

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 274-13

AN ORDINANCE

authorizing the City Manager to execute an annexation agreement with Pendurthi Properties, LLC for property located at 5960 and 5964 N. Wagon Trail Road; 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 Pendurthi Properties, LLC for property located at 5960 and 5964 N. Wagon Trail Road. 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 _____ day of _____, 2013.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

ANNEXATION AGREEMENT

This agreement entered into this _____ day of _____, 2013, between the City of Columbia, Missouri, a municipal corporation (hereinafter "City") and Pendurthi Properties, LLC, a Missouri limited liability company (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 parcels of land located in Boone County Survey #7614 recorded in Plat Book 4, Page 6, being part of the northwest quarter of Section 19, Township 49 North, Range 12 West, Boone County, and being more particularly described as:

Tract 3 of a three-tract survey recorded in Book 509, Page 494, as described by a General Warranty Deed recorded in Book 2498, Page 30, both of the Boone County, Missouri records.

AND

A 1.01 acre tract shown by survey recorded in Book 1398, Page 705, and being Parcel 1 of a Warranty Deed recorded in Book 2498, Page 29, both of the Boone County, Missouri records.

(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 their 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.

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. 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. Once annexed into the City, development and construction on Owner's property shall conform to all City of Columbia standards, provided that the phase of development in process at the time of annexation may be completed under Boone County requirements and inspections. Public sidewalks shall be required on all streets 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.

6. 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 A, "Boone County Local Road with Curb and Gutter Typical Cross Sections" 110.02 in Appendix B-1.

7. 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 the plats prior to any action taken on the plats by the Boone County Commission.

8. If any conflict exists between a County regulation and a City regulation while the property is located outside the city limits, the Owner, to the extent required by law, shall follow the 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.

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

10. 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.

11. 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.

12. 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.

13. The petition for annexation may request that Owner's property be placed in zoning District C-3 upon annexation. If the proposed ordinance annexing Owner's property does not place Owner's property in zoning District C-3, 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.

14. 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.

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

16. 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.

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

18. 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.

19. The City shall record this agreement in the office of the Boone County Recorder of Deeds.

[SIGNATURES ON FOLLOWING PAGES]

CITY OF COLUMBIA, MISSOURI

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PENDURTHI PROPERTIES, LLC

By: Kavita Pendurthi
Kavita Pendurthi, Member

ATTEST:

STATE OF MISSOURI)
) ss
COUNTY OF BOONE)

On this 24 day of August, 2013, before me, a Notary Public in and for said state, personally appeared, Kavita Pendurthi, who being by me duly sworn, acknowledged that they are a member of Pendurthi Properties, LLC, a Missouri limited liability company, and that said instrument was signed in behalf of said limited liability company and further acknowledged that they executed the same as their free act and deed for the purposes therein stated and that they have been granted the authority by said limited liability company to execute the same.

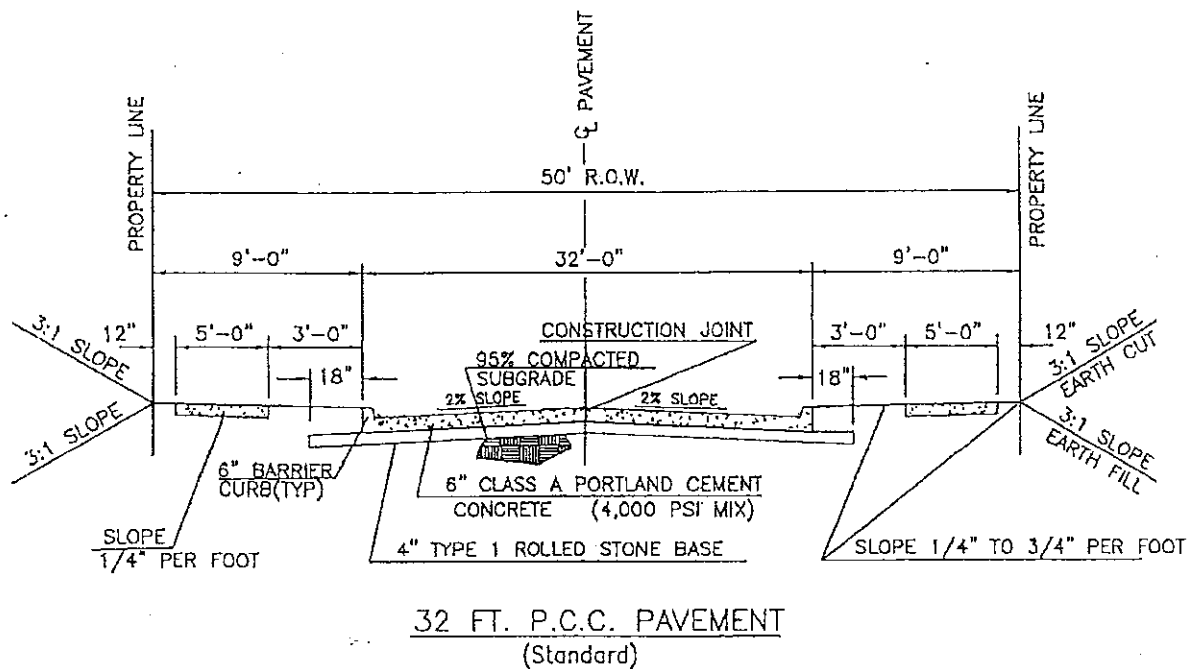
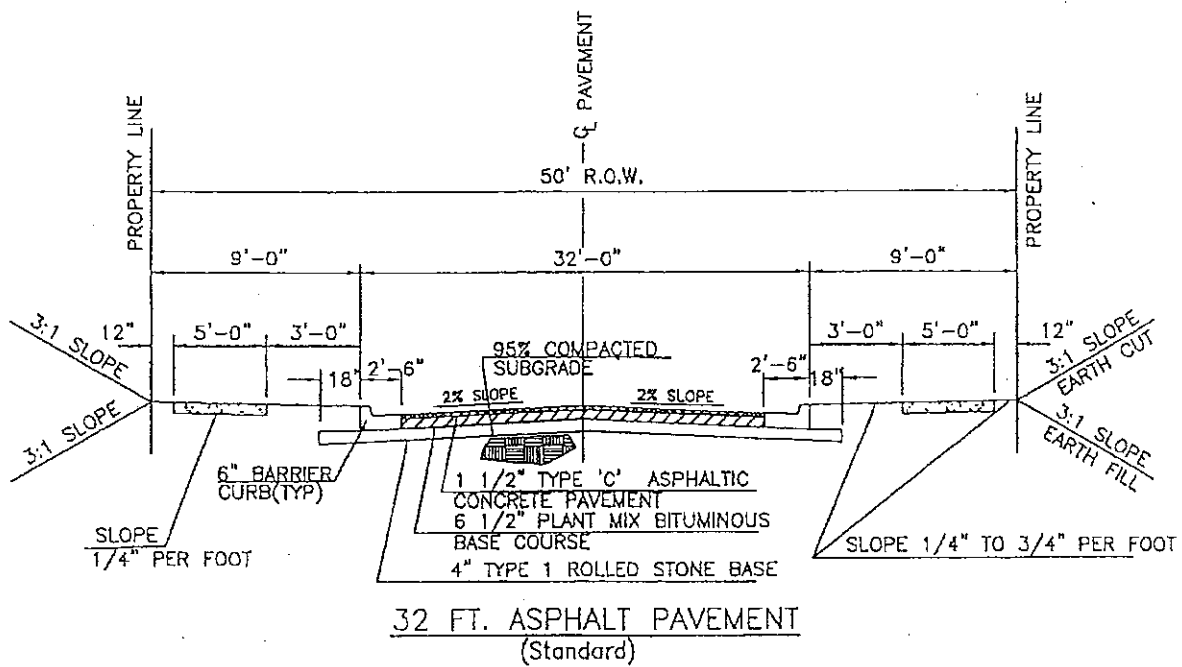
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed my official seal, at my office in Columbia, Boone County, Missouri, the day and year first above written.

Emina Sejfic
Notary Public

My commission expires: 3-28-14

EMINA SEJFIC
Notary Public - Notary Seal
State of Missouri
County of Boone
My Commission Expires March 28, 2014
Commission #10955852

APPENDIX B-1

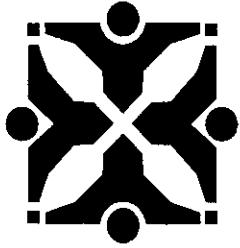


J.P.W.-II	1/29/09
Approved	Date
Revisions	



LOCAL ROAD
WITH CURB AND GUTTER
TYPICAL CROSS SECTIONS

110.02



Source: Community Development - Planning

Agenda Item No:

To: City Council
From: City Manager and Staff

Council Meeting Date: Sep 16, 2013

Re: Pendurthi Properties, LLC annexation agreement

EXECUTIVE SUMMARY:

A request by Pendurthi Properties, LLC (owner) for an annexation agreement for the purpose of connecting to a City-serviced BCRSD sewer line. The 1.66-acre property is located at 5960 and 5964 N. Wagon Trail Road. (Case #13-145)

DISCUSSION:

The attached annexation agreement would allow two commercially developed properties to connect to a recently installed BCRSD sewer line, whose waste is treated by the City, prior to the sites being annexed into the city. Advance connection is desired to resolve an outstanding permit violation relating to the on-site sewage system that served the subject properties. The subject properties, according to Columbia Imagined the future citywide comprehensive plan, are located within the proposed "urban service area".

The agreement provides that the property owner and all successive property owners of the properties agree to annex the properties into the city once they become contiguous to the city boundary. Since it is unclear as to when the subject properties will become contiguous any redevelopment of the sites, prior to annexation, will conform to all applicable Boone County ordinances and standards. Once contiguous to the City, the properties it will be annexed and become subject to all City codes.

A locator map, annexation agreement, and supporting documentation are attached.

FISCAL IMPACT:

The subject sites are currently improved with commercial buildings. Until such time as the properties are annexed into the City fiscal impacts will be limited - no fire, police, solid waste, or building/zoning services will be provided. Prior to and following annexation the properties will be customers of BCRSD; however, additional fees will be collected to off-set sewage treatment costs as specified in the territorial agreement. The applicant will install all necessary public mains and laterals at their expense and dedicate them to the applicable utility authority.

VISION IMPACT:

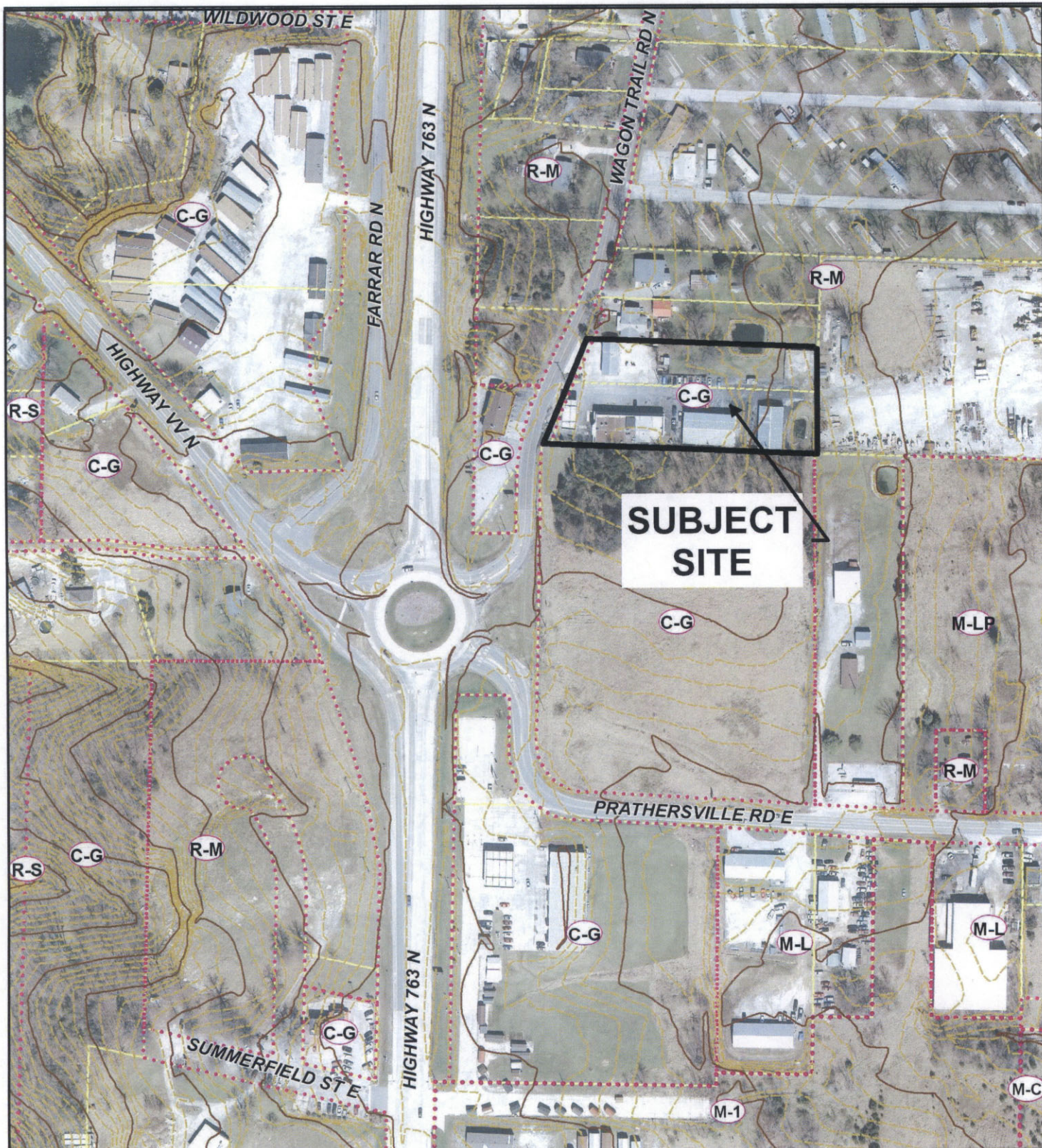
<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

The subject annexation agreement supports Goal 5.1 of the vision report which states that "Columbia is envisioned as a community with a well planned, proactive growth strategy that address the manner in which infrastructure (including but not limited to roads, utilities and other common facilities used by the community) is developed and maintained, that offers a fair and balanced approach regarding how payment for infrastructure is shared, that offers flexibility to accommodate change, and that provides coordination among all potential stakeholders.

SUGGESTED COUNCIL ACTIONS:

Approval of the annexation agreement so as to support compact and contiguous City growth as well as eliminate public health-related issues.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	5.1
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

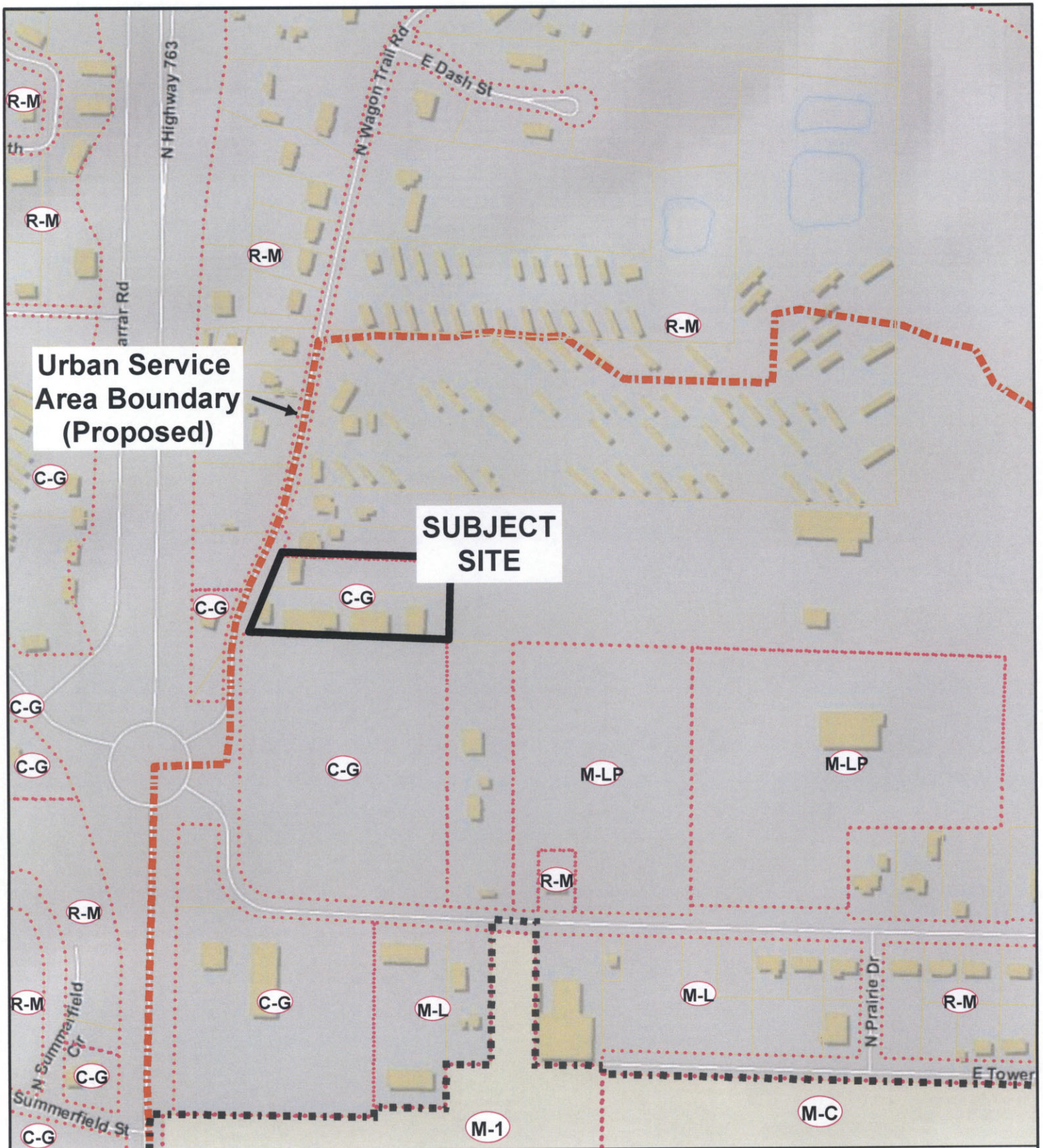


13-145 Annexation Agreement Pendurthi Properties, LLC

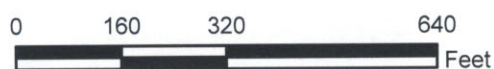
0 125 250 500
Feet



Parcel Data and Aerial Photo
Source: Boone County Assessor



13-145 Annexation Agreement Pendurthi Properties, LLC



Pendurthi Properties, LLC
2908 Chinaberry Drive
Columbia, MO 65201

City of Columbia
Planning Department
701 E. Broadway
Columbia, MO 65201

RE: Request for Pre-Annexation Agreement - 5950 and 5964 Wagon Trail Road

The purpose of this letter is to formally request a pre-annexation agreement for the above properties be drawn up and accepted by the Columbia City Council. Currently, these properties are not contiguous to the City. However, these properties are near a recent extension of a Boone County Regional Sewer District (BCRSD) main (for Mobile Village MHP). In order to provide sanitary sewer service to our properties, we would like to extend a main according to plans submitted July 19th to Columbia Public Works.

An agreement between the City and the BCRSD, dated April 30, 2004, requires that commercial properties within this area that would like to connect to the wastewater collection system agree to annex to the City. While the proposed main will connect into a BCRSD maintained sewer, the discharge will ultimately be treated at the City's wastewater facility.

Please find enclosed two locator maps (one for each property). The legal description is in section one of the enclosed annexation petition. The parcels are currently in the Boone County C-G zoning district. We are requesting a comparable zoning district of C-3 within the City. The Metro 2020 land use designation is an employment district. The addresses will be verified with City of Columbia Public Works. The \$360 application fee is also enclosed.

Please let me know if you need any additional information. I can be reached at 573-673-6466. My engineer, Christina Luebbert, prepared most of this application. If she can be of assistance, she can be reached at 573-291-6567.

Sincerely,



Kavita Pendurthi

PETITION REQUESTING ANNEXATION TO THE CITY OF COLUMBIA

Pendurthi Properties, LLC, a Missouri Limited Liability Company, 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(s) the following:

1. Pendurthi Properties, LLC, is the owner of all fee interests of record in the real estate in Boone County, Missouri, described as follows:

Two parcels of land located in Boone County Survey #7614 recorded in plat book 4, page 6, being part of the northwest quarter of Section 19, Township 49 North, Range 12 West, Boone County, and being more particularly described as:
Tract 3 of a three-tract survey recorded in book 509, page 494 of the Boone County, Missouri records.
AND
A 1.01 acre tract shown by survey recorded in book 1398, page 705 of the Boone County, Missouri records.
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. Pendurthi Properties, LLC, requests 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 C-3 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 26 day of July, 2013.

STATE OF MISSOURI)
) ss.
COUNTY OF BOONE)

VERIFICATION

The undersigned, Kavita Pendurthi, member of **Pendurthi Properties, LLC**, 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.

Kavita Pendurthi
Kavita Pendurthi

Subscribed and sworn to before me this 26 day of July, 2013.
Date

My commission expires: 3-28-14
Day/Month/Year

[Signature]
Notary Public

[Signature]
EMINA SEJFIC
Notary Public - Notary Seal
State of Missouri
County of Boone
My Commission Expires March 28, 2014
(Affix/emboss Notary Seal)