

1 **RESOLUTION NO. 8254**

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3 A RESOLUTION introduced by Councilmember Sylvia Ortiz granting an exemption from
4 the annexation requirements of City of Topeka Code § 146-37, as
5 amended, for the provision of water to certain specified property located
6 in Shawnee County, Kansas.
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8 WHEREAS, City of Topeka Code § 146-37(a) states that the provision of City of
9 Topeka water service to an owner of real property outside the city limits is conditioned on
10 annexation of the area to be served; and

11 WHEREAS, City of Topeka Code § 146-37(c)(3) states that an owner of real property
12 outside the city limits may be exempt from the above-referenced annexation requirement if
13 the City Council by resolution approves the extension of water service after finding that the
14 extension is needed to avoid unnecessary hardship in situations not created by the actions
15 of the applicant; and

16 WHEREAS, Jared and Sarah Thomann have provided sufficient evidence to support
17 a finding that extension of water to their property is needed to avoid unnecessary hardship
18 in a situation not created by their actions.

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

21 1. Pursuant to City of Topeka Code § 146-37(c)(3), the Council of the City of
22 Topeka, Kansas, finds that providing water to Jared and Sarah Thomann would avoid an
23 unnecessary hardship in a situation not created by the actions of this applicant. The
24 property is located at the southeast corner of NE 43rd Street and Kansas Avenue, more
25 specifically described as follows:

26 A tract of land in the Southeast Quarter of Section 5, Township 11 South,
27 Range 16 East of the Sixth P.M. in Shawnee County, Kansas, being more
28 particularly described as follows: Beginning at the Northwest corner of the

29 Southeast Quarter; thence North 90 degrees 00 minutes 00 seconds East
30 along the north line of said Southeast Quarter a distance of 169.21 feet;
31 thence South 00 degrees 14 minutes 18 seconds West measures (South 00
32 degrees 17 minutes 17 seconds West dedeed) parallel to the west line of
33 said Southeast Quarter a distance of 353.00 feet; thence North 90 degrees
34 00 minutes 00 seconds East parallel to the north line of said Southeast
35 Quarter a distance of 230.00 feet measured (340.00 feet dedeed); thence
36 South 00 degrees 14 minutes 18 seconds West parallel to the west line of
37 said Southeast Quarter a distance of 494.53 feet; thence North 89 degrees
38 56 minutes 53 seconds West measured (North 89 degrees 56 minutes 34
39 seconds west dedeed) a distance of 399.21 feet to a point on the west line of
40 said Southeast Quarter; thence North 00 degrees 14 minutes 18 seconds
41 East measured (North 00 degrees 13 minutes 49 seconds East dedeed)
42 along said west line a distance of 847.17 feet to the Point of Beginning.
43 Contains 257,081.64 square feet or 5.90 acres more or less.
44

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

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

50 4. Only one (1) residential service shall be permitted to the Thomann's property
51 described in Section 1 above. Further, no additional connection shall be permitted nor shall
52 the size of the service line be increased.

53 PASSED and APPROVED by City Council May 11, 2010.

54 CITY OF TOPEKA, KANSAS

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59 William W. Bunten, Mayor

60 ATTEST:
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64 Brenda Younger, City Clerk