

*Amended*

RECOMMENDED BY THE PLANS AND POLICIES COMMITTEE

Pub. Imp. \_\_\_\_\_  
Govt. Grnt. \_\_\_\_\_  
Emer. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 6  
Filed: 11-21-95

Sponsored by: Wilson, Griggs,  
Gardes, Hacker

COUNCIL BILL NO. 95 - 410

RESOLUTION NO. 8326

A RESOLUTION

ADOPTING an annexation policy for the City of Springfield, Missouri.

WHEREAS, the City of Springfield periodically annexes land into the City of Springfield; and

WHEREAS, it is important for citizens and developers to know the annexation policy of the City of Springfield, Missouri; and

WHEREAS, the City's staff has prepared a draft annexation policy which has been submitted to the Plans and Policies Committee for its review and recommendation; and

WHEREAS, the Plans and Policies Committee of the City of Springfield, Missouri has recommended that the City Council adopt the annexation policy which is attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Springfield, Missouri as follows:

That the City Council of the City of Springfield, Missouri, hereby adopts, as the annexation policy for the City, the policy set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Passed at meeting: November 27, 1995

*[Signature]*  
Mayor

Attest: *[Signature]*, City Clerk

Approved as to form: *[Signature]*, City Attorney

Approved for Council action: *[Signature]*, City Manager  
f:annex.res

**DRAFT ANNEXATION POLICY  
City of Springfield, Missouri  
November 21, 1995**

This document sets forth the policy of the City of Springfield, Missouri, regarding annexation of properties into the City.

**I. ANNEXATION PHILOSOPHY**

It is recognized that good planning generally requires control over land prior to its development; however, current fiscal limitations and state statutes do not permit aggressive annexation of land that is undeveloped. Property taxes for residential property are generally insufficient to pay for the additional police, fire and other public services required to serve residential areas. State statutes require consent of one hundred percent of the property owners for annexation to occur without undertaking a costly and lengthy election process. The annexation policy expressed in this statement is limited, recognizing that there are fiscal and legal constraints which prevent the City from having a more aggressive annexation policy. A comprehensive annexation policy will be prepared in conjunction with the Springfield/Greene County Comprehensive Plan.

The Urban Service Area surrounding the City is designated for development at urban densities and should be provided municipal services by the City of Springfield as development occurs. Significant commercial and industrial developments should be located within the City of Springfield because these developments require the level of municipal services provided by the City. It is also important that commercial development occur in the City because of the City reliance on sales tax to fund City operations.

When sanitary sewer is requested to develop property, it is the general philosophy of the City of Springfield to annex properties adjacent to the city limits and to require agreements to annex when the properties are not adjacent to the city limits.

**II. CONSENT ANNEXATIONS**

At this time, the City is only pursuing consent annexations. Consent annexations require that one hundred percent of the property owners, within the area to be annexed, agree to the annexation.

It is the policy of the City to vigorously protect its environment and economic base. To the extent there are areas outside the City which could have a substantial economic or environmental impact on the City, the City will pursue, at the direction of the City Council, non-consent

**EXHIBIT A**

annexations as a means to protect the City's environment and economic base.

### III. SANITARY SEWER REQUESTS AND ANNEXATION

When sanitary sewer service is requested for properties located outside the city limits, a consent to annexation shall be filed concurrently for all properties to be served by sanitary sewer. The consent to annexation shall be made on a form designated by the City. Ordinarily, existing platted subdivisions that are developed residential with service provided by individual septic systems are exempt from this requirement to file a consent to annexation to receive sanitary sewer service. In the event it is determined that the area is critical with respect to growth and economic development of the City, the City may require consent annexation as a condition of providing sanitary sewer service.

If the property for which sanitary sewer service is requested is vacant and requires sanitary sewer service for development, plans shall first be submitted to the City to determine if sanitary sewer service will be provided and if annexation is required. Properties abutting the City will be annexed prior to development to avoid confusion in the permitting process unless the City determines that annexation is not in the interest of the City.

The City will provide sanitary sewer service to properties located outside the city limits of the City of Springfield provided the properties are located in the Urban Service Area and one of the following criteria is met.

- A. In areas where annexation is not critical, the City may provide sewer service if:
  - 1. The use of the property is residential;
  - 2. The property cannot reasonably be annexed within the time in which sewer service is needed; and
  - 3. The City has determined that it is in the interest of the City to provide sewers prior to annexation of the property after reviewing a plan for annexation prepared by the property owner or City staff showing how and when the property can be annexed.
- B. It is generally the policy of the City that it will not provide sewer service to commercial or industrial property outside the City. Sewers may be provided to

small neighborhood commercial property or small industrial property if the City staff determines that it is in the interest of the City and after review by the City, it is determined there is no reasonable way to annex the property into the City.

Owners of property that is provided sewer but not required to be annexed are required to sign annexation agreements that bind current and future property owners to annexation of their property at the City's option in the future. Sewer service is conditioned upon the property owner agreeing to annexation and that agreement remaining in force and effect. In the event the property owner granting the consent or his or her successor in interest attempts to withdraw the consent to annexation or otherwise opposes annexation, the City shall have the right to disconnect the property from the City sewer system at its discretion.

Currently the City requires consent annexation agreements be recorded in the land records at the County so that subsequent purchasers of property are informed about the existence of consent annexation agreements. The City will attempt through various means to improve notification to subsequent purchasers of property.

If annexation is deemed to be important to the City, the City will require annexation to proceed prior to providing sewers because the validity of consent annexations have not yet been determined in Court.

#### IV. ANNEXATION PROCEDURES

A. Notification of Intent to Annex. The City will notify the following jurisdictions, agencies and organizations of their intent to annex property.

1. City Utilities
2. E-911
3. Greene County Highway Department
4. Greene County Planning
5. Greene County Resource Management
6. Rural fire district with jurisdiction
7. Springfield-Greene County Health Department
8. Missouri Highway and Transportation Department
9. All City departments
10. Adjacent property owners who are outside the City and within 185 feet of the area to be annexed
11. Appropriate school district

If the City intends to act on a consent to annexation agreement that was received as a result of providing

sewer to a development, the City will also notify all property owners in the area to be annexed.

B. Notification of Completion of Annexation. The City will notify the following jurisdictions, agencies and organizations when property has been annexed into the City.

1. City Utilities
2. E-911
3. Greene County Highway Department
4. Greene County Planning
5. Greene County Resource Management
6. Greene County Sheriff's Department
7. Rural fire district with prior jurisdiction
8. United States Post Office
9. Missouri Highway and Transportation Department
10. All City departments
11. Property owners in the annexed area
12. Appropriate state agencies
13. Appropriate school district

#### V. COOPERATION WITH SERVICE PROVIDERS

The City will work with fire districts, water districts and other service providers impacted by annexation of property in their service areas to develop policies and procedures to address the impacts of annexation on the service providers. The City has entered into an agreement with Logan-Rogersville Fire District to reduce the fiscal impacts of annexation on the fire district. The City will work with the other fire districts to adopt the same agreement.

#### VI. NON-CONSENT ANNEXATIONS

The Springfield-Greene County Comprehensive Plan, being prepared through the Vision 20/20 process, will identify areas that could be annexed into the City of Springfield.

ANNEX.POL

Aff. Agcy. Noticed \_\_\_\_\_  
Emergency Required \_\_\_\_\_  
P. Hrngs. Required \_\_\_\_\_  
Fiscal Note Required \_\_\_\_\_  
Board Rec. Required \_\_\_\_\_  
Sponsor \_\_\_\_\_  
Date November 21, 1995

EXPLANATION TO COUNCIL BILL NO. 25-

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Adoption of the City's Annexation Policy

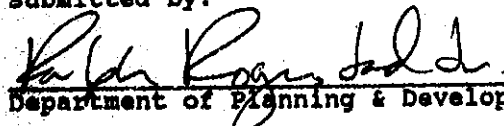
BACKGROUND INFORMATION:

This resolution will adopt the attached annexation policy. The policy explains the City's basic annexation philosophy and the procedures for review and approval of consent annexations.

The policy was prepared by the Annexation Policy Team composed of representatives from Planning and Development, Police, Fire, Finance, Public Works and Law. The Plans and Policies Committee reviewed the policy on November 20, 1995, and recommended approval.

The committee requested staff look at how to improve the notification of consent annexation agreements to subsequent purchasers of property. Staff included the intent to improve the notification process in the policy, and staff will report to Council when improvements are made.

Submitted by:

  
Department of Planning & Development

Approved by:

  
City Manager

ANNEX. EXP

RESOLUTION NO. 1726

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