

**Before the Boundary Commission, St. Louis County, Missouri**

In re: Proposal of the City of Ellisville and  
City of Wildwood )  
 )  
 ) File No. BC9704  
 ) Transfer of Jurisdiction  
 ) Kiefer Creek Farms Subdivision  
 )  
 )

**Summary and Decision of the Boundary Commission, St. Louis County  
December 2, 1997**

**Summary of Facts:**

The Boundary Commission, St. Louis County gathered the following facts:

On August 21, 1997 a proposal requesting a transfer of jurisdiction (hereinafter referred to as the "official submittal") by the City of Ellisville (hereinafter referred to as the "proposing municipality") and the City of Wildwood (hereinafter referred to as the "cooperating municipality") was submitted to the Boundary Commission (hereinafter referred to as the "Commission") at its office, pursuant to the Rules of the Commission in effect as of December 3, 1996. The official submittal contained the information required of all proposals as found in Article III(A) of the Rules. Additionally, the official submittal contained the following information required under the Rules for simplified boundary change requests involving the transfer of jurisdiction between municipalities which leaves each municipality a separate legal entity.

- A. Article III B(2a) - Verified petition
- B. Article III B(2b) - Signature list of fee owners not signing the petition
- C. Article IV C - Copy of Budget and Audit Report

On October 21, 1997 a public hearing was conducted by the Commission based upon the official submittal.

The area proposed to be transferred is fully incorporated in the city boundaries of the City of Wildwood. The territory is located in the east central portion of the City of Wildwood and adjacent to the southern border of the City of Ellisville. It can only be accessed from unincorporated St. Louis County and the City of Ellisville. The territory contains 25 single family residential dwelling units on 115 acres. A map showing the location of the area is attached as Exhibit "A" and is the same map presented in the proposal by the proposing municipality.

The following information, basic to the area, was either provided to the Commission by the proposing municipality in their official submittal or concluded from that information.

<b>BASIC ANNEXATION INFORMATION DATA</b>	
<i>Area</i>	115 acres
<i>Population (most recent census)</i>	66
<i>Dwelling Units</i>	25
<i>Dwelling Units per Three Acres</i>	0.65
<i>Total Assessed Valuation</i>	\$1,182,460

In 1994, 100% of the property owners within the Kiefer Creek Farms subdivision requested the City of Ellisville annex the subject property. At that time, the subdivision was included within the boundaries of the proposed new city of Wildwood. This precluded the City of Ellisville from acting on their request. After the creation of the new Boundary Commission, the residents again petitioned the City of Ellisville to file for a boundary change transferring jurisdiction from the City of Wildwood to Ellisville. The City of Wildwood reviewed the proposal for a transfer of jurisdiction and, satisfied that the legal requirements were met for the transfer, accepted the proposal by adopting an ordinance identical to the ordinance adopted by the City of Ellisville. The proposal was then submitted to the Boundary Commission for review.

#### FACTOR 1

(Impact, including but not limited to the impact on the tax base or on the ability to raise revenue)

Although the City of Ellisville's tax rate structure is higher than Wildwood's, Ellisville represented that any tax differential was based upon provision of a higher level of services. Currently Ellisville has a real property tax of \$.35 per \$100 of Assessed Valuation, while the City of Wildwood does not levy such a tax. The utility tax would increase from 5% to 7% after the transfer of jurisdiction to Ellisville. The City of Ellisville also levies an additional ½% sales tax for parks and stormwater control, which will only impact a resident if and when they purchase a motor vehicle.

However, the proposing municipality fully subsidizes snow removal and trash collection services, eliminating the private costs to the Kiefer Creek Farms residents for delivery of these services. The residents also pay \$250 annually in private street assessments that will be offset \$130 by the street maintenance program the City of Ellisville offers. Depending on the value of their respective properties, Kiefer Creek Farms residents would save a per-household average of approximately \$100 per year by becoming Ellisville residents.

The proposing municipality stated the proposed boundary change will have little, if any, impact on the City of Ellisville because no additional personnel will be needed to provide service. The only direct measurable costs will be the provision of solid waste services, minor overhead administrative costs, and minor street maintenance costs beginning in 1999.

This boundary change will have no impact on the adjoining areas, of which the properties to the north, northwest, and northeast of Kiefer Creek Farms are already located in Ellisville. The subject area is currently incorporated within the City of Wildwood and will have no impact on St. Louis County or the geographic region.

FACTOR 2  
(Legal Description of Area)

For the legal description of the area subject to the boundary change proposal, the proposing municipality submitted the document attached hereto as Exhibit "B" and generally described as "Kiefer Creek Farms Subdivision Legal Description."

FACTOR 3  
(Ability to accommodate orderly incorporation in the County)

On the ability of the proposal to accommodate orderly incorporation in the County, the City of Ellisville represented that the "transfer of jurisdiction" between the municipalities of Ellisville and Wildwood will have no impact on orderly incorporation. The area involved is already incorporated. The only issue is which community should have jurisdiction to provide services.

There are two subdivision splits in the area that involve unincorporated St. Louis County, but these can not be addressed in a transfer of jurisdiction proposal. The City of Ellisville indicated their intention to clear up these small anomalies at a later date.

**FACTORS 4 and 5**

(Present level of major services and proposed time schedule for delivery of services)

On the present level of major services and the proposed time schedule to provide those services, the Boundary Commission received the following evidence.

<b>Provision of Services</b>					
<i>Service</i>	<i>Service Unchanged</i>	<i>Service Changed</i>			
		<i>Present Provider</i>	<i>Fee</i>	<i>New Provider</i>	<i>Fee</i>
Police Services		Wildwood	No	Ellisville	No
Fire/EMS/ALS Service	No Change				
Water Service	No Change				
Sewer Service	No Change				
Street Maintenance		Property owners	Yes	Ellisville/Property Owners <sup>1</sup>	Yes
Utility Agreements		Wildwood		Ellisville	
Parks Service		Wildwood	No	Ellisville	No
Recreation Service		Wildwood	No	Ellisville	No
Refuse Service		Residents	Yes	Ellisville	No
Sidewalk Maintenance		Property Owners	Yes	Ellisville/Property Owners <sup>1</sup>	No
Street Lighting		Property Owners	Yes	Ellisville	No
Code Administration		Wildwood	Yes	Ellisville	Yes
Planning & Zoning		Wildwood	No	Ellisville	No
Municipal Court		Wildwood	No	Ellisville	No
Health Services	No Change				

The proposing municipality stated that all services would be provided immediately upon the effective date of the proposed boundary change, including solid waste services. Ordinarily RSMO 260.247 would prohibit the proposing municipality from providing refuse services to newly annexed residents for a period of two years following annexation, however the statute does not apply to areas with lower than the requisite population density of fifty (50) residential customers. The proposed area has 25 homes.

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<sup>1</sup>In accordance with proposed roadway maintenance agreement that will lower the street assessment of the residents.

**FACTORS 6 and 7**  
 (Current tax rates of area and sources of revenue)

On the current tax rate of the area subject to the proposal and the sources of revenue of the area subject to the proposal, the Boundary Commission received the following evidence:

**Change in Tax Rates for Property and Utility Taxes after Boundary Change**

Source of Tax	Change in Tax Rate
Real Estate Property Tax	Net Increase of \$.35/\$100 Assessed Valuation
Personal Property Tax	No change
Utility Tax	Increase from 5 to 7%

**Revenue, Cost and Balance Estimates to the City of Ellisville**

Source of Revenue	Estimated New Revenue
Real Estate Property Tax	\$4,138.61
Personal Property Tax	\$0.00
Utility Tax	\$4,200.00
Cable T.V. Franchise Tax	\$225.00
Pool Sales Tax	\$7,590.00
Missouri Gasoline Tax	\$1,677.72
Motor Vehicle Sales Tax and Fees	\$653.40
County Road and Bridge Tax	\$1,241.58
Cigarette Tax	\$290.40
<b>Estimated Total New Revenue to City of Ellisville from Area</b>	<b>\$20,016.71</b>
Estimated Cost of Extending Service to Area (First year of a three year projection)	\$3,481.00
<b>Estimated Net Surplus (Deficit)</b>	<b>\$16,535.71</b>

**FACTOR 8**

(Extraordinary effect of the boundary change on distribution of tax resources)

Regarding the extraordinary effect the boundary change will have on the distribution of tax resources in the county, the Boundary Commission received the following evidence:

<b>Estimated Gross Revenue Loss To City of Wildwood</b>	
<b>Revenue Source</b>	<b>Estimated Revenue Loss</b>
Utility Tax	\$3,000.00
Cable T.V. Tax	\$225.00
Pool Sales Tax	\$7,590.00
Missouri Gas Tax	\$1,677.72
Motor Vehicle Sales Tax	\$359.70
Motor Vehicle Fees	\$293.70
State Bridge and Road Tax	\$1,133.24
<b>TOTAL</b>	<b>\$14,279.36</b>

**FACTOR 9**

(Current and Proposed Zoning)

As to how the proposing municipality proposes to zone the area subject to the boundary change, the following evidence was submitted to the Boundary Commission:

<b>Proposed Zoning - Kiefer Creek Farms Subdivision</b>			
<b>Wildwood Zoning Classification</b>	<b>Proposed Ellisville Zoning Classification</b>	<b>Proposed Zoning Classification New or Existing</b>	<b>Timing for Transition</b>
NU	WNU	New	Upon effective date

The proposed area is zoned Non-Urban (NU) within the City of Wildwood. Though the City of Ellisville has an NU zoning district that closely resembles Wildwood's, there are some differences, i.e. in the classification of permitted versus conditional uses. Therefore the City of Ellisville intends to adopt Wildwood's NU zoning ordinance verbatim and apply these guidelines to the area. There are no significant effects likely to result from this proposal in regards to subdivisions, flood plain management ordinances, special districts or other relevant regulations. There are no projected zoning changes and the proposing municipality is not aware of any non-conforming issues existing in the area.

**FACTOR 10**  
**(Compactness of area)**

As to how the proposal addresses the compactness of the area subject to the boundary change, the following evidence was provided the Boundary Commission:

<b>Compactness of Area</b>	
Service delivery/access	The only access to the area is from a portion of Kiefer Creek Road located within the City of Ellisville. For purposes of municipal service delivery it is logical that the area be transferred to Ellisville.
Community of Interest	The residents will have stronger voice as Ellisville taxpayers regarding development issues taking place near their homes in current Ellisville city limits. The Ellisville City Hall is closer to the Subdivision than the Wildwood City Hall. Bluebird Park and recreational facilities are in close proximity to the subdivision.
Natural and/or Man-Made Barriers	Kiefer Creek borders the subject area but does not serve as a barrier to access for delivery of service. Control of the creek is a regional concern.
Shared or Common Boundaries	The properties to the immediate north, northwest, and northeast of the subdivision are located in Ellisville, making the area approximately 40% contiguous to the present City of Ellisville.

**FACTOR 11**  
**(When boundary change to become effective)**

Regarding the effective date of the proposed boundary change, the following evidence was presented to the Commission:

The change will become effective as soon as it is legally permitted under the Boundary Commission rules and regulations and State Statutes. However, the Cities of Ellisville and Wildwood would recommend that the effective date be set at July 1, 1998. The City of Ellisville requested the proposal be approved without a vote for the following reasons:

- ▶ 25 out of 26 property owners in the subject area signed documents indicating the strong support for this proposal;
- ▶ Both the Cities of Wildwood and Ellisville have consented to this proposed boundary change, adopting identical ordinances;
- ▶ The proposal would not have a negative impact on the financial resources of the existing City of Ellisville, and
- ▶ an election on this issue may serve to increase the City's costs to learn what the petitioners have already indicated by signing.

**DECISION**

The Cities of Ellisville and Wildwood, as proposing agents (§72.400(4) of the Revised Statutes of the State of Missouri) submitted a proposal (BC9704) for a boundary change over which the Boundary Commission has jurisdiction.

The boundary change sought by the municipalities is a transfer of jurisdiction governed by Chapter 72 RSMo.

After reviewing the entire record, the Boundary Commission, St. Louis County voted on November 18, 1997 at an open public meeting by a roll call vote, and the proposal was **APPROVED**. Those members voting for the boundary change believed the information in the proposal to be most credible, and therefore found:

- A. The proposal is in the best interest of the municipality.
- B. The proposal is in the best interest of the unincorporated territories affected by the proposal.
- C. The proposal is in the best interest of the areas of the County next to such proposed boundary change.

The Commission determined pursuant to Article X E(1) of the Commission's Rules that the proposal is approved as a simplified boundary change, and further, that no election is required. The effective date of the change will be July 1, 1998.

ATTEST:

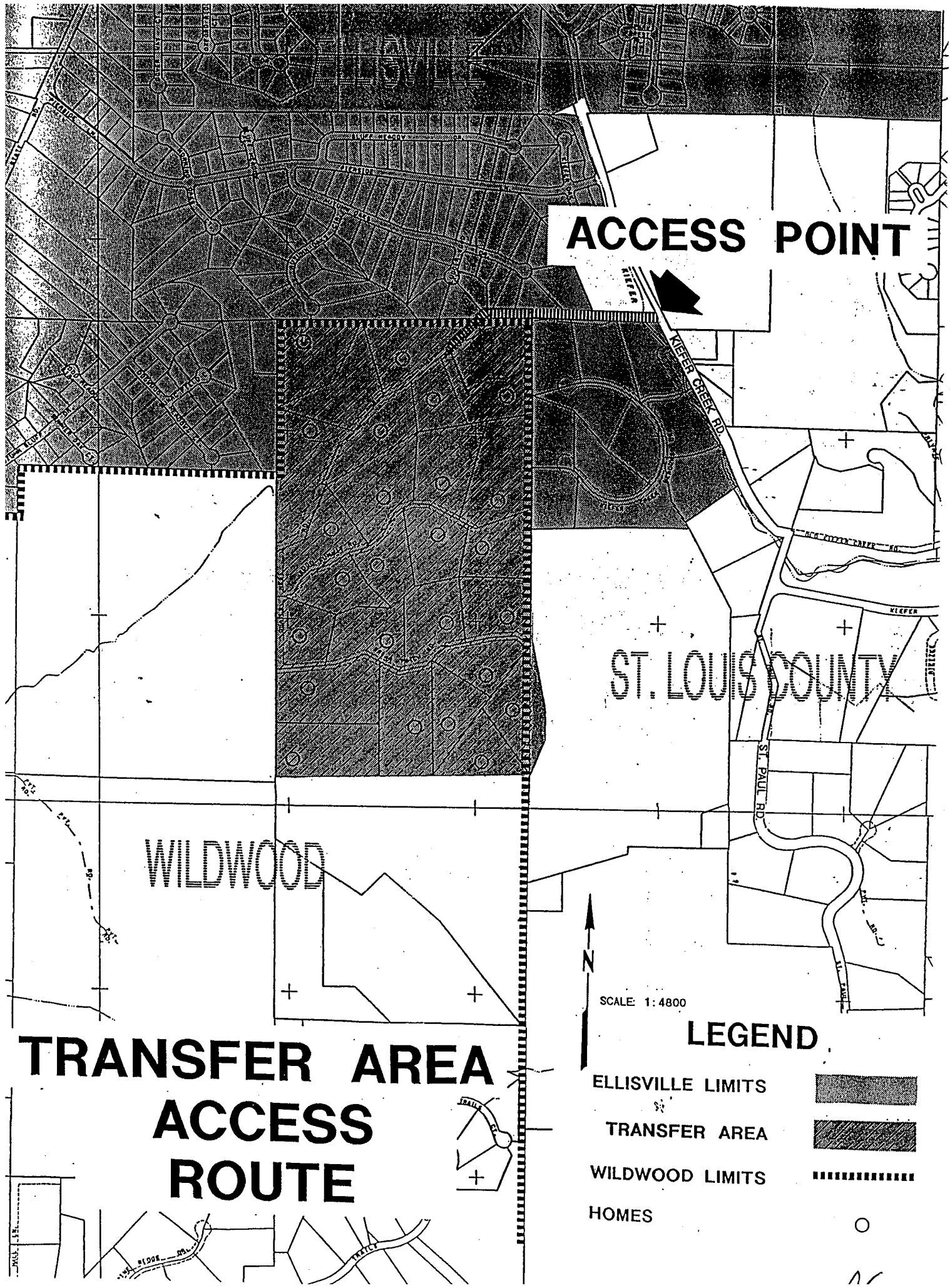
  
\_\_\_\_\_  
Chairperson

Date \_\_\_\_\_



**EXHIBIT A**

**KIEFER CREEK FARMS SUBDIVISION**



**ACCESS POINT**

ST. LOUIS COUNTY





WILDWOOD

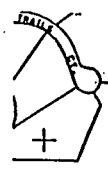
**TRANSFER AREA  
ACCESS  
ROUTE**



SCALE: 1:4800

**LEGEND**

- ELLISVILLE LIMITS 
- TRANSFER AREA 
- WILDWOOD LIMITS 
- HOMES 



**EXHIBIT B**

**KIEFER CREEK FARMS SUBDIVISION  
LEGAL DESCRIPTION**

ANNEXATION DESCRIPTION  
("KIEFER CREEK FARMS")

May 3, 1996

A tract of land being Part of the Northeast Quarter and Southeast Quarter, Section 8, Township 44 North, Range 4 East, St. Louis County, Missouri, more particularly described as follows:

Beginning at the Northeast corner of Lot 10 of Kiefer Creek Meadows, according to the subdivision plat recorded in Plat Book 195, Page 70 of St. Louis County records, said corner also being the Southwest corner of a tract of land conveyed to Pilcher by Deed Book 6786, Page 1848 of said records, said tract also known as Quails Nest Road; thence along the existing corporate limit line of the City of Ellisville, along the East line of Section 8, Township 44 North, Range 4 East, Southerly, 1376.02 feet more or less to the Southwest corner of Lot 5 of said subdivision, said corner also being the Northwest corner of a tract of land conveyed to Hasenfratz by Deed Book 7121, Page 344 of said records; thence leaving said corporate limits line and along the West line of said tract and along the West line of a tract of land conveyed to Laves by Deed Book 7980, Page 474 of said records and along the West line of a tract of land conveyed to Hoffmeister by Deed Book 7438, Page 69 of said records, also being the East line of Section 8, southerly, 1,650.0 feet, more or less to the Northeast corner of land conveyed to Bishop by Deed Book 6388, Page 723 of said records; thence along the North line of said tract, Westerly 1704.0 feet, more or less to the Northwest corner of said tract; thence along the East line of a tract of land conveyed to Baumer by Deed Book 2424, Page 312 of said records and along the East line of a tract of land conveyed to Thomas by Deed Book 8795, Page 929 of said records, Northerly, 1,520.0 feet, more or less to the Southwest corner of The Oaks at Ridge Meadows, Plat Book 317, Page 25 of said records; thence along the East line of said subdivision, Northerly 990.48 feet, more or less to the South line of The Oaks on Kiefer Creek according to the subdivision plat recorded in Plat Book 289, Page 54 of said records, said line also being the North line of the aforementioned Section 8; thence along the South line of said subdivision, along the North line of the Northeast Quarter of said Section 8, said line also being the existing corporate limit line of the City of Ellisville, Easterly 1709.10 feet, more or less to the POINT OF BEGINNING, containing 115.4 acres, more or less.

