

1 RESOLUTION NO. 7438

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3 A RESOLUTION introduced by Mayor James A. McClinton authorizing the City Attorney's
4 office to take all appropriate legal action necessary to protect the City of
5 Topeka's ability and authority to regulate subdivision of land in its three
6 mile extraterritorial jurisdiction.
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8 WHEREAS, the City of Topeka has pursuant to K.S.A. 12-750 adopted subdivision
9 regulations in the three mile extraterritorial jurisdiction (ETJ) as codified in Topeka City
10 Code § 134-2; and

11 WHEREAS, the Board of Commissioners of Shawnee County, Kansas has adopted
12 Home Rule Resolution No. 2003-16, which promulgated subdivision regulations for
13 unincorporated Shawnee County, Kansas which includes land lying within the City's ETJ;
14 and

15 WHEREAS, the Board of Commissioners of Shawnee County, Kansas has adopted
16 Charter Resolution No. 2003-5, which attempts to remove the county from the statutory
17 provisions contained in K.S.A. 12-749, 12-750, and 12-751, *et seq.*; and

18 WHEREAS, the Charter Resolution No. 2003-5 attempts to eliminate the City's ability
19 to participate jointly in the creation of subdivision regulations in the three mile ETJ under
20 the provisions contained in K.S.A. 12-750; and

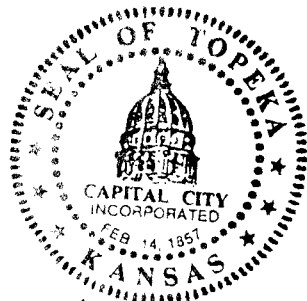
21 WHEREAS, Shawnee County's attempted Charter Resolution No. 2003-5 impairs
22 the City of Topeka's ability to determine its local affairs in contravention of K.S.A. 19-
23 101(a)(5).

24 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka,
25 Kansas, that the City Attorney's office is hereby directed and authorized to take all
26 appropriate legal action, including filing suit, seeking injunctive or declaratory relief, seeking

27 judgment, and appeal therefrom necessary to protect the City of Topeka's ability and
28 authority to regulate land use in its three mile ETJ.

29 PASSED and APPROVED by City Council JAN 27 2004

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ATTEST:

Iris E. Walker
Iris E. Walker, City Clerk

CITY OF TOPEKA, KANSAS

James A. McClinton
James A. McClinton, Mayor

APPROVED AS TO FORM AND LEGALITY
DATE 1/14/04 BY BBC