

December 10, 2004

HAND DELIVERED

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

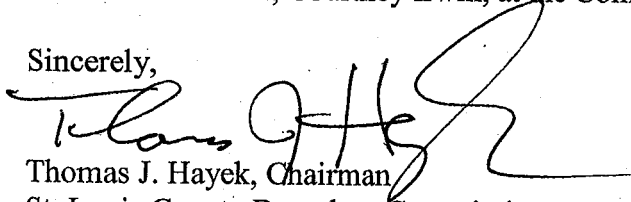
**Re: Annexation Proposal by City of Florissant Designated As Area 6
Commission Designator: BC0408**

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 6. The Commission approved this Proposal as a Simplified Boundary Change and, therefore, no further voting is required. The transfer of jurisdiction will take effect January 1, 2005, at 12:00 a.m. 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

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In re: Proposal of the City of Florissant) File No. BC0408
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) Area 6
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**SUMMARY OF DECISION
PROPOSAL FOR ANNEXATION OF AREA 6
CITY OF FLORISSANT, MISSOURI**

INTRODUCTION

On the 30th day of June, 2004 the City of Florissant (the "City") deposited its Official Submittal (the "Proposal") with the St. Louis County Boundary Commission (the "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 Chapel View, Willow Creek Estates, Francis G. Aubuchon, Patterson Estates, Patterson Partition and St. Ferdinand Commons Subdivisions. The geographical area encompassed by the Proposal was termed "Area 6" 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 appropriate public notice having been given, the Commission held a public hearing on the Proposal at the Cross Keys Middle School. At the public hearing, the City was permitted to present evidence, in addition to the Proposal; representatives of the St. Louis County government were permitted to present evidence in response to the Proposal; and public comment was received from anyone in attendance wishing to do so. During said public hearing, members of the public were also notified by the Chairman of the Commission that they, as well as others not in attendance at the public hearing, could submit written comments to the Commission within 21 days following the date of the public hearing. Written comments from the public were received following the hearing. St. Louis County government also provided additional, detailed, written comments on the final day of this 21 day period for public comment, and the Commission notes that said written comments contained certain pieces of information not presented at the public hearing. Those written comments were sent via facsimile to the offices of the Commission at approximately 4:00 p.m. on this last day of the period for public comment. The Commission makes the following findings based upon: (1) the Official Submittal by the City; (2) information

provided by the City at the public hearing; (3) information presented by St. Louis County government at the public hearing and in their subsequent written comments; (4) the public comment received by the Commission at the hearing; and (5) the written comments received within 21 days after the hearing.

SUFFICIENCY OF PETITION

The proposed annexation of Area 6 was submitted as a Simplified Boundary Change, initiated by petition. The City submitted the signatures of 78% 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 473 registered voters in the Area. The City submitted signatures of 385 individuals and the Election Authority determined that 369 of those signatures were registered voters in good standing and are therefore eligible to vote or were eligible at the time of signing the petition. Based upon this data, the Commission finds that the petition portion of the Proposal meets the requirements of the Missouri Revised Statutes. Consequently, the Commission has the authority to approve the annexation as a Simplified Boundary Change, for which no vote shall be required. See RSMo. § 72.405.6(2).

GEOGRAPHIC

The City submits that the proposed annexation will result in logical and well-defined boundary lines for the City. Area 6 is located adjacent to the north central 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 copy of that locator map is attached hereto as Exhibit A. A legal description of Area 6 is attached to this Summary of Decision as Exhibit B.

Area 6 is generally bounded by the City of Florissant to the southwest, Patterson Road to the west and north, New Halls Ferry Road to the northeast and Coldwater Creek to the east and southeast. While the legal description includes all street rights-of-way, including Patterson Road, Greenway Chase, New Halls Ferry Road and various private streets, the Proposal currently leaves maintenance of Patterson Road and Greenway Chase to St. Louis County, New Halls Ferry Road to the State of Missouri, and maintenance of private streets to the property owners. The City has subsequently proposed in correspondence, and in response to comments submitted by St. Louis County, to accept jurisdiction of all of Patterson Road to eliminate any confusion on jurisdictional issues. The legal description for the Proposal, however, remains unchanged and, accordingly, the Commission recommends that the City and St. Louis County resolve this issue prior to January 1, 2005. All other streets within Area 6 will be maintained by the City beginning at the date and hour the transfer of jurisdiction occurs.

Pursuant to information contained within the Proposal, and not disputed by St. Louis County, Area 6 has a population of 870 according to the 2000 Census and a land area of 144 acres. There are 234 dwelling units within Area 6. There are 2.03 miles of public streets and 0.05 miles of private streets within Area 6. The City as a whole has 7,996.67 acres and 162.99 miles of public streets and 25 miles of private streets. The City is

24.8% contiguous to Area 6 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 County businesses and County residents the opportunity to receive City of Florissant services and the use of City facilities.

There will be no existing subdivisions split by this annexation. Area 6 will be accessible for City services. The City and Area 6 are sufficiently contiguous such that the City can readily and routinely provide services as needed from Patterson Road, Greenway Chase and New Halls Ferry Road. The City submitted, and the Commission finds, that there are no natural or man-made boundaries that will impede the efficient delivery of services to Area 6.

FINANCIAL

The Proposal specifies, and St. Louis County has not disputed, that those tax rates for calendar year 2003 before and after the annexation, including School District, Community College, State of Missouri, and special school districts will be identical before and after the annexation. The Commission notes that the utility tax rate before the annexation is .05 and after the annexation will still be .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 is 6.075 and after will be 6.825.

The Proposal asserts that Area 6 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" for purposes of distributing sales tax revenue. Revenues received by the Area are estimated by the city at \$228,200 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 pages five and six of the Proposal. The City will budget over a three (3) year period street repairs (estimated at \$46,000) and sidewalks, including ADA accessible curb cuts (estimated at \$3,000). 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 \$47,000 per year for Area 6. The City will not need additional revenues to perform all Area 6 capital improvement projects. The Commission notes that St. Louis County has raised concerns regarding the source of the City's expenditures for Area 6 given that the City's Plan of Intent reflects that overall City expenditures are expected to exceed revenues by more than \$5 million for each of the next three (3) fiscal years. At the public hearing, the City assured the Commission that there are sufficient reserves to satisfy any expenditures over revenues and the last three years fund balances show reserves of \$16 million, \$15 million and \$12 million respectively.

The City estimated that revenues which would no longer be available to St. Louis County, based on a one-year projection, would be \$161,687. This amount consists of lost cigarette tax, gasoline tax, road and bridge tax, sales tax and utility tax revenue. In its written response to the Proposal submitted at the completion of the public comment period, St. Louis County disputes this figure, and estimates the tax revenues which will be lost to St. Louis County are \$190,092, consisting of lost sales tax, utility tax, C.A.R.T., road and bridge tax, cigarette tax, cable TV tax and fees and fines.

SERVICES

The City provided information on the services it provides, which services are described in detail on pages 7 through 16 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 January 1, 2005 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, FPR-2, R-4), which combined accounts for 37% of the present land use. The remainder of the property in the Area is multi-family residential (FPR-4), which is 8% of Area 6 and mixed use development (MXD, FPMXD), which is 52% of Area 6. There is very little possibility of any significant future growth in the Area because 80% of the property in Area 6 has already been developed.

The City contends that the annexation of Area 6 is in the City's best interest because Area 6 is 24.8% contiguous to the City, the City wishes to realign its boundaries to more natural and 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 6. The City also wishes to make available to residents and businesses of Area 6 the opportunity to receive Florissant services and the use of Florissant facilities and the City wishes to offer more convenient, accessible government to Area 6 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 6 more quickly and more cheaply. St. Louis County disputes the City can provide services more quickly and more cheaply. The City contends it can also maintain Area 6 better than the County. Finally, the City maintains it is in the best interest of Area 6 to be annexed by the City for all of the reasons stated above. Specifically, the City contends it can maintain the streets better, 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 October 26, 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

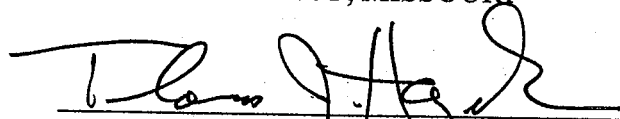
foregoing, and after each Commissioner had been provided the opportunity to express their respective thoughts concerning the foregoing, a motion was made to approve the Proposal as a Simplified Boundary Change, with details of the motion, seconding of the motion, and vote of the Commissioners set forth in the approved minutes of the Commission from that meeting. The vote of the Commissioners was six in the affirmative, and two in the negative, with three Commissioners having been absent. Pursuant to the Rules of the Commission, the motion carried and the Proposal was approved.

Pursuant to the foregoing vote, the Commission determines that it is in the best interest of the City, Area 6, and unincorporated territories affected by the Proposal, and of those areas of the county next to such proposed boundary, to approve the Proposal. 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 a Simplified Boundary Change. 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 a Simplified Boundary Change is appropriate and justified by all of the factors available to the Commission for its consideration.

NOW THEREFORE, as of Tuesday, October 26, 2004, the Proposal be, and hereby is APPROVED, as a Simplified Boundary Change. The Commission finds that the annexation proposed by Proposal BC0408 is approved without a vote, as permitted by § 72.405.6(2), RSMo., and the annexation of the territory set forth in the legal description of the Proposal shall take effect January 1, 2005, at 12:00 a.m.

ATTEST:

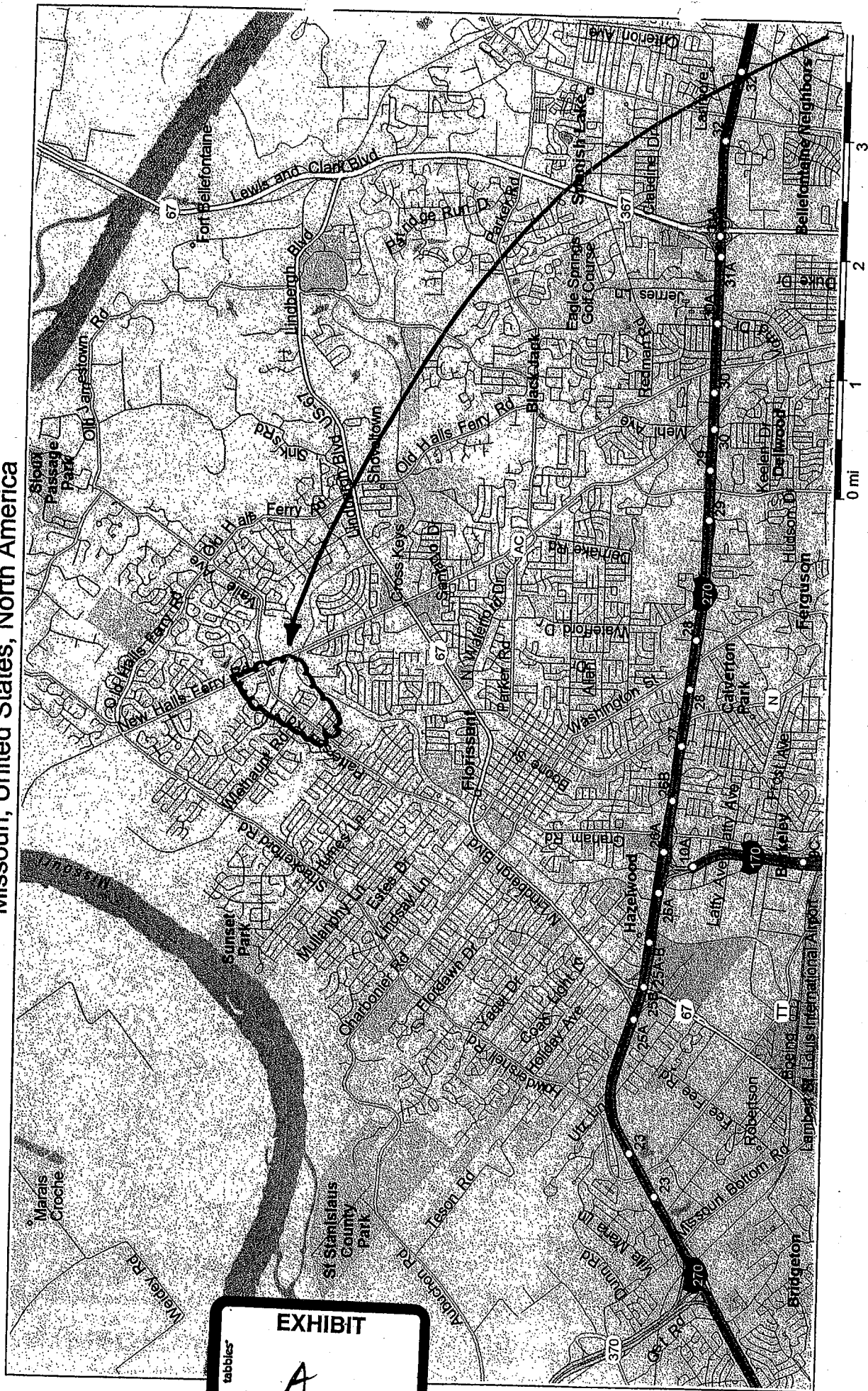
BOUNDARY COMMISSION,
ST. LOUIS COUNTY, MISSOURI



Thomas J. Hayek, Chairman

26 Oct 2004
Effective Date

Missouri, United States, North America



AREA 6LEGAL DESCRIPTION

Beginning at a point being intersection of the northwestwardly prolongation of the southwest line of Chapel View subdivision, as recorded in Plat Book 261, Page 3, of the St. Louis County, Missouri and the centerline of Patterson Road;

Thence northeastwardly along said centerline of Patterson Road (variable width) to a point at its intersection with the centerline of Wiethaupt Road (variable width);

Thence northwestwardly along said centerline of Wiethaupt Road to a point at its intersection with the northwest ROW (right-of-way) line of Patterson Road;

Thence north and northeastwardly along the northwest ROW line of Patterson Road to a point at its intersection with the southwest corner of Wedgwood Green Shadow Rock Plat 3 subdivision;

Thence north along the west line of Wedgwood Green Shadow Rock Plat 3 subdivision to its intersection with the south line of a parcel now or formerly owned by Russell & Barbara Marty (St. Louis County Locator No. 05J320016);

Thence westwardly along the south line of said Marty property to the southwest corner of said property;

Thence northerly along the west line of said Marty property to its intersection with the west ROW line of New Halls Ferry Road;

Thence southeastwardly along the west ROW line of New Halls Ferry Road to a point at its intersection with the centerline of Coldwater Creek;

Thence meandering west and southwest along the centerline of Coldwater Creek to a point at its intersection with the southwest line of Chapel View subdivision;

Thence northwestwardly along the southwest line of Chapel View subdivision to a point at its intersection with the centerline of Patterson Road and the point of Beginning.

