

BEFORE THE BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI

IN RE: Proposal of the City of Eureka)
)
) File No. BC0303
)

NOTICE OF DISAPPROVAL

Pursuant to Section 72.405.2, RSMo. (2002), in disapproving any boundary change proposal, the Commission is required to issue a document indicating the reason such proposal was disapproved.

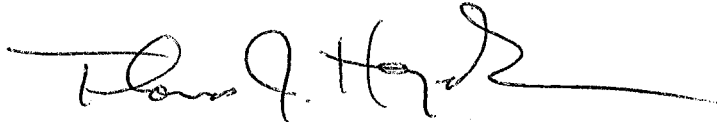
The Simplified Boundary Change Proposal (the "Proposal") submitted by St. Louis County (the "County") and the City of Eureka (the "City") was disapproved for the following reasons:

1. The City, the co-proposing agent, on the 2nd day of September 2003 filed an ordinance with the Commission withdrawing its transfer of jurisdiction boundary change proposal known as Proposal #BC0303. By reason of such withdrawal, the Proposal does not comply with the rules of the Boundary Commission and §§72.400(6) and 72.405.6, which require that a boundary adjustment must be proposed by a municipality which by ordinance has adopted a boundary change proposal or the governing body of the County which by ordinance has adopted a boundary change proposal. Pursuant to §72.405.6(2), a simplified boundary change may be proposed by a municipality and the County. Withdrawal of the Proposal by the City deprives the Proposal of support of one of the two proposing agents required by §72.405.6(2).

2. The Proposal, if approved, would have created a pocket that, while not formally constituting an unincorporated pocket as defined by Section 72.407.1(2), would have created difficulties in servicing the pocket area. At the time of submission of the Proposal, there was no effort by the original proponents of the Proposal to demonstrate that they had taken into consideration the effect of the proposed boundary adjustment on the residents of the pocket area. Additionally, there was no indication in either the Proposal submitted by the City, nor in any subsequent comments submitted by the City or the County, as to why the pocket area could not be included in the proposed boundary adjustment. Creation of a pocket is contrary to one of the rationales for creation of the Boundary Commission.

3. Eureka and the County failed to approach the transfer of jurisdiction in accordance with Eureka's map plan, which was submitted in order to avoid creating such planning problems, including problems with access. The Boundary Change legislation, with specific regard to the revised legislation, was designed and intended to create a platform for reasonable and effective municipal planning, particularly when approaching the expansion of municipalities and annexation. The Commission's procedures are, by requiring map plans and considering proposals submitted by all municipalities considering an annexation or boundary adjustment, intended to achieve the result of establishing logical courses for growth. The nature of the growth as reflected by the Proposal appears to occur without reasonable consideration of the future vision of the City's own municipal planning. Rather, the nature of the growth simply appears to be driven more by a desire to achieve a developer's goals.

4. For the foregoing reasons, the proposal was disapproved by voice vote with nine (9) members voting in favor of disapproval and one (1) member voting in opposition to disapproval.

A handwritten signature in black ink, appearing to read "Thomas Hayek", with a long horizontal flourish extending to the right.

Thomas Hayek, Chairman
St. Louis County Boundary Commission

DATE: 23 Sept. 2003