

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: REP 111-14

Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: November 17, 2014

Re: Annexation Policy for Sewer Tap Fees (CM #3978)

Documents Included With This Agenda Item

Council memo

Supporting documentation includes: Letter dated September 19, 2014, Map, Copy of Annexation Agreements, Copy of Policy Resolution 115-97A, Copy of Ordinance 015324

Executive Summary

Council directed staff to prepare a report concerning sewer tap fees for the annexation agreement with the Settler's Ridge development.

Discussion

At the October 6, 2014 Council meeting, staff was directed to prepare a report in response to a letter received from T-Vine Enterprises Inc (Attachment 1) regarding the sewer connection fees for the Settler's Ridge Subdivision, and why the City charged 1.5 times the sewer tap fee for this development.

The Settler's Ridge Subdivision is located north of Highway HH, between North Route B and North Brown Station Road, as shown on the attached diagram (Attachment 2). The subdivision is located outside the City of Columbia.

In October 2001, the City and the developers signed an annexation agreement (Attachment 3) for the Settler's Ridge Subdivision which allowed the development to connect to City sewer. Properties in the development would become a sewer customer of the City and shall pay all sewer fees and charges established by the City. The 2001 annexation agreement also stipulated that the developer would make a one time payment of \$75,000 to be used for future sewer improvements.

In 2004, the City completed an 80-acre point sewer project known as the "B-20 Sewer Extension project" which brought City sewer to the Settler's Ridge Subdivision property. The construction cost for the B-20 Sewer Extension project was \$182,310.70.

In November 2011, T-Vine Enterprises Inc re-platted the Settler's Ridge Subdivision and signed a new annexation agreement (Attachment 4) for the Settler's Ridge Subdivision. Since the properties in the Settler's Ridge Subdivision are located outside the City, they are charged higher monthly sewer user charges and higher sewer connection fees in accordance with Section 22-266 of City Code, established in 1964, as follows:

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Section 22-266 Computation of service charge to users outside city states:

Each user of the wastewater system of the city whose property or premises may be located outside the corporate limits of such city and within any unincorporated area, shall pay as a sewage service charge a sum equal to the charge computed under the provisions of section 22-263 of this Code plus fifty (50) percent. Each user of the wastewater system of the city whose property or premises may be located outside the corporate limits of the city and within the corporate limits of any other municipality, or each user in an area whose inhabitants have instituted proceedings for incorporation as another municipality, shall pay as a sewage service charge a sum equal to the charge computed under the provisions of section 22-263 of this Code plus one hundred (100) percent. Persons owing a connection fee for property located outside the corporate limits of the city shall pay as a connection fee a sum equal to the connection fee computed under the provisions of section 22-264 of this Code plus fifty (50) percent. The amounts computed in accordance with this section shall be considered as additional capital charges.

On August 18, 1997, City Council adopted Policy Resolution 115-97A (Attachment 5) which established the requirement for properties to either annex into the City or sign pre-annexation agreements in exchange for City sewer service.

On September 2, 1997, City Council passed Ordinance 15324 (Attachment 6) which established sewer connection fees (Section 22-264). As part of Ordinance 15324, City Council also modified Section 22-266 which added the requirement for the higher sewer connection fees for properties outside the City. Section 22-266 of the City Code has not been modified since September 1997.

Staff recommends no changes to City Code regarding sewer user fees and connection fees to properties outside the City.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Environment

Strategic Plan Impact: Infrastructure

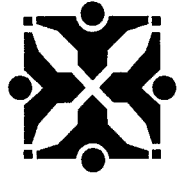
Comprehensive Plan Impact: Environmental Management, Infrastructure

Suggested Council Action

For information only.

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Legislative History

1964 - Establishing sewer charge fees to users outside city

08-18-97 (PR 115-97A) Policy for extension of City sewer service to areas outside the City

09-02-97 (Ord 15324) Section 22-266 Computation of sewer charges and fees to users outside City

01-21-11 (Ord 21145) Revised annexation agreement with T-Vine Enterprises (original agreement also attached)



Department Approved



City Manager Approved



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Letter dated September 19, 2014, Map, Copy of Annexation Agreements, Copy of
Policy Resolution 115-97A, Copy of Ordinance 015324



September 19, 2014

Mr. John Glascock, P.E.
Director of Public Works
City of Columbia
P.O. Box 6015
Columbia, MO 65205

Dear Director Glascock:

As you know, Settler's Ridge, owned by T-Vine Development, Co., receives sewer service from the City in exchange for an Annexation Agreement. It has come to my attention that when we pay the sewer tap fee we pay one and a half times the base rate. While we have been able to build in the pricing throughout the past few years it has been a difficult line item to explain to buyers as they do not see the direct benefit of paying the fifty percent increase in the sewer hookup fee.

During the past five years the fee we pay to the City has increased to approximately \$1250.00 per sewer tap. Now that the Council has passed the new increase in sewer fees, which begins October 1, 2014, that increase will have a significant effect on our bottom line and we will have to raise our prices to cover that increase. This is easier to address if you are building high end housing (above \$250,000) as the price increase is a smaller percentage of the bottom line.

This new sewer fee increase will put our company at a significant disadvantage with our competitors. We build primarily affordable housing projects which are very sensitive to increases in cost. You might wonder why we are not annexed into the City. First, our development is not contiguous, yet. Second, the majority of the homes we sell are financed through USDA financing which cannot be used once we are in the City limits. USDA provides a minimal down payment and provides a lending venue for buyers who are qualified with a modest, median income for Boone County. Third, though our development has a Columbia address the school system is the Hallsville School District thus, many of the residents consider themselves living just outside of Hallsville almost as much as they consider themselves just outside of Columbia.

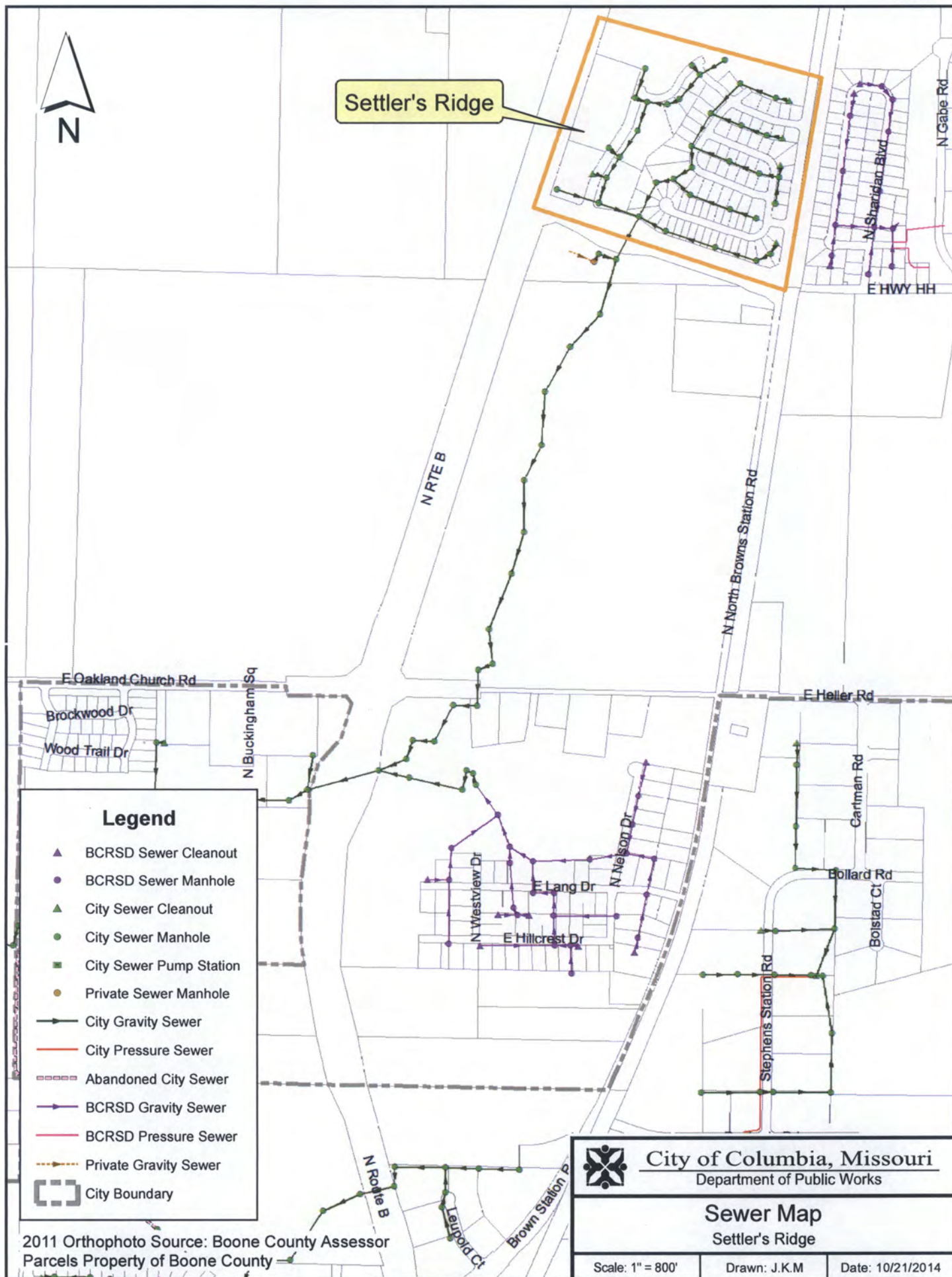
While the increase in fees is non-negotiable, the multiplier used by the City for our connection fees is very repressive and places anyone in the neighborhood at a disadvantage. Therefore, would it be possible for you to investigate the policy and see if we can come up with a reasonable solution? Perhaps just paying the increased sewer fee as proposed without the multiplier?

Thank you for consideration,

Sincerely,

A handwritten signature in cursive script, appearing to read 'Rhonda Carlson', is written over a horizontal line.

Rhonda Carlson



Section 102-573 Ord. 17065; Authorizing an Annexation Agreement w/B.C. Investments of Columbia, L.L.C.; Approving the Preliminary Plat of Settlers Ridge

Ordinance No. 17065 Council Bill No. B 333-01

AN ORDINANCE

authorizing the City Manager to execute an annexation agreement with B.C. Investments of Columbia, L.L.C.; directing the City Clerk to have the agreement recorded; approving the Preliminary Plat of Settlers Ridge; 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 B.C. Investments of Columbia, L.L.C.. 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. The City Council hereby approves the Preliminary Plat of Settlers Ridge, dated June 13, 2001, a major subdivision located outside city limits on both sides of State Route B, south of Ketterer Road.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this 15th day of October, 2001.

ANNEXATION AGREEMENT

This agreement entered into this 14th day of October, 2001, between the City of Columbia, Missouri, a municipal corporation (hereinafter "City") and B.C. Investments of Columbia, L.L.C. (hereinafter "Owner").

The parties agree as follows:

1. Owner represents that it is the sole owner of the following real estate located in Boone County, Missouri:

TRACT 1

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 49 NORTH, RANGE 12 WEST, IN BOONE COUNTY MISSOURI, BEING A PORTION OF THE DEED RECORDED IN BOOK 381, PAGE 316 OF THE BOONE COUNTY RECORDS AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 9 AS SHOWN BY THE SURVEY RECORDED IN BOOK 1275, PAGE 189 OF SAID COUNTY RECORDS; THENCE WITH THE QUARTER SECTION LINE S88°47'20"E, 898.09 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF ROUTE B; THENCE LEAVING SAID QUARTER SECTION LINE AND WITH SAID RIGHT-OF-WAY LINE S1°28'10"W, 44.42 FEET; THENCE S88°31'50"E, 62.00 FEET; THENCE S42°13'25"E, 100.01 FEET; THENCE S17°48'10"W, 2671.86 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION; THENCE LEAVING SAID RIGHT-OF-WAY AND WITH THE SOUTH LINE OF SAID SECTION N88°39'55"W, 259.66 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE WITH THE QUARTER SECTION LINE N1°04'50"E, 2677.39 FEET TO THE POINT OF BEGINNING AND CONTAINING 40.44 ACRES.

AND

TRACT 2

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 49 NORTH, RANGE 12 WEST, IN BOONE COUNTY MISSOURI, BEING A PORTION OF THE DEED RECORDED IN BOOK 381, PAGE 316 OF THE BOONE COUNTY RECORDS AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 9 AS SHOWN BY THE

SURVEY RECORDED IN BOOK 1275, PAGE 18. OF SAID COUNTY RECORDS; THENCE WITH THE QUARTER SECTION LINE S88°47'20"E, 1498.10 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF ROUTE B, SAID POINT BEING THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, CONTINUING WITH SAID QUARTER SECTION LINE S88°47'20"E, 1076.93 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF BROWN STATION ROAD; THENCE LEAVING SAID QUARTER SECTION LINE AND WITH SAID WEST RIGHT-OF-WAY LINE, S8°47'55"W 2548.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY HH; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE AND WITH SAID NORTH RIGHT-OF-WAY LINE, S65°24'50"W, 74.15 FEET; THENCE N72°11'50"W, 785.00 FEET; THENCE N53°45'45"W, 158.11 FEET; THENCE N72°11'50"W, 150.00 FEET; THENCE N81°17'15"W, 253.18 FET; THENCE N71°28'45"W, 207.47 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF ROUTE B; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE AND WITH SAID EAST RIGHT-OF-WAY LINE N17°48'10"E, 1350.00 FEET; THENCE N22°05'30"E, 200.56 FEET; THENCE N17°48'10"E, 500.00 FEET; THENCE N55°04'30"E, 149.76 FEET; THENCE S88°31'50"E, 80.00 FEET; THENCE N1°28'10"E, 57.12 FEET TO THE POINT OF BEGINNING AND CONTAINING 76.59 ACRES.

(hereinafter "Owner's property")

2. City shall extend its sanitary sewer system to the south property line of Owner's property. The approximate route of this sanitary sewer extension project and the area of Owner's property served by the sewer extension are shown on "Exhibit A" which is attached to this agreement.

3. Owner, at its sole expense, shall have the design, engineering and survey work performed to develop the plans and specifications and the easement descriptions for the sewer extension project. The design and engineering work shall be performed to City's design standards and in a manner acceptable to the City and suitable for public bidding. Owner shall present the completed plans, specifications and easement descriptions to the City within 90 days after this agreement becomes effective.

4. Owner shall pay City a one time lump sum amount of \$75,000 to be used for future upgrades to the North Hampton Village Pump Station or for the construction of the sewer described in paragraph 2. This payment shall be made no later than 60 days after the Columbia City Council passes an ordinance confirming a contract for either the upgrade of the pump station or the sewer extension described in paragraph 2, whichever occurs first. No part of Owner's property shall be connected to City's sewer system until the money owed City under this paragraph is paid in full.

5. City shall cause the sewer extension project to be bid and constructed following the receipt of the final plans, specifications and easement descriptions.

6. Owner agrees to dedicate, at no cost to the City, the necessary permanent sewer easements and temporary construction easements where the sewer line crosses property owned by or under the control of Owner.

7. City shall make a good faith effort to construct the sewer project in the 2002 construction season.

8. Subject to the conditions of this agreement, City shall allow Owner to connect sanitary sewer lines serving Owner's property to the City's sanitary sewer system. Owner shall make this connection at its expense. Owner shall obtain all necessary permits for the sewer connection and pay all fees required to connect to the City's sewer system. Owner shall become a sewer customer of the City and shall pay all sewer fees and charges established by the City.

9. All sewer lines and appurtenances serving Owner's 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.

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

11. No permit for a sewer connection shall be issued and no sewer connection shall be made on Owner's property unless adequate minimum flows of water for fire protection are provided for the building sought to be connected. The standards for determining adequate flows for fire protection shall be those established for the City's Water and Light Department in Section 27-58 of the City Code or any successor ordinance in effect at the time the permit is issued.

12. Owner agrees to develop and implement a stormwater management plan in compliance with City standards for Owner's property.

13. All development and construction on Owner's property shall conform to all City ordinances and standards as though the property were within the City limits. All sanitary sewers, storm sewers, streets and sidewalks shall be dedicated to the public use.

14. Owner agrees to comply with the conditions attached to the combined preliminary plat and revised plan approved by the Boone County Commission on February 22, 2001, including all off-site road improvements.

15. Final plats of the subdivision of Owner's 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 approval and recording of the

plat by Boone County. Owner agrees to show on a final plat a road extension west of Route B to the next adjacent property at the intersection of Route B and Route HH should this road extension be approved by Boone County and the Missouri Department of Transportation.

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

17. The City address numbering plan shall be complied with in connection with the development of Owner's property.

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

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

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

21. Owner agrees not to take any action to oppose any annexation initiated by the City which includes Owner's property. Owner agrees not to take any action to oppose any annexation initiated by the City or by any property owner which includes any property lying between Owner's property and the City limits.

22. Owner shall give a copy of this agreement to each person who buys all or a portion of Owner's property from Owner.

23. If Owner fails to comply with any of the provisions of this agreement, City may refuse to extend sewer service to any additional portions of Owner's property and refuse to allow any additional buildings on Owner's property to be connected to City's sewer lines.

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

25. 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 and assigns. All persons claiming under the parties shall conform to and observe the provisions of this agreement.

26. 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: 
Raymond A. Beck, City Manager


ATTEST:


Penny St. Romaine, City Clerk

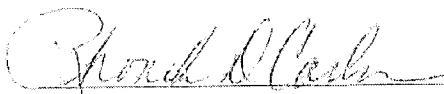
APPROVED AS TO FORM:


Fred Boeckmann, City Counselor

OWNER

By: 
KERSTEN K. CARLSON

ATTEST:


Rhonda D. Carlson

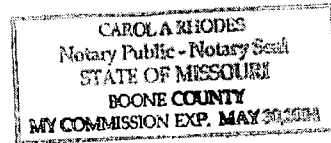
STATE OF MISSOURI)
) ss
COUNTY OF BOONE)

On this 16 day of October, 2001, before me appeared Raymond A. Beck, to me personally known, who, being by me duly sworn, did say that he is the City Manager of the City of Columbia, Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of the City and that this instrument was signed and sealed on behalf of the City by authority of its City Council and the City Manager acknowledged this instrument to be the free act and deed of the City.

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.

Carol A. Rhodes
Notary Public

My commission expires: 5/30/04



STATE OF MISSOURI)
) ss
COUNTY OF BOONE)

On this 24th day of September, 2001, before me appeared KERSTEN K. RUSSELL CARLSON to me personally known, who, being by me duly sworn, did say that she is the SOLE MEMBERS of B.C. Investments of Columbia, L.L.C. and that she is duly authorized to execute the foregoing instrument on behalf of the company and acknowledged the instrument to be the free act and deed of the company.

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.

Andy Lister
Notary Public

My commission expires: 04/20/2004

021145

Permanent Record
Filed in Clerk's Office

4

Introduced by McDavid
First Reading 11-7-11 Second Reading 11-21-11
Ordinance No. 021145 Council Bill No. B 306-11

AN ORDINANCE

authorizing the City Manager to execute an annexation agreement with T-Vine Enterprises, Inc.; 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 T-Vine Enterprises, Inc. The form and content of the agreement shall be substantially as set forth in "Attachment 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 21st day of November, 2011.

ATTEST:

[Signature]
City Clerk

[Signature]
Mayor and Presiding Officer

APPROVED AS TO FORM:

[Signature]
City Counselor

Source: Tim Teddy

Agenda Item No. _____

FISCAL and VISION NOTES:

City Fiscal Impact Enter all that apply:	
\$0	City's current net FY cost.
\$0	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs:
\$0	One-time
\$0	Operating / On-going
Program Impact:	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	
N	Federal or state mandated? (Y/N)
Vision Implementation Impact Enter Below All That Applies:	
Y	Vision Impact? (Y/N or if N, go no further)
10.1.9	Primary Vision Statement, Goal, and/or Strategy Item#
NA	Secondary Vision Statement, Goal, and/or Strategy Item#
NA	FY10/FY11 Implementation Task#

TO: City Council
FROM: City Manager and Staff
DATE: October 27, 2011
RE: Annexation Agreement – Settlers Ridge
Property bisected by Mo. Route B, south of
Ketterer Road (Case 11-110)

EXECUTIVE SUMMARY:

The attached annexation agreement would allow a residential and commercial project on Route B to continue, as it develops, its connection to the City's sewer system in advance of annexation to the City. The agreement provides that the property owner and all successive property owners of the property agree to annex the property at such time as the property becomes contiguous to a city boundary.

As the date when the City's boundary may reach the tract is uncertain at this time, the agreement waives some of the City's ordinances regarding development, with exceptions for storm water management, where standards will vary based on land use, landscaping, tree preservation, and sidewalk requirements, and it specifies a specific Boone County street standard that most closely resembles City standards. In other respects, the development will follow the Boone County planning and zoning processes and regulations.

DISCUSSION:

This agreement is an effort to streamline the City's standard annexation agreement. In the past, development occurring outside the City limits requesting City sewer was subjected to two sets of regulatory processes. Agreements typically stated that all of the applicable Boone County and City development regulations would apply and where regulations were different the most stringent would prevail. In practice this meant that Boone County plan reviewers and inspectors would enforce two sets of regulations. It also required developers to file preliminary and final plats with both the City and the County for City Council and County Commission approvals.

In June, 2011, the Council directed staff to draft an annexation agreement using this streamlined approach for another development, with the main component being the removal of the requirement for Council approval. As currently proposed, the Settlers Ridge agreement requires the owner-developer to obtain all applicable Boone County approvals; to follow County storm water management regulations for areas used for single-family dwellings (zoned R-SP); to follow the City storm water management regulations (Chapter 12A, Article VI) for all areas not used for single-family dwellings

(zoned R-MP and C-GP); construction of storm sewers, storm detention, storm water treatment facilities and other components of the storm water management system on Owner's property shall be inspected by the City as though the property were within the City limits; to install sidewalks per City subdivision requirements, including the frontages on Missouri Routes B and HH; and to construct streets according to a Boone County street standard that includes barrier curbs. The City will continue to provide sewer collection and treatment service for the entirety of the site, including those phases yet to be improved. Other standards, such as landscaping and tree preservation, shall follow City regulations.

The justification for departure from the standard agreement is the reality that the subject tract will remain in unincorporated Boone County for the foreseeable future; therefore, it makes sense that the development be handled as a Boone County project. The Council has the authority to waive one or more City regulations in Section 2.A of Policy Resolution PR 115-97A, which details City policy for non-contiguous property receiving sanitary sewer service from the City. At the time the policy was approved, there may have been concerns regarding the adequacy of Boone County regulations to ensure development appropriate for future annexation. Staff believes that is not the case today, though it has recommended some City standards be imposed to maintain greater consistency with other City development.

In the event the owner is unsuccessful in receiving similar zoning upon annexation (e.g. R-1, PUD, or C-P for the corresponding portions of the development) the agreement provides that it shall become null-and-void, though it will not absolve the City of providing sewer service.

FISCAL IMPACT:

Fiscal impacts are unknown at this time. The initial fiscal impact will be positive as the City collects rates for connection to City sewer. Ultimately the City will be responsible for provision of additional City services to the development, the costs of which will be offset by taxes and user fees.

VISION IMPACT:

Streamlining the annexation agreement process aligns with Strategy 10.1.9 from the Governance Citizen Topic Group: *Increase the collaboration and coordination between the City and County.*

SUGGESTED COUNCIL ACTIONS:

Approval of the attached annexation agreement.



Recorded In Boone County, Missouri

Date and Time: 11/25/2011 at 01:22:03 PM

Instrument #: 2011023120 Book: 3883 Page: 43

Grantor: COLUMBIA CITY OF

Grantee: COLUMBIA CITY OF

Instrument Type: ANEX

Recording Fee: \$45.00 S

No. of Pages: 8

Bettie Johnson, Recorder of Deeds



ANNEXATION AGREEMENT

ord # 021145

This agreement entered into this 25th day of November, 2011, between the City of Columbia, Missouri, a municipal corporation (hereinafter "City") and T-Vine Enterprises, Inc. (hereinafter "Owner").

The parties agree as follows:

1. Owner represents that it is the sole owner of the following real estate located in Boone County, Missouri:

TWO (2) TRACTS OF LAND IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 49 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACTS DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1932, PAGE 243, RECORDS OF BOONE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1

TRACT 1 OF THE SURVEY RECORDED IN BOOK 1629, PAGE 710, RECORDS OF BOONE COUNTY, MISSOURI;

TRACT 2

TRACT 2 OF THE SURVEY RECORDED IN BOOK 1629, PAGE 710, EXCEPT THAT PART OF SAID TRACT 2 WITHIN SETTLERS RIDGE PLAT 1, RECORDED IN PLAT BOOK 39, PAGE 16, BOTH OF THE RECORDS OF BOONE COUNTY, MISSOURI.

(hereinafter "Owner's property").

2. City shall allow Owner to connect sanitary sewer lines serving Owner's property to the City's sanitary sewer system. Owner shall make this connection at its expense. Owner shall obtain all necessary permits for the sewer connection and pay all fees required to connect to the City's sewer system. Owner shall remain a City sewer customer and shall pay all applicable sewer fees and charges.

3. All sewer lines and appurtenances serving Owner's 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 Owner's property shall not be connected to the sewer lines serving Owner's property without the City's consent.

5. Owner agrees to obtain all required approvals from the appropriate Boone County authorities for rezoning, preliminary and final subdivision plats, and all applicable development and construction permits necessary to construct a mixed-use (commercial and residential) development (Boone County Districts R-SP and R-MP or the equivalent in density - i.e., dwelling units per acre - of an R-SP or R-MP District residential development, Boone County District C-GP commercial development) as generally depicted in Exhibit A, attached. The parties agree that this agreement shall become null-and-void in the event the Boone County authorities do not grant the requested plat and construction approvals.

6. Except as modified herein, development and construction on Owner's property shall conform to all Boone County ordinances and standards for the duration the property remains outside the city limits. Design and construction of the storm water management system for non-single-family residential use parcels (zoned R-MP and C-GP) shall conform to the City's storm water management ordinance (Chapter 12A, Article V of the City Code) as though the property were within the City limits. Design and construction of the storm water management system for single-family residential use parcels shall conform to the County's storm water management ordinance. Construction of storm sewers, storm detention, storm water treatment facilities and other components of the storm water management system on Owner's property shall be inspected by the City as though the property were within the City limits. Public sidewalks shall be required on all streets including the subject property frontage on Missouri Routes B and HH as required by Section 25-48.1 of the City Subdivision Regulations (Chapter 25, City Code). All sanitary sewers, storm sewers, streets and sidewalks shall be forever dedicated to the public use. Owner shall construct and maintain appropriate landscaping (Section 29-25), lighting (Section 29-30.1), and designate appropriate tree preservation areas (12A-48A), as required by the City Code as though the property were within the City limits.

7. The parties agree that public streets may be constructed to Boone County standards provided the selected standard includes a "barrier" curb rather than "roll-back" curb or absence of curb-and-gutter. Owner agrees to construct public streets in conformance with either one of two standard typical cross sections as depicted in Exhibit B, "Boone County Local Road with Curb and Gutter Typical Cross Sections" 110.02 in Appendix B-1.

8. Preliminary and final plats of the subdivision of Owner's property must be prepared in accordance with applicable Boone County ordinances. There shall be no requirement that the City Council approve said plats prior to any action taken on the plats by the Boone County Commission.

9. If any conflict exists between a County regulation and a City regulation, Owner, to the extent required by law, shall follow the County regulation. Owner acknowledges that no conflict is involved where a City storm water or sidewalk regulation imposes a more stringent minimum requirement than a corresponding County regulation. Furthermore, where the City imposes regulations that are not imposed by the County (e.g. landscaping, lighting, and tree preservation), Owner acknowledges that no conflict is created.

10. All future development on this site shall be subject to this agreement, and any previous agreement shall be considered null-and-void.

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

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

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

14. The petition for annexation may request that Owner's property be placed in zoning district R-1 (one-family dwelling district), an appropriate PUD (Planned Unit Development), or an appropriate C-P (Planned Business) district upon annexation. If the proposed ordinance annexing Owner's property does not

place Owner's property in zoning district R-1, PUD, or C-P, Owner 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.

15. Owner agrees not to take any action to oppose any annexation initiated by the City which includes Owner's property. Owner agrees not to take any action to oppose any annexation initiated by the City or by any property owner which includes any property lying between Owner's property and the City limits.

16. Owner shall give a copy of this agreement to each person who buys all or a portion of Owner's property.

17. If Owner fails to comply with any of the provisions of this agreement, City may terminate sewer service to Owner's property and disconnect the sewer lines serving Owner's property from the City's sanitary sewer system. City shall give Owner six (6) months prior written notice of its intent to terminate sewer service.

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

19. 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.


20. 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.

[SIGNATURES ON FOLLOWING PAGES]

BOONE COUNTY MO NOV 25 2011


CITY OF COLUMBIA, MISSOURI

By: 
Mike Matthes, City Manager

ATTEST:


Sheela Amin, City Clerk

APPROVED AS TO FORM:


Fred Boeckmann, City Counselor

STATE OF MISSOURI)
) ss
COUNTY OF BOONE)

On this 25 day of Nov, 2011, before me appeared Mike Matthes, to me personally known, who, being by me duly sworn, did say that he is the City Manager of the City of Columbia, Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of the City and that this instrument was signed and sealed on behalf of the City by authority of its City Council and the City Manager acknowledged this instrument to be the free act and deed of the City.

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.


Notary Public Carol A. Rhodes

My commission expires: 6/1/2012



CAROL A. RHODES
My Commission Expires
June 1, 2012
Boone County
Commission #08497081

BOONE COUNTY MO NOV 25 2011

OWNER

T-VINE ENTERPRISES, INC.

By:

Kersten K. Carlson
Kersten K. Carlson, President

ATTEST:

By:

Rhonda D. Carlson
Rhonda D. Carlson, Secretary

STATE OF MISSOURI)
) ss
COUNTY OF BOONE)

On this 2nd day of November, 2011, before me appeared Kersten K. Carlson and Rhonda D. Carlson to me personally known, who, being by me duly sworn, did say that they are the President and the Secretary, respectively, of T-Vine Enterprises, Inc. and that the instrument was signed in behalf of the corporation by authority of its board of directors and they acknowledged the instrument to be the free act and deed of the corporation.

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.

Sandra E. Schulz
Notary Public Sandra E. Schulz

My commission expires: Aug 3 2012



SANDRA E. SCHULZ
My Commission Expires:
August 3, 2012
County
Commission #08612345

REVISED REVIEW PLAN AND PRELIMINARY PLAN
SETTLERS RIDGE

Exhibit A



- [illegible]



APPROVED BY THE CHIEF, BUREAU OF INVESTIGATION AND SPECIAL AGENT IN CHARGE, FBI, ON _____, 19____.

SUBJECT: _____

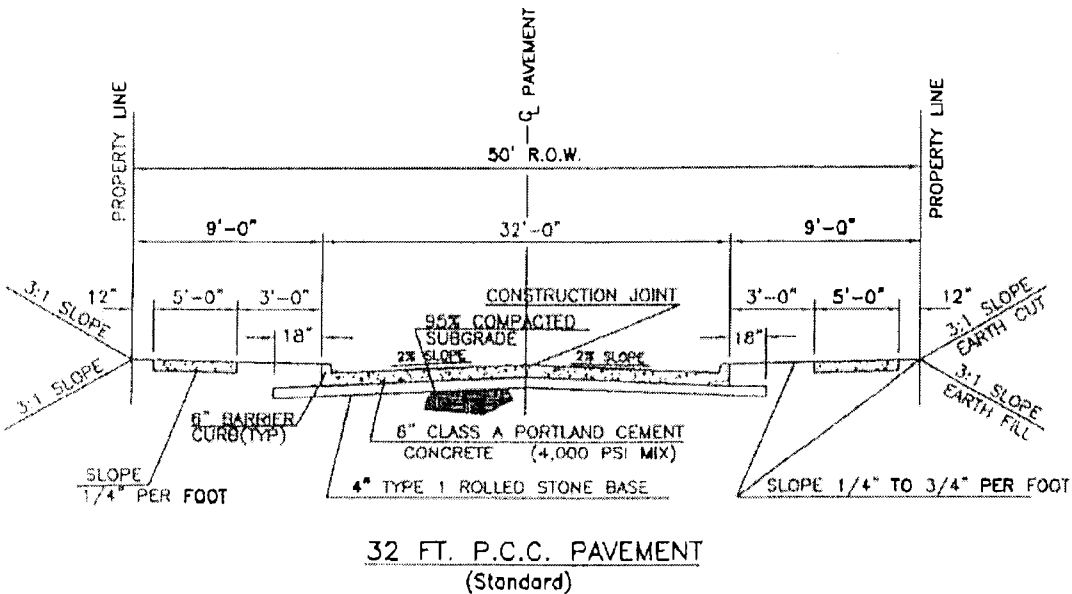
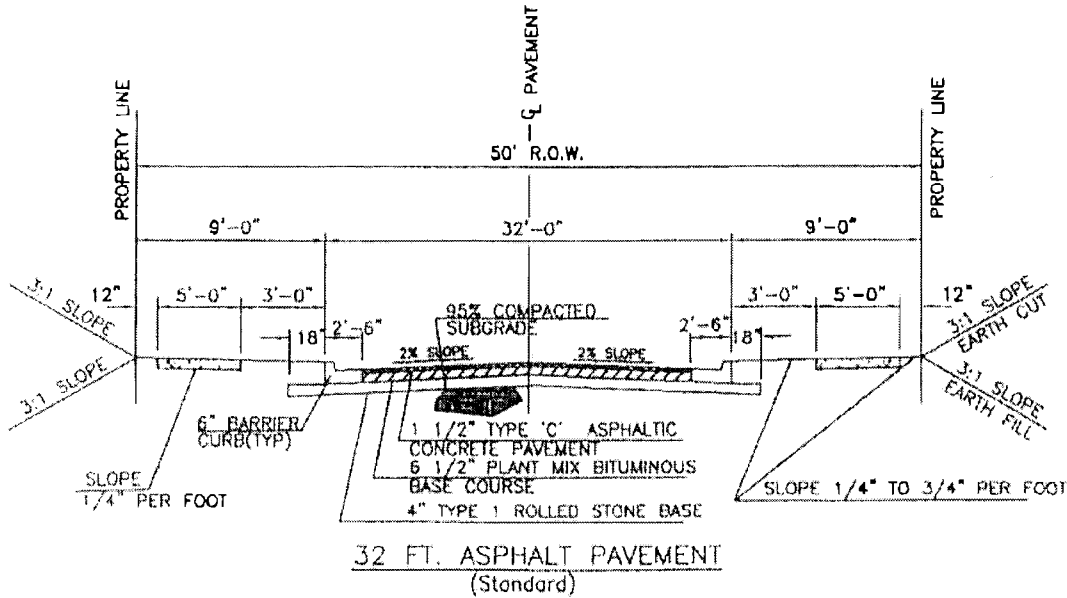
REPORT WAS RECEIVED BY THE BUREAU ON _____, 19____.

FOR YOUR BUREAU INFORMATION:

NOTE: GLIMMIX LISTS ESTIMATED IN THIS PLAN AND CONNECTION. MAKE UP ALL LIST AS PART OF RECORD NUMBER AND THIS PLAN IN THE FUTURE

[illegible]

APPENDIX B-1



JPW-II

1/28/06

Revisions



LOCAL ROAD
WITH CURB AND GUTTER
TYPICAL CROSS SECTIONS

110.02

Tom S. Hunt

Permanent Record
Filed in Clerk's Office

Introduced by Hindman Council Bill No. PR 115-97A

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 St. Donavine
City Clerk

Larry Windman
Mayor and Presiding Officer

APPROVED AS-TO FORM:

Fred Boehman
City Counselor

6

Document 96-154 Ord. 15324; Amending Chapter 22 - Establishing Wastewater System Connection Fees

Ordinance No. 015324 Council Bill No. B 213-97 A

AN ORDINANCE

amending Chapter 22 of the City Code to establish wastewater system connection fees; and fixing the time when this ordinance shall become effective.

WHEREAS, the City Council has determined that it is necessary to increase sanitary sewer utility revenues in order to pay for needed wastewater system capital improvements and wastewater system operating and maintenance costs; and

WHEREAS, the City Council has determined that establishment of a wastewater system connection fee is a desirable method of raising needed revenues for the sanitary sewer utility; and

WHEREAS, the City Council desires to establish an equitable wastewater system connection fee that is related to the level of services provided; and

WHEREAS, the City Council has determined that the wastewater system connection fees set forth in this ordinance, which are based on the size of the sewer customers' water meters, are closely related to the level of sanitary sewer services provided.

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

SECTION 1. Chapter 22 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be added underlined.

CHAPTER 22. PUBLIC WORKS AND IMPROVEMENTS

...

ARTICLE VI. SEWERS AND SEWAGE DISPOSAL

DIVISION 1. GENERALLY

Sec. 22-210. Definitions.

The following words and terms as used in this article shall be deemed to mean and be construed as follows, unless the context specifically indicates otherwise:

...

Wastewater or sewage. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

Wastewater system. All facilities for collecting, transporting, pumping, treating and disposing of wastewater.

...

DIVISION 6. RATES AND CHARGES

Sec. 22-264. Connection fees.

(a) The following definitions apply to this section:

"Expanded user of the wastewater system" means the owner or occupant of property that has previously been connected to the wastewater system who is increasing the size or number of water meters serving the property.

"New user of the wastewater system" means the owner or occupant of property that is being connected to the wastewater system for the first time.

(b) Each new user of the wastewater system shall pay a wastewater system connection fee based on the size of the water meter that shall serve the property in accordance with the following table:

<u>Size of water meter</u>	<u>Connection Fee</u>
<u>3/4"</u>	<u>\$ 300</u>
<u>1"</u>	<u>\$ 500</u>
<u>1-1/2"</u>	<u>\$ 1,000</u>
<u>2"</u>	<u>\$ 1,600</u>
<u>3"</u>	<u>\$ 3,000</u>
<u>4"</u>	<u>\$ 5,000</u>
<u>6"</u>	<u>\$ 10,000</u>
<u>8"</u>	<u>\$ 16,000</u>
<u>10"</u>	<u>\$ 24,000</u>
<u>12"</u>	<u>\$ 31,000</u>

(c) Each expanded user of the wastewater system who is increasing the size of a water meter shall pay a connection fee equal to the difference between the connection fee shown in subsection (b) for the size water meter which was in place prior to the expansion and the connection fee shown in subsection (b) for the size of the water meter to be installed. Each expanded user of the wastewater system who is increasing the number of water meters serving the property shall pay a connection fee for each additional water meter in accordance with the table in subsection (b).

(d) The director shall reduce the amount of the connection fee when the new or expanded user of the wastewater system establishes that a substantial portion of the water to be metered shall not be discharged into the wastewater system. The amount of the reduced connection fee shall be based on the size of the water meter that would have been required to provide that portion of the water to be metered that shall be discharged into the wastewater system.

(e) The wastewater system connection fees imposed by this section are in addition to plumbing permit fees and all other fees and charges imposed by the city.

(f) A plumbing permit to connect to the wastewater system shall not be issued unless the connection fee has been paid. A plumbing permit to increase the size of a water meter serving property that is connected to the wastewater system shall not be issued unless the connection fee has been paid. A plumbing permit to increase the number of water meters serving property that is connected to the

wastewater system shall not be issued unless the connection fee has been paid.

...

Sec. 22-266. Computation of [service]sewer charges and fees to users outside city.

Each user of the wastewater system of the city whose property or premises may be located outside the corporate limits of such city and within any unincorporated area, shall pay as a sewage service charge a sum equal to the charge computed under the provisions of section 22-263 of this Code plus fifty (50) per cent. Each user of the wastewater system of the city whose property or premises may be located outside the corporate limits of the city and within the corporate limits of any other municipality, or each user in an area whose inhabitants have instituted proceedings for incorporation as another municipality, shall pay as a sewage service charge a sum equal to the charge computed under the provisions of section 22-263 of this Code plus one hundred (100) per cent. Persons owing a connection fee for property located outside the corporate limits of the city shall pay as a connection fee a sum equal to the connection fee computed under the provisions of section 22-264 of this Code plus fifty (50) per cent. The amounts computed in accordance with this section shall be considered as additional capital charges.

...

SECTION 2. This ordinance shall be in full force and effect from and after November 1, 1997.

PASSED this 2nd day of September, 1997.

Key: O15324

Type: CODE AMENDMENT

Department: PW

Name: WASTEWATER CONNECT. FEES

Description: AMENDING CHAPTER 22 OF THE CITY CODE TO ESTABLISH WASTEWATER SYSTEM CONNECTION

Date1: 970902

Date2: 970902

Book: TTT

Page: 226

Chapter:22

Amount: \$0.00

Keywords: B213-97A; CODE AMENDMENT; CHAPTER 22; CONNECTION FEES;SEWER CONNECTIO;SEWER FEES; PUBLIC WORKS;; FEES