



## **Annexation Plan**

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## INTRODUCTION

Missouri Revised Statutes, Chapter 71 provides the legal basis for the annexation of land to the City of Cape Girardeau. The information contained herein is for the purpose of formalizing the City's policies and procedures with regard to annexations. It also serves as a guide for future growth, and can be used as a reference by City officials, property owners, developers, and other parties who have an interest in the orderly growth of Cape Girardeau. While the basic concept of municipal annexation is simple, the factors influencing a decision to annex or not to annex are often complex. Due consideration must be given to a wide range of issues. Failing to do so can lead to careless annexations that do more harm than good. Annexation should only be considered in instances where it makes sense.

## WHY ANNEX?

In order for an annexation to make sense, there needs to be logical reasons for doing it. Those reasons are typically in terms of benefits to the property owner and the City.

### *Benefits to the Property Owner*

Many owners of property outside the City's corporate limits seek annexation in order to obtain City services such as water and sanitary sewer. To a homeowner, these services mean a better standard of living. To a developer, such services greatly increase development potential in terms of density, scale, and even types of land use. An added benefit of City services is the fact that they are managed by professional staff. This ensures the services will be consistently maintained at a high level.

Annexing into the City also affords a property owner with certain safeguards and opportunities, which are described below.

### *Benefits to the City*

Why would the City want to expand its corporate limits? More land means more development, hence an increase in demand for City services. The additional demand is, of course, accompanied by additional revenue from taxes and fees paid by the annexed property owners and tenants. But expansion of the revenue base is only one part of the City's interest in annexing.

When a property is annexed, it becomes subject to the City's laws and regulations; in other words, the City gains control over how the property is used and developed. The laws and regulations are intended to protect the public health, safety, and general welfare. Unregulated properties that are outside the City's corporate limits but contiguous to it have the potential to create adverse impacts to the City. Examples

include incompatible land uses (industrial site next to a residential subdivision), environmental contamination (sewage flow into a water source), uncontrolled storm water (parking lot that floods frequently), and unsafe buildings (dilapidated house). Annexing properties to prevent such conflicts is one way the City protects its residents, businesses, and property owners.

Increasing the City's capacity for new and innovative developments is another incentive for annexing land. Cape Girardeau takes pride in its diversity of businesses and housing types. The primary force that drives this diversity is consumer demand. As the population increases and consumer preferences change, it is essential that the City grows in order to provide opportunities for innovative developments.

Lastly, annexation allows the City to increase in population, a key eligibility factor for block grants and other forms of state and federal assistance.

Thus, the City - as well as those who have a stake in it - can benefit from annexation in a number of ways.

## ANNEXATION AND THE COMPREHENSIVE PLAN

In December 2007, the City of Cape Girardeau Comprehensive Plan was adopted by the City Council. The product of an intensive process spanning two years, the plan was developed with substantial public participation. Since the adoption of the plan, the City has been working to achieve the goals that were established. One such goal pertains to annexation:

### *Goal 6*

*The City of Cape Girardeau will formulate an annexation strategy to ensure planned and environmentally responsive growth of the City by providing for adequate resources to extend and enhance infrastructure and facilities required by the land uses in the annexed area.*

The goal is followed by a set of objectives by which its progress can be measured, including:

- Development of an annexation plan and an annexation policy
- Concentration of public capital investments in areas contiguous to developed land
- Provision of land for future parks and trails
- Provision of easements for public access and utilities
- Preservation of agricultural land and natural waterways/greenways

The creation and adoption of this document achieves the first objective. The remaining objectives can be achieved through various means, including annexation. For example, by annexing a large tract of undeveloped land, the City could be providing for future parks and trails, or preserving agricultural land and natural waterways/greenways. In this sense, annexation is a tool that helps the City achieve the goals of the Comprehensive Plan. This relationship also works in reverse; the Comprehensive Plan is a reference or guide that helps the City evaluate potential annexations.

## ANNEXATION POLICY

The City of Cape Girardeau has a vital interest in assuring quality growth through careful expansion of its corporate limits. Such expansion is necessary to protect the public health, safety and general welfare, and to ensure the sustainability of City services. To facilitate proper annexation in accordance with these principles, the City has adopted this formal annexation policy.

### *Voluntary Annexation*

Voluntary annexation is the most expedient and least costly process for incorporating properties into the City. It also reflects a mutual realization of benefits on the part of the property owner and the City. Therefore, the City will encourage voluntary annexation in instances where a property meets the City's annexation criteria. Voluntary annexation shall follow the process established by the City, including the filing of a Petition for Annexation and, if applicable, an Annexation Agreement.

### *Involuntary Annexation*

Involuntary annexation under Missouri Revised Statutes is a process that involves considerable time and expense. As such, it should only be considered where there is a substantial public purpose. In addition to meeting the basic annexation criteria, areas being considered for involuntary annexation should be large in size, well-defined, and significantly contribute to the goals of the Comprehensive Plan. Furthermore, they should be identified as logical growth areas of the City.

### *City Services*

A property that is outside the City's corporate limits may obtain City services under one of the following scenarios.

#### Involuntarily Annexed Property

State law requires the City to provide services (such as water, sanitary sewer, fire, police, and solid waste) to an involuntarily annexed property within three years of the effective date of annexation.

## Contiguous Property

A contiguous property (i.e. a property that is adjacent to the City's corporate limits) may receive water and/or sanitary sewer upon the execution and recording of a Petition for Annexation and an Annexation Agreement. Once these items have been recorded, the City will proceed with annexing the property.

## Non-Contiguous Property

As with a contiguous property, a non-contiguous property may receive water and/or sanitary sewer upon the execution and recording of a Petition for Annexation and an Annexation Agreement. Due to State requirements, the City must wait until the property becomes contiguous before proceeding with annexation. The City may provide these services prior to annexation as long as the petition and agreement are recorded.

For both contiguous and non-contiguous properties, the costs associated with connecting to the City's water and sanitary sewer systems (including main extensions) shall be paid by the property owner. Other services including fire, police, and solid waste will not be provided prior to annexation.

It should be noted that once a service is made available to a property, the owner is charged for that service whether they use it or not. Water and sanitary sewer services are considered to be available if a main is located within 200 feet of the property.

## *Compliance with City Code*

Every property that is annexed to the City shall comply with the City's Code of Ordinances and other applicable regulations. Any land use or physical characteristic that does not comply at the time of annexation will be considered legally non-conforming, and cannot be expanded. Any changes that occur after the effective date of annexation shall comply with the City Code. Annexation agreements require non-contiguous properties that receive City services to also comply with City regulations, such as the building codes, for new construction, building additions, and alterations to existing buildings.

## *Existing Streets*

Existing streets that were privately maintained prior to annexation shall continue to be privately maintained, unless such streets are improved to meet the City's standards for public streets, and placed in a dedicated public right-of-way by plat.

## ANNEXATION PROCESS

As stated in the previous section, the City will encourage voluntary annexation where possible. The first step in this process is the initial discussion between the property owner and the City. Although annexation involves several City departments and divisions, the process is managed by the Planning Services Division in the Development Services Department. A property owner who is considering annexation should contact Planning Services staff at (573) 339-6327 and request an Annexation Petition Request Form. If the City wishes to initiate an annexation, Planning Services staff will contact the property owner. Regardless of who initiates the process, the property owner must sign and submit a Petition for Annexation and, if applicable, an Annexation Agreement in order to move forward. These documents are only provided to the property owner after City staff has determined the annexation meets the applicable criteria. Once the property owner returns the signed petition and agreement, the City submits them to the Cape Girardeau County Recorder's Office for recording. Once the property is contiguous to the City's corporate limits, the City Clerk then places the petition on the City Council agenda for acceptance.

At the time the petition is accepted, the City Council schedules a public hearing. Prior to the Council hearing, the Planning and Zoning Commission will review the proposed zoning of the property to be annexed, and make a recommendation to the City Council. Both the annexation and the proposed zoning are considered at the Council hearing. Following the public hearing, ordinances are prepared for the annexation, zoning, and ward boundary adjustment. The City Council considers the ordinances for first reading and, at the following meeting, for second and third reading. If the ordinances are approved, they become effective at 12:01 a.m. of the eleventh day following the date of passage. Planning Services staff notifies all parties of interest, and GIS staff updates the mapping system. This completes the annexation process.

## PLANNING FOR FUTURE GROWTH

The City's annexation criteria are based on State of Missouri requirements and other characteristics the City has deemed necessary in order to assure quality growth and development. The criteria provide City officials with an important tool for evaluating future growth opportunities. Identifying and evaluating these opportunities in advance allows the City to:

- Determine logical growth areas
- Assess potential for development and redevelopment of those areas
- Plan for the provision of infrastructure and services to those areas
- Consider possible land uses and zoning
- Prepare in advance to respond to inquiries about potential annexations
- Initiate annexation discussions with property owners

By following this approach, the City of Cape Girardeau is planning for its future growth. How that growth unfolds remains to be seen, but the decisions about what “makes sense” can be made now. The impact of such planning cannot be understated. It surpasses jurisdictional boundaries and ensures sustainability for current and future generations.