

BOUNDARY COMMISSION



ST. LOUIS COUNTY, MISSOURI

December 10, 2004

HAND DELIVERED

Honorable Charlie A. Dooley
St. Louis County Executive
41 S. Central
Clayton, MO 63105

**Re: Annexation Proposal by City of Florissant Designated As Area 2A
Commission Designator: BC0407**

Dear Mr. County Executive:

I am enclosing the St. Louis County Boundary Commission's Summary of Decision for the Proposal submitted by the City of Florissant, Missouri, for the area designated by the City as Area 2A. The Commission approved this Proposal as an Approved Boundary Change and, therefore, a further vote is required. The Commission has set the date for this election as April 5, 2005. Your Planning Department has previously been notified of this.

If you have any questions, please do not hesitate to contact myself or our Executive Director, Courtney Irwin, at the Commission offices.

Sincerely,

Thomas J. Hayek, Chairman
St. Louis County Boundary Commission
Enclosure

cc: Honorable Robert G. Lowery, Sr. – Mayor of the City of Florissant (w/ encl.)
Glenn Powers – St. Louis County Planning Department (w/ encl.)
Tim Fischesser – St. Louis County Municipal League (w/ encl.)

Before the Boundary Commission, St. Louis County, Missouri

In re: Proposal of the City of Florissant

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**SUMMARY OF DECISION
PROPOSAL FOR ANNEXATION OF AREA 2A
CITY OF FLORISSANT, MISSOURI**

INTRODUCTION

On the 30th day of June, 2004 the City of Florissant ("City") deposited its Official Submittal (the "Proposal") with the St. Louis County Boundary Commission in which the City proposed to annex an area of property currently within the boundaries of St. Louis County, Missouri, and which was not within the jurisdiction of any municipality, township, village or other incorporated entity. The Area generally consists of those subdivisions known as Sunset Park Condominiums, St. Ferdinand Common Fields and Grahms Subdivisions. The geographical area encompassed by the Proposal was termed "Area 2A" by the City, and said designator has been utilized by the Commission. In response to the completeness review performed by the Commission staff, the City supplemented its submission by letter dated July 7, 2004. As supplemented, the Commission deemed the Proposal complete.

On August 10, 2004, pursuant to order of the Commission and notice, a public hearing was held on the Proposal at Hazelwood Middle School. At the public hearing, the City was permitted to present evidence, in addition to the Proposal, and representatives of St. Louis County also presented 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 commented at the hearing and written comments were received following the hearing. Based on the Proposal, the evidence presented at the public hearing and the written comments received within 21 days after the hearing, the Commission makes the following findings.

PETITION

The proposed annexation of Area 2A was submitted as a Simplified Boundary Change, initiated by petition. The City submitted the signatures of 77% of the registered voters in the Area and the signatures of the voters were verified by the Board of Election

Commissioners of St. Louis County. There were 309 registered voters in the Area. The City submitted signatures of 266 individuals and the Board of Election Commissioners of St. Louis County determined that 237 signatures were registered voters in good standing and were therefore eligible to vote or were eligible at the time of signing the petition. The Commission notes that 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.

GEOGRAPHIC

Area 2A is located adjacent to the northern portion of the City and is specifically identified on the locator map attached at Tab 2, Attachment "A", to the City's Plan of Intent. A legal description of Area 2A is attached to this Summary of Decision as Exhibit A. Area 2A is generally bounded by the City of Florissant to the south and east, Central Parkway to the northeast, and Pleasant Hollow Subdivision to the northwest and west. While the legal description includes all street rights-of-way, including Shackelford Road and various private streets, the City plans to leave maintenance of Shackelford Road to St. Louis County and maintenance of private streets to the Sunset Park Condominium Association. All other streets within the Area will be maintained by the City assuming the annexation is approved. The City submits that the proposed annexation will result in logical and well-defined boundary lines for the City.

Although Area 2A includes various subdivisions, there will be no existing subdivisions split by this annexation. The area proposed for annexation will be accessible for City services. Because of the extensive contiguity, the City can readily and routinely provide services as needed from Shackelford Road. 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 2A.

Area 2A has a population of 714 according to the 2000 Census and a land area of 44.00 acres. There are 311 dwelling units within Area 2A. There are 5.05 miles of public streets and no private streets within Area 2A. The City as a whole has 7842.2 acres, 162.99 miles of public streets and 25 miles of private streets. The City is 56.7% contiguous to Area 2A 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, and zoning preventing adverse land development and improper land usage and allowing businesses and residents within Area 2A the opportunity to receive City of Florissant services and the use of City facilities.

FINANCIAL

The relevant 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 before the annexation is 0.05 and after the annexation will still be 0.05, contrary to

assertions in the Proposal that the utility tax rate would decrease. The utility tax rate for the City was increased from 0.03 to 0.05 as a result of Ordinance No. 7978, of the City of Florissant, enacted on October 25, 2004 and effective as of the first day of November, 2004. The sales tax before the annexation will be 6.075 and after will be 6.825.

Area 2A is primarily residential, as is the City, and the tax base will be very compatible and mutually beneficial since the City is a "pool city". Revenues received by the Area are estimated at \$188,300 and will be adequate to provide all City services to the Area. The estimated and projected revenues and expenditures for the Area for a three (3)-year period are summarized on the table set forth on page five of the Official Submittal. The City will budget over a three (3) year period street repairs (estimated at \$12,000), sidewalks, ADA accessible curb cuts (estimated at \$3,000) and new streetlights (estimated at \$9,000). 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 \$38,600 per year for the Area. The City will not need additional revenues to perform all Area 2A capital improvement projects.

The City estimated that revenues that would no longer be available to St. Louis County, based on a one-year projection, would be \$132,460, which consists of lost cigarette tax, gasoline tax, road and bridge tax, sales tax and utility tax revenue.

SERVICES

The City provided information on the services it provides, which services are described in detail on pages 7 through 19 of the Proposal, and which are incorporated by reference in this Summary. The City offered that it would extend all services to the newly annexed area on December 1, 2004 or an earlier date if so established by the Commission.

With regard to zoning and land use, the City demonstrated that the current uses include commercial (C-8), which account for 3% of the present land use, and single-family residential (R-2, R-3, R-4), which combined accounts for 16% of the present land use. The remainder of the property in the Area is multi-family residential (R-6), which is 80% 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 90% of the property in the Area has already been developed.

In summary, the City contends that the annexation of Area 2A is in the City's best interest because the Area is 56.7% 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 the Area. The City also wishes to make available to residents and businesses of Area 2A the opportunity to receive Florissant services and the use of Florissant facilities and the City wishes to offer more convenient, accessible government to Area 2A businesses and residents. The City also offered that the annexation was in the best interest of St. Louis County because the City can provide

services to the Area more quickly and more cheaply, and the City contends it can also maintain the Area better than the County. St. Louis County disputes these assertions. Finally, the City maintains it is in the best interest of the Area 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.

DECISION

At a public meeting of the Commission on September 20, 2004, with appropriate public notice having been given, the Commission reviewed and discussed the Proposal, and the additional information presented by all interested parties. Following discussion of the foregoing, and after each Commissioner had been provided the opportunity to express their respective thoughts concerning the foregoing, a motion was made to approve the Proposal as an Approved Boundary Change, with details of the motion, seconding of the motion, and vote of the Commissioners set forth in the approved minutes of the Commission from that meeting. Pursuant to the Rules of the Commission, the motion carried and the Proposal was approved.

In reaching this decision, the Commission finds that it 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, September 20, 2004, during the Commission's review of the Proposal, several aspects of this specific Proposal and public hearing were discussed amongst Commission members including that the City submitted a number of required signatures that was very close to the minimum required to qualify as a Simplified Boundary Change; that were concerns expressed by certain citizens within Area 2A 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 2A during the petition drive process; and whether an area with a population as large as that of Area 2A 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

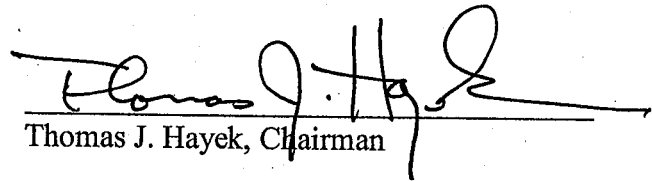
the St. Louis County Election Board acknowledges such certification of signatures may be subject to a certain level of inherent inaccuracy.

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, 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.

NOW THEREFORE, as of Tuesday, September 20, 2004, the Commission finds that it is in the best interest of the City, the citizens residing in Area 2A, of unincorporated territories affected by the Proposal and of those areas of the County next to Area 2A, 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 5th day of April 2005.

ATTEST:

BOUNDARY COMMISSION,
ST. LOUIS COUNTY, MISSOURI


Thomas J. Hayek, Chairman

20 Sept 2004
Effective Date

AREA 2A

LEGAL DESCRIPTION

Beginning at a point being the intersection of the southeast ROW line of Shackelford Road and the northeast ROW line of Humes Lane;

Thence southwestwardly along the prolongation of the southeast ROW line of Shackelford Road to its intersection with the southwest ROW line of Humes Lane;

Thence southwestwardly along the southeast ROW line of Shackelford Road to a point being its intersection with the prolongation of the northeast line of a property now or formerly owned by Hazelwood R-1 School District (St. Louis County Locator No. 06K240475);

Thence northwestwardly along the prolongation of the northeast line of said Hazelwood property to its intersection with the northwest ROW line of Shackelford Road;

Thence continuing northwestwardly along the northeast line of said Hazelwood property to its intersection with the northeast line of Flamingo Park Plat 5 subdivision, also being the northwest corner of said Hazelwood property;

Thence continuing northwestwardly along the northeast line of Flamingo Park Plat 5 subdivision to its intersection with the northeast line of Flamingo Park Plat 6 subdivision;

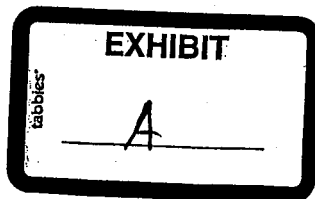
Thence continuing northwestwardly along the northeast line of Flamingo Park Plat 6 subdivision to a point being on said northeast line twenty feet (20') to the northwest of the northeast corner of a property now or formerly owned by James A. and Shari L. Dugger (St. Louis County Locator No. 06K440411);

Thence northeastwardly North 37 degrees 44 minutes East one hundred and twelve feet (112') to a point;

Thence southeastwardly South 34 degrees 36 minutes East three hundred feet (300') to a point being its intersection with the prolongation of the southeast line of a property now or formerly owned by the City of Florissant, known as Sunset Park, (St. Louis County Locator No. 05K120013);

Thence northeastwardly along the prolongation of the southeast line of said City of Florissant property to a point being its intersection with the southwest line of Pleasant Hollow Plat Four subdivision;

Thence southeastwardly along the southwest line of Pleasant Hollow Plat Four subdivision to its intersection with the southwest line of Pleasant Hollow Plat 2A subdivision;



Thence southeastwardly along the southwest line of Pleasant Hollow Plat 2A subdivision to a point being its intersection with the southwest corner of Sunset Park Condominium Ninth Amendment subdivision;

Thence northeastwardly along the southeast line of Pleasant Hollow Plat 2A subdivision to its intersection with the west corner of a property now or formerly owned by Ann O. MacDonald (St. Louis County Locator No. 06K522032);

Thence north and northeastwardly along the west and northwest line of said MacDonald property to its intersection with the southwest ROW line of Central Parkway;

Thence southeastwardly along the southwest ROW line of Central Parkway to its intersection with the northwest ROW line of Shackelford Road;

Thence southwestwardly along the northwest ROW line of Shackelford Road to a point being its intersection with the prolongation of the northeast line of a property now or formerly owned by James J. and Linda M. O'Neill (St. Louis County Locator No. 06K610043);

Thence southeastwardly along the prolongation of the northeast line of said O'Neill property to its intersection with the southeast ROW line of Shackelford, also being the northwest corner of said O'Neill property;

Thence continuing southeastwardly along the northeast line of said O'Neill property to its northeast corner;

Thence southwestwardly along the southeast line of said O'Neill property to its southeast corner;

Thence northwestwardly along the southwest line of said O'Neill property to its southwest corner and its intersection with the southwest ROW line of Shackelford Road;

Thence southwestwardly along the southwest ROW line of Shackelford Road to its intersection with the southwest line of a property now or formerly owned by the Florissant Valley Fire Protection District (St. Louis County Locator No. 06K331368) also being the southwest corner of said Fire District property;

Thence southeastwardly along the southwest line of said Fire District property to its southeast corner and its intersection with the northwest line of Flamingo Park Plat 12 Section 1 subdivision;

Thence southwestwardly along the northwest line of Flamingo Park Plat 12 Section 1 subdivision to its southwest corner and its intersection with the northeast ROW line of Humes Lane;

Thence northwestwardly along the northeast ROW line of Humes Lane to its intersection with the southeast ROW line of Shackelford Road and the Point of Beginning.