



Department Source: Community Development - BSD

To: City Council

From: City Manager & Staff

Council Meeting Date: December 16, 2024

Re: 1101 S. Cedar Grove Boulevard – Annexation Agreement Authorization (Case #50-2025)

Executive Summary

Approval of the attached resolution will authorize the City Manager to enter into an annexation agreement with the property owner of 1101 S. Cedar Grove Boulevard in lieu of a “direct” annexation of property. The subject site contains 2.90-acres and is contiguous with City’s corporate boundary along its western property line with The Brooks Subdivision. The subject lot is improved with a single-family dwelling that is served by a fully functional on-site septic system. The property owners state that they desire to eliminate the on-site system and connect to the City’s public sewer to the west such that a “more environmentally responsible option” to sewage disposal is provided to their property.

The request to use the annexation agreement process in lieu of the standard annexation procedure is sought to avoid unnecessary conflict between the property owners and adjacent residents within the Cedar Grove Subdivision. The property owners have stated in discussion with city staff, that concerns by other residents within the Cedar Grove Subdivision have been expressed that if a direct annexation of the subject property were to be approved adjacent properties would then be obligated to annex into the City at a later date.

Given the desire to eliminate a less “environmentally responsible” sewage management option and to avoid unnecessary neighborhood conflicts and concerns, the property owners are requesting that they be authorization to enter into an annexation agreement in lieu of a “direct” annexation as would be typically required by the provisions of Policy Resolution 115-97A.

In 2023, a similar request (R174-23) was considered by Council and after consideration of all relevant factors the “contiguous” annexation agreement was approved by Ordinance # 024192. The distinguishing differences that request and the one presently sought is that access to Fire Code compliant “fire flow” could not be provided to the property without significant economic hardship and that the existing on-site septic system was non-functional.

Discussion

Jake and Anna Rose (owners) are seeking Council authorization to allow the property located at 1101 S. Cedar Grove Road to connect to the city’s sanitary sewer system via an annexation agreement instead of the typically required “direct” annexation of property contiguous to the City’s municipal limits. The subject property contains 2.90-acres and is identified as Lot 12 of the Tract Survey of the Cedar Grove Subdivision which was recorded within the Boone County Records on February 2, 1968 and appears, based on Assessor’s



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Records, to have been improved with a single-family dwelling since 1972. The Cedar Grove Subdivision does not have public sewer and all 32-lots within it are served by private on-site lagoon or subsurface septic systems.

The subject lot adjoins Lots 301, 302, 328, and 329 of the Brooks Subdivision Plat No. 2 along its western property line. The Brooks Subdivision was annexed into the City of Columbia in 2017 and is fully improved with city sanitary sewer service, Boone Electric Cooperative electric service and Public Water Supply District # 9 water service. A city-owned/maintained sewer main is located within a recorded public utility easement along the common lot line of the subject property and Lots 301, 302, 328, and 329 of the Brooks Subdivision. This sewer main has capacity to allow for a connection of the subject property via a sewer lateral extension.

The owners have submitted the attached correspondence expressing their desire to enter into an annexation agreement in lieu of a "direct" annexation. This request was submitted following discussion with adjacent property owners in the Cedar Grove Subdivision expressing concern over the impacts that a direct annexation may have upon their properties and in efforts to avoid any unnecessary conflicts between their neighbors. The property owners do not desire to continue to have a sewage lagoon on their property and believe that a "more environmentally responsible option" would be to connect to the City's public sewer to the west. The existing lagoon is fully functional and there are no known environmental enforcement actions associated with its operation.

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. This request represents the third attempt since 1997 to permit a contiguous property 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 not similar to those that have previously occurred. The prior authorizations to allow contiguous parcels to connect to the City's sanitary system without "direct" annexation involved significant expenses to supply the subject parcels with City of Columbia Fire Code compliant "fire flow". Given the expenditure that would have been required to achieve compliance the Council, after full consideration of all relevant factors, chose to authorize each parcel access the city's sanitary system using the annexation agreement procedure.

While the subject property does not involve similar characteristics as those previously authorized, it is worth noting that permitting an annexation agreement in lieu of a "direct" annexation may have several benefits. First, a lagoon immediately adjacent to a now fully developed "urban" subdivision would be eliminated. From an environmental as well as quality of life perspective, this action is supported. The closure of the on-site lagoon would be required to follow standard regulatory processes and can easily be connected to the city's public sewer, to the west, via a lateral extension without the necessity of obtaining any



City of Columbia

701 East Broadway, Columbia, Missouri 65201

additional easements given it is adjacent a recorded public utility easement within the Brooks that contains the main sewer.

A second benefit to authorizing the property owners to enter into an annexation agreement in lieu of a "direct" annexation will be the reduction in providing other municipal services to the property such as police, fire, and solid waste. The subject property is located approximately 2,250-feet north of the Highway WW/S. Cedar Grove Boulevard intersection. If "direct" annexation is required, provision of services such as trash collection and emergency response would have to travel this distance to serve the single lot. Authorizing the requested annexation agreement would delay provision of such services given the parcel would still be considered to be located within Boone County. Furthermore, delaying "direct" annexation in favor of an agreement would permit potentially more parcels desiring to eliminate on-site lagoon or subsurface septic systems time to consider annexation at which time a more holistic approach to expanding the City's corporate limits could be considered.

A final benefit to authorizing an annexation agreement in lieu of a "direct" annexation would be maintaining harmony between the property owners and their neighbors. While the City is not actively pursuing involuntary annexation of land, avoiding this perception is likely in the greater public interest. The property owners seek to improve the environmental quality of their personal property as well as that of the surrounding neighborhood. The choice to seek the desired solution is personal; however, is viewed favorably as a benefit to the community as a whole and if it were desired by a greater number of adjacent residents a "direct" annexation of those properties may be considered essential.

It should be noted that if the property owners request to enter into an annexation agreement is approved, consent from the Boone County Regional Sewer District would be required as this property presently lies within their service territory. Furthermore, the property owners would be subject to all applicable city connection and monthly billing charges associated with a parcel receiving city service, but located outside the corporate limits. Monthly billing charges are 1.5 times the standard rate charged to residents within the corporate limits.

Following review of the submitted correspondence, evaluation of the available utilities to the property (all non-city), Boone County permitting standards applicable to future improvements on the site, the public health and quality of life benefits that would be achieved with a public sewer connection, and avoidance of unnecessary neighborhood conflict staff believes the property owners request is supportable. If authorized, the property owners or a future owner would not be relieved of having to annex the parcel into the City's corporate limits. Rather the annexation would be delayed until such time as the City determines it is 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 and applicant correspondence are attached.



Fiscal Impact

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

Long-Term Impact: Potential impacts may include additional public infrastructure maintenance (i.e. sewer) and solid waste collection cost. 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. Furthermore, given electric and water services are provided by others costs associated with those services would not be incurred either. 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: Infrastructure, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Not Applicable

Legislative History

Date	Action
N/A	N/A

Suggested Council Action

Authorize City staff to prepare an annexation agreement to permit the provision of sanitary sewer to property addressed as 1101 S. Cedar Grove Boulevard as permitted under City Policy Resolution #115-97A.