

Before the Boundary Commission, St. Louis County, Missouri

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)	File No. BC0302
In re: Proposal of the City of Maryland Heights)	
)	Page Avenue
)	Annexation Area
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**Summary of Decision of the Boundary Commission, St. Louis County
July 15, 2003**

Summary of Facts:

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

On April 22, 2003 a proposal requesting a boundary change (hereafter referred to as the “official submittal”) by the City of Maryland Heights (hereafter referred to as the “City”) was submitted to the Boundary Commission (hereafter referred to as the “Commission”) at its office, pursuant to the Rules of the Commission in effect as of May 4, 2000. The official submittal contained the information required of the proposals as found in Article V.A of the Rules. Additionally, the official submittal contained the information required under the Rules for boundary change requests involving the annexation of unincorporated territory to a municipality through an annexation, as found in Article V.C.2.

The annexation proposal was initiated by the submission of the proposal on April 22, 2003. The revised proposal which met all requirements of the Rules was submitted April 28, 2003. On June 24, 2003 a public hearing was conducted by the Commission based upon the official submittal.

The City of Maryland Heights borders the Page Avenue annexation area on the north, north-west and east. The area proposed for annexation consists of approximately one hundred ninety-nine and 7/10 (199.70) acres. A map showing the location of the area proposed to be annexed is attached as Exhibit “A” and is the same map presented in the proposal by the municipality.

BASIC ANNEXATION INFORMATION DATA	
Area	199.7 Acres
Population	2,053
Dwelling Units	918
Dwelling Units per Three Acres	4.6
Miles of Public Roads	0.6 mi.

As demonstrated by the following table, the Page Avenue annexation area does not contain all characteristics necessary for classification as an unincorporated pocket, as described in RSMo 72.407.1(2).

INFORMATION REGARDING ANNEXATION AREA AS AN UNINCORPROATED POCKET	
Criteria	Finding
Average residential density in excess of one dwelling per three acres.	The area has an average residential density greater than one dwelling unit per three acres.
Population of no more than 500 people.	The area has a population greater than 500 people.
Accessible by public or private roadway only from incorporated jurisdictions and/or another county.	The area is accessible from incorporated jurisdictions and from St. Louis County.

GEOGRAPHIC

City of Maryland Heights Declarations:

The City stated that single-family and multiple family residential housing comprises approximately 20.6 acres and 50.8 acres of the land, respectively, in the Page Avenue annexation area. Institutional uses comprise approximately 15.6 acres of the land in the Page Avenue annexation area and 53.7 acres of the land is vacant. Logical and well-defined boundary lines, leaving no pockets and clearly showing the limits of services to be offered by the City of Maryland Heights and the County, characterize the annexation area.

Regarding the adjacency of the annexation area, Maryland Heights offered that it is 55% contiguous to the annexation area. The City noted that the annexation area is “common” to the City of Maryland Heights. Two (2) streets—Bennington and Marine—connect the annexation area and Maryland Heights.

Regarding the compactness of the annexation area, Maryland Heights offered that the area will be very accessible to City services. Being 55% contiguous to existing City boundary lines, the City can readily and routinely provide services from both Bennington and Marine. Following completion of the Page Avenue extension, no street in St. Louis County will provide direct access to the annexation area from unincorporated St. Louis

County. Maryland Heights stated that the annexation creates logical boundaries particularly in light of the imminent completion of the Page Avenue extension.

FINANCIAL

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:

The City of Maryland Heights indicated at the time of submittal, the following were the relevant tax rates before and after the change.

Tax Rates		
Tax	Current	After Annexation
Real Estate and Personal Property:	6.76% to 6.664%/\$100 assessed valuation*	6.76% to 6.664%/\$100 assessed valuation
Sales Tax (Local)	6.075%	6.575%
Utility Tax	\$.05	\$.055

*The difference in overall tax rates is due to the fact that the area is within the jurisdiction of two fire protection districts—Creve Coeur Fire Protection District and Maryland Heights Fire Protection District. The tax rates for these districts varies slightly—.996 for the former and 1.092 for the latter.

Regarding the impact annexation would have on the tax base or the ability to raise revenue of annexation areas, Maryland Heights acknowledged that although there will be an effect on the tax revenue received by St. Louis County, because of the geographical factors supporting the reasonableness of the annexation—which were recognized by representatives of St. Louis County who were present at the July 15, 2003 meeting of the Boundary Commission—the revenue lost to St. Louis County and transferred to Maryland Heights should not be the predominate factor controlling the Commission’s decision. Counsel for Maryland Heights emphasized that even though the County, in a letter dated July 15, 2003, lodged an objection to the annexation based solely on the loss of revenue, none of the other facts supporting annexation that had been presented at the public hearing had changed. Notwithstanding the effect on tax revenue, given the relatively small size of both the annexation area in relation to the County as a whole and the amount of the tax revenue that will be lost in relation to the entire County budget, the annexation will have a relatively small budgetary impact on:

- a) The Page Avenue area and its residents
- b) The City of Maryland Heights and surrounding residents
- c) St. Louis County and its residents

The City provided the following projection of revenues and expenditures derived from the cost of providing service to the area to be annexed for a period from three years after annexation.

Revenues and Expenditures Derived from Annexation Area			
	Year 1	Year 2	Year 3
Revenues	\$476,546.00	\$479,368.00	\$482,229.00
Expenditures	\$160,135.00	\$172,529.00	\$185,230.00
Net Surplus (Deficit)	\$316,411.00	\$306,839.00	\$296,999.00

The City does not presume to know in detail what effect, if any, this proposed annexation will have upon the distribution of tax resources in St. Louis County. The City pointed out it is a “pool city” and since the land uses in the annexation area are residential, the City feels that the distribution of tax revenues based on tax revenues from St. Louis County to the City of Maryland Heights is fair, appropriate and justifiable. The City also emphasized that revenues are distributed throughout the county and its municipalities on a per capita basis in order to pay for the provision of services.

The City estimates that annexation of the Page Avenue area could have the following effect on property and sales tax sources in St. Louis County:

TABLE 8: ST. LOUIS COUNTY REVENUE SOURCES

Cigarette Tax	\$8,212
Motor Fuel Tax	\$82,120
Property Tax	\$0
Road & Bridge Tax	\$64,585
Sales Tax	\$246,360
Utility Tax	\$68,370
Misc. Fees/Licenses/Permits/Etc.	\$3,500
Total	\$476,546

TABLE 9: SALES TAX BREAKDOWN

Taxing Jurisdiction	Current	FY 1	FY 2	FY 3
State	4.225	4.225	4.225	4.225
County Pool	1	1	1	1
County Parks and Recreation	0.1	0.1	0.1	0.1
Local Parks and Stormwater	0	0.5	0.5	0.5
Bi-State	0.5	0.5	0.5	0.5
Metro Link	0.25	0.25	0.25	0.25
Total	6.075	6.575	6.575	6.575

Maryland Heights provided the following information about services provided currently in the annexation area and those that will be provided after annexation into the City:

SERVICES

Provision of Services in Annexation Area					
<i>Service</i>	<i>Service Unchanged</i>	<i>Service Changed</i>			
		Present Provider	Fee	New Provider	Fee
Police Services		St. Louis County	No	Maryland Heights	No
Fire/EMS/ALS Service	No Change				
Water Service	No Change				
Sewer Service	No Change				
Snow Removal		St. Louis County	No	Maryland Heights	No
Street Maintenance		St. Louis County	No	Maryland Heights	No
Parks Facilities		St. Louis County	No	Maryland Heights	No
Community Center		Not Applicable		Maryland Heights	Resident fee for utilizing Center
Aquatic Center		Not Applicable	No	Maryland Heights	Resident fee for utilizing Center
Golf Course		Not Applicable	No	Creve Coeur/Bridgeton via shared recreation agreement	Resident fee for utilizing Center
Refuse Service		Private Haulers	Yes	Private Hauler secured through City Contract	Yes
Sidewalk Maintenance		St. Louis County	No	Maryland Heights	No
Street Lighting		St. Louis County /Individual Cost	Yes	Maryland Heights	No
Planning and Zoning		St. Louis County	No	Maryland Heights	No
Municipal Court		St. Louis County	No	Maryland Heights	No
Health Service		St. Louis County	No	St. Louis County	No

Maryland Heights offered that residents of the Page Avenue area would receive services from the City on a equal basis and level as received by current City residents.

The City offered that services would be extended to the annexation area within six (6) months of a vote to approve annexation.

ZONING AND LAND USE

The City offered the following description of land use for the area to be annexed:

Land Use: Page Avenue Area Annexation		
Institutional	15.6 acres	11.1%
Multi-Family Residential	50.8 acres	36.1%
Single-Family Residential	20.6 acres	14.6%
Vacant	53.7 acres	38.2%
TOTAL	140.7 acres	100%

The City presented the following evidence to the Boundary Commission regarding how the municipality proposes to zone the area proposed for annexation.

County Zoning Classification	Proposed Maryland Heights Zoning Classification	Timing for Transition
NU Non Urban (3 acres)	NU Non Urban	Upon Annexation
R2 Single Family Residential (15,000 SF)	R3 Single Family Residential (15,000 SF)	Upon Annexation
R3 Single Family Residential (10,000 SF)	R4 Single Family Residential (10,000 SF)	Upon Annexation
R5 Single Family Residential (6,000 SF)	R5 Single Family Residential (7,500 SF)	Upon Annexation
R6 Single-Family Residential (4,500 SF) Multi-Family Residential (2,500 SF) Multi-Family Residential (2,000 SF)	R5/R6 Single-Family Residential (7,500 SF) Multi-Family Residential (2,000 SF)	Upon Annexation
R6A Single-Family Residential (4,500 SF) Multi-Family Residential (4,000 SF)	R6 Single-Family Residential (7,500 SF) Multi-Family Residential (2,000 SF)	Upon Annexation

Maryland Heights offered that there will be minimal zoning and land use changes as a result of the annexation. No future land use or zoning changes are proposed in the area as it is developed and no redevelopment plans exist in the area. The zoning for the area will remain largely as it exists today. However, rezoning will occur in the area in an effort to align the City of Maryland Heights zoning districts with those used by St. Louis County.

EFFECTIVE DATE

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

The City of Maryland Heights will extend all services to the newly annexed area at the earliest allowable date, generally six (6) months after a successful vote for annexation into the City.

DECISION

The City of Maryland Heights is the proposing agent as defined by §72.400(6) of the Revised Statutes of the State of Missouri and the Boundary Commission has jurisdiction over the proposal.

The boundary change sought by the municipality is an annexation governed by Section 72.400, et seq., RSMo. (2000).

Based upon the entire record, the Boundary Commission, St. Louis County, voted at an open public meeting on July 15, 2003 by a roll call vote, and the proposal was **APPROVED**. Those members voting for the proposal had the following reasons:

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

In accordance with section 72.407 RSMo, the Boundary Commission herewith sets a vote in the City of Maryland Heights and the area to be annexed to be held at an election on November 4, 2003. Such election shall be held in accordance with Chapter 155 RSMo. The ballot for said separate election shall read:

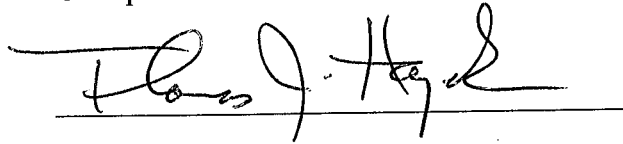
“Shall the City of Maryland Heights, Missouri annex the area adjacent to it as described in the legal description and map contained in the Boundary Commission’s Summary of Decision, Commission Number BC0302, of July 15, 2003? (see map and legal description posted at the polling place.)”

The annexation shall take effect six months following the certification of election results if:

- A. A separate majority of votes cast on the question in the City of Maryland Heights; and
- B. A separate majority of votes cast in each voting jurisdiction comprising the unincorporated area of the County are in favor of the boundary change.

ATTEST:

Chairperson



A handwritten signature in black ink, appearing to read "Don J. Heyd", is written over a horizontal line.

August 14, 2003
Date