

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 104-14

AN ORDINANCE

authorizing the City Manager to execute an annexation agreement with Davis Rentals, LLC for property located on the northeast corner of Wagon Trail Road and Highway 763 (5951 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 Davis Rentals, LLC for property located on the northeast corner of Wagon Trail Road and Highway 763 (5951 Wagon Trail Road). The form and content of the agreement shall be substantially as set forth in "Attachment 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 _____, 2014.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

ANNEXATION AGREEMENT

This agreement entered into this _____ day of _____, 2014, between the City of Columbia, Missouri, a municipal corporation (hereinafter "City") and Davis Rentals, 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:

Tract #2 of the two-tract survey recorded in Book 341, Page 424, being the southern part of Tract 15 of Boone County Survey #7614 also recorded in Plat Book 4, Page 6, located in the south part of the west half of the northwest quarter of Section 19, Township 49 North, Range 12 West, Boone County, Missouri, and being that tract described by a Warranty Deed recorded in Book 3003, Page 146, all of the Boone County 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 through sewer lines owned by the Boone County Regional Sewer District ("Sewer District"), provided there is sufficient capacity. 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 Sewer District'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 and Sewer District regulations and standards. Construction of the sewer lines and appurtenances shall be inspected by the City 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 the 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, 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 and where the City imposes regulations that are not imposed by the County.

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 or comparable zoning district in existence at the time of annexation. If the proposed ordinance annexing Owner's property does not place Owner's property in zoning District C-3 or comparable zoning district, 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 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]

My commission expires: _____

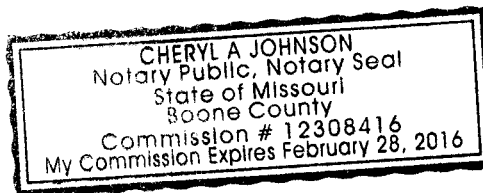
OWNER:

DAVIS RENTALS, LLC

By: 

Frank Davis, Member

STATE OF MISSOURI)
) ss
COUNTY OF BOONE)



On this 24 day of March, 2014, before me, a Notary Public in and for said state, personally appeared, Frank Davis, who being by me duly sworn, acknowledged that he is a member of Davis Rentals, LLC, a Missouri limited liability company, and that said instrument was signed in behalf of said limited liability company and further acknowledged that he executed the same as his free act and deed for the purposes therein stated and that he has been granted the authority by said limited liability company to execute the same.

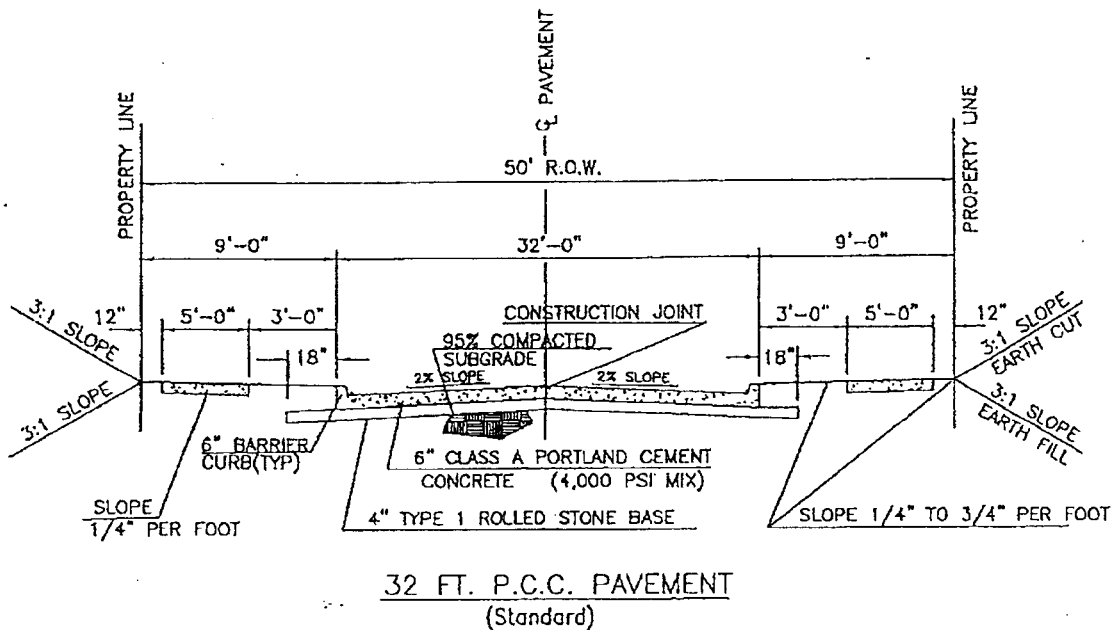
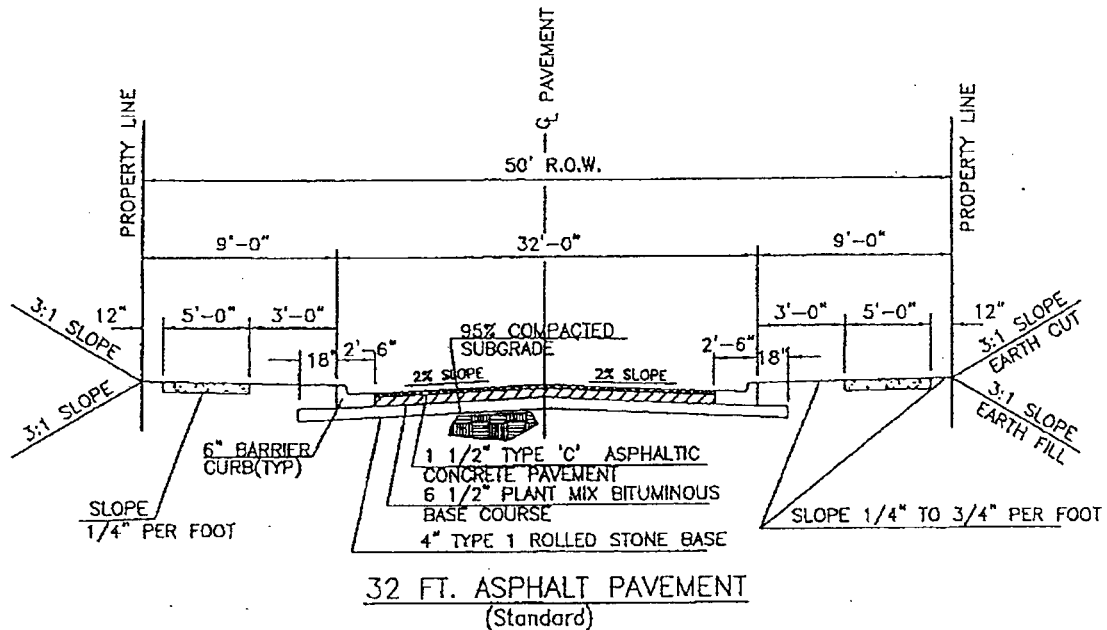
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and state aforesaid the day and year first above written.

Notary Public

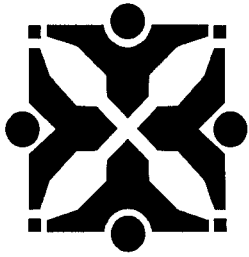


My commission expires: 2/28/16.

APPENDIX B-1



JPW-II Approved 1/29/09 Date Revisions		LOCAL ROAD WITH CURB AND GUTTER TYPICAL CROSS SECTIONS	110.02
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Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Apr 21, 2014

Re: 5951 Wagon Trail Road - Annexation Agreement (Case #14-27)

EXECUTIVE SUMMARY:

A request by Davis Rentals, LLC (owner) to enter into an annexation agreement with the City of Columbia for property not currently contiguous with the city limits. The 0.6-acre subject site is located on the northeast corner of Wagon Trail Road and Hwy. 763, commonly known as 5951 Wagon Trail Road. (Case #14-27).

DISCUSSION:

The applicant is requesting to enter an annexation agreement with the City in order to permit the subject site to connect to public sewer operated by Boone County Regional Sewer District (BCRSD), which flow into the City's sanitary sewer system. This request is being made per the territorial agreement for sewer service. The subject site is not currently contiguous with the city limits and would be required to annex once the property becomes contiguous to the City's municipal boundary. The applicant is requesting C-3 (General Business District) zoning upon annexation. The requested designation is consistent with the property's current Boone County C-G (General Commercial) zoning designation.

The subject property currently lies outside of, but directly adjacent to, the urban service area as described in *Columbia Imagined* (see attached locator maps). While outside the current boundary, the subject property is west of property currently served by sanitary sewer (5950 and 5964 Wagon Trail Road, which are both also under an annexation agreement). The property has experienced longstanding issues with the Department of Natural Resources regarding the treatment of their sanitary outflows. Connection to the City's sanitary system would alleviate these issues and decrease the potential of possible environmental impacts due to improperly treated sanitary outflow.

A copy of the petition requesting annexation, the annexation agreement, and locator maps are attached for review.

FISCAL IMPACT:

The subject property is currently improved with a commercial building, and until the property is annexed, no other City services will be available to the property. 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 be responsible for all costs of extending sanitary sewer service to the property.

VISION IMPACT:

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

The requested annexation agreement supports Goal 5.1, which states, "We envision a community with a well planned, proactive growth strategy that addresses 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 ordinance authorizing the execution of an annexation agreement for 5951 Wagon Trail Road.

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

PETITION REQUESTING ANNEXATION TO THE CITY OF COLUMBIA

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

Tract #2 of the two-tract survey recorded in Book 341, Page 424, being the southern part of Tract 15 of Boone County Survey #7614 also recorded in Plat Book 4, Page 6, located in the south part of the west half of the northwest quarter of Section 19, Township 49 North, Range 12 West, Boone County, Missouri, and being that tract described by a Warranty Deed recorded in Book 3003, Page 146, all of the Boone County 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. Davis Rentals, 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 ____ day of February, 2014.

STATE OF MISSOURI)
) ss.
COUNTY OF BOONE)

VERIFICATION

The undersigned, Frank Davis, member of **Davis Rentals, 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.



Frank Davis

Subscribed and sworn to before me this 13 day of February, 2014.
Date



LARRY E. BISHOP
My Commission Expires
June 16, 2017
Boone County
Commission #13453161



Notary Public

My commission expires: 16 JUNE 2017
Day/Month/Year

(Affix/emboss Notary Seal)



14-27: 5951 Wagon Trail Road Annexation Agreement



Urban Service Area



Hillshade Data: Boone County GIS Office
Parcel Data Source: Boone County Assessor
Imagery: Boone County Assessor's Office, Sanborn Map Company
Created by The City of Columbia - Community Development Department

0 70 140 280
Feet



14-27: 5951 Wagon Trail Road Annexation Agreement



Urban Service Area

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Parcel Data Source: Boone County Assessor
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Created by The City of Columbia - Community Development Department

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