

RESOLUTION NO. 7596

A RESOLUTION introduced by Councilmember Jeff Preisner 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, Legacy Woods, LLC has provided sufficient evidence to support a finding that extension of water to its property is needed to avoid unnecessary hardship in a situation not created by its actions; and

WHEREAS, Legacy Woods, LLC initiated its project with the City prior to the adoption of City of Topeka Code § 146-37.

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 the Legacy Woods Subdivision would avoid an unnecessary hardship in a situation not created by the actions of this applicant.

