

1 (Published in the Topeka Metro News December 28, 2005)
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3
4 ORDINANCE NO. 18548
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6 AN ORDINANCE introduced by Councilmember Brett Blackburn relating to annexation
7 and funding of sewer service and extensions, amending City of
8 Topeka Code § 146-256, and specifically repealing said original
9 section.
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11 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

12 Section 1. City of Topeka Code § 146-256, Annexation and funding of sewer
13 service and extensions, is hereby amended to read as follows:

14 **Annexation and Funding of Sewer Service and Extensions.**

15 (A) It is the desire of the City of Topeka to conform to the Community Goals
16 Statement adopted as part of the 1986 Shawnee County Wastewater Management Plan,
17 as amended. Specifically the Statements include:

18 (1) Direct new growth to developable areas served by existing public
19 facilities.

20 (2) Use the community's provision of public facilities as a method of
21 guiding growth.

22 (3) Identify environmentally sensitive areas and guide development away
23 from areas of greatest adverse environmental impact.

24 (4) Identify and strive to preserve prime agricultural land for production of
25 food and fiber.

26 (5) Encourage residential development near existing essential services,
27 facilities, and centers of employment.

28 (B) The Shawnee County Wastewater Management Plan designates service
29 areas into four (4) categories. These include; urban, primary urban, secondary urban, and
30 rural-agriculture. Urban areas are those which are currently within the City of Topeka limits.
31 Primary urban are those areas which are anticipated to become urbanized by 2005.
32 Secondary urban are those areas which are expected to become urbanized by 2025. Rural-
33 agriculture areas include the remainder of Shawnee County. It is the City of Topeka's intent
34 to serve urban and primary urban service areas, and in some cases, to serve secondary
35 urban service areas. In order to provide new services to expected growth areas, water
36 pollution control will identify annual capital improvement expenditures as well as revenue
37 from connection fees to facilitate the orderly expansion of the City of Topeka and its
38 wastewater utility.

39 (C) ~~The relationship of funding and annexation in the service areas will conform~~
40 ~~to the following policies~~ be subject to the following requirements:

41 (1) New or redeveloped parcels established by preliminary or final plat, lot
42 split or otherwise after November 1, 2005, or parcels upon which a residential
43 or commercial structure was located prior to November 1, 2005, and which
44 structure has not previously been connected to the City sewer system that
45 are adjacent to the existing City limits requiring sewer service shall require
46 annexation prior to service being provided.

47 (2) New or redeveloped parcels established by preliminary or final plat, lot
48 split or otherwise after November 1, 2005, or parcels upon which a residential
49 or commercial structure was located prior to November 1, 2005, and which
50 structure has not previously been connected to the City sewer system that

51 are contained within the primary service area as defined in the Shawnee
52 County Wastewater Management Plan, as amended, and also contained in
53 the current Municipal Services Boundary map Area as defined in Chapter 134
54 maintained by the City of Topeka public works and planning departments
55 shall require annexation, except as provided in subsection (C)(6) below, prior
56 to service being provided. A portion of ~~¶~~the cost to design and construct the
57 major interceptors necessary to serve these areas ~~will~~ may be paid through
58 the City of Topeka water pollution control fund ~~depending on priority and if~~
59 ~~sufficient capital improvement~~ service extension funding is available and if
60 the extension is consistent with the Topeka Utilities Extension Growth Policy
61 maintained by the Public Works Department.

62 (3) New or redeveloped parcels established by preliminary or final plat, lot
63 split or otherwise after November 1, 2005, or parcels upon which a residential
64 or commercial structure was located prior to November 1, 2005, and which
65 structure has not previously been connected to the City sewer system that
66 are contained within the current Municipal Services ~~Boundary map from the~~
67 Area as defined in Chapter 134 ~~City of Topeka public works and planning~~
68 ~~department~~ shall require annexation, except as provided in subsection (C)(6)
69 below, prior to service being provided. A portion of ~~¶~~the cost to design and
70 construct the major interceptors necessary to serve these areas ~~will~~ may be
71 paid through the City of Topeka water pollution control fund ~~depending on~~
72 ~~priority and if sufficient capital improvement~~ service extension funding is

73 available and if the extension is consistent with the Topeka Utilities Extension
74 Growth Policy maintained by the Public Works Department.

75 (4) New or redeveloped parcels established by preliminary or final plat, lot
76 split or otherwise after November 1, 2005, or parcels upon which a residential
77 or commercial structure was located prior to November 1, 2005, and which
78 structure has not previously been connected to the City sewer system that
79 are contained within the primary service area as amended and not in the
80 current Municipal Services ~~Boundary map~~ Area as defined in Chapter 134
81 shall require consent to annexation prior to service being provided. Major
82 interceptors necessary to serve proposed development in this area shall
83 conform to approved sizing and routing as determined by the City engineer.
84 The total cost of extending City sewer service, including interceptors and
85 service lines, shall be borne by the developer without any participation by the
86 City of Topeka.

87 (5) New or redeveloped parcels established by preliminary or final plat, lot
88 split or otherwise after November 1, 2005, or parcels upon which a residential
89 or commercial structure was located prior to November 1, 2005, and which
90 structure has not previously been connected to the City sewer system that
91 are contained within the secondary urban service area as amended shall
92 require consent to annexation prior to service being provided. Major
93 interceptors necessary to serve proposed development in this area shall
94 conform to approved sizing and routing as determined by the City engineer.
95 The total cost of extending City sewer service, including interceptors and

96 service lines, shall be borne by the developer without any participation by the
97 City of Topeka.

98 (6) An owner of real property outside the City limits may be exempt from
99 the annexation requirement set forth in subsections C2 or C3 above if the
100 property owner consents to annexation of the real property to be served and
101 at least one of the following conditions are satisfied:

102 (i) To eliminate an imminent threat to public health and safety as
103 determined and/or ordered by the Kansas Department of Health and
104 Environment or a similar regulatory agency, or a Court of law.

105 (ii) To promote an economic development project as determined
106 by the City Council.

107 (iii) To avoid unnecessary hardship in situations not created by the
108 actions of the applicant as determined by the City Council.

109 (iv) The City is obligated to provide sanitary sewer service to the
110 property owner by contract or other legally enforceable document.

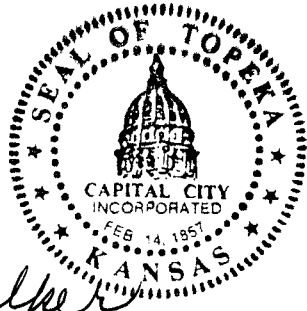
111 (7) The City Council shall be notified of the approval of a sewer
112 connection requiring only a consent to annexation under the exceptions set
113 forth in subsection (C)(6)(i), (C)(6)(ii), (C)(6)(iii), and (C)(6)(iv).

114 Section 2. That City of Topeka Code § 142-256 is hereby specifically repealed.

115 Section 3. This Ordinance shall take effect and be in force after its passage,
116 approval and publication in the official City newspaper.

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PASSED and APPROVED by the City Council DEC 20 2005.



ATTEST:

Iris Walker
Iris E. Walker, City Clerk

William W. Buntin
William W. Buntin, Mayor

APPROVED AS TO FORM AND LEGALITY
DATE <u>12/20/05</u> BY <u>BBC</u>
TO BE CODIFIED <u>X</u>
NOT TO BE CODIFIED _____