RESOLUTION 2016-25

Agenda Item

TO: Mayor and City Council

FROM: Mark S. Gaugh, City Manager
Padraic Corcoran, City Attorney

DATE: December 5, 2016

RE: Land Annexation

Background

The attached Resolution will begin the process of annexing land parcels that were purchased recently, as well as a parcel purchased in 2013. We have approximately 12 acres of watershed land near Sunrise Lake that has yet to be annexed. So, we can avoid some duplication of effort and annex these parcels together. The annexation process is very rigid, and it makes no difference whether the City is annexing its own property.

The next step in the voluntary annexation procedure is the submission of a verified petition requesting annexation signed by all fee owners of the affected tracts (in this case the City itself is the fee owner of all the affected tracts). After submitting the petition the City Council must hold a public hearing between 14 days and 60 days after receipt of the petition and give at least 7 days' notice by publication in a newspaper of general circulation qualified to publish legal matters located within the boundaries of the city. If no paper exists then the notice should be published in a qualified paper nearest the petition city. Evidence and testimony should be presented in the hearing regarding the reasonableness and necessity of annexation. This includes evidence (e.g. written memorandum) or testimony regarding the ability of the City to provide normal municipal services to the area within a reasonable period of time. Finally, following the hearing the governing body must determine whether (1) the annexation is "reasonable and necessary to the property development" of the City; and (2) the annexing municipality has the ability to extend normal municipal services to the area with a reasonable time. The general principle that Missouri courts have applied in establishing that reasonableness of annexation is whether the annexed territory is so situated as to be adaptable to urban purposes and convenient to a reasonable exercise of municipal government. To finalize the annexation, if no objection is filed within 14 days following the hearing, the City may annex the property by ordinance, specifying the new, extended municipal boundaries. The City Clerk would then file three certified copies of the ordinance with the county assessor and county clerk and one certified copy with the election authority if the election authority is someone other than the county clerk. Also, City Clerk should sent a certified copy of the ordinance to the Missouri Department of revenue to ensure that any sales tax generated in the area is properly assessed and accrued to the City.

Recommendation

Staff recommends passage of the Resolution in order to proceed with annexation procedures.

Resolution 2016-25

A RESOLUTION FOR THE CITY OF CAMERON, CLINTON AND DEKALB COUNTIES, MISSOURI AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY A PETITION FOR VOLUNTARY ANNEXATION TO THE CITY OF CAMERON, CLINTON AND DEKALB COUNTIES, MISSOURI

WHEREAS, the City owns certain real property that is located outside of the corporate limits of the City; and

WHEREAS, the certain real property is continuous and compact to the current corporate limits of the City; and

WHEREAS, the City desires that the certain real property be voluntarily annexed into the corporate city limits pursuant to the voluntary annexation procedure laid out in Section 71.012 of the Revised Statutes of Missouri.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAMERON, CLINTON AND DEKALB COUNTIES, MISSOURI, AS FOLLOWS:

THAT the City Council hereby authorizes the City Manager to execute on behalf of the City a Petition for Voluntary Annexation to the City of Cameron, Clinton and DeKalb Counties, Missouri, with respect to the following real property:

Clinton County:
Tract 1:
The North Half (N ½) of the Southeast Quarter (SE ¼) and the East 10 acres of the North Half (N ½) of the Southwest Quarter (SW ¼) of Section Twenty-five (25), Township Fifty-seven (57) North, of Range Thirty (30) West, all in Clinton County, Missouri.

Tract 2:
The East Half (E ½) of the Northeast Quarter (NE ¼) of Section Twenty-five (25), Township Fifty-seven (57) North, of Range Thirty (30) West, Clinton County, Missouri.

Caldwell County:
The Northwest Quarter (NW ¼) of Section 30, Township 57 North, Range 29 West of the Fifth Principal Meridian, Caldwell County, Missouri, excepting that part heretofore acquired by the State of Missouri for highway purposes. EXCEPTING therefrom a one acre tract described as commencing on the East right-of-way line of Caldwell County Route BB at a point 8.37 chains South of the North line of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Thirty (30), Township Fifty-seven (57), of Range Twenty-nine (29), thence East 3.17 chains, thence South 3.17 chains, thence West 3.17 chains, thence North 3.17 chains to the point of beginning.

The Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Thirty (30), Township Fifty-seven (57), Range Twenty-nine (29), Caldwell County, Missouri.

DeKalb County:
Tract 1:
All of the West 220 feet of a tract described as: All of the Southeast Quarter of the Southwest Quarter of Section Ten (10), Township fifty-seven (57), of Range Thirty (30), except the South One Thousand (1,000) feet, DeKalb County, Missouri, subject to that part, if any, in streets, roadways, highways or other public rights-of-way.

Tract 2:
All of the Southeast Quarter of the Southwest Quarter EXCEPT the South 1,000 feet, and EXCEPT the West 220 feet thereof, AND all of the West 405 feet of the Southwest Quarter of the Southeast Quarter, EXCEPT the South 1,000 feet thereof, all in Section Ten (10), Township fifty-seven (57), Range Thirty (30), DeKalb County, Missouri, subject to that part, if any, in streets, roadways, highways or other public rights-of way, **and**

FURTHER THAT the Mayor, the City Manager, the City Attorney and other appropriate City officials are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent of this Resolution and to execute and deliver for and on behalf of the City all certificates, instruments, agreements and other documents, as may be necessary or convenient to perform all matters herein authorized.

Passed and approved this 5th day of December 2016.

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Mayor Jerri Ann Eddins

Attest:

_____
City Clerk/Finance Clerk