

Before the Boundary Commission, St. Louis County, Missouri

In re: Proposal of the City of Florissant

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) File No. BC0401
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) Area 9
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**SUMMARY OF DECISION
PROPOSAL FOR ANNEXATION OF AREA 9
CITY OF FLORISSANT, MISSOURI**

I. INTRODUCTION

On the 9th day of February, 2004 the City of Florissant ("City") deposited its Official Submittal (the "Proposal") with the St. Louis County Boundary Commission (the "Commission") for annexation of a certain parcel of real estate referred to as Area 9. Area 9 consists of Paddock Estates Plats 1, 3, 5, 6 and 7; Marietta Subdivision Plats 1, 2, 3, 4, 4A, 4B, 4C, 4D, 5, 6 and 10; Eagle Crest Subdivision Lots 1 and 2; Reuben Musick Estate Lots 1, 2, 3 and 11; Van Crest Lane Subdivision, Afshari Estates No. 14; Cindy Subdivision; and Part of Blocks 24, 47 and 49 of Saint Ferdinand Commons Subdivisions. In response to the completeness review performed by the Commission staff, the City supplemented its submission by letter dated February 17, 2004. As supplemented, the Commission deemed the Proposal complete.

On April 27, 2004, pursuant to order of the Commission and proper notice, a public hearing was held on the Proposal at the James J. Eagan Center. At the public hearing, the City was permitted to present evidence, in addition to the Proposal, and representatives of St. Louis County also submitted comments and evidence. Members of the public were notified that they could make comments at the hearing and submit written comments to the Commission within 21 days following the date of the public hearing. Members of the public did provide oral comment at the public hearing, and written comments were received following the hearing at the Commission office. Based on the Official Submittal, the evidence and comments presented at the public hearing and the written comments received after the hearing, the Commission makes the following findings.

II. SUMMARY OF FACTS

A. Proposed As Simplified Boundary Change

In the Proposal, the City proposes to annex Area 9, as a Simplified Boundary Change, initiated by petition, which would require a verified petition signed by seventy-five

percent of the registered voters within the area proposed to be annexed. RSMo. §72.405.6(1). There were 769 registered voters in Area 9. The City submitted verified petitions containing the signatures of 617 individuals, which were reviewed by the St. Louis County Election Board. That Board determined that 577 signatures were registered voters in good standing and were therefore eligible to vote or were eligible at the time of signing the petition. The 577 voters so approved by the St. Louis County Election Board comprised 75.03% of the total number of registered voters in Area 9. There were persons who either submitted comments in writing or who spoke at the public hearing who claimed there were some irregularities or confusion with regard to the signature collection process.

B. Geographic

Area 9 is located adjacent to the eastern portion of the City and is specifically identified on the locator map attached at Tab 2, Attachment "A", of the City's Plan of Intent. A legal description of Area 9 is attached to this Summary of Decision as Exhibit A. It is generally bounded by the City of Black Jack to the east, the City's golf course to the north, the City to the west and Parker Road to the south. The land area comprises 157.14 acres. There are 417 dwelling units within Area 9. There are 5.05 miles of public streets and no private streets within Area 9.

The City as a whole has 7842.2 acres, 166.85 miles of public streets, and 25 miles of private streets. The City is 72% contiguous to Area 9 and the City submitted that it hopes to achieve certain goals by the annexation, including realigning city limits to natural and logical borders, providing for steady and consistent growth, insuring quality of life through proper community planning, preventing adverse land development and improper land usage and allowing County businesses and County residents the opportunity to receive City services and the use of City facilities.

While the legal description includes all street rights-of-way, including Parker Road and New Halls Ferry, the City plans to leave maintenance of Parker Road to St. Louis County and maintenance of New Halls Ferry to the Missouri Department of Transportation. All other streets within Area 9 will be maintained by the City. The City submits that the proposed annexation will result in logical and well-defined boundary lines for the City.

Area 9 will be accessible for City services. Because of the extensive contiguity, the City can readily and routinely provide services as needed from the streets of Balmoral and Hambletonian. There is also access to Area 9 from Parker Road and New Halls Ferry. The City submitted, and the Commission finds, that there are no natural or man-made boundaries that would impede the efficient delivery of services to Area 9.

B. Demographic

Area 9 has a population of 1,048 according to the 2000 Census. Although the Area includes various subdivisions, there will be no existing subdivisions split by this annexation.

C. Financial

The property tax rates for calendar year 2003 before and after the annexation, including School District, Community College, State of Missouri, special school districts and other taxing districts will be identical before and after the annexation. The utility tax rate will decrease because the rate before annexation is 5%, and after the annexation it will be 3%. The sales tax will increase as before the annexation, it will be 6.075, and after annexation will be 6.825. Area 9 is primarily residential, as is the City, and the tax base will be very compatible because the City is a "pool city". As a pool city, and should annexation be approved, the City would receive additional revenues estimated at \$281,400 due to the City's increased population. The City estimates this revenue will be adequate to provide all City services to Area 9. The estimated and projected revenues and expenditures for Area 9 for a three (3)-year period are summarized on the table set forth on page six of the Official Submittal. The City will budget over a three (3) year period street repairs (estimated at \$43,700), sidewalks, ADA accessible curb cuts (estimated at \$5,000) and new streetlights (estimated at \$105,000).

The City also presented evidence of its general operating fund and its budget. Anticipated sources of income to fund the capital improvements would be the City's 1/2 cent Capital Improvement Sales Tax, which is estimated at \$56,600 per year for Area 9. The City will, however, need additional revenues to perform all Area 9 capital improvement projects.

The City estimated that those revenues which would no longer be available to St. Louis County, based on a one-year projection, shift in population to the City, would be \$210,701, which consists of lost cigarette tax, gasoline tax, road and bridge tax, sales tax and utility tax revenue. The City did not presume to know in any great detail the extraordinary effect this proposed annexation will have on the distribution of tax resources in St. Louis County.

D. Services

The City provided information on the services it provides, which services are described in detail on pages 10 through 15 of the Proposal, which are incorporated by reference in this summary. The City offered that it would extend all services to the newly annexed area on August 1, 2004 or an earlier date if so established by the Commission.

E. Zoning and Land Use

The City demonstrated that the current uses include commercial (C-2 and C-8), which combined account for 8% of the present land use. The remainder of the property in Area 9 is single-family residential (R-3), which is 91% of the Area and the remainder of 1% is Vacant-NU. There is very little possibility of any significant future growth in the Area because 98% of the property in the Area has already been developed.

III. DISCUSSION BY CITY AND ST. LOUIS COUNTY

The City contends that the annexation of Area 9 is in the best interest the City, Area 9 and St. Louis County. Reasons given by the City include the followoing. Because Area 9 is 72% contiguous to the City, the City wishes to realign its boundaries to more natural in logical borders. The City is interested in steady growth and desires to prevent adverse land development and improper land usage along commercial/residential areas adjacent to Area 9. The City also wishes to make available to residents and businesses of Area 9 the opportunity to receive Florissant services and the use of Florissant facilities and the City wishes to offer more convenient, accessible government to Area 9 businesses/residents. The City also offered that the annexation was in the best interest of St. Louis County because the City can provide services to Area 9 more quickly and more cheaply. The City contends it can also maintain Area 9 better than the County. Finally, the City maintains it is in the best interest of Area 9 to be annexed by the City for all of the reasons stated above. Specifically, the City contends it can maintain the streets better, will install additional street lighting, and can maintain property values through the City's Occupancy Permit and Property Maintenance programs. These programs can guarantee property values through the City's Home Equity Assurance and Housing Grant programs and can offer a better quality of life through all of the services and the facilities the City has to offer.

St. Louis County requested the Proposal not be approved as a Simplified Boundary Change, but rather as an Approved Boundary Change, thereby requiring a majority vote of the voters in both the City, and in Area 9, for the Area to be annexed into the City. St. Louis County stated during the public hearing that it has, and will continue to provide services to Area 9 should they so desire.

IV. DECISION

Based on the foregoing, the Commission finds it is in the best interest of the City, the County, and Area 9, that the Proposal be approved in the manner set forth below.

The Commission has the alternative of approving the annexation as an Approved Boundary Change to be adopted or rejected by the voters pursuant to RSMo. 72.407, or as a Simplified Boundary Change, for which no vote shall be required. RSMo. §72.405.6(2). On Tuesday, May 25, 2004, during the Commission's review of the Proposal at it's next regular meeting, several aspects of this specific Proposal and public hearing were discussed amongst Commission members including: that the City submitted the minimum number of required signatures to qualify as a Simplified Boundary Change; that there were concerns expressed by certain citizens within Area 9 about the manner in which signatures were collected; potential problems in how and what information concerning the petition and Simplified Boundary Change process would be communicated to the large number of registered voters in Area 9 during the petition drive process; and whether an area with a population as large as that of Area 9 was appropriate for the Simplified Boundary Change procedure.

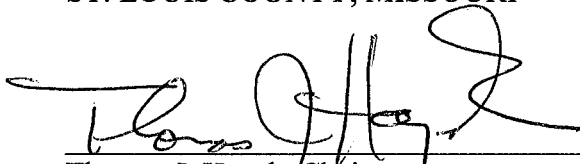
The Commission does not find that there was any impropriety or improper conduct in connection with collection of signatures. The Commission does, however, find that because of the logistics associated with such a large signature collection drive, it was impossible for any person, including the City and its elected and appointed officials, to confirm that there was consistency and an absence of any incorrect information provided with regard to the petition drive and collection of the signatures. The Commission also observes that the St. Louis County Election Board, in making its certification, specifically conditioned the certification as being subject to the "best ability and determination of this office". The Commission considers this qualification to at least raise the possibility that the St. Louis County Election Board acknowledges such certification of signatures may be subject to a certain level of inherent inaccuracy.

In consideration of the best interest test required by applicable statutes and the rules adopted by the Commission, it is the opinion of the majority of the Commission members that the Proposal should be approved as an Approved Boundary Change and to be adopted or rejected by the voters pursuant to RSMo. 72.407. The Commission feels that the state legislature, in vesting the Commission with discretion in determining whether to approve a Simplified Boundary Change as an Approved Boundary Change, thus requiring a vote, intended for the Commission to weigh such factors in making its final determination. Based on all of the circumstances, including the Proposal and the evidence presented to the Commission, the Commission has determined that approval of the Proposal as an Approved Boundary Change is appropriate and justified by all of the factors available to the Commission for its consideration.

Accordingly, as of Tuesday, May 25, 2004, the Commission finds that it is in the best interest of the City, St. Louis County and the citizens residing in Area 9, that the Proposal be, and hereby is APPROVED, but that it be approved as an Approved Boundary Change. The Commission will take all action necessary, pursuant to Chapter 115 RSMo, to submit the question of the Approved Boundary Change to the voters at the general election held on the 2nd day of November 2004.

ATTEST:

BOUNDARY COMMISSION,
ST. LOUIS COUNTY, MISSOURI


Thomas J. Hayek, Chairman

25 MAY 2004
Effective Date