

Introduced by _____ Council Bill No. R 15-09

A RESOLUTION

setting a public hearing on the voluntary annexation of property located 1,000 feet southeast of Old Mill Creek Road, west of Sinclair Road (4760 Mill Creek Road).

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

SECTION 1. A verified petition requesting the annexation of certain lands owned by Greg and Dana Cunningham was filed with the City on December 10, 2008. A copy of this petition, which contains the description of the property, marked "Exhibit A," is attached to and made a part of this resolution.

SECTION 2. The land proposed to be annexed lies in an unincorporated portion of Boone County, which is contiguous and compact to the existing corporate limits of the City of Columbia, Missouri.

SECTION 3. In accordance with Section 71.012, RSMo, a public hearing on this annexation request shall be held on February 2, 2009 at 7:00 p.m. in the City Council Chamber of the Daniel Boone Building, 701 E. Broadway, in the City of Columbia, Missouri.

SECTION 4. The City Clerk is directed to cause notice of this hearing to be published at least seven days prior to the date of the hearing in two newspapers of general circulation in Boone County, Missouri, which are qualified to publish legal matters.

ADOPTED this _____ day of _____, 2009.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

PETITION REQUESTING ANNEXATION TO THE CITY OF COLUMBIA

Greg and Dana, husband and wife, hereby petition the City Council of the City of Columbia to annex the land described below into the corporate limits of Columbia and, in support of this petition, state the following:

1. Greg and Dana are the owners of all fee interests of record in the real estate in Boone County, Missouri, described as follows:

(Attach Legal Description)

2. This real estate is not now a part of any incorporated municipality.

3. This real estate is contiguous and compact to the existing corporate limits of the City of Columbia, Missouri.

4. Greg and Dana request that this real estate be annexed to, and be included within the corporate limits of the City of Columbia, Missouri, pursuant to Section 71.012, RSMo 1994.

5. Petitioners request that the property be zoned R-1 at the time of annexation. If the requested zoning is not granted by the proposed ordinance annexing the property, petitioners reserve the right to withdraw this petition requesting annexation.

Dated this 9th day of December 2008.

RECEIVED

DEC 10 2008

PLANNING DEPT

STATE OF MISSOURI)
) ss.
COUNTY OF BOONE)

VERIFICATION

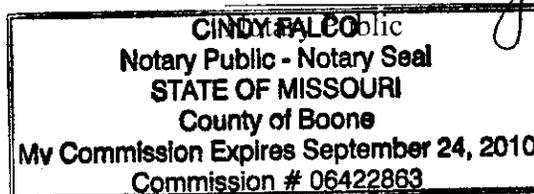
The undersigned, Greg & Dana Cunningham, husband and wife, being of lawful age and after being duly sworn state and verify that they have reviewed the foregoing Petition for Voluntary Annexation, and that they are duly authorized to execute the foregoing instrument and acknowledge the requests, matters and facts set forth therein are true and correct to the best of their information and belief.

Greg Cunningham

Dana Cunningham

Subscribed and sworn to before me this 9th day of December, 2008.

Cindy Falco



My commission expires: _____

Boone County, Missouri
Unofficial Document



Recorded In Boone County, Missouri
Date and Time 06/27/2005 at 08:13:03 AM
Instrument # 2005017644 Book 2754 Page 31

Grantor CAGLE, VIRGIL L
Grantee CUNNINGHAM, GREG

Instrument Type WD
Recording Fee \$27 00 S
No of Pages 2


Bettie Johnson, Recorder of Deeds



Boone-Central Title Company
File No. 0512941

Missouri General Warranty Deed

This Indenture, Made on 24th day of June, 2005, by and between

Virgil L. Cagle and Katherine G. Cagle, husband and wife,
as GRANTOR, and

Greg Cunningham and Dana Cunningham, husband and wife.

as GRANTEE, whose mailing address is: 4560 S. Rangeline Road
Columbia, MO 65201

Property Address: 10 acres off Old Mill Creek Road, Columbia, MO 65203

WITNESSETH. THAT THE GRANTOR, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby Grant, Bargain, Sell, Convey and Confirm unto GRANTEE, GRANTEE'S heirs and assigns, the following described lots, tracts and parcels of land situated in the County of Boone and State of Missouri, to wit:

A tract of land containing ten (10) acres, more or less, located in the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of Section Thirty-four (34), Township Forty-eight (48) North, Range Thirteen (13) West, of the Fifth (5th) Principal Meridian, in Boone County, Missouri, as shown and described by the survey thereof recorded January 17, 1989 as Document No. 715 in Book 709, Page 452, Records of Boone County, Missouri.

Subject to easements, restrictions, reservations, and covenants of record, if any.

TO HAVE AND TO HOLD The premises aforesaid with all singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto GRANTEE and unto GRANTEE'S heirs and assigns forever: the GRANTOR hereby covenanting that GRANTOR is lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that GRANTOR has good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by GRANTOR or those under whom GRANTOR claims, except as stated above and except for all taxes assessments, general and special, not now due and payable, and that GRANTOR will warrant and defend the title to the said premises unto GRANTEE and unto GRANTEE'S heirs and assigns forever, against the lawful claims and demands of all persons whomsoever. If two or more persons constitute the GRANTOR or GRANTEE, the words GRANTOR and GRANTEE will be construed to read GRANTORS and GRANTEES whenever the sense of this Deed requires.

Source
Timothy Teddy

TO: City Council
FROM: City Manager and Staff 
DATE: January 5, 2009
RE: Voluntary annexation of approximately 5.04 acres of land owned by Greg and Dana Cunningham located 1,000 feet southeast of Old Mill Creek Road, and west of Sinclair Road (addressed 4760 Mill Creek Road). (Case# 08-108).



Fiscal Impact

YES

~~NO~~ 

Other Info.

EXECUTIVE SUMMARY

The above request is for voluntary annexation of a 5.04-acre tract of land that lies southeast of the present City limits in the southern part of the City. The applicant is requesting R-1 (One-Family Dwelling District) as permanent City zoning on the subject tract. At present the property is zoned Boone County R-S (Single-Family Residential District), which is equivalent to City R-1.

The subject site is one of two 5-acre tracts created as part of the Quality Cunningham Estates subdivision approved by Boone County in February 2006. The parcel is accessed from a "non-exclusive" private driveway/utility easement that was recorded in 1989. The method of access was permitted in accordance with the County's subdivision standards. The subject site is currently improved with a 5,800 square-foot single-family residence and an onsite sewage collection system.

The applicant states that annexation and permanent zoning are requested in order to allow for connection to City sewer. The subject site was previously submitted for voluntary annexation in 2006, however, withdrawn after several meetings with City staff. Records indicate concerns were raised regarding the parcel's access and its ability to be served with public infrastructure. Staff understands that the issues associated with getting necessary easements for public sewer are near resolution.

The Planning and Zoning Commission will make a recommendation to the City Council on the permanent zoning request at its January 22, 2009 meeting.

Existing conditions on the site are as follows:

The subject site is improved with a 5,800 square-foot single-family residence. The eastern half of the site is covered by mature deciduous forest. The western half of the site is covered with several evergreen trees and open space with mowed lawn areas. The site is gently sloping from the west to the east with a total of 4 feet of fall. The property lies within the Mill Creek drainage basin.

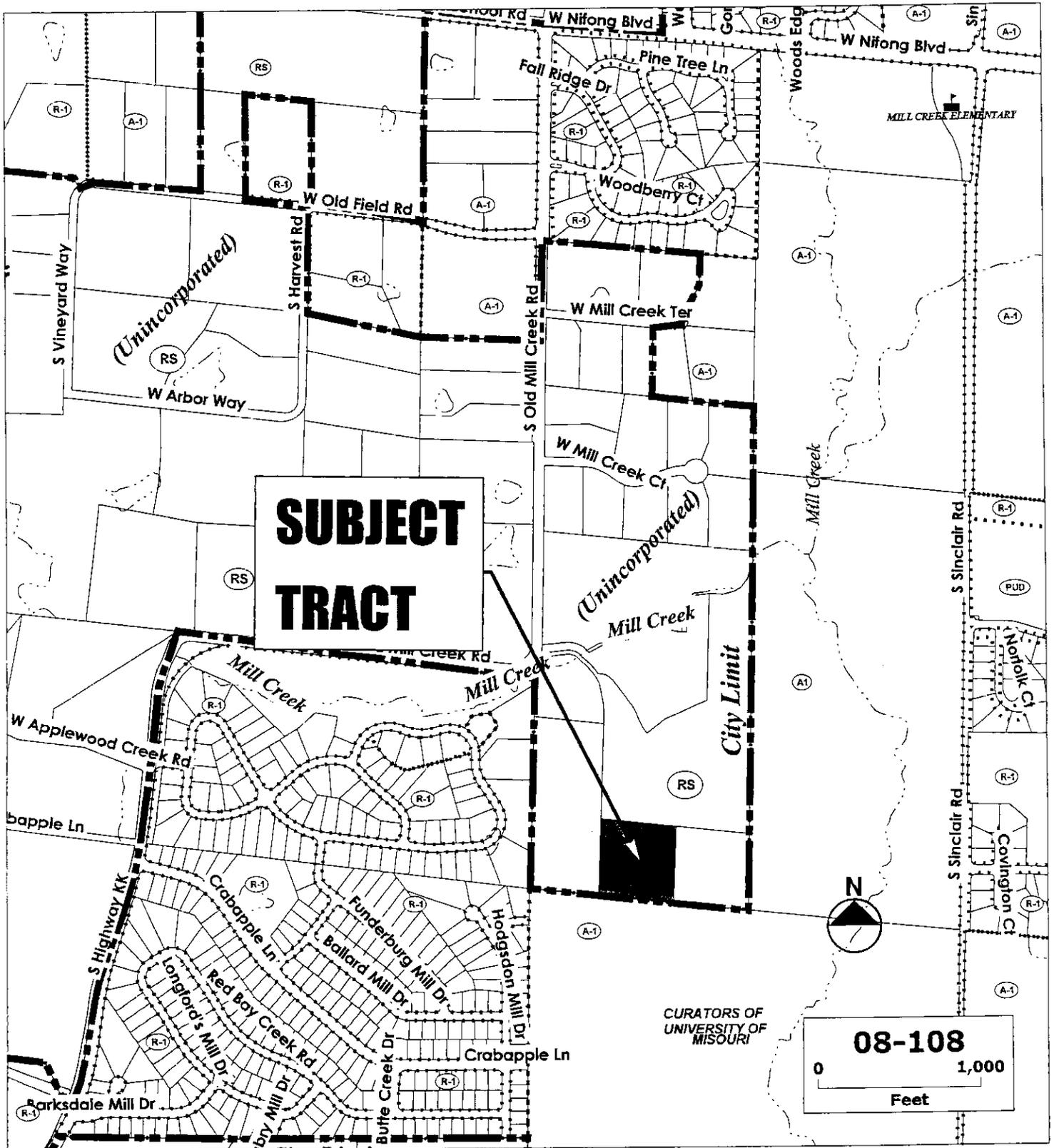
Utility and emergency response services information is as follows:

- Electrical service is provided by Boone Electric Cooperative.
- Water is supplied via Public Water Supply District #1's service territory.

- The subject tract is within the Boone County Fire Protection District's service territory.

SUGGESTED COUNCIL ACTION

If the Council finds the request for annexation reasonable and necessary for the proper development of the City, a resolution should be passed setting a public hearing and introduction of an ordinance for February 2, 2009.



SUBJECT TRACT

(Unincorporated)

(Unincorporated)

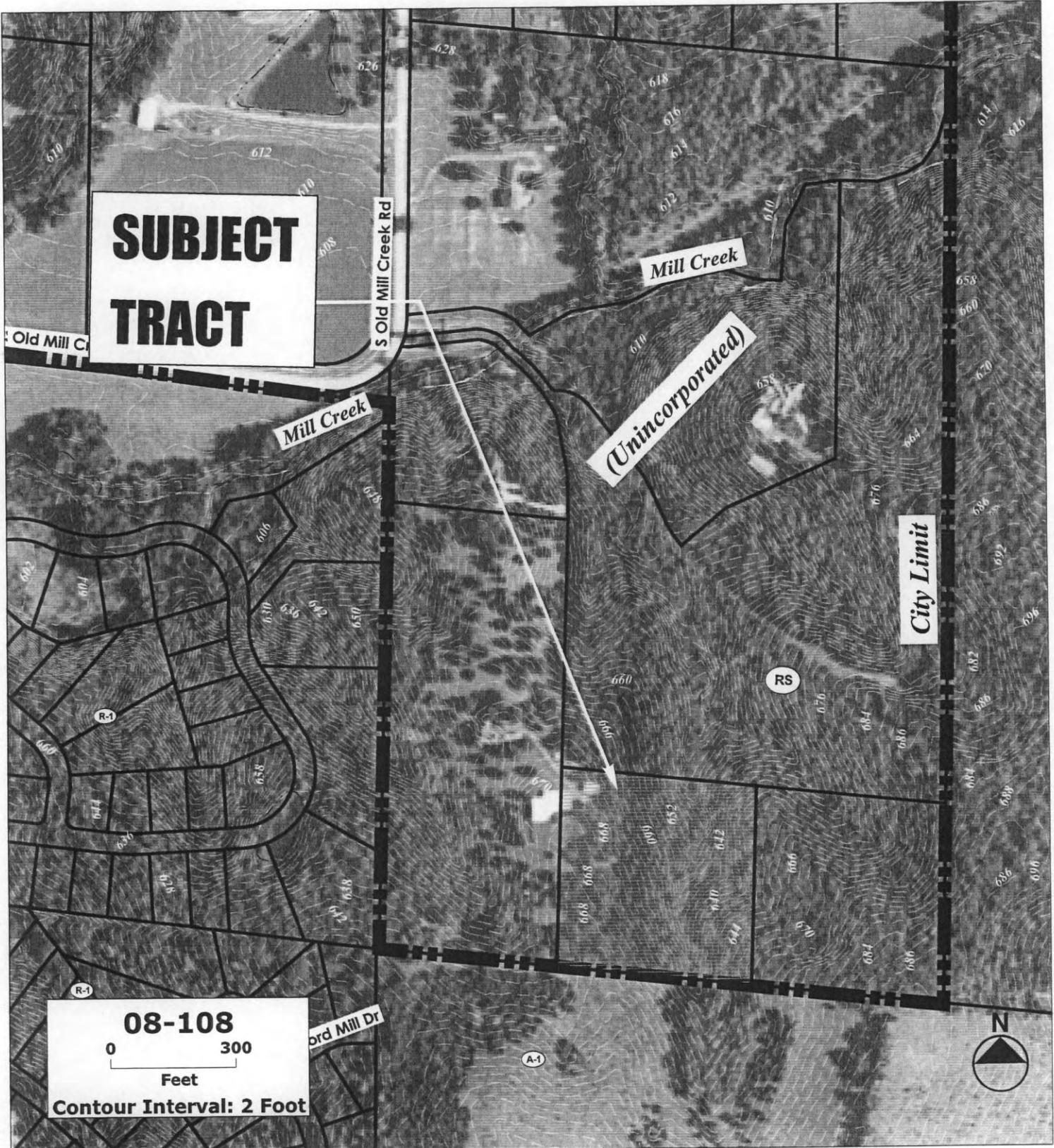
City Limit

CURATORS OF UNIVERSITY OF MISSOURI

08-108

0 1,000

Feet



SUBJECT TRACT

S Old Mill Creek Rd

Mill Creek

(Unincorporated)

City Limit

R-1

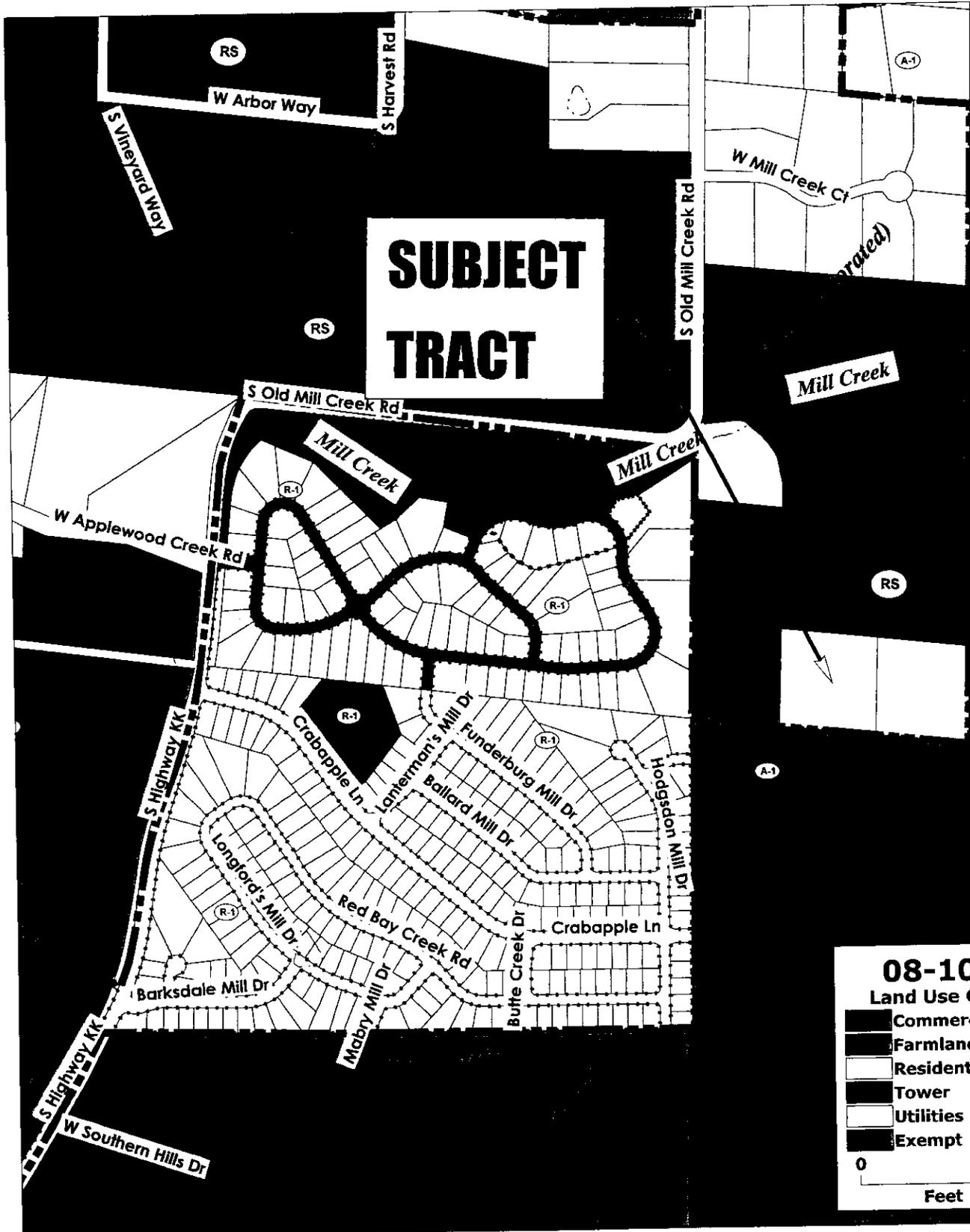
RS

A-1



08-108
0 300
Feet
Contour Interval: 2 Foot

SUBJECT TRACT



08-108
Land Use Class

- Commercial
- Farmland
- Residential
- Tower
- Utilities
- Exempt

0 750
 Feet

CITY OF COLUMBIA, MISSOURI
Application For Voluntary Annexation Into the City

Legal description of the property to be annexed (attach if necessary). Note: A copy of a deed will usually suffice as a legal description. Copies of deeds can be obtained from the Boone County Recorder's Office located at 807 East Walnut or by phone at 573-886-4345.

Legal description: See attached

Name(s) of all owners of record of the property to be annexed: Greg and Dana Cunningham

Contact Person: Greg Cunningham Phone No.: 573-228-4399

Mailing Address: 4760 Old Mill Creek Rd

Addresses of all existing structures on the property to be annexed: Same as above

*Permanent city zoning requested: R-1

**Existing Boone County Zoning of property to be annexed: R-5

Types of existing structures on property to be annexed (residential/business): one-family home

Square Footage of Existing Structure(s): 5,800 sq. ft. house
Please contact City Public Works Dept. at 874-7250 for calculation method.

Acreage of property to be annexed: 5.04 acres

14 Digit Tax Parcel Number(s): 16-800-34-05-001.00 01

Reason Annexation Request is being made: connect to city sewer

Existing Services Provided by:

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DEC 10 2008
PLANNING DEPT

Water: CPWSO #19 Boone County *→ not city work? #1?*

Sewer: on-site

Electrical: Boone Electric

Other: _____

Before the voluntary annexation request can be processed the applicant must contact the City Protective Inspection Division of the Public Works Department (2nd Floor – Daniel Boone Building, 701 East Broadway) regarding any potential addressing problems. 4760 Old Mill Creek Rd is an approved address

*Note: If zoning is requested that is not equivalent to the existing Boone County zoning district, an application fee will be required. The City of Columbia Department of Planning and Development at 573-874-7239 can provide the exact amount of the fee.

**Note: This information can be obtained from the Boone County Planning Department at 573-886-4330

J. Paroch