

**APPLICATION
EXEMPTION TO ANNEXATION REQUIREMENT
FOR CITY WATER/SEWER SERVICE
OUTSIDE CITY LIMITS**

City of Topeka Planning Department
620 SE Madison, 3rd Floor
Topeka, KS 66607
Phone 785-368-3728 Fax 785-368-2535

Type of Service Requested: *Water* _____ *Sanitary Sewer* _____

1.) Common Address/Location: _____

2.) Legal Description:
 Lot(s) _____ Block _____ Subdivision _____

If not platted, attach legal description.

3.) What year was the lot created and recorded? _____ Size of lot (acres)? _____

4.) Existing Land Use: _____

5.) Proposed Land Use: _____

6.) Proposed/Existing Water Provider: _____

7.) Proposed/Existing Sewage Disposal Source: _____

8.) For **water or sewer service**, circle which annexation exemption you qualify for under Section 13.10.120(a) or 13.20.220(a) of the Topeka Municipal Code:

- (1) There is an imminent threat to public health and safety as determined by the Kansas Department of Health and Environment or a similar regulatory agency, or a court of law. However, this exemption does not apply to property located between the original location of the public infrastructure and the property to be served.
- (2) Connection to public infrastructure will promote an industrial development project within the employment tier of the urban growth area or outside the urban growth area consistent with the comprehensive plan.
- (3) The parcels were created before February 15, 2007, in accordance with both the subdivision regulations and zoning in effect at the time of their creation, and water or sewer infrastructure, not including transmission lines, is adjacent to the property to be served.
- (4) The city has agreed to provide water service to the property owner by virtue of the following:
 (i) a contract; (ii) approval of a final plat prior to February 15, 2007 which includes water service; or (iii) an approved plat meeting the comprehensive plan's urban growth area design standards and compliance with the zoning that was in effect on March 16, 2015.
- (5) The city has previously provided water service to the same parcel of real estate for which service has been requested. The reconnection of service shall be limited to the same size of service line as the previous service. Further, the reconnection shall be limited to the same number of lines or connections which previously existed.

(6) Service is requested by a facility owned and operated by a political and taxing subdivision.

In addition, the applicant/owner must attach a written explanation and any documentation to support their exemption claims AND consent to annexation in recordable form AND a plat of subdivision application as required by Sections 13.10.120(b) or 13.20.220(b).

Applicant Information and Authorization

Owner(s) of Record : _____

Address: _____

_____ Phone: _____

(if different than owner)

Owner Representative: _____

Address: _____

Phone: _____ Fax: _____ e-mail: _____

I certify I am the above owner of record or have been authorized to submit this application on behalf of the owner who has been provided a copy of this completed application including the attached policy background and guidelines for evaluating exemption requests. The information provided on this application is true to the best of my knowledge. I have read and understand the policies and guidelines for evaluating the annexation exemption request.

Signature

Date

INSTRUCTIONS

The property owner (or their representative) is responsible for completing and signing the application. A pre-submittal meeting must be held with applicable Planning and Public Works staff prior to submitting the application. All required information must be submitted as instructed on the application form. There is no fee to apply. The applicant shall submit the completed form to the Planning Department where it will be distributed to the applicable Public Works staff for review and comment.

If it is determined that the applicant meets one of the exemption criteria, then a letter of approval from the Public Works and Planning Departments may be issued so the project may proceed.

POLICY BACKGROUND

The City of Topeka has adopted a series of policy and ordinance measures intended to plan for the orderly and sustainable growth of the City by directing urbanized development to areas where adequate services are provided within City limits or within future limits. These measures include:

- *Shawnee County Wastewater Management Plan* adopted in 1986
- *Land Use and Growth Management Plan – 2040* adopted in 2015

City of Topeka ordinances further requires most new development receiving City water or sanitary sewer service to be annexed into the city limits.

Decisions regarding the development of land are influenced by the availability of public services (i.e. streets, water, sewer, etc.). Development that precedes adequate public infrastructure will have environmental, economic, and quality of life consequences. By encouraging orderly growth, the policies are intended to maximize the outlay of public funds for capital improvements that will have sufficient return on investment to sustain adequate services for all City residents and businesses.

GUIDELINES FOR EVALUATING EXEMPTION REQUESTS

If new urban development outside of the city limits is seeking sewer or water service from the City, it should only be approved if the new development can be annexed unilaterally by the City either on its own or through an area annexation that is planned. Otherwise, exemption requests for **new** development should not be supported within the City's extraterritorial jurisdiction unless it meets the following guidelines:

1. The property is platted in a manner that preserves the ability of the City to grow orderly, in a cost-effective manner (e.g., 20-acre minimum lot size), and conforms to the Comprehensive Plan.
2. Existing sewer or water lines are present along the property's frontage, are serving adjacent owners, and would not need extended.
3. The property is developing at a less intense density/intensity than under previous zoning or platting approvals.
4. It will not unduly impact the City's capacity or ability to serve existing or future customers.
5. It will not worsen any known environmental impact and meets any legal requirements for development approvals.