

A RESOLUTION

authorizing The Boyles Family Revocable Trust to pursue access to sanitary sewer services through an annexation agreement for property located on the east side of Cedar Grove Boulevard (1404 S. Cedar Grove Boulevard) contiguous to the city limits.

WHEREAS, The Boyles Family Revocable Trust (“Owners”) own a tract of land commonly addressed as 1404 S. Cedar Grove Boulevard within Cedar Grove Subdivision (“Property”) upon which a functional on-site sewage lagoon is located; and

WHEREAS, Cedar Grove Subdivision contains thirty-two (32) lots served by private on-site lagoons or subsurface septic systems; and

WHEREAS, the Owners’ Property is contiguous to the City of Columbia, Missouri (“City”) corporate limits along its western boundary with Old Hawthorne Subdivision; and

WHEREAS, there is a City of Columbia sanitary sewer main (“City sewer main”) located within a recorded public utility easement along the common lot line of the Property and Lots 301, 302, 303, 328, and 329 of The Brooks Subdivision Plat No. 2; and

WHEREAS, such City sewer main serves approximately one hundred sixty-three (163) homes within The Brooks Subdivision Plat No. 2; and

WHEREAS, Owners desire to eliminate Owners’ on-site sewer system for a more environmentally responsible sewage management option provided by the connection of the Property to the adjoining City sewer main; and

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

WHEREAS, Owners existing on-site sewer system is failing, but it is not known whether such system is in violation of any regulatory requirements relating to lawful operation; however, the failing on-site system is sought to be eliminated to benefit public health and safety as well as eliminate the Owners’ responsibility for on-going maintenance; 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, although the Property is contiguous to the city limits, the Owners seek to access the City sewer main under an annexation agreement, which is not contemplated by Policy Resolution No. R115-97A; and

WHEREAS, the Property is currently served by Consolidated Water District No.9 with a water main capable of supporting domestic water service and fire flow, which is consistent with other lots located outside the city's corporate limits within this area; and

WHEREAS, the Property is outside the City's electric service territory and is provided electric service by Boone Electric Cooperative; and

WHEREAS, the Property is currently within the Boone County Fire Protection District service area and would become the responsibility of City following annexation with mutual-aid provided by the Boone County Fire Protection District; and

WHEREAS, if annexation occurs at the time the Property is connected to the sanitary sewer, the City would also need to provide additional city services, including: fire protection, police protection, half-street roadway maintenance for the lot frontage, sanitary sewer, and trash collection; and

WHEREAS, it is not feasible to provide such city services to a single lot located approximately 650 feet north of the intersection of Cedar Grove Boulevard and Highway WW; and

WHEREAS, the Property is a unique situation that could pose a public health risk if allowed to remain on a private on-site septic system because of its proximity to a fully developed subdivision already connected to the City sewer main; and

WHEREAS, the City finds it to be in the best interest of the City and the public health to enter into an agreement with the Owners which would allow for the connection to the City sewer main subject to future annexation of the Property at such time as the property owners of the adjacent lots within Cedar Grove Subdivision choose to voluntarily connect to the City's sewer main or pursue installation of sanitary sewer facilities serving the entirety of the Cedar Grove Subdivision; and

WHEREAS, the City Council finds strict adherence to Policy Resolution No. PR115-97A requiring the annexation of the Property is not in the best interest of the City at this time and such annexation should be deferred by annexation agreement until such time as additional lots within the Cedar Grove Subdivision become connected to the city sewer and are eligible to receive additional city services.

Be it resolved by the Council of the City of Columbia, Missouri, as follows:

SECTION 1. The Boyles Family Revocable Trust are hereby authorized to connect the Property to the City sewer main prior to annexation by entering into an annexation agreement setting forth the terms and conditions under which future annexation of the Property may occur. 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: _____

Mayor and Presiding Officer

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor