



701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 5, 2026

Re: Lot 33, Gans Creek Subdivision, Block 3 – Contiguous Annexation Agreement (Case # 44-2026)

Impacted Ward: Ward 6

### Executive Summary

Approval of the attached resolution will authorize staff to prepare a “contiguous” annexation agreement allowing the owners of the property known as Lot 33 of the Gans Creek Subdivision, Block 3, to pursue access to city sanitary sewer services through an annexation agreement in lieu of a “direct” annexation of their vacant contiguous property in advance of obtaining a building permit to build a single-family detached dwelling. The subject property is located on the southeast side of Gans Creek Road, across from the Gans Creek Recreation Area, which is located within city limits.

The request to seek a “contiguous” annexation agreement in lieu of a “direct” annexation was precipitated following formal review of the parcel owner’s applications for permanent zoning and annexation as required by Policy Resolution 115-97A to receive sanitary sewer. As part of that review, the City’s Fire Department identified a deficiency in the parcel’s access to City water service sufficient to meet City Code fire flow rates. To resolve the deficiency, the owners would need to extend a public water main approximately 1,400 feet from the north side of Discovery Parkway & Gans Road through property not owned by them and trigger the installation of a fire hydrant.

Given the cost-prohibitive nature of this extension and other practical difficulties in delivery of City services post-annexation, specifically public safety and trash collection in an efficient and cost-effective manner, staff is seeking authorization to prepare a “contiguous” annexation agreement allowing the property owners to connect to the adjacent city sanitary sewer. Such an authorization would protect the public health and environmental quality within the Gans Creek watershed. It is worth noting that if the subject site were annexed into the City, the nearest city maintained public street is approximately 2,700 feet to the northeast and accessing the parcel to render services would pass 4 other parcels presently served by on-site systems and other non-City utility service providers. Furthermore, the subject parcel is not within the City’s water or electric service territories.

### Discussion

A request by CButch Surveying, LLC (agent) on behalf of Nabil & Dana Beaini (owners) seeking authorization to allow the use of a “contiguous” annexation agreement in lieu of a “direct” annexation such that they may connected a 6.57-acre parcel located approximately 1,400 feet southwest of the intersection of East Gans Road and South Gans Creek Road to the City’s sanitary sewer located immediately to the west. The subject site is

contiguous to the City's municipal limits to the northwest where it abuts the Gans Creek Recreation Area. Per Policy Resolution 115-97A, any contiguous parcel must seek "direct" annexation into the City prior to being authorized to connect to the City's sanitary sewer system.

The applicant's agent has submitted the attached application letter outlining the owner's request to enter into a "contiguous" annexation agreement in lieu of a "direct" annexation. This request is precipitated by the owner's desire to connect to the city's sanitary sewer service, which exists along the western side of their property along Gans Creek Road in advance of constructing a new single-family dwelling. However, as part of the formal review of the requested annexation it was determined that the subject site's access to a waterline with city-code compliant fire flows and a fire hydrant was not financially feasible. To address the deficiency, the applicant would be required to extend a public watermain located northeast of the subject site approximately 1,400 feet through property not owned by them.

The remote location of the site poses significant concerns in regards to provision of other City services efficiently and cost-effectively, with specific emphasis being placed on public safety and solid waste services. The property is situated such that the surrounding properties are served by Consolidated Water and Boone Electric, with many having onsite sewer treatment systems. Trash collection is by private hauler. Accessing this single-parcel to render city services would require traveling approximately 2,700-feet southwest from Gans Road and passing by four other properties.

Furthermore, the subject site is also located adjacent to Gans Creek which has been identified as a sensitive hydrological asset. As such, County permission to install an onsite sewer treatment facility is not desired. Connecting to the City's sanitary sewer is advantageous for the property owners and is considered essential to ensure environmental quality in the watershed is maintained. A "Consent to Serve" letter from the Boone County Regional Sewer District authorizing the City to serve this property has been provided and is attached.

The subject property is the only undeveloped property in the vicinity, therefore, extension of City services to the site would have no further benefit to other developing properties aside from potential connections to City sewer, which is already in place in this locale. In terms of public safety, County service providers are better situated and equipped to continue serving the secluded property.

Pursuant to Policy Resolution 115-97A, any property seeking to connect to the City's sanitary system must enter into either an annexation agreement (when property is non-contiguous) or directly annex (when the parcel is contiguous) into the city's municipal limits. Since 1997 City Council has authorized a number of contiguous properties to utilize the annexation agreement process. The purpose for requiring annexation is to ensure an orderly pattern of growth and manage impacts to the City's municipal services.

The circumstances associated with the applicant's request are similar to those arising in 2020 when the Council permitted the execution of an annexation agreement involving property at 3805 Cherry Bark Court (Ord. # 024192). Prior to obtaining Council approval of the annexation agreement, the subject property was being required to install a waterline to serve the site to meet fire code requirements, as a condition of annexation. The installed line would pass 3 existing developed lots. The underlying concern with permitting a "direct" annexation was that the City would accept responsibility to provide fire protection to a home within its jurisdiction which it could not, given existing city-owned fire-fighting apparatus. As a result of this concern and after acknowledgment that the Boone County Fire Protection District's apparatus assets were better suited to serve 3805 Cherry Bark Court, the Council agreed to allow the property to be connect to city sewer via the annexation agreement.

Following review of the submitted correspondence, evaluation of the existing utilities available to the property, Boone County permitting standards, and the public health benefits that would be compromised without a public sewer connection, staff believes the parcel has a unique set of conditions associated with it that supports the applicant's request. If authorized to enter into an "contiguous" annexation agreement, the annexation would be deferred until such time as the City determines it appropriate to complete the annexation procedure. In the interim, the City will collect fees for the maintenance of its public sewer system in a manner commensurate with any other property that is non-contiguous, but served by city services.

Locator maps, the applicant correspondence, and a Boone County Regional Sewer District "consent to serve" are attached.

#### Fiscal Impact

Short-Term Impact: None anticipated. Any costs associated with the extension or relocation of public utility infrastructure will be borne by the applicant.

Long-Term Impact: Potential impacts may include additional public infrastructure maintenance (i.e. sewer) costs. Given the parcel would remain in Boone County jurisdiction, public safety costs will not be incurred by the City until final annexation of the property occurs. Potential long-term impacts may or may not be off-set by increased property tax collections or user-fees.

**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: Inter-Governmental Cooperation, Secondary Impact: Infrastructure, Tertiary Impact: Land Use & Growth Management

**Legislative History**

Date	Action
N/A	N/A

**Suggested Council Action**

Authorize City staff to prepare a "contiguous" annexation agreement to permit the provision of sanitary sewer to property known as Lot 33, Gans Creek Subdivision, Block 3, as permitted under City Policy Resolution #115-97A.