

Before the Boundary Commission, St. Louis County, Missouri

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In re: Valley Park Unincorporated Pocket) File No. BC1003
Annexation Area)
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**SUMMARY OF DECISION
PROPOSAL FOR ANNEXATION OF THE VALLEY PARK UNINCORPORATED
POCKET ANNEXATION AREA
CITY OF VALLEY PARK, MISSOURI**

INTRODUCTION

On the 30th 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 Unincorporated Pocket (the "Area") and the Commission has adopted this designation. The Area consists of ten (10) land parcels and is surrounded on all sides by the City. The Area is only accessible from east to west by Main Street, a public roadway owned and maintained by the City. The Area is bounded to the south by Fishpot Creek. The Area includes approximately 17.137 acres. 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; however, no public comment was offered. 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.

UNINCORPORATED POCKET

An unincorporated pocket is defined as any unincorporated territory that: (1) has an average residential density in excess of one dwelling per three acres; (2) has a population of no more than five hundred; (3) is accessible by public or private roadway only from incorporated jurisdictions and/or another county; and (4) the commission has determined presents practical difficulties for service by the county by reason of its isolation. § 72.407.1(2) RSMo. (2000).

The County asserts that the Area consists of 17.137 acres consisting of 10 land parcels. The City asserts that the Area consists of 17.9 acres. Neither the City nor the County provided a basis for the discrepancy of the acreage to the Commission. The Commission finds that there are 6 dwelling units within the Area. Therefore the Commission concludes that the Area has an average residential density in excess of one dwelling per three acres irrespective of whether the analysis is conducted using the City's acreage or the County's acreage. The Commission finds that the Area has a population of 16 and is accessible only by a public roadway, Main Street, which travels from the City through the Area from east to west. The Area is isolated from the remainder of unincorporated St. Louis County in that the Area is wholly surrounded by the City. By reason of the Area's isolation, the Commission finds and the County agrees that the County experiences practical difficulties in providing services to the Area. Based on the foregoing, the Commission concludes that the Area meets the statutory definition of an unincorporated pocket.

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 Area is bounded on all sides by the City. Pursuant to information contained within the Proposal the Area has a population of 10, based upon a 2010 calculation. The County has determined that the Area has a population of 16 based upon the 2000 census. The County asserts that the Area consists of 17.137 acres consisting of 10 land parcels. The City asserts that the Area consists of 17.9 acres. However, as stated above no reason was provided to the Commission regarding the basis for this discrepancy. The Commission finds that there are 6 dwelling units in the Area. In addition, the Area includes a church on 1.21 acres and a separate graveyard consisting of four (4) acres. There are 0.325 miles of public streets and 0.00 miles of private streets within the Area. The City as a whole consists of 2545.0 acres and 34.0 miles of public streets and 2.2 miles of private streets. The City is 100% contiguous to the Area. The Commission finds the Area is compact to the existing City boundaries and that there are no natural or man-made barriers to provision of service to the Area by the City.

The City submits, and the Commission so finds, that the Proposal does not affect existing or natural subdivisions.

The Commission finds that that City will have no difficulty accessing or providing services to the residents of the Area as the Area is completely surrounded by the City. The Commission also finds that the County presently experiences practical difficulties providing services to the Area as a result of the Area's isolation. 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. Based upon the foregoing the Proposal eliminates an unincorporated pocket and 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 does have a Main Street Traffic General Trust Fund which would assess impact fees to new developments along its corridor. The City states, however, it is unaware of any existing development plans for the Area.

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 County estimates that it will lose \$1,854.00 annually in revenue from the Area. Based on the foregoing, 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 \$487.06 in revenue per year for the three (3) years following annexation. The revenues consist of estimated real and personal property taxes. Approximately 1/3 of the Area is owned by tax-exempt entities, namely the Archdiocese of St. Louis, First Church of Christian Science and the City. The annexation of the 0.325 miles of public roadway will not impact the City's expenditures as the City currently maintains that roadway. The County estimates that the City will receive \$2,465.00 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.

City has stated that it anticipates expending at least \$250,000.00 for culvert improvements, excluding road work, on 127 Main Street, a city-owned parcel. No time frame has been designated by the City for these expenditures and funding is available from several sources.

The City contends and the Commission finds 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 County agrees, that by reason of the Area's isolation, the Area presents practical difficulties for the County to provide services. The City has concluded, and the Commission so finds, that there are no barriers to the City's effective delivery of services to the Area. The City intends to take over all municipal type services for the Area if annexation is approved. In addition, if the Proposal is approved by voters, the residents of the Area will be able to utilize the City's community-oriented services, such as the library. 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 or emergency medical services provided to the Area.

DECISION

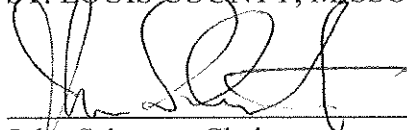
At a public meeting of the Commission on January 25, 2011 with required statutory notice having been given, the Commission reviewed and discussed the Proposal and the additional information presented by all interested parties. Following discussion of the foregoing, and after each Commissioner had been provided the opportunity to express his/her respective thoughts concerning the Proposal, a motion was made to approve the Proposal as a Boundary Change-Unincorporated Pocket 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 seven (7) in the affirmative and zero (0) in the negative, with one (1) 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 Commission's 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-Unincorporated Pocket 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 January 25, 2011, as a Boundary Change-Unincorporated Pocket Annexation. The Commission finds that the annexation proposed by Proposal BC1003 shall be submitted for approval by the voters. The annexation of the territory set forth in the legal description of the Proposal shall be adopted if a separate majority of the votes cast on the question in the City and a majority of votes cast in the whole municipality which would result from the boundary change are in favor of the boundary change. If approved by the voters, the annexation will be effective six months after approved.

BOUNDARY COMMISSION,
ST. LOUIS COUNTY, MISSOURI



John Schuster, Chairman

2-22-2011

Date