section 4. The City of Topeka Water Pollution Control shall set aside two percent
50 (2%) of the previous year's annual Stormwater Utility revenue as funding. No project shall

51 receive in excess of fifty percent (50%) of the annual funding. A fund balance shall not
52 carry over to subsequent years.

53 BE IT FURTHER RESOLVED, this Resolution shall become effective upon passage
54 and approval by the City Council.

55 THEREFORE, BE IT FURTHER RESOLVED, that City of Topeka Resolution No.
56 3755 is hereby rescinded.

57 ADOPTED and APPROVED by City Council MARCH 11, 2003.




CITY OF TOPEKA, KANSAS



Harry Felker, Mayor

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ATTEST:



Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE <u>2/21/03</u> BY <u>JBC</u>