

Before the Boundary Commission, St. Louis County, Missouri

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In re: Valley Park Southwest Equestrian ) File No. BC1002  
Annexation Area )  
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**SUMMARY OF DECISION**  
**PROPOSAL FOR ANNEXATION OF THE SOUTH WEST EQUESTRIAN AREA**  
**CITY OF VALLEY PARK, MISSOURI**

INTRODUCTION

On the 30<sup>th</sup> day of June 2010, the City of Valley Park (the "City") delivered its Official Submittal (the "Proposal") to the St. Louis County Boundary Commission (the "Commission") wherein the City proposed to annex an area of land currently within the boundaries of St. Louis County, Missouri (the "County"), and which was not within the jurisdiction of any municipality, township, village or other incorporated entity. The City refers to the area as the Southwest Equestrian Area (the "Area") and the Commission has adopted this designation. In response to the completeness review performed by the Commission staff, the City responded to the identified deficiencies. As revised, the Commission deemed the Proposal complete and accepted it as such on July 27, 2010.

On September 9, 2010, pursuant to an Order of the Commission and the statutorily required public notice, the Commission held a public hearing on the Proposal at the Valley Park High School Library, 1 Main Street, Valley Park, MO 63088. At the public hearing, the City presented evidence in addition to the Proposal. A representative of the County presented evidence in response to the Proposal. The public hearing was opened for public comment; public comment was received. Written comments from the public were accepted during the 21-day comment period following the hearing. The County also provided additional, detailed, written comments on the Proposal in the form of a written report dated September 21, 2010 (the "Report").

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 the County at the public hearing; (4) the public comment received by the Commission at the hearing; and (5) the written comments received within 21 days after the hearing.

## GEOGRAPHIC

A legal description of the Area was included in the Supporting Documents section of the Proposal and is attached to this Summary of Decision as Exhibit A. A map of the proposed annexation area was attached to the Proposal and a copy of the map is attached to this Summary of Decision as Exhibit B.

The Commission finds that the Area includes approximately 149.95 acres and is a long narrow tract of land. The Area is only accessible from the City. It is bounded on the north by Interstate 44 and the existing city limits of the City, and on the south and west by Forest 44, a tract of recreational land owned by the State of Missouri, maintained by the Missouri Department of Conservation. On the east, the Area is bounded by the City, the western right-of-way line of Smizer Mill Rd., and the Avalon Hills subdivision.

Pursuant to information contained within the Proposal, the Area has a population of 10, based upon a 2010 calculation. The County determined that the Area has a population of 16 based upon a field survey conducted on August 25, 2010. The County provided that as of the 2000 U.S. Census, the population of the Area was 3.

The County asserts that the Area consists of 145.7 acres consisting of 7 land parcels. The City asserts that the Area consists of 149.95 acres, with 7 dwelling units. No reason was provided to the Commission regarding the basis for this discrepancy. The County has challenged the City's contiguity calculation, asserting that by the County's calculation the Area is within the margin of error of the County's calculation methods at 15%. Thus, the County could not conclusively state that the Area failed to meet the contiguity requirements. The City provided a certification from a registered land surveyor, Christopher Laneman with Pochlman & Prost, Inc., that the Area is 15.08% contiguous. Based upon the foregoing certification, the Commission finds that the Area meets the continuity requirements.

The existing land use of the parcels includes one single family home, multiple mobile homes on a single parcel, two commercial properties presently used as equestrian facilities and four vacant or agricultural parcels. There are 0.9 miles of public streets in the Area and no private streets.

Currently the Area is zoned Non-Urban ("NU"), Flood Plain Non-Urban ("FPNU") and FPC-6 under the County's zoning ordinances. If annexation were approved by the voters, the Area would be re-zoned under the City's existing zoning ordinances as planned development residential. The County noted in its Report, that the City did not have a flood plain district and the flood plain designation would be removed from the properties located within the flood plain. The City asserts however that it has adopted the National Flood Insurance Program and has implemented the required regulatory criterion. The City asserts that under its current ordinances any development located in the flood plain of the Area must first comply with all FEMA requirements. The Commission concludes, as does the City, that as a result of the City's current flood plain policies there will be no practical impact or detriment to the Area if the annexation is approved as a result of the loss of the "FP" designation.

The City contends that it is unaware of any current or future plans to change the zoning or to develop the area.

The Commission finds, and the City agrees, that the Proposal does not affect existing or natural subdivisions. The Commission finds that the proposed boundaries will enable the City to provide services to the entire annexation area without requiring the entities providing services to leave the city limits of the City. The Commission finds that the area is compact. Based upon the foregoing the Proposal creates a logical and reasonable boundary for the City.

## FINANCIAL

The City and County presented evidence of the financial impact and benefits of the proposed annexation on the Area, the County and the City.

### Impact on the Area

Annexation of the Area will result in higher personal property taxes, real estate property taxes, sales tax and sewer lateral fees. The sales tax rate will increase one percent from 6.925% to 7.925%. If the annexation is approved, the Area will be subject to the City's property tax of \$0.47/\$100 of assessed value and personal property tax of \$0.57/\$100 of assessed value. The Area will also realize, if annexation is approved, a \$13.00 increase in sewer lateral fees. The County estimates that if the annexation is approved residents of the Area would experience an increase of approximately \$162 (excluding sales tax) annually in fees and taxes.

The City contends and the Commission finds that the proposed annexation will have minimal financial impact on the residents and property owners in the Area.

### Impact on the County

The Commission finds that the Area is primarily agricultural and the existing businesses provide equestrian services. There is little revenue generated in the Area and the County estimates that it will lose \$2,095.00 annually in revenue from the Area. The County admits and the Commission finds that the loss of revenue that would result from the Proposal, if approved, would be insignificant to the County and will not have an extraordinary effect on the distribution of tax resources for the County.

### Impact on the City

The City estimates that the proposed annexation will generate \$477.57 in revenue per year for the three (3) years following annexation. The revenues consist of estimated real and personal property taxes. The County estimates that the City will receive \$1,550.00 in revenue from the Area in the three (3) years following annexation. The discrepancy between the City's estimate and the County's estimate results from the City's omission of revenue from several sources including: sales tax, utility tax, highway user tax, County Road and Bridge Tax, Cigarette Tax and Cable TV Tax. The City estimates that annexation of the Area will result in approximately

\$1,000 in estimated expenses annually. The City states that there are no capital improvements planned in the Area. As such, the Commission finds that there will be a minimal financial impact on the City as a result of the proposed annexation.

The Commission finds, and the City agrees, that the Proposal will have a minimal effect on the tax base or ability to raise revenue of the City, the County, or the Area.

### SERVICES

The Commission has concluded, and the City agrees, that there are no barriers to the City's effective delivery of services to the Area as the Area is accessible only through the current City's current municipal boundaries.

The City intends to take over all municipal type services for the Area if annexation is approved, including but not limited to street maintenance, refuse collection (including trash, yard waste and recycling), street lighting, planning and zoning and subdivision regulations, building code enforcement. In addition, if the Proposal is approved by voters, the residents of the Area will be able to utilize the City's recreational and community-oriented services. The City has stated that if the annexation is approved, although the Area will not be in the City's municipal library district, the City intends to extend municipal library privileges to the Area. The Commission finds that this is a benefit to the residents of the Area. The Commission finds that if the annexation is approved, the Area will receive the benefit of the City's trash collection, recycling and yard waste services. The Commission finds that if the annexation is approved by the voters, the cost for similar services of trash collection, recycling and yard waste services decrease in costs as a result of the annexation. Therefore, with respect to major services, the Commission finds that annexation of the Area would be in the best interest of the Area.

The City presented evidence that the effective date of the annexation will be six (6) months following the date of the election, if the annexation is approved.

The Proposal does not seek to alter the current fire protection services, school districts or emergency medical services provided to the Area.

### DECISION

At a special public meeting of the Commission on March 8, 2011 with the required statutory 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 his/her respective thoughts concerning the Proposal, a motion was made to approve the Proposal as a Boundary Change-Annexation, 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 (6) in the affirmative and one (1) in the negative, one Commissioner having been absent and three (3) vacancies. Pursuant to the Rules of the Commission, the motion carried and the Proposal was approved.

Based upon the facts presented in the (1) the Proposal, (2) information provided by the City at the public hearing, (3) information presented by the County at the public hearing, (4) the public comment received by the Commission at the hearing, (5) the written comments received within 21 days after the hearing, including the County's Report, and the Commissions' consideration of the statutory factors identified in RSMo. § 72.403.3, the Commission hereby determines that the Proposal is in the best interest of the City, the Area, and unincorporated territories affected by the Proposal. It is the opinion of the majority of the Commission members that the Proposal should be approved as a Boundary Change- Annexation. An election shall be held, based on the request of the City, at the General municipal election on a date designated by the City and subsequently established by the Commission.

NOW THEREFORE, the Proposal hereby is APPROVED, effective as of March 8, 2011, as a Boundary Change-Annexation. The Commission finds that the annexation proposed by Proposal BC1002 shall be submitted for approval by the voters. The annexation of Area as set forth in the in the amended legal description shall be adopted and take effect only after approval by a separate majority of the voters in the City and the Area at the General municipal election to be held on the date designated by the City and subsequently established by the Commission. If approved by the voters, the annexation will become effective six months after the date of the voter approval.

BOUNDARY COMMISSION,  
ST. LOUIS COUNTY, MISSOURI

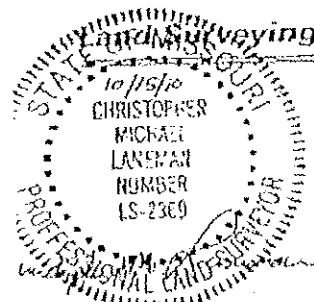


John Schuster, Chairman

3-22-2011  
Date

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# POEHLMAN & PROST, INC.



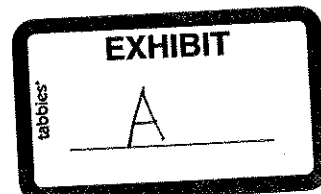
P.O. Box 8340  
9230 Dickman Industrial Dr.  
St. Louis, Missouri 63132  
(314) 997-5777  
Fax 997-0407

E-Mail: [ppi@poehlman-prost.com](mailto:ppi@poehlman-prost.com)

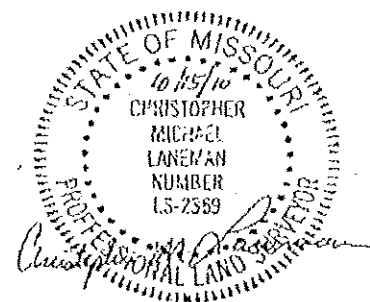
## THE SOUTHWEST EQUESTRIAN AREA

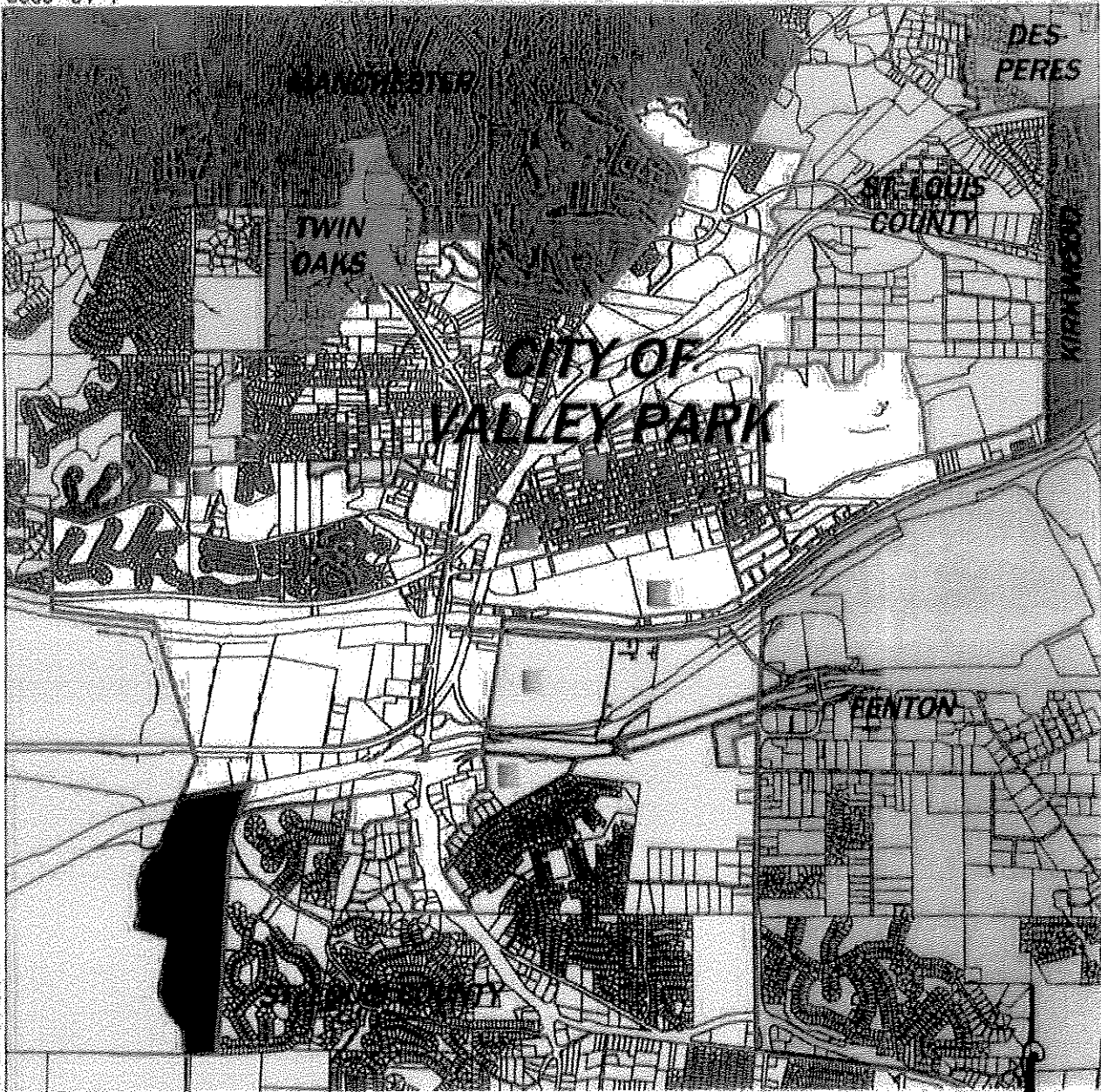
A TRACT OF LAND CONSISTING OF 6 PARCELS OF GROUND RECORDED IN PART OF DEED BOOK 8489, PAGE 1123, DEED BOOK 9300, PAGE 926, DEED BOOK 9300, PAGE 950, DEED BOOK 17686, PAGE 3634 AND PART OF DEED BOOK 10601, PAGE 1836, AND PART OF HILLSBORO ROAD, 40 FEET WIDE, PART OF MERAMEC STATION ROAD, 40 FEET WIDE AND PART OF INTERSTATE I-44 ALL BEING LOCATED IN U.S. SURVEY'S 879 AND 880, IN TOWNSHIP 44 NORTH, RANGES 4 & 5 IN ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF U.S. SURVEY 880 AT THE INTERSECTION OF THE SOUTH LINE OF SAID U.S. SURVEY 880 WITH THE NORTHSOUTH LINE BETWEEN RANGES 4 & 5 OF TOWNSHIP 44 NORTH, THENCE SOUTH 86 DEGREES 44 MINUTES 15 SECONDS WEST ALONG THE SOUTHERN LINE OF SAID U.S. SURVEY 880, A DISTANCE OF 11.65 FEET TO THE WESTERN RIGHT OF WAY LINE OF HILLSBORO ROAD, 40 FEET WIDE, AS TRAVELED; THENCE NORTH 08 DEGREES 36 MINUTES 29 SECONDS WEST ALONG THE WESTERN LINE OF HILLSBORO ROAD, A DISTANCE OF 137.10 FEET TO A POINT; THENCE CONTINUING ALONG THE WESTERN RIGHT OF WAY LINE OF HILLSBORO ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 04 DEGREES 20 MINUTES 29 SECONDS WEST 392.40 FEET, NORTH 36 DEGREES 37 MINUTES 29 SECONDS WEST 96.39 FEET, NORTH 43 DEGREES 29 MINUTES 29 SECONDS WEST 120.57 FEET, NORTH 43 DEGREES 10 MINUTES 29 SECONDS WEST 122.50 FEET, NORTH 39 DEGREES 23 MINUTES 29 SECONDS WEST 55.54 FEET, NORTH 35 DEGREES 07 MINUTES 29 SECONDS WEST 87.82 FEET, NORTH 30 DEGREES 19 MINUTES 29 SECONDS WEST 64.83 FEET, NORTH 28 DEGREES 06 MINUTES 29 SECONDS WEST 125.93 FEET, NORTH 27 DEGREES 05 MINUTES 29 SECONDS WEST 43.28 FEET, NORTH 19 DEGREES 53 MINUTES 29 SECONDS WEST 54.47 FEET, NORTH 12 DEGREES 23 MINUTES 29 SECONDS WEST 38.66 FEET, NORTH 05 DEGREES 28 MINUTES 29 SECONDS WEST 43.90 FEET, NORTH 03 DEGREES 31 MINUTES 31 SECONDS EAST 55.05 FEET, NORTH 09 DEGREES 44 MINUTES 31 SECONDS EAST 421.54 FEET, NORTH 13 DEGREES 19 MINUTES 31 SECONDS EAST 785.02 FEET; NORTH 11 DEGREES 15 MINUTES 31 SECONDS EAST 78.86 FEET AND NORTH 06 DEGREES 23 MINUTES 31 SECONDS EAST 56.01 FEET TO A POINT ON THE SOUTHERN LINE OF A TRACT OF LAND CONVEYED TO ENGLISH ACRES INC., RECORDED IN DEED BOOK 9300, PAGE 930 OF SAID COUNTY RECORDS; THENCE DEPARTING SAID HILLSBORO ROAD ALONG THE SOUTHERN AND WESTERN LINES OF SAID TRACT, NORTH 75 DEGREES 31 MINUTES 59 SECONDS WEST A DISTANCE OF 753.41 FEET TO A POINT; THENCE NORTH 17 DEGREES 56 MINUTES 52 SECONDS EAST A DISTANCE OF 379.80 FEET TO A POINT; THENCE NORTH 10 DEGREES 35 MINUTES 06 SECONDS WEST A DISTANCE OF 458.80 FEET TO A POINT; THENCE NORTH 13 DEGREES 33 MINUTES 52 SECONDS EAST A DISTANCE OF 431.50 FEET TO A POINT; THENCE NORTH 40 DEGREES 28 MINUTES 52 SECONDS EAST A DISTANCE OF 550.77 FEET TO A POINT; THENCE NORTH 23 DEGREES 15 MINUTES EAST A DISTANCE OF 927.07 FEET TO THE NORTHERN RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-44, SAID POINT ALSO BEING LOCATED ON THE EXISTING SOUTHERN CITY LIMIT BOUNDARY OF THE CITY OF VALLEY PARK; THENCE NORTH 77 DEGREES 48 MINUTES 34 SECONDS EAST ALONG SAID NORTHERN LINE OF INTERSTATE HIGHWAY I-44, AND ALONG SAID SOUTHERN VALLEY PARK CITY LIMIT LINE, A DISTANCE OF 1318.83 FEET TO THE POINT OF INTERSECTION OF SAID NORTH LINE OF INTERSTATE I-44 WITH THE EASTERN LINE OF THE PROJECTION NORTHERLY OF THE EASTERN LINE OF A TRACT OF LAND NOW OR FORMERLY CONVEYED TO ROCKING K.






RANCH INC. RECORDED IN DEED BOOK 8489, PAGE 1123 OF SAID COUNTY RECORDS; THENCE SOUTH 11 DEGREES 44 MINUTES WEST ALONG SAID PROJECTION LINE AND ALONG THE EASTERN LINE OF A TRACT OF LAND CONVEYED TO TRUSTCO COMPANY, RECORDED IN DEED BOOK 17686, PAGE 3634 OF SAID COUNTY RECORDS, SAID LINE ALSO RUNNING ALONG THE CITY LIMIT LINE OF THE CITY OF VALLEY PARK A DISTANCE OF 674.15 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHERN RIGHT OF WAY LINE PROJECTED WESTERLY OF MERAMEC STATION ROAD, 40 FEET WIDE TAKEN FROM MERAMEC MEADOWS, A SUBDIVISION RECORDED IN PLAT BOOK 336, PAGES 544, 545 AND 546 OF THE ST. LOUIS COUNTY RECORDER'S OFFICE; THENCE IN A SOUTHWESTERLY DIRECTION, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 676.00 FEET, AN ARC DISTANCE OF 38.43 FEET, WHOSE CHORD BEARS SOUTH 71 DEGREES 02 MINUTES 31 SECONDS WEST, A CHORD DISTANCE OF 38.42 FEET TO A POINT; THENCE DEPARTING SAID SOUTHERN RIGHT OF WAY LINE OF MERAMEC STATION ROAD IN A SOUTHEASTERLY DIRECTION ALONG THE CORNER ROUNDING, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, AN ARC DISTANCE OF 65.98 FEET, WHOSE CHORD BEARS SOUTH 44 DEGREES 18 MINUTES 46 SECONDS EAST, A CHORD DISTANCE OF 53.46 FEET TO A POINT OF TANGENCY LOCATED ON THE ORIGINAL WESTERN RIGHT OF WAY LINE OF SMIZER MILL ROAD, 30.00 FEET WIDE; THENCE SOUTH 18 DEGREES 41 MINUTES 22 SECONDS WEST, ALONG SAID WESTERN LINE OF SMIZER MILL ROAD, A DISTANCE OF 29.71 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID WESTERN RIGHT OF WAY LINE, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1215.00 FEET, AND ARC DISTANCE OF 104.21 FEET, WHOSE CHORD BEARS SOUTH 16 DEGREES 13 MINUTES 57 SECONDS WEST, A CHORD DISTANCE OF 104.18 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE OF SMIZER MILL ROAD, SOUTH 13 DEGREES 46 MINUTES 31 SECONDS WEST, A DISTANCE OF 31.50 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID WESTERN RIGHT OF WAY LINE, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1185.00 FEET, AN ARC DISTANCE OF 143.52 FEET, WHOSE CHORD BEARS SOUTH 17 DEGREES 14 MINUTES 42 SECONDS WEST, A CHORD DISTANCE OF 143.45 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID SMIZER MILL ROAD WESTERLY RIGHT OF WAY LINE, SOUTH 20 DEGREES 42 MINUTES 52 SECONDS WEST, A DISTANCE OF 94.23 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID WESTERN RIGHT OF WAY LINE, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 98.00 FEET, AN ARC DISTANCE OF 104.99 FEET, WHOSE CHORD BEARS SOUTH 09 DEGREES 58 MINUTES 41 SECONDS EAST, A CHORD DISTANCE OF 100.04 FEET TO A POINT ON THE EASTERN LINE OF SAID TRACT NOW OR FORMERLY CONVEYED TO ROCKING K. RANCH INC. RECORDED IN DEED BOOK 8489, PAGE 1123 OF SAID COUNTY RECORDS; THENCE ALONG SAID EASTERN LINE SOUTH 02 DEGREES 42 MINUTES 38 SECONDS WEST A DISTANCE OF 3968.52 FEET TO THE SOUTHEAST CORNER OF SAID ROCKING K. RANCH INC. TRACT, SAID POINT ALSO BEING LOCATED ON THE SOUTHERN LINE OF U.S. SURVEY 880; THENCE ALONG SAID SOUTHERN LINE, SOUTH 86 DEGREES 04 MINUTES 15 SECONDS WEST A DISTANCE OF 617.73 FEET TO THE POINT OF BEGINNING, CONTAINING 6597260 SQUARE FEET OR 151.451 ACRES MORE OR LESS ACCORDING TO CALCULATIONS BY POEHLMAN & PROST INC. FROM AVAILABLE RECORDS.





Proposed Annexed Area

Existing City Limits

-  City Hall/Police Station
-  Fire Station
-  Park

1"=3000'

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**Weis Design Group**

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 Ellisville, Mo. 63021  
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**PROPOSED ANNEXATION AREA**  
**SOUTHWEST EQUESTRIAN AREA**  
**VALLEY PARK, MO**

6/11/10

**EXHIBIT**

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