

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 104-08

AN ORDINANCE

authorizing the City Manager to execute an annexation agreement with Estil D. Poff and Susan L. Hawkins-Poff; directing the City Clerk to have the agreement recorded; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute an annexation agreement with Estil D. Poff and Susan L. Hawkins-Poff. The form and content of the agreement shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 2. The City Clerk is authorized and directed to have the annexation agreement recorded in the office of the Boone County Recorder of Deeds.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2008.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

ANNEXATION AGREEMENT

This agreement entered into this 22 day of March, 2008, between the City of Columbia, Missouri, a municipal corporation (hereinafter "City") and Estil D. Poff and Susan L. Hawkins-Poff, husband and wife (hereinafter "Owners").

The parties agree as follows:

1. Owners represent that they are the sole owners of the following real estate located in Boone County, Missouri:

Lot 1 Haystack Acres - Plat 2, recorded in plat book 41 page 87 of the Boone County records.

(hereinafter "Owners' property").

2. City shall allow Owners to connect sanitary sewer lines serving Owners' property to the City's sanitary sewer system. Owners shall make this connection at their expense. Owners shall obtain all necessary permits for the sewer connection and pay all fees required to connect to the City's sewer system. Owners shall become sewer customers of the City and shall pay all sewer fees and charges established by the City.

3. All sewer lines and appurtenances serving Owners' property shall be located within standard sewer easements dedicated to the public use and constructed in compliance with City regulations and standards. Construction of the sewer lines and appurtenances shall be inspected by the City as though the property were within the City limits and shall be subject to City approval. The sewer lines and appurtenances shall be deeded to the City after they have been constructed and pass City inspection.

4. Sewer lines serving property other than Owners' property shall not be connected to the sewer lines serving Owners' property without the City's consent.

5. All development and construction on Owners' property shall conform to all City ordinances and standards as though the property were within the City limits. Construction of all sanitary sewers, storm sewers, streets, sidewalks, buildings and other structures on Owners' property shall be inspected by the City as though the property were within the City limits. All sanitary sewers, storm sewers, streets and sidewalks shall be dedicated to the public use.

6. Preliminary and final plats of the subdivision of Owners' property must be prepared in accordance with the City Subdivision Code. All such plats shall be submitted to the City's Director of Planning and Development for staff review and City Council approval prior to any action taken on the plats by the Boone County Commission.

7. If any conflict exists between a County regulation and a City regulation, Owners, to the extent required by law, shall follow the County regulation. Owners acknowledge that no conflict is involved where a City regulation imposes a more stringent minimum requirement than a corresponding County regulation and where the City imposes regulations that are not imposed by the County.

8. To the extent allowed by law, City may annex Owners' property into the City, without further action of the Owners, after Owners' property becomes contiguous to the corporate limits of the City.

9. Owners irrevocably appoint the City Manager of Columbia, Missouri, as its attorney-in-fact for the sole purpose of presenting a verified petition requesting annexation of Owners' property to the City Council of Columbia, Missouri. The City Manager may exercise this power of attorney at any time after Owners' property becomes contiguous to the corporate limits of the City.

10. If requested by the City Manager Owners shall, within such time as specified by the City Manager, submit a verified petition requesting annexation of Owners' property to the Director of Planning and Development for presentation to the City Council of Columbia, Missouri. The City Manager may request Owners to present an annexation petition at any time after Owners' property becomes contiguous to the corporate limits of the City. The provisions of this paragraph shall be enforceable by specific performance.

11. The petition for annexation may request that Owners' property be placed in zoning District R-1 upon annexation. If the proposed ordinance annexing Owners' property does not place Owners' property in zoning District R-1, Owners may withdraw the petition for annexation. Such withdrawal shall not affect the parties' obligations under this agreement, including City's obligation to provide wastewater treatment service.

12. Owners agree not to take any action to oppose any annexation initiated by the City which includes Owners' property. Owners agree not to take any action to oppose any annexation initiated by the City or by any property owner which includes any property lying between Owners' property and the City limits.

13. Owners shall give a copy of this agreement to each person who buys all or a portion of Owners' property.

14. If Owners fail to comply with any of the provisions of this agreement, City may terminate sewer service to Owners' property and disconnect the sewer lines serving Owners' property from the City's sanitary sewer system. City shall give Owners six months prior written notice of its intent to terminate sewer service.

15. This agreement is not intended to confer any rights or remedies on any person other than the parties.

16. The benefits and burdens of this agreement are intended to attach to and run with the land and shall be binding on and inure to the benefit of the parties and their respective legal representatives, successors, heirs and assigns. All persons claiming under the parties shall conform to and observe the provisions of this agreement.

17. This agreement shall be recorded in the office of the Boone County Recorder of Deeds.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

By: _____
H. William Watkins, City Manager

ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

OWNERS

By: Estil D Poff
Estil D. Poff

By: Susan L Hawkins-Poff
Susan L. Hawkins-Poff

STATE OF MISSOURI)
) ss
COUNTY OF Boone)

On this 22 day of March, 2009 before me appeared Estil D. Poff and Susan L. Hawkins-Poff, husband and wife, known to me to be the persons described in and who executed the within agreement, who being by me duly sworn, acknowledged that they executed the same as their free act and deed for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed my official seal, at my office in Columbia, Boone County, Missouri, the day and year first above written.

Billie Connally
Notary Public

My commission expires: 6/6/10.

BILLIE CONNALLY
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
BOONE COUNTY
MY COMMISSION EXPIRES JUNE 6, 2010
COMMISSION ID: 00000000

Source

Tim Teddy

TO: City Council
FROM: City Manager and Staff
DATE: April 11, 2008



RE: A request by Estil D. Poff and Susan L. Hawkins-Poff to enter into an agreement with the City of Columbia to extend City sanitary sewer service to property located outside the City limits, which is not contiguous to the City limits. The subject property is located on the southeast corner of E. Alfalfa Drive and N. Redtop Court (6400 N. Redtop Court), and contains approximately 4.0 acres. (Case 07-96)



Fiscal Impact

YES

~~NO~~



Other Info.

EXECUTIVE SUMMARY

The above request is being made in accordance with the provisions set forth in City Council Policy Resolution 115-97A, which was adopted by the Council on August 18, 1997. The Resolution requires owners of property which is not contiguous to the City limits to sign an annexation agreement prior to connecting to the City's sewer system.

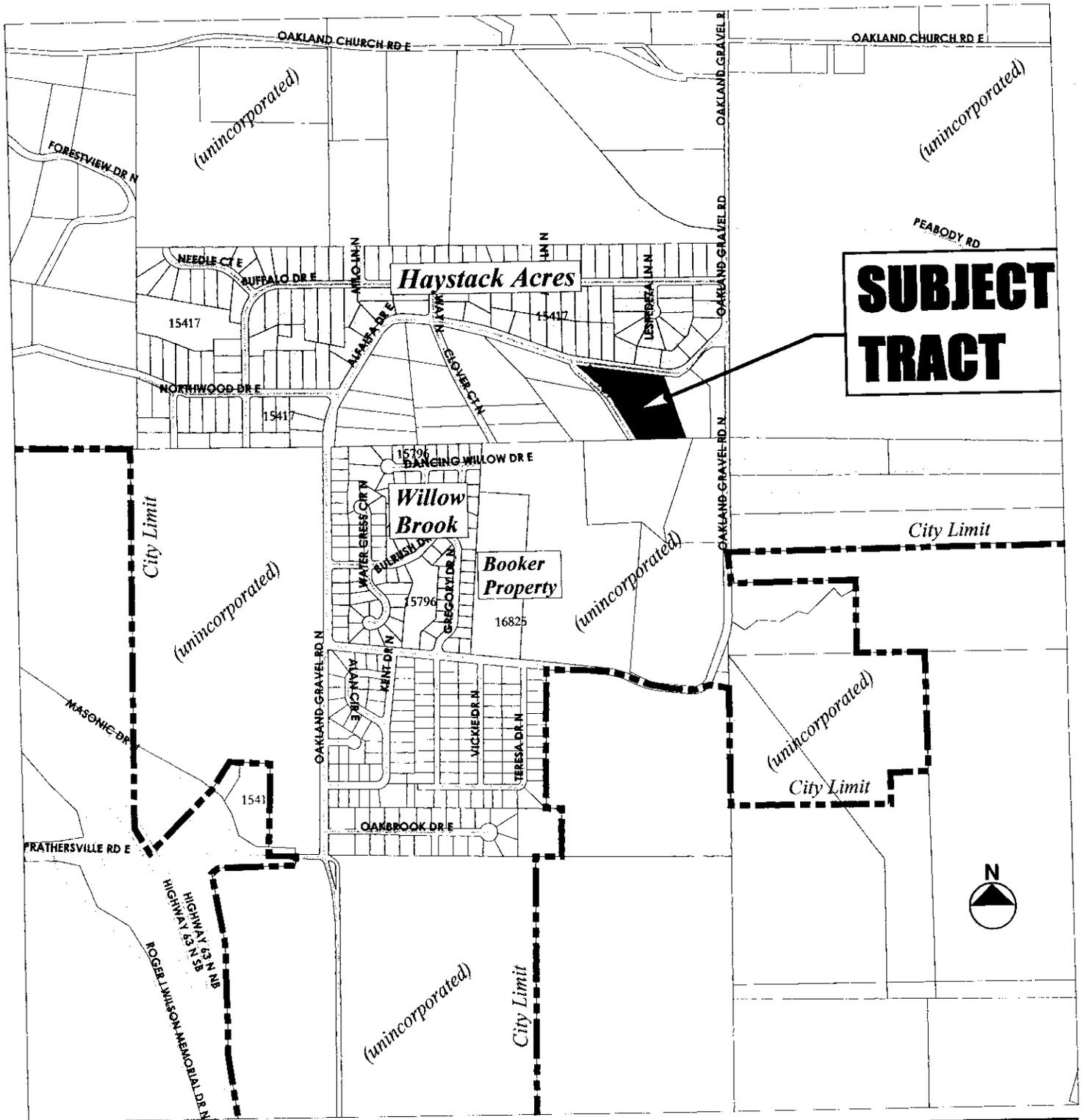
The subject property, which is approximately 1,000 feet north of the City limits, is a four-acre tract with a single-family house on it. It is part of the Haystack Acres Subdivision. The owners wish to connect to an existing City sanitary sewer line located north of the site on the north side of Alfalfa Drive. Since the subject property is not contiguous to the City limits, an annexation agreement is needed in accordance with Policy Resolution 115-97A.

The majority of the lots within the Haystack Acres and Willowbrook Subdivisions, as well as the nine-acre Booker property, are also subject to annexation agreements approved by the City Council in the late 1990s and in 2001.

A locator map, a letter from the property owners' consultant requesting the annexation agreement and a copy of the annexation agreement are attached.

SUGGESTED COUNCIL ACTION

If the Council is in agreement with this request, the ordinance should be approved, authorizing the City Manager to sign the annexation agreement.



SUBJECT TRACT

07-96
Legend

-  Approved Annex. Agreements
-  Subject Tract

Engineering Surveys ana Services

Consulting Engineers, Geologists, and Land Surveyors
Analytical and Materials Laboratories

Larry L. Hendren, PE, RG
David A. Bennett, PE
Timothy J. Reed, PLS
Morton L. Ratliff, PLS
Bruce A. Dawson, PE
Richard J. Rolsing, PE

Randall A. Lee, PE, RG
Timothy J. O' Connor, PE
Benjamin A. Ross, PE, PTOE
Clifford S. Jarvis, PE
Zachary K. Thomas, PE
Matthew A. Kriete, PE

October 31, 2007

1113 Fay Street
Columbia, Missouri 65201
Telephone 573-449-2646
Facsimile 573-499-1499
E-Mail ess@ess-inc.com
<http://www.ess-inc.com>

Mr. Timothy Teddy, Director
City of Columbia
Department of Planning and Development
P.O. Box 6015
Columbia, MO 65205

Case
7-96

Dear Mr. Teddy:

On behalf of Estil D. Poff and Susan L. Hawkins-Poff, the owners of Lots 3 and 4 Haystack Acres, we respectfully request that you prepare an annexation agreement for their property. The Poff's intend to tie into a city sewer main on the north side of Alfalfa Drive. We are currently replatting their two lots, into one lot. This plat should be approved by the Boone County Commission at their meeting on November 27, 2007.

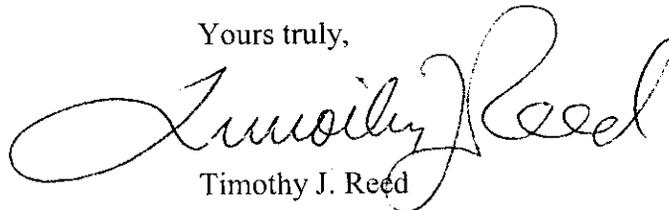
Enclosed are the property summary sheets from the Assessor for both lots and a locator map. When this property is annexed the Poff's would like the zoning to be R-1 (one family dwelling district)

Thank you for your consideration of this request.

If you have any questions, please contact me.

Thank you very much.

Yours truly,



Timothy J. Reed

Enclosures
Cc: Mr. Estil Poff

A POLICY RESOLUTION

establishing a policy for the extension of City sewer service in areas outside the city limits.

WHEREAS, a significant amount of urban growth is occurring in unincorporated areas of Boone County surrounding the City of Columbia; and

WHEREAS, the City desires to encourage annexation in order to provide for the orderly growth of the city; and

WHEREAS, current annexation laws prevent the timely annexation of all the urban growth areas around Columbia into the city limits; and

WHEREAS, the City has a legitimate interest in the proper development of areas that may one day be within the city limits; and

WHEREAS, the City has a legitimate interest in the manner in which sewage is handled in areas surrounding the city, especially in areas where sewage effluent is discharged into streams flowing through the city; and

WHEREAS, it is in the long-term interest of the City of Columbia and of the urban growth area surrounding Columbia that the development occurring in this growth area be in accordance with City development standards; and

WHEREAS, the City Council desires to establish general policy guidelines for the Council and City staff to consider when evaluating requests for City sewer service outside the city limits.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The following policy guidelines shall apply to areas requesting City sewer service that are contiguous to the city limits:

A. City sewer service may be provided to an undeveloped area, tract, parcel or platted lot contiguous to the city limits only after the area has been annexed. All City development procedures and standards, including the platting process and land preservation regulations, shall apply to the area annexed.

B. City sewer service may be provided to a developed area, tract, parcel or platted lot contiguous to the city limits and under single ownership or control only after the area has been annexed. All facilities to be connected to the sewer system must be in compliance with City sewer standards and plumbing codes. The City will have all such facilities inspected and the property owners must agree to make any improvements necessary to bring the facilities into compliance.

C. City sewer service may be provided to a partially or fully developed area contiguous to the city limits which is not under single ownership or control but which is served by a centralized collection system only after the area has been annexed or the City Council has waived the annexation requirement. All facilities to be connected to the sewer system must be in compliance with City sewer standards and plumbing codes. The City will have all such facilities inspected and the property owners must agree to make any improvements necessary to bring the facilities into compliance.

SECTION 2. The following policy guidelines shall apply to areas requesting City sewer service that are not contiguous to the city limits:

A. City sewer service may be provided to an undeveloped area, tract, parcel or platted lot that is not contiguous to the city limits only after the property owners have entered into an annexation agreement with the City. All City development standards, including subdivision standards and land preservation regulations, shall be met in the area subject to the annexation agreement unless waived by the City Council.

B. City sewer service may be provided to a developed area, tract, parcel or platted lot that is not contiguous to the city limits and that is under single ownership or control only after the property owners have entered into an annexation agreement with the City. All facilities to be connected to the sewer system must be in compliance with City sewer standards and plumbing codes. The City will have all such facilities inspected and the property owners must agree to make any improvements necessary to bring the facilities into compliance.

C. City sewer service may be provided to a partially or fully developed area that is not contiguous to the city limits and that is not under single ownership or control but which is served by a centralized collection system only after the property owners have entered into an annexation agreement with the City or the City Council has waived the annexation agreement requirement. All facilities to be connected to the sewer system must be in compliance with City sewer standards and plumbing codes. The City will have all such facilities inspected and the property owners must agree to make any improvements necessary to bring the facilities into compliance.

SECTION 3. All annexation agreements required by this resolution shall provide that, when the property becomes contiguous to the city limits, the owners of the property shall petition the City for annexation. The agreements shall also provide that the owners of the property will not contest or oppose any annexation initiated by the City or by other parties that includes the property or that would allow the property to become contiguous. Annexation agreements shall be binding on all future owners of the property.

SECTION 4. This resolution is intended to establish general policy guidelines for City staff and City Council to consider when evaluating requests for City sewer service outside the city limits. This resolution shall not establish any right to City sewer service.

ADOPTED this 18th day of August, 1997.

ATTEST:

Denny McDonnave
City Clerk

Lanni Windman
Mayor and Presiding Officer

APPROVED AS TO FORM:

Fred Bushman
City Counselor