

**OFFICIAL SUBMITTAL
FROM THE CITY OF BALLWIN**

**FOR THE ANNEXATION OF AN AREA
WITHIN THE KIEFER CREEK VALLEY**

**SUBMITTED TO
THE BOUNDARY COMMISSION,
ST. LOUIS COUNTY**

July, 2004

1	<u>SECTION 1:</u> EXECUTIVE SUMMARY
2	<u>SECTION 2:</u> PLAN OF INTENT
3	<u>SECTION 3:</u> CERTIFICATIONS
4	<u>SECTION 4:</u> SUPPORT DOCUMENTS
5	MAPS: ANNEXATION AREA & CITY
6	LETTERS
7	ANNEXATION AREA REVENUES & EXPENDITURES – 3 YRS
8	CITY REVENUES, EXPENDITURES, FUND BALANCE
9	COMBINED REVENUES & EXPENDITURES
10	REDIRECTED REVENUES
11	ZONING MAPS
12	ORDINANCE
13	LEGAL OPINION
14	PUBLIC NOTICE
15	LEGAL DESCRIPTION

Section 1 - Executive Summary:

Ballwin has been an incorporated municipality since December of 1950. Originally organized as a village, Ballwin's residents voted to change the status to a city of the fourth class in 1958. Ballwin remains a fourth class city today. The population at the time of incorporation was approximately 850 people. Although Ballwin's population grew as the result of development within its boundaries, Ballwin's expansion to a city of nearly 32,000 people today is substantially due to the annexation of new residents and the growth of the population within annexed areas. Since incorporation, Ballwin has grown by annexation on 25 occasions. These annexations have more that quadrupled Ballwin's physical size and allowed for a thirty-five fold increase in population. The strategy of slow steady growth through annexation has been so successful that Ballwin continues to embrace it today.

As the name suggests, the Kiefer Creek Annexation Area is adjacent to Keifer Creek. The creek and the adjoining roadway of the same name have formed a portion of Ballwin's southwestern boundary since the 1999 annexation of the area to the northeast of the proposed annexation. This approximately 330 acre tract (.51 sq. miles) of land is bounded by the city limits of Ballwin on the north east along Kiefer Creek Rd., the boundary imposed by Ballwin's 2000 map plan on the west and the southern, southwestern and eastern boundaries of the involved subdivisions and parcels on the southwest, south and east. Kiefer Creek Rd. runs along the entire northeast side of the proposed annexation.

The area proposed for annexation is mostly developed with small lot single family residential land uses. There are a few scattered larger parcels which are undeveloped or developed at an intensity that is substantially lower that that of the surrounding properties. The adjoining land to the west and south is predominantly developed in the large lot single family uses that are characteristic of residential development in the unsewered portion of west St. Louis County. There is also some agricultural use. The adjoining lands to the southeast and east form the back line of the Castlewood Community and are undeveloped or developed in smaller lot single family uses. The adjoining lands to the northeast are in Ballwin and are developed in single family residential land use that is essentially identical to that of the proposed annexation area. There are 3 undeveloped larger parcels that are suitable for larger lot single family development.

From the perspective of topography and geomorphology, this area is very similar to the adjoining parts of Ballwin. The area is characterized by moderately rolling hills and valleys with flats along in major creeks. Surface drainage features have, for the most part, been preserved in common ground areas. Keifer Creek has remained essentially unchanged since Kiefer Creek Rd. was built in it present configuration in the 1960's. The predominant direction of surface and piped storm water flow from the annexation

Section 2 – Plan of Intent:

i. Geographic:

(1) General Description:

The Kiefer Creek Annexation Area lies adjacent to Ward 4 to the southwest of the present city limits. The area is generally bounded by the mutually agreed lines of the Ballwin and Wildwood Annexation Map Plans to the west and southwest. To the south the area is bounded by the lines of the subdivisions included in the annexation; these lines also approximate the major physical boundary of a ridgeline that runs through this area. To the east, the annexation area is bounded by a series of rear property lines that also approximate a section of Kiefer Creek. The south right-of-way line of Kiefer Creek Rd. forms a short segment of the annexation area near its intersection with New Ballwin Rd.

The boundaries of this area were chosen because they define an area of distinct geography and character that is well defined by natural and political features. The Annexation Map Plan lines were utilized as a part of an understanding with the city of Wildwood that it intended to annex the parcels served from along each side of St. Paul Rd. This was certainly logical in so far as much of St. Paul Rd. was already in Wildwood. The ridgeline that approximately coincides with the southern lines of the Kiefer Trails and Arbor View Estates subdivisions contributed to their selection as logical and appropriate boundaries. The segment of Kiefer Creek was chosen due to its status as a natural boundary and because it closed the loop back to Kiefer Creek Rd. in a way that included all parcels in the area that are served exclusively from Kiefer Creek Rd. The current City limits was chosen so as not to create any unincorporated pockets or uneven service provision. Ballwin has no current or future plans to expand its boundaries any further west due to the physical limitations associated with efficiently providing services in this area.

(2) Annexation Area Map: (see tab #5)

(3) Surrounding Area Map: (see tab #5)

(4) Population, Land Area and Dwelling Information:

	Population (2000)	Land Area (acres)	Dwelling Units (2000)
Area	806	328	262
City	31,283	5887	12,062

The nature of the arterial and collector roadway system in this part of St. Louis County is such that it directs much of the traffic from the Kiefer Creek Annexation area through Ballwin. New Ballwin Rd. is a heavily traveled major north-south arterial that provides the direct and easy access to the east-west corridors of Manchester and Big Bend Rds. Although Kiefer Creek Rd. also provides access to Manchester Rd. it is a narrow, winding and dangerous route. Furthermore, New Ballwin Rd. has the advantage of providing access to Big Bend Rd. This is an alternative east-west corridor that is more easily traveled than is Manchester Rd. which is sometimes congested. New Ballwin Rd. attracts a significant portion of the vehicle trips generated in the Kiefer Creek Annexation Area and it draws them right through the heart of Ballwin.

The nature of new single family residential subdivisions in west St. Louis County encourages residents to quickly unite to form strong neighborhood groupings. This is the result of cultural, social and geographic factors. Since most new subdivisions in this part of the county were built by a relatively small number of builders all of which utilize essentially the same development and marketing formula, there is a great deal of similarity of design and value among adjoining subdivisions of a similar age. These similarities tend to attract buyers of a similar income, cultural basis, position in life and perspective. In the case of this annexation area, these factors have combined to create a sense of community that closely parallels the situation in the adjoining Ballwin subdivisions. Although the various subdivisions that comprise the Kiefer Creek Annexation Area vary slightly, because of the similarity of the development and marketing parameters that were utilized, they are virtually homogenous among themselves and with many similarly situated surrounding subdivisions in Ballwin.

Since subdivisions tend to function as singular entities or in like-minded clusters, the proposed annexation will not significantly change their fundamental nature. This has historically been true of subdivisions in annexed areas and within the original city.

(7) List of Subdivisions:

This is a listing of all platted subdivisions within the proposed annexation area.

- Arbor View Estates
- Estates at Forrest Ridge
- Forest Ridge Trails Plats 1 – 5
- Kiefer Trails Plats 1 – 2
- Pines at Kiefer Creek Plata 1 – 2
- Pine Ridge Trails Plats 1 –2
- Pleasant Valley

(8) Boundary Adjacency:

The Kiefer Creek Annexation Area has a perimeter of approximately 22,639 linear feet or 4.29 miles. The coterminous boundary shared with Ballwin is

enforcement. In light of established county service delivery parameters in the area, the Castlewood Community seems to believe that it is better served in its current situation and practice.

(11) Annexation Agreements:

In July of 1989 Ballwin attempted to come to an agreement with the City of Ellisville regarding the annexation of lands between the two cities. As one can see from the written response received at the time (see tab #6), Ellisville was unwilling to enter into any kind of dialogue regarding this issue. There have been no subsequent discussions between Ballwin and Ellisville regarding this topic.

Ballwin has not entered into a formal agreement with the City of Wildwood regarding the annexation of the area between our respective municipal limits. Ballwin and Wildwood did, however, coordinate our efforts when the Annexation Map Plans were submitted to the boundary commission in 2000. The two plans agreed on the same line with each city proposing to annex to that line and eliminating any unincorporated pockets in the area.

At the time of the presentation of the map plans, the unincorporated area between Ellisville, Wildwood and Ballwin was irregular and poorly served. The boundaries of Ellisville and Wildwood did not conform well to the standards that are supported by the efforts of the Boundary Commission. When we met with representatives of Wildwood, the line chosen represented a logical plan to bring this small irregular unincorporated area into our respective cities in accordance with the ideals espoused by the Boundary Commission. When Wildwood and Ballwin successfully complete the planned annexations, this area would be fully served in an efficient and logical manner.

The proposed annexation is a logical extension of Ballwin's limits from a variety of perspectives:

1. This annexation combined with the intentions of Wildwood in its map plan will eliminate a portion of the unincorporated area between our respective communities that is a presently difficult to serve part of St. Louis County.
2. All boundaries chosen for this annexation proposal were based upon existing geopolitical boundaries.
3. A large portion of St. Louis County's population that has come to believe it is in Ballwin due to its address is not part of Ballwin and not eligible to take advantage of the many services and benefits that Ballwin residency offers.
4. Ballwin has received multiple inquiries from residents of this area regarding the possibility of annexation. These folks are tied to Ballwin via their physical proximity to the city and their understanding that their community of interest is fundamentally tied to Ballwin.
5. This is an easy and logical extension of Ballwin's municipal limits.

(5) Capital Improvement Projects:

Ballwin has identified no capital improvement projects that will be necessary within the proposed annexation area for a five year period following the assumed affective date of the annexation. The infrastructure in the area is relatively new and in good condition. Inspections of the pavements and drainageways have revealed no serious deterioration or problems. This is not to say that routine maintenance of the infrastructure is not anticipated. The detailed expenditure analysis anticipates expenses in streets, sidewalks, slab replacements, streetlights and a variety of other capital and operating categories. All such expenses were combined with the revenue projections to determine the economic feasibility of the annexation.

In the first year following annexation, Ballwin will experience a net loss of approximately \$67,000 resulting primarily from one-time capital equipment expenditures that are necessary to provide municipal services to the area. This loss will be funded from Ballwin's capital revenue sources such as the capital improvement sales tax and the Road and Bridge tax. Subsequent years show a similarly positive revenue picture in which the first year's losses will be recovered.

(6) Extraordinary Effect:

There will be no extraordinary effect on the distribution of tax resources in St. Louis County resulting from this annexation.

(7) Table of Redirected Revenue Sources: (See tab # 10)

(8) Development Impact Fees:

New residential developments are assessed a recreational impact fee. This is based upon the number of dwelling units or lots being created in the new development. The formula is partially driven by parameters of Ballwin's annual recreation budget and is typically about \$2000 / dwelling unit or lot.

(9) Traffic Generation Assessment:

The proposed Kiefer Creek Annexation is within a St. Louis County Traffic Generation Trust Fund area. Ballwin has no legal authority to require participation in the fund, but is willing to allow St. Louis County to continue operating the program in this area. Ballwin has no policies or ordinances that prohibit participation in the TGA program.

(10) Subdivision Escrow Accounts:

Ballwin has no policies or ordinances that would affect existing subdivision escrow accounts held by St. Louis County. In past instances of annexation, where such accounts are held by the County, Ballwin has worked easily with County representatives

iii. Services:

(1) List of Pre and Post Annexation Municipal Services and Providers:

Service	Present Provider	Post Annex. Provider	Fee	1. In House 2. Contract
Legislation	County	Ballwin	None	1
Administration	County	Ballwin	None	1
Police	County	Ballwin	None	1
Parks / Rec.	County	Ballwin	user	1
Solid Waste	Private	Ballwin**	Yes	2
Leaf Pickup	None	Ballwin	None	1
Brush Pickup	None	Ballwin	None	1
Creek Maint. *	None	Ballwin	None	1
Code Enforcement	County	Ballwin	None	1
Planning / Zoning	County	Ballwin	None	1
Street Lighting*	Private	Ballwin	None	2
New Streetlights*	Private	Ballwin	None	1 & 2
Street Maint*	County	Ballwin	None	1
Snow Plowing*	County	Ballwin	None	1
Sidewalk Maint*	County	Ballwin	None	1
New Sidewalks*	County	Ballwin	None	1
Municipal Court	County	Ballwin	None	1
Fire Protection	District	District	None	N/A
Utilities				
Electric	Ameren	Ameren	N/A	N/A
Gas	Laclede	Laclede	N/A	N/A
Water	Mo Am.	Mo Am.	N/A	N/A
Phone	SBC	SBS	N/A	N/A
Sewer	MSD	MSD	N/A	N/A
Cable TV	Charter	Charter	N/A	N/A
Social Services	County/State	County/State	None	N/A
Public Library	County	County	None	1
Public Schools	District	District	None	1

* Within publicly dedicated rights-of-way and easements only

** Use of Ballwin's contracted trash removal services is subject to the limitations of state law for a period of two (2) years following the effective date of the annexation.

(2) Description of Major Services:

Administration: This is the Legislative and day-to-day operations of the city. Included are operations of the Board of Aldermen, Human Resources, Finance, Planning and Zoning, City Clerk and related administrative functions.

(4) Annexation Policies:

(a) Private Roads: Ballwin will accept private roads for public maintenance if they are in or are brought up to minimum right-of-way, storm water control and pavement condition standards. The owner must submit a petition to the city for this purpose, and a legally acceptable dedication plat must be prepared and filed in the St. Louis County recorder of Deeds Office. Ballwin does not allow the construction of new private roadways in single family residential developments. New roadways must be public from the onset, built to Ballwin standards and dedicated for public maintenance from the time of construction. Private roadways in multiple family and commercial development are allowed and must be built to Ballwin's minimum standards for such facilities.

(b) Sidewalks: Ballwin will accept private sidewalks for public maintenance in the same manner as it accepts private roadways. Ballwin accepts sidewalks in public rights-of-way at the same time that the roadways in such rights-of-way are accepted. Sidewalks are required in conjunction with the construction of new publicly dedicated roadways. Ballwin does not assess for public sidewalk maintenance. These facilities are maintained with public funds in the same manner as public roadways. Ballwin will budget for the construction of new sidewalks along public roadways upon the receipt of a petition from at least 75% of the property owners fronting on the section of roadway along which the sidewalk is desired. Such construction is subject to annual budgetary limits. Petitions generally are queued on a first come first served basis.

(c) Driveway Approaches: Ballwin does not build or maintain private driveway approaches. If an approach is damaged as the result of the city's actions or was originally built as an integral part of the curb/gutter assembly and has deteriorated in conjunction with the curb/gutter, Ballwin will repair or replace the driveway apron in such a manner that the property owner can maintain it separately from the curb/gutter in the future.

(d) Streetlights: Ballwin pays for the installation and operation of all streetlights within the public right of way. Upon certification of an annexation being effective, Ballwin notifies Ameren UE to transfer all street light accounts in the annexed area to Ballwin for payment. If 75% of the residents in an area sign a petition requesting the installation of streetlights, Ballwin will pay for the installation and operation of such facilities as the budget allows.

(e) Subdivision Common Ground: This is private property and will continue to be private property after an annexation. Ballwin accepts no responsibility for the maintenance of facilities or vegetation in such areas.

(f) Parkland: Generally, parkland is privately owned or owned by another governmental entity. Ballwin is aware of no parkland within this annexation area, but would have no expectation of becoming in any way responsible for such land if it were within an annexation area. Ownership and responsibility would stay with the per-annexation owner.

these areas will rezoned accordingly. Ballwin has no unique flood plain zoning classification and will rezone the parcels with such county zoning to the associated district. For example, County R-1 and FPR-1 will be changed to Ballwin R-1. Ballwin is compelled to limit development in designated flood plains in the same way as St. Louis County. Ballwin accomplishes this through the subdivision approval and building permit review processes. The net result is the same.

Several parcels are zoned NU. These are large parcels that are presently developed at a low intensity. No change in zoning is anticipated at this time but Ballwin will entertain any rezoning proposals that may be forthcoming in the future for these parcels. It is expected that they will be developed at an intensity and with a use that is consistent with surrounding developments.

Overall, the annexation will have no impact on the zoning and land use patterns of the annexation area or the existing City of Ballwin.

(4) Creation of Nonconformities:

No nonconformities are expected to be created as a result of the proposed zoning changes.

(5) Regulations Impacting the Annexation Area:

Under the normal development scenarios that would be expected to unfold in this primarily single family residential area, only the Ballwin Zoning and Subdivision Ordinance regulations should come into play. The zoning implications were discussed in #3 and #4 above. The subdivision ordinance would apply if any of the few remaining undeveloped parcels were to be subdivided. Ballwin's process is somewhat different that that utilized by the county, but not substantially so. Ballwin's review process requires essentially the same commitment of time, expense and effort by a petitioner as does that of the County. Zoning change petitions are similar in form and commitment to subdivision petitions.

Ballwin has an occupancy code which will be in force upon the effective date of the annexation. This program assures safe and healthy inhabited structures by requiring an inspection upon every change of occupancy. This is similar to programs utilized by other municipalities and St. Louis County itself in certain designated areas. This program has been in place since 1972.

Ballwin's flood plain management program is similar to that utilized by St. Louis county. The basic parameters of the program were mandated by FEMA. These regulations will apply for every new construction, remodeling, addition, etc. that takes place within the federally delineated flood zones.

projections that far out are not reliable. Ballwin also wants to extend and protect its accessible, progressive, dynamic and future-oriented governmental philosophy. Bringing this and other surrounding unincorporated areas identified in the annexation map plan moves Ballwin in this direction. Ultimately, the most important benefit to Ballwin is the addition of a large and dynamic population of people that are eager to be part of our community. This can only enhance the overall quality of life for everyone involved.

(2) County Areas Next to the Proposed Annexation:

The impact of this annexation on the areas of the county that are adjacent but not part of this annexation will be neutral. By carefully selecting boundary lines that coincide with the 2000 map plans submitted by Ballwin and Wildwood, the areas adjacent to the west will be involved in an annexation from Wildwood and ultimately served by that community. The areas to the southwest are part of the Castlewood Community and do not relate to this area. Furthermore, the annexation area is separate from Castlewood by a substantial ridgeline such that no physical or infrastructure interconnection is ever likely to be created. These properties will continue to receive services from St. Louis County via its existing service provision modalities.

(3) Annexation Area:

For the most part, residents of the annexation area will not notice significant changes after the annexation. Taxes will not change and one-on-one municipal services such as building permits will continue in the same manner as before only they will happen at a closer location. In some cases, services such as police patrol frequency, snow removal and the cost of street lighting, will be greater or more responsive they were under the county. There will be some new services such as seasonal leaf and brush pickup and occupancy inspections. Finally, these new residents will be eligible to utilize Ballwin's recreational facilities at the discounted rate available to residents. Most importantly, these new residents will now be part of an accessible, progressive, dynamic and future-oriented government.

SECTION 3 – CERTIFICATIONS

i. Certification of Area:

This is to certify that the area of the proposed annexation is equal to less than 50% of the combined land subject to the proposal.

ii. Certification of Subdivision:

This is to certify that no known platted subdivision will be split as a result of this annexation proposal.

iii. Certification of Overlapping Proposals

This is to certify that this proposal does not overlap with any proposals known to be pending before the Boundary Commission, St. Louis County at the time of submittal.

iv. Certification of Adjacency:

This is to certify that as least fifteen percent (15%) of the boundary of the territory proposed for annexation is adjacent to the City of Ballwin.

v. Certificate of Budget and Audit Report Submittal:

This is to certify that one copy of the city of Ballwin's current budget and most recent audit report have been submitted along with twenty one (21) copies of the annexation submittal.

vi. Certificate of Expense Responsibility:

This is to certify that the city of Ballwin will bear all costs of the Boundary Commission related to publication expenses, notifications, copying, etc., associated with the submittal of the Kiefer Creek Annexation Proposal.

vii. Certification of Copy Distribution:

This is to certify that the City of Ballwin has distributed identical copies of this submittal by certified mail to the St. Louis County Clerk and the clerks of the Cities of Ellisville and Wildwood. The proposed annexation is not contiguous to either city, but it is in reasonably close proximity to each.

SECTION 4 – SUPPORTING DOCUMENTS

i. Ordinance: (see tab #12)

ii. List of Potential Meeting Sites:

Woerther Elementary School
314 New Ballwin Rd.
Ballwin, MO 63021
636-207-2674

Holy Infant School
248 New Ballwin Rd.
Ballwin, MO 63021
636-227-0802

Selvidge Middle School
235 New Ballwin Rd.
Ballwin, MO 63021
636-207-2622

The Pointe At Ballwin Commons
#1 Ballwin Commons Circle
Ballwin, MO 63021
636-227-8950

iii. Legal Opinion: (see tab # 13)

iv. Fire District Statement:

The entire Kiefer Creek Annexation Area is within the Metro West Fire Protection District as is most of the City of Ballwin. No change to the fire and emergency medical services provided by this district are proposed in association with this annexation proposal.

Public Notice Form: (see tab #14)

Legal Description: (see tab# 15)

