



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: December 18, 2023

Re: 5550 W. Gillespie Bridge Road – Annexation Agreement (Case #40-2024)

## Executive Summary

Approval of this item will authorize the City Manager to execute an annexation agreement with the owner of 5550 W. Gillespie Bridge Road (Faye C. Nowell, Trustee of the Faye C. Nowell Trust) thereby allowing the subject property to be connected to the city's sanitary sewer. The subject property is currently improved, but has a failing on-site waste disposal system that is restricted from being repaired pursuant to Boone County Health Department regulations. As part of a contingency of pending real estate sale contract, connection of the property to the city's sanitary sewer is required. The subject site is presently contiguous to the City's municipal boundary and would typically be required to seek a direct annexation; however, pursuant to Resolution 174-23 approved by Council on November 20, 2023, was authorized to connect to city sewer through the attached an annexation agreement

## Discussion

Crockett Engineering (agent), on behalf of Faye C. Nowell, Trustee of the Faye C. Nowell Trust (owner), seeks Council approval to enter into an annexation agreement with the City of Columbia so the property located at 5550 W. Gillespie Bridge Road may be connected to the city's sanitary sewer system. Authorization for this connection is sought to resolve a property sale contingency and allow the property, presently served by a failing on-site disposal system not permitted to be repaired pursuant to Boone County Health Department regulations, the ability to have a fully compliant and functional means of discharging its sewage.

The subject property is presently contiguous with the City's corporate boundary along its southern property line and as such would typically be required to follow the "direct" annexation provisions of Policy Resolution 115-97A. However, during the November 20, 2023 Council meeting, Resolution 174-23 (attached) was approved permitting the applicant to seek approval of the attached annexation agreement given the unique circumstances associated with the lot's access to a waterline. Per the City's adopted Fire Code standards all lots within the city's corporate limits must have access to a waterline capable of supplying 800 GPM (gallons per minute) within 600-feet of all structures. The closest public watermain capable of meeting these standards to the subject property is approximately 700-feet to the southeast and would cost an estimated \$60,000 to extend to reach the subject property.

If installed, the extension would ensure the subject property is within 600-feet of an accessible fire hydrant; however, would also benefit the property to east which is outside the corporate limits and served by an on-site waste system which may experience a similar failure as the subject property necessitating its future annexation at no expense to that owner. This



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expense, its impact to the pending sale contract, and the potential for not resolving the greater underlying public health situation were all factors in Council's consideration to permit the applicant to seek the attached annexation agreement.

Additionally, as stated in Resolution 174-23, concerns associated with the City's ability to provide adequate municipal fire protection to the proposed lot was a contributing factor to why the attached annexation agreement versus the standard "direct" annexation was considered appropriate. Per annexation procedure, the City assumes responsibility for the provision of fire protection services following annexation with mutual-aid provided by the Fire Protection District. However, the City does not have the same means by which to provide fire protection (i.e. tanker trucks) to the subject lot as the Fire Protection District. As such, allowing the property to enter into the attached annexation agreement resolves this issue while also allowing the larger environmental impact of the failed on-site system to be resolved.

If the attached annexation agreement is approved, the current applicant and any future owner of the subject property will not be relieved of their obligation to annex into the city at a time of the City's choosing. Additionally, the applicant or future owner will be required to extend compliant public sewer, at its own expense, from an existing public sewer located to the south of the property within the Becky's Bluff Court right of way. Furthermore, per the City's adopted connection fees and service charges, the applicant or future owner will be subject higher monthly recurring sanitary sewer charges than a comparable property located inside the city.

Approval of the attached annexation agreement will ensure that the failing on-site waste disposal system is eliminated and facilitate the applicant's desire to sell their property. Allowing this connection is believed to outweigh the lack of fire flow to the subject property as articulated in Resolution 174-23. Furthermore, approval of the attached agreement and authorization to permit the City Manager to execute it is consistent with the will of the Council majority as expressed on November 20, 2023.

Locator maps, Resolution 174-23, Boone County Regional Sewer District (BCRSD) authorization to serve, and property owner executed annexation agreement are attached.

## Fiscal Impact

Short-Term Impact: None. All infrastructure extension will be at developer's expense.

Long-Term Impact: Long-term impact would include infrastructure maintenance (public sewer main) and public service provision (i.e. trash collection). Such increased costs may be offset by increased property taxes and user fees.



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## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Reliable and Sustainable Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
11/20/23	Authorized staff to prepare annexation agreement for the provision of sewer service to 5550 W. Gillespie Bridge Road. (Res. 174-23)

## Suggested Council Action

Authorize the City Manager to execute an annexation agreement between the City of Columbia and Faye C. Nowell, Trustee of the Faye C. Nowell Trust permitting property addressed as 5550 W. Gillespie Bridge Road to connect to the City's sanitary sewer system.