



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 4, 2016

Re: 801 E. Happy Hollow Road – Annexation Agreement (Case #16-46)

## Executive Summary

Approval of this request will result in the adoption of an annexation agreement permitting property located at 801 E. Happy Hollow to connect a proposed single-family dwelling to the City's sewer system. The proposed connection is subject to the terms of a territorial agreement between the City and the Boone County Regional Sewer District.

## Discussion

A Civil Group (agent), on behalf of Jerome and Jeannie Taylor (owners), is requesting approval of an annexation agreement for their 15.1-acre parcel, located on Happy Hollow Drive west of Highway 163. The property is separated from the current city boundary by a 50-foot strip of land, owned by Columbia Public Schools, along the subject property's western edge. The parcel is currently zoned Boone County A-2P (Planned Agriculture District).

The applicants intend to construct a second single-family residence on the property which is allowed under the existing A-2P zoning. A prerequisite to the issuance of a building permit for the second dwelling is that the property must have access to public sewer. Policy Resolution 115-97A Section 2(A) requires non-contiguous land owners to enter into an annexation agreement in order to connect to the city sewer system.

The required annexation agreement is attached and obligates the applicants to complete the annexation process (become part of the City) once their property is contiguous with the city boundary. Upon becoming contiguous, a separate public hearing would be held to establish permanent city zoning on the property. The annexation agreement indicates that the applicant desires City A-1 (Agriculture) zoning which is generally consistent with the current County zoning.

Associated with this request is a concurrent review of Amendment No. 4 to the General Cooperative Agreement from March 2011 between the Boone County Regional Sewer District (BCRSD) and the City as it relates to the provision of sewer service outside the city's sewer service territory. The Cooperative Agreement establishes terms and conditions, service providers, and customer distribution territories related to the provision of public sewer between BCRSD and the City.

Amendment No. 4 will establish a new territorial area, "Happy Hollow Estates", which will be governed by the terms of the 2011 Cooperative Agreement. The applicant's property and several surrounding parcels are included in the new territory. Amendment No. 4 was introduced to City Council on March 21 and is to be approved on April 4. Approval of the



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amendment is necessary to permit the applicant authorization to connect to the city's existing sewer line to the west.

Locator maps and annexation agreement are attached for reference.

## Fiscal Impact

Short-Term Impact: None. Costs of extension will be borne by the applicant.

Long-Term Impact: Limited. Per the Cooperative Agreement, Boone County Regional Sewer District would be responsible for future maintenance of the installed sewer improvements. Upon annexation impacts may include increased public safety and infrastructure maintenance costs which may or may not be off-set by additional tax collections and user-fees.

## Vision & Strategic Plan Impact

### Vision Impacts:

Primary Impact: Community Facilities & Services, Secondary Impact: Development, Tertiary Impact: Not Applicable

### Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Inter-Governmental Cooperation, Secondary Impact: Infrastructure, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
N/A	N/A

## Suggested Council Action

Approve the requested annexation agreement pursuant to approval of Amendment No. 4 to the general cooperative agreement with Boone County Regional Sewer District.

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 85-16

### **AN ORDINANCE**

authorizing the City Manager to execute an annexation agreement with Jerome and Jeannie Taylor for property located on the north side of Happy Hollow Drive and west of Highway 163 (801 E. Happy Hollow 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 Jerome and Jeannie Taylor for property located on the north side of Happy Hollow Drive and west of Highway 163 (801 E. Happy Hollow Road). The form and content of the agreement shall be substantially as set forth in "Exhibit A" attached hereto.

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 \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

## ANNEXATION AGREEMENT

This agreement entered into this 24<sup>th</sup> day of MARCH, 2016, between the City of Columbia, Missouri, a municipal corporation (hereinafter "City") and Jerome and Jeannie Taylor, 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:

A tract of land located in the Northeast Quarter (NE $\frac{1}{4}$ ) of Section One (1), Township Forty-seven (47) North, Range Thirteen (13) West, Being Lot 4 of Happy Hollow Estates as recorded in Plat Book 20, Page 46 of the Boone County, Missouri records.

(hereinafter "Owners' Property").

2. City shall allow Owners to connect sanitary sewer lines serving Owners' Property to 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 City's sewer system. Owners shall become a sewer customer of the Boone County Regional Sewer District.

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 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 Boone County Regional Sewer District after such has been constructed and pass City inspection.

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

5. Development and construction on the Owners' 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 the Owners' 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. Owners 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. So long as the Owners' Property remains outside the city limits, preliminary and final plats of the subdivision of the Owners' 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.

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

8. The City address numbering plan shall be complied with in connection with the development of the Owners' Property.

9. To the extent allowed by law, City may, but shall not be obligated to, annex the Owners' Property into the city, without further action of the Owners, after Owners' Property becomes contiguous to the corporate limits of the city.

10. 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 the 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.

11. 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 Community Development for presentation to the City Council of Columbia, Missouri. The City Manager may request Owners 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.

12. The petition for annexation may request that Owners' Property be placed in zoning district A-1 (Agricultural District) upon annexation. If the proposed ordinance annexing the Owners' Property does not place the property in zoning District A-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.

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

14. Owners shall give a copy of this agreement to each person who buys all or a portion of the Owners' Property.

15. 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 such property from City's sanitary sewer system. City shall give Owners six (6) months prior written notice of its intent to terminate sewer service.

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

17. 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.

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

[SIGNATURES ON FOLLOWING PAGES]

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

**CITY OF COLUMBIA, MISSOURI**

By: \_\_\_\_\_  
Mike Matthes, City Manager

ATTEST:

\_\_\_\_\_  
Sheela Amin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Nancy Thompson, City Counselor

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF BOONE     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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.

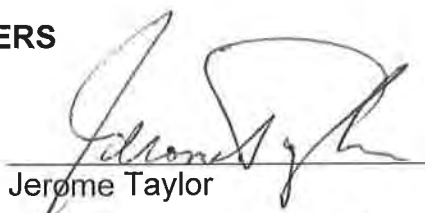
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed my official seal, at my office in Columbia, Boone County, Missouri, the day and year first above written.

\_\_\_\_\_  
Notary Public

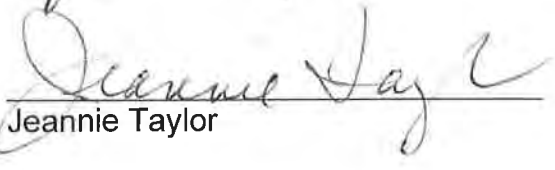
My commission expires: \_\_\_\_\_.

**OWNERS**

By:

  
Jerome Taylor

By:

  
Jeannie Taylor

STATE OF MISSOURI

)

) ss

COUNTY OF BOONE

)

On this 24<sup>th</sup> day of MARCH, 2016, before me, a Notary Public in and for said state, personally appeared Jerome and Jeannie Taylor, husband and wife, known to me to be the persons described in and who executed the above agreement and acknowledged to me that they executed the same as their free act and deed.

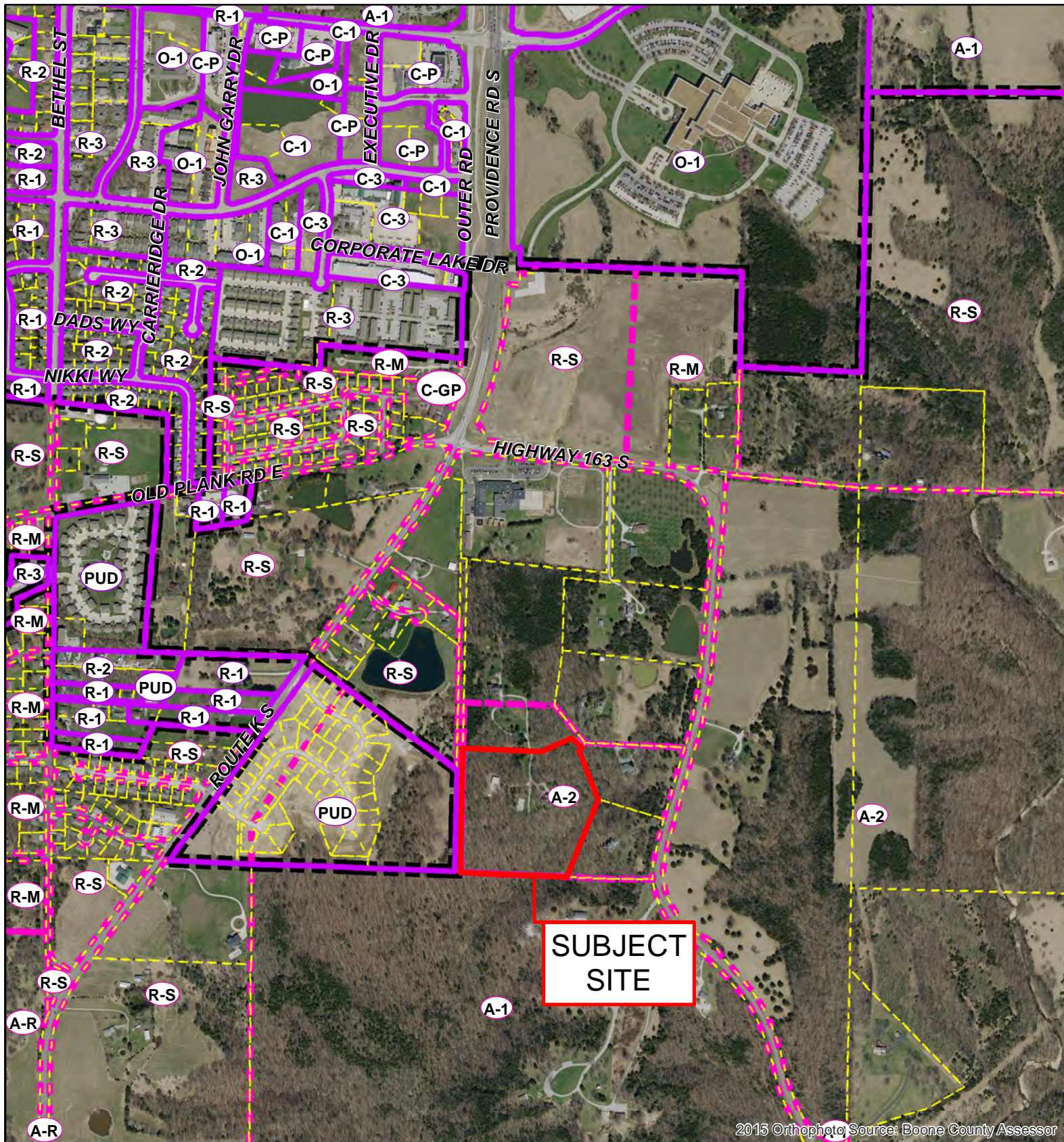
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and state aforesaid the day and year first above written.

  
Notary Public

My commission expires: JULY 11, 2019.

SPENCER HASKAMP  
Notary Public - Notary Seal  
State of Missouri  
County of Boone  
My Commission Expires July 11, 2019  
Commission #15116674

SUPPORTING  
DOCUMENTS FOR  
THIS AGENDA ITEM



## 16-46: 801 E. Happy Hollow Annexation Agreement



City of Columbia Zoning



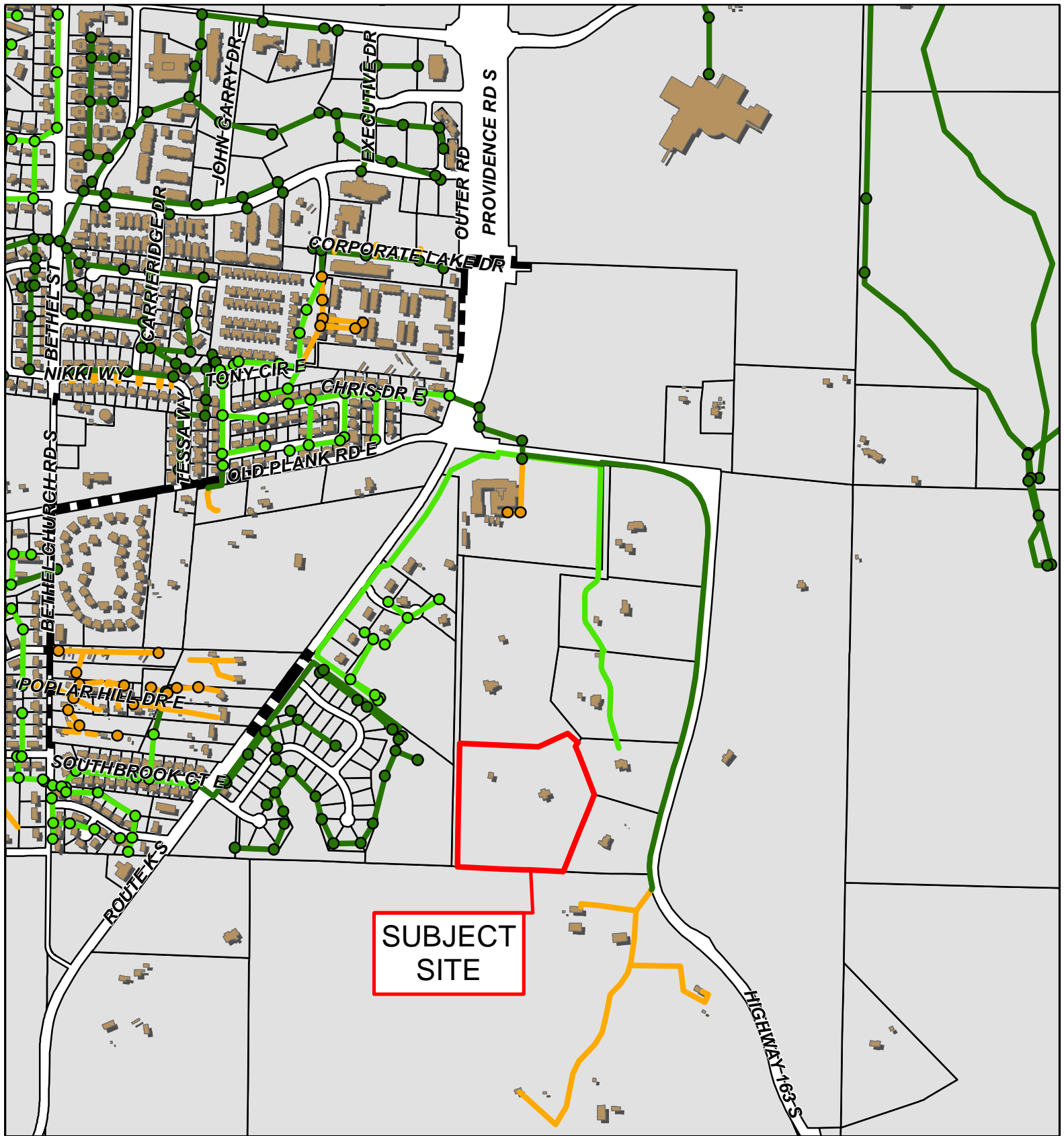
Boone County Zoning



Parcels

Columbia City Limit





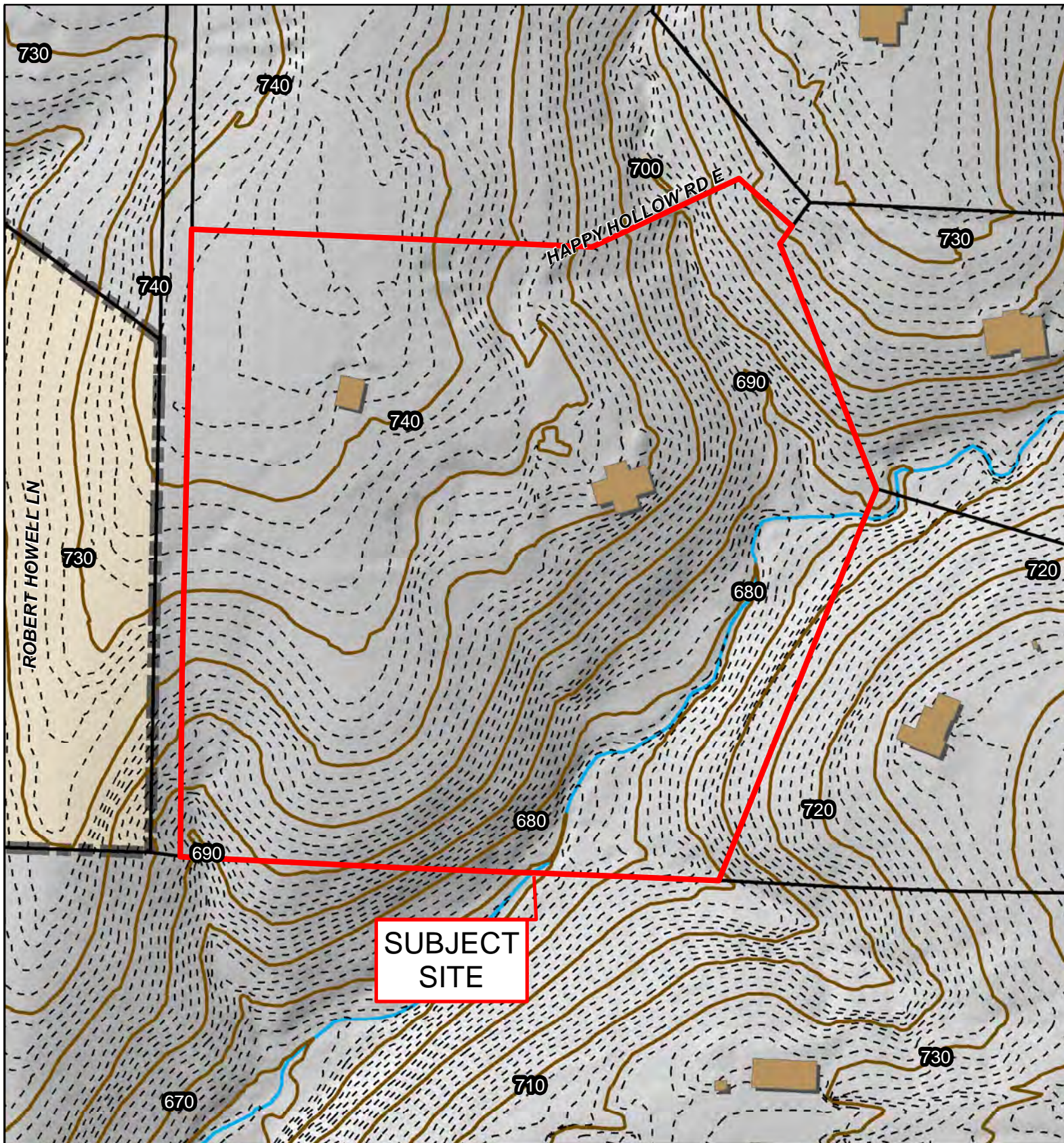
# 16-46: 801 E. Happy Hollow Annexation Agreement



- BCRSD
- City Sanitary Structure
- Private Sanitary Structure
- BCRSD
- City Sanitary Line
- Private Sanitary Line

- Building Footprint
- Parcels





## 16-46: 801 E. Happy Hollow Annexation Agreement



- 10 Foot Contour Lines    — Stream    ■ Building Footprint
- - - 2 Foot Contour Lines    □ Parcels

