RESOLUTION NO. 8248

A RESOLUTION introduced by Councilmembers John Alcala and Sylvia Ortiz 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(c)(3) 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, Kristopher and Jill Tuck have provided sufficient evidence to support a finding that extension of water to their property is needed to avoid unnecessary hardship in a situation not created by their 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(c)(3), the Council of the City of Topeka, Kansas finds that providing water to Kristopher and Jill Tuck at property located at or adjacent to 211 NE 43rd Street 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.

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

4. Only one (1) residential service shall be permitted to the Tuck's property located at or adjacent to 211 NE 43rd Street. Further, no additional connection shall be permitted nor shall the size of the service line be increased.

PASSED and APPROVED by City Council April 13, 2010.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk