

A RESOLUTION

authorizing Dan Summers and Sylvia Greer to pursue access to sanitary sewer services through an annexation agreement for contiguous property located at the terminus of Cherry Bark Court and south of Old Ridge Road (3805 Cherry Bark Court).

WHEREAS, Dan Summers and Sylvia Greer (“Owners”) own Lot 10 in Country Woods Subdivision Plat 1 (“Property”); and

WHEREAS, the Property is the last undeveloped lot in Country Woods Subdivision Plat 1 and is contiguous to the City of Columbia, Missouri (“City”) corporate limits; and

WHEREAS, there is a City of Columbia sanitary sewer main (“City sewer main”) running along Cherry Bark Court within approximately forty-five (45) feet of the Property; and

WHEREAS, the existing City sewer main serves approximately 100 homes across three subdivisions including all properties within Country Woods Subdivision Plat 1 and Plat 2; and

WHEREAS, there is one lot within Country Woods Subdivision Plat 2 that is within the City corporate limits and one lot subject to an annexation agreement; and

WHEREAS, the Owners want to develop the Property and connect it to the adjoining City sewer main; and

WHEREAS, such City sewer main has the capacity to provide service to the Property; and

WHEREAS, Policy Resolution No. R115-97A, adopted by the City Council on August 18, 1997, requires parcels pursuing connection to City sanitary service to either annex (for contiguous parcels) or enter into an annexation agreement (non-contiguous parcels); and

WHEREAS, the Property cannot receive a County building permit until it has access to a City sewer main or authorization to install an on-site sanitary system; and

WHEREAS, the Property cannot receive a City building permit and develop until after being annexed and being compliant with the City’s Code of Ordinances; and

WHEREAS, City's Code requires the Property to be served by a water main with a flow of eight hundred (800) gallons per minute (GPM) with fire hydrants within five hundred (500) feet of the Property; and

WHEREAS, the Property is currently served by a Consolidated Water District No.1 2-inch water main capable of supporting domestic water service only which is consistent with other lots within the Country Woods Subdivision Plats 1 and 2 that are located off cul-de-sac streets; and

WHEREAS, the remainder of the lots within the Country Woods Subdivision not located on cul-de-sac streets are served via a 4-inch water main with a flow of approximately two hundred fifty (250) gallons per minute (GPM); and

WHEREAS, the Property is currently within the Boone County Fire Protection District service area and will remain in the Boone County Fire Protection District service area after annexation in addition to being provided fire service by the City; and

WHEREAS, the Boone County Fire Protection District requires water mains with a flow of five hundred (500) gallons per minute (GPM) for newly platted developments; and

WHEREAS, Country Woods Subdivision Plat 1 was approved in December 1976 and recorded in January 1977 prior to the Boone County Fire Protection District's current water main flow requirements; and

WHEREAS, Boone County Fire Protection District has tanker vehicles for fire response specifically designed to compensate for less water flow; and

WHEREAS, City's Fire Department does not possess vehicles specifically designed to compensate for less water flow; and

WHEREAS, City's Fire Code does not account for fire suppression capacity of Boone County Fire Protection District and requires that the existing water main be expanded to meet the increased water flow required for fire suppression prior to the issuance of a building permit for improvements on the Property; and

WHEREAS, the Property would be the only property in Country Woods Subdivision Plat 1 to bear the cost of increasing the water main to meet City's Code; and

WHEREAS, it is not feasible for the Property Owners to bear the cost of increasing the water mains to meet City's Code and have sought to develop the Property under Boone County regulations without accessing City sewer; and

WHEREAS, the Boone County Health Department has conditionally approved the Owner's request for an on-site sanitary system if it complies with other County regulations; and

WHEREAS, the Owners seek to connect to City sewer services, develop the Property under County regulations, and then annex into the City; and

WHEREAS, the Owners seek to access City sewer services under an annexation agreement instead of through a direct annexation as required by Policy Resolution No. R115-97A; and

WHEREAS, the Property is a unique situation that could pose a public health risk if allowed to install an on-site sanitary system because of its proximity to fully developed subdivisions already connected to City's sanitary sewer system; and

WHEREAS, the Property is capable of receiving a Boone County building permit allowing it to connect to City's sewer irrespective of its insufficient water flow due to it being part of a subdivision plat approved prior to the existing Boone County Fire Protection District requirements; and

WHEREAS, City does not consider the increased water flow to be necessary for the health and safety of the Property because it remains within the Boone County Fire Protection District service area and would be served by both the Boone County Fire Protection District and the City; and

WHEREAS, City finds it to be in the best interest of the City to allow annexation following construction so that Owners may utilize Boone County building permitting authority for construction of a single family residence on the Property which will be connected to City's sewer system.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Dan Summers and Sylvia Greer are hereby authorized to pursue access to City of Columbia sanitary sewer services through an annexation agreement as authorized by Policy Resolution No. R115-97A and adopted by the City Council on August 18, 1997. The form and content of the annexation agreement shall be substantially as set forth in "Attachment A" attached hereto and made a part hereof.

ADOPTED this _____ day of _____, 2020.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor