

BEFORE THE ST. LOUIS COUNTY BOUNDARY COMMISSION

IN RE:

CITY OF VALLEY PARK AND SAINT LOUIS COUNTY NO.: BC2003

SIMPLIFIED BOUNDARY CHANGE: TRANSFER OF JURISDICTION BETWEEN ST.
LOUIS COUNTY AND THE CITY OF VALLEY PARK, MISSOURI

SUMMARY OF DECISION

INTRODUCTION

The City of Valley Park and Saint Louis County jointly submitted their official Proposal for the Transfer of Jurisdiction of an area (referred to as the *Area* herein) consisting of 527.25 acres in southwest St. Louis County on July 28, 2020. In accordance with the statutes and rules in effect, the joint Proposal utilized the procedures of a Simplified Boundary Change pursuant to Mo. Rev. Stat. 72.405 for a Transfer of Jurisdiction between St. Louis County and the City of Valley Park, Missouri.

A completeness review was properly done, request for further information was made and responded to, and the Proposal was duly accepted by the Boundary Commission. Notice of the Proposal was duly published and sent as required by law.

A Public Hearing on the Proposal was held on September 22, 2020. The Public Hearing was conducted in accordance with Commission Rule XV due to the emergency declarations in effect for St. Louis County and the State of Missouri arising from the Covid-19 pandemic. Presentations were made by the City of Valley Park and St. Louis County, which were publicly broadcast electronically, pursuant to the meeting notice published by the Boundary Commission and available for viewing by the public. Members of the public who submitted a standard comment request form were also electronically connected and allowed to make public comments. There were no other requests for making a presentation.

After the hearing, any person or entity was allowed to submit written comments to the Boundary Commission for a 21-day period. The City of Valley Park and St. Louis County each submitted further comments. No other materials were submitted. All materials were publicly available on the Boundary Commission website and distributed to all Commissioners.

The Area's boundary is the Meramec River to the north (including the city limits of Valley Park which borders approximately 42% of the northern boundary adjacent to the Meramec River); the city limits of Valley Park to the east; and unincorporated St. Louis County to the south and west. The immediate southern boundary of the Area is Interstate 44 and its access roads. The area to the west of the Area is Lone Elk Park and a conservation area owned by the State of Missouri.

The area to be transferred is legally described on Exhibit 1 hereto. This area includes no public roads or public property.

The Area subject to the Proposal generally consists of three parcels: Parcel A, a quarry (northernmost); Parcel B: a materials recycling facility and an asphalt plant; and Parcel C, mostly woodlands but otherwise undeveloped and vacant (southern, closest to Interstate 44).

Parcels A and B are owned by a Trust. On Parcel A, the quarry was leased commencing on June 19, 1986 for a period of 40 years, with some earlier termination provisions. The Trust is to terminate when the quarry lease expires. Upon the expiration of the Trust, Parcel A is to be conveyed to St. Louis County “to be used for park, recreational and open space”, should Saint Louis County accept the conveyance. If St. Louis County does not accept the conveyance with the conditions specified in the Trust, the owner of the reversionary interest to Parcel A is being litigated. Upon the termination of the Trust, Parcel B is to revert to a sibling entity to the entity that currently operates the recycling plant located on parcel B. Parcel C is not part of the Trust. The current easement (mentioned below) being granted to St. Louis County as part of this Simplified Boundary Change is on Parcel C. The Boundary Commission makes no determination of the legal ownership interest or reversionary interest to any property in the Area.

There will be no unincorporated pockets caused by this Simplified Boundary Change:
Transfer of Jurisdiction.

Valley Park proposes to provide the same municipal services to this Area that is currently provided to all businesses and residents in the city. This includes policing, roadway maintenance, parks and recreation, planning and zoning, and general administrative services. The services currently provided and to be provided by Valley Park are listed below. However, as there are no residents in the Area and no public roads or public property, many of these services would only be provided if there is a change in use and zoning from the current use and zoning, which would provide for residential areas or other commercial and industrial uses.

As part of this Simplified Boundary Change, there is an agreed dedication of approximately 72 acres of Conservation and Trail Easements in part of the Area, directly north of the I-44 Outer Road (at the southern boundary of the Area) and on the western boundary of the Area. County Ordinances, including ordinance 27,310 (2019), authorized this Simplified Boundary Change and acceptance of these easements. These permanent easements will restrict development on any part of the easement and provide a scenic buffer between activities in the Area and Interstate 44 and Lone Elk Park, which will benefit all of St. Louis County. St. Louis County anticipates trails will be developed on the easement which will ultimately become part of a County-wide trail system and connect to other trails. St. Louis County, the City of Valley Park and the owner of the land to be transferred into Valley Park that includes the location of the easement have stated that the parties have agreed on the easement terms and conditions; appropriate documents and deeds will be executed and filed upon approval of this Simplified Boundary Change on or near the effective date. The location of this easement is not on property owned by the Trust subject to the questions of ownership of the reversionary interest. This easement is additional to the potential dedication to St. Louis County of the property in Parcel A upon the termination of the lease.

GEOGRAPHIC

The Area is located in unincorporated southwestern St. Louis County. The Area is bordered entirely by the Meramec River to the north and the city limits of Valley Park on part of the northern boundary; Interstate 44 to the south; and Lone Elk Park and a conservation area owned by the State of Missouri to the west, and the city limits of Valley Park, including Williams Creek and various industrial uses, to the east. There are no public roads, public property or public rights-of-way in the Area. The entire eastern boundary line and approximately 42% of the northern boundary line of the Area borders the City.

The boundary change represents a logical change in the boundaries of the City and the County because the Area is bordered by the City entirely along its eastern boundary and along a substantial portion of its northern boundary. The Area represents a logical westward expansion of the City's municipal boundaries. The boundary change would not leave any unincorporated pockets once the boundary change is complete.

The Area is accessible only from the North Outer Road of Interstate 44 on the southern boundary of the Area. This one-street connection to the Area is easily accessible from the City of Valley Park. There are no natural or man-made barriers that would impede the efficient delivery of services to the Area.

The Proposal for the Area complies with State Law requiring a minimum of 15% shared boundary between the proposed area to be transferred and the municipality seeking said Area. Upon transfer, no contiguous unincorporated area would be accessed only through another municipality or Valley Park; adjacent unincorporated areas would be accessed in the same manner as is currently done through other areas of unincorporated St. Louis County. The proposed boundary change creates logical and reasonable municipal boundaries between the County and the City. The City's municipal boundary is directly adjacent to the Area and no pockets of unincorporated areas will be created by the boundary change. The area to be transferred is compact.

Valley Park seeks this Area as it desires to coordinate flood management of the Area into Valley Park's flood management plan. Floods have enveloped the Area in recent years, and the flood waters have spilled over into adjacent areas of Valley Park. Being part of Valley Park's flood plan and remediation would better protect the Area and adjacent properties in the City of Valley Park. Secondly, Valley Park desires to have jurisdiction of the Area for zoning and code enforcement not only of the existing businesses but also should there be a change in use proposed, as the City of Valley Park is in close proximity to the Area. Thirdly, Valley Park desires the easement being given to St. Louis County on a part of the Area to occur as it will provide green space and trails and a conservation area that can be readily used by citizens of Valley Park. Finally, the Area will provide increased revenues to Valley Park as long as the commercial and industrial activities continue to operate.

The operator of the quarry in Parcel A, the operator of the businesses and the owner of the residual interest in Parcel B, and the owner of Parcel C are sibling or related businesses entities. These entities have expressed a desire for approval of this Proposal and have expressed no objection to any tax increases. Approval will allow the businesses to become a part of Valley Park, provide a voice in any zoning or development in adjacent areas which could affect their property, and provide participation in, and for assistance to, as may be needed for flood related activities.

St. Louis County desires the change in boundaries to occur as it desires to have the easement on the property adjacent to Interstate 44 as a buffer to the current property use and any future property development that may occur; and for use by St. Louis County citizens for anticipated trails or green space use.

REVENUE, TAX RATES AND IMPACT

The tax rate changes are listed in the table below. As there is no residential property, the tax rate changes for residential property is not listed.

Tax Rates for Commercial Property

Taxing Jurisdiction	Existing Real Property Tax Rates	Real Property Tax Rates After Boundary Change	Existing Personal Property Tax Rates	Personal Property Tax Rates After Boundary Change
State of Missouri	0.0300	0.0300	0.0300	0.0300
County General	0.1980	0.1980	0.2090	0.2090
County Health Fund	0.1330	0.1330	0.1400	0.1400
County Park Maintenance	0.0470	0.0470	0.0500	0.0500
County Bond Retire	0.0190	0.0190	0.0190	0.0190
Roads and Bridges	0.0990	0.0990	0.1050	0.1050
St. Louis Comm. College	0.2129	0.2129	0.2129	0.2129
Special School District	1.1980	1.1980	1.1980	1.1980
Metropolitan Zoo Museum District	0.2724	0.2724	0.2724	0.2724
County Library	0.2590	0.2590	0.2250	0.2250
School - Rockwood	4.5539	4.5539	4.5539	4.5539
MSD Extension	0.1170	0.1170	0.1170	0.1170
Fire – Valley Park	1.1600	1.1600	1.3100	1.3100
Dev. Disability	0.0890	0.0890	0.0900	0.0900
City of Valley Park	NA	0.6260	NA	0.5700
Total Property Tax Rate	8.3882	9.0142	NA	NA
Total Personal Property Tax Rate	NA	NA	8.5322	9.1022

Other Taxes, Fees, and Surcharges

Tax, Fee or Surcharge	Rate Before Boundary Change	Rate After Boundary Change
State Sales Tax	4.2250	4.2250
St. Louis County Sales Tax	3.3880	2.3880
Valley Park Sales Tax	NA	2.0000
Valley Park Business License Fee	\$0	varies
St. Louis Co. Comm. Surcharge	\$1.70/\$100 of assessed value	\$1.70/\$100 of assessed value

There will be a 1% higher sales tax in the Area. Additionally, the businesses will have to obtain a Business License from Valley Park, which has a variable fee based upon sales and operations. There was no objection to these increases by the representatives of the current business operations.

In the Joint Proposal, the joint proposing agents agree that Valley Park anticipates additional revenue of \$75,151.30 due to the Simplified Boundary change. This amount primarily comes from real estate taxes and sales taxes, with a smaller part arising from Valley Park's business license fee. This amount will be reduced when the quarry operations cease, if there is no replacement commercial operations. The additional expenses to Valley Park will be minimal. Although Valley Park will take over police protection for the Area, additional police officers or equipment is not anticipated for the current uses of the property. St. Louis County will realize a small saving in expenses as it will not be responsible for police protection or business inspections and compliance.

Both St. Louis County and Valley Park assert in their Joint Proposal, and Commission finds, that there will be no extraordinary effect on the distribution of tax resources in St. Louis County arising from this transfer. The loss to St. Louis County of \$7,000 income from the utility tax and other smaller sources of revenue distribution is not a significant factor to the budget of St. Louis County. There will be no effect on the ability to raise revenue on the area subject to the boundary change, the bordering areas, or St. Louis County.

As the Area is currently utilized by its current commercial uses and has no public roads or public property, and there are no residences in the Area, the amount of needed public services is minimal. Police protection, flood mitigation efforts, business inspections and zoning will be provided. However, this will cause a minimal additional expenditure of funds by Valley Park. St. Louis County has not had to provide municipal services, except as mentioned above, due to there being no public roads, public property or residences. There is a minimal transition of services required. There will be no change in fire protection and emergency medical services, as they will continue to be provided by the Valley Park Fire Protection District.

SERVICES

The following list of Municipal Services and Providers, and any change in the providing of the specified service is as follows.

Service	Provided Before Boundary Change	Provided After Boundary Change	Any Change in Fee for Service
Police Protection	St. Louis County	Valley Park (Contract with St. Louis County Police)	None
Street Maintenance	St. Louis County (no current public roads)	Valley Park (no current public roads)	None
Building Code Enforcement	St. Louis County	Valley Park	None
Street Lighting	St. Louis County	Valley Park	None
Municipal Court	St. Louis County	Valley Park	None
Planning and Zoning	St. Louis County	Valley Park	None
Snow Removal	St. Louis County	Valley Park	None
Residential Garbage and Recycling Collection	Private Contractor	Private Contractor	None
Parks and Recreation	St. Louis County	Valley Park	None
Fire Protection District	Valley Park	Valley Park	None

There will be no change in the provider of services for fire protection, electric, water, sewer or natural gas utilities; social services; school district or library.

ZONING AND LAND USE

The portion of the Area in a floodplain is currently zoned Floodplain Non-Urban. The portion of the Area not located in a floodplain is currently zoned Non-Urban. A conditional use permit for the mining of sand, gravel, and other raw materials was issued in 1988. A new conditional use permit for the mining of sand and gravel and accessory uses was issued in 2015 and is currently in effect.

Immediately after the boundary change, the City will match the zoning of the Area as closely as possible to the Area's zoning under County ordinances to prevent non-conformities. Once the boundary change is complete, the City expects to rezone the Area to a Planned

Industrial District, with permissible land uses to include the industrial and manufacturing uses for which the Subject Area is currently used, and could include other uses specified in the City's zoning laws and regulations. The Proposing Agents have stated the boundary change will not create any non-conformity issues.

In connection with the transfer of jurisdiction, St. Louis County will be granted a conservation easement over the area adjacent to Interstate 44 and Lone Elk Park. The easement will ensure that the easement area is preserved in perpetuity. No development activity will be permitted in the easement area. The easement will provide a buffer between any expanded industrial or commercial activities and the Interstate, Lone Elk Park and other nearby commercial or residential areas. The Proposal states that St. Louis County expects trails, which will connect to other trails in St. Louis County, and other appropriate conservations uses will be provided on the easement.

EFFECTIVE DATE

Valley Park by Motion made and heard at the Commission's November 17, 2020 meeting requested that the effective date of the Simplified Boundary Change and the transfer of jurisdiction be effective January 1, 2021. Valley Park stated it will start to provide its municipal services, and the transferred area will become part of the City of Valley Park, on January 1, 2021. There does not appear to be any problem in having the transfer of jurisdiction or municipal services occur on said date. Pursuant to Motion made by the Commission, the Commission by unanimous vote at its meeting on November 17, 2020 voted to accept the date of January 1, 2021 as the effective date for the transfer of jurisdiction and directed such date to be the effective date.

DECISION

The City of Valley Park and St. Louis County are the proposing agents as defined by section 72.400 RSMo and the Boundary Commission of St. Louis County has jurisdiction over the proposal. The boundary change sought by the City of Valley Park and St. Louis County is a Transfer of Jurisdiction through a Simplified Boundary Change governed by Chapter 72 RSMo.

Based upon the entire record, the Boundary Commission of St. Louis County voted at an open public meeting by roll call vote on October 27, 2020 to approve the Proposal. The Boundary Commission as a whole determined that the Proposal was in the best interest of the City of Valley Park, the Proposal was in the best interest of the area to be transferred, the Proposal was in the best interest of St. Louis County and would have no material effect on the surrounding area or St. Louis County as a whole; and is in the best interest of the areas of the County next to the proposed boundary change.

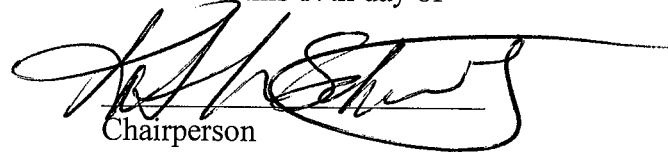
The Commission therefore finds and determines that the Transfer of Jurisdiction jointly proposed in the Official Submittal BC2003 by the City of Valley Park and St. Louis County is **APPROVED** as a Simplified Boundary Change – Transfer of Jurisdiction between St. Louis County and the City of Valley Park.

The Commission as a whole and by roll call vote at its meeting on October 27, 2020, finds that the transfer of jurisdiction proposed by the official submittal, and designated as File

No. BC2003 is approved without the requirement of a further public vote, as permitted by Mo. Rev. Stat. 72.405.6.

By roll call vote on November 17, 2020 the Boundary Commission approved that the transfer of jurisdiction shall be effective at 12:01 a.m. January 1, 2021. The property to be transferred to the City of Valley Park on said date is legally described on Exhibit 1 hereto. The Area is also referred to as parcel numbers 26R330014, 27R640031 and 27R640020.

This Summary of Decision is approved by the Commission and issued this 17th day of November, 2020.



Chairperson