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3 **RESOLUTION NO. 8096**

4 A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing the  
5 City Attorney's office to take all appropriate legal action necessary to  
6 protect the City of Topeka's ability and authority to regulate subdivision  
7 of land in its three mile extraterritorial jurisdiction.

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. 2007-6, which amends its zoning regulations to exclude certain  
13 cases from the requirement to submit a plat of subdivision which if left unchallenged, would  
14 have the effect of exempting the portion of unincorporated Shawnee County, Kansas which  
15 lies within the City's ETJ from the City's subdivision regulation; and

16 WHEREAS, the Charter Resolution No. 2007-6 attempts to eliminate the City's ability  
17 to regulate the subdivision of land in the City's three mile ETJ or to participate jointly in the  
18 creation of subdivision regulations in the three mile ETJ under the provisions contained in  
19 K.S.A. 12-750; and

20 WHEREAS, Shawnee County's Charter Resolution No. 2007-6 attempts to impair the  
21 City of Topeka's ability to regulate the subdivision of land pursuant to K.S.A. 12-750 and  
22 K.S.A. 12-752 as well as 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 August 26, 2008.

30 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

36 ATTEST:

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Brenda Younger, City Clerk