

RESOLUTION NO. 7429

A RESOLUTION introduced by Councilmember John Alcala 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, Dan Wurtz has provided sufficient evidence to support a finding that extension of water to his property is needed to avoid unnecessary hardship in a situation not created by his actions.

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

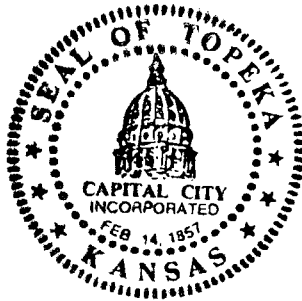
1. Pursuant to City of Topeka Code § 146-37(B)(7), the Council of the City of Topeka, Kansas finds that providing water to Dan Wurtz, at his property located at 4112 NW Kimball would avoid an unnecessary hardship in a situation not created by the actions of this applicant.

2. The annexation requirement of City of Topeka Code § 146-37(A) is hereby waived for the above referenced property.

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

30 PASSED and APPROVED by City Council DEC 30 2003.

31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43



ATTEST:

Iris E. Walker  
Iris E. Walker, City Clerk

CITY OF TOPEKA, KANSAS

Duane F. Pomeroy  
Duane F. Pomeroy, Deputy Mayor

APPROVED AS TO FORM AND LEGALITY  
DATE 12/18/03 BY BBL