

Before the Boundary Commission, St. Louis County, Missouri

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In re: Proposal of Town of Grantwood)
Village Annexation of Area B)
) File No. BC1004
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**SUMMARY OF DECISION
PROPOSAL FOR ANNEXATION OF AREA B
TOWN OF GRANTWOOD VILLAGE, MISSOURI**

INTRODUCTION

On the 1st day of July 2010, the Town of Grantwood Village ("Grantwood Village") delivered its Plan of Intent (the "Proposal") to the St. Louis County Boundary Commission (the "Commission") wherein Grantwood Village 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. Grantwood Village refers to the area as Area B and the Commission has adopted this designation. As originally submitted, Grantwood Village estimated that the Area contained approximately 95 acres. In response to the completeness review performed by the Commission staff, Grantwood Village responded to the identified deficiencies. As revised, the Commission deemed the Proposal complete and accepted it as such on July 27, 2010.

On September 14, 2010, pursuant to an Order of the Commission and in accordance with the statutorily required public notice, the Commission held a public hearing on the Proposal at Sappington Elementary School, 11011 Gravois Road, St. Louis Missouri 63126. At the public hearing, Grantwood Village 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 and public comment was received. Written comments from the public were also accepted during the 21-day comment period following the hearing.

On or about September 24, 2010, Grantwood Village submitted to the Commission a Modified Plan of Intent (the "Amended Proposal") pursuant to Article VIII.B. of the Rules of the Commission. The Amended Proposal modified the Proposal by eliminating two parcels of land, approximately 16 acres on the eastern edge from the area sought to be annexed. Grantwood Village testified that this modification came at the request of Cor Jesu Academy. Cor Jesu Academy owned one of the parcels eliminated and had expressed an interest in purchasing the second parcel at the time of Grantwood Village's submission of the Amended Proposal to the Commission. Upon a finding by the Commission that the Amended Proposal resulted in more than a minor error or discrepancy in the legal description of the area to be annexed, the

Commission held a public hearing on the Amended Proposal. On October 26, 2010, pursuant to an Order of the Commission and in accordance with the statutorily required public notice, the Commission held a public hearing on the Amended Proposal at Sappington Elementary School, 11011 Gravois Road, St. Louis Missouri 63126. At the public hearing, Grantwood Village presented evidence in addition to the Amended Proposal. A representative of the County presented evidence in response to the Amended Proposal. The public hearing was opened for public comment and public comment was received. Written comments from the public were again accepted during the 21-day comment period following the hearing. The County also provided additional, detailed, written comments on the Amended Proposal in the form of a written report dated November 10, 2010 (the "Report").

The Commission makes the following findings based upon: (1) the Proposal and Amended Proposal by Grantwood Village; (2) information provided by Grantwood Village at the public hearings; (3) information presented by the County at the public hearings; (4) the public comment received by the Commission at the hearings; and (5) the written comments received within 21 days after the hearings.

GEOGRAPHIC

The Amended Proposal covers an area consisting of approximately 99 acres (the "Area") which is largely vacant undeveloped land. The County estimates that the Area contains 107.3 acres. No reason was provided to the Commission regarding the basis for this discrepancy. The Area is generally bounded by Gravois Road to the north; the centerline of Musick Road to the west; Clydesdale Estates subdivision, Tara VI subdivision and the Affton Athletic Association to the south; Grant's Trail to the east and a section of Gravois Road extending eastward past Grantview Lane.

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

As of 2010, the Area had no residents. Grantwood Village stated in the Amended Proposal that there were no dwelling units in the Area to be annexed; however, the County states in its Report that there are 3 vacant dwelling units in the Area located at 9000 Musick Road.

Grantwood Village submits, and the Commission finds, that the Area is approximately 20% contiguous with the existing boundary lines of Grantwood Village. The County estimates that the Area is 19.5% contiguous. However, for the following reasons, the Commission finds that although the Area meets the statutory 15% contiguity requirement, the proposed boundaries are neither compact nor logical and reasonable.

Annexation of the Area does not join any properties or areas into a cohesive unit. The existing municipal boundary lines of Grantwood Village are located north of Gravois Road. There is no existing extension of Grantwood Village to the south of Gravois Road. Although the southern

edge of the existing municipal boundary of Grantwood Village fronts Gravois Road, no portion of Gravois Road is currently within Grantwood Village.

Moreover, the Area contains an unusual extension on the north-eastern edge of the Area containing only the right-of-way on Gravois Road. Grantwood Village testified its purpose in including the Gravois Road right-of-way was to control curb cuts, but acknowledged in the public hearing that Gravois Road was maintained by the Missouri Department of Transportation and any ultimate decision as to the location of curb cuts would lie with that governing body. Further, the Commission finds that the narrow extension of along the right-of-way on Gravois Road may affect the ingress and egress to property owned by Cor Jesu Academy, which is not included in the Area. The Commission finds, therefore, that the Area is neither compact nor logical and reasonable.

The Commission also finds that annexation of the Area would result in the split of jurisdiction of multiple parcels and a roadway. As stated above, the western boundary of the Area runs along the centerline of Musick Road. If the annexation were approved by the Commission and the voters, the maintenance responsibilities for Musick Road would be split between St. Louis County, on the western half of the roadway and Grantwood Village on the eastern half of the roadway. The County asserts, and the Commission so finds, that such a splitting of jurisdiction of Musick Road along the centerline would unnecessarily complicate and negatively impact the delivery of maintenance and construction services for the roadway.

Although Grantwood Village represented to the Commission that no existing subdivisions would be split as a result of the annexation, the Commission finds that, in addition to splitting the jurisdiction of Musick Road, four parcels would be split if annexation were approved. Specifically, along the southern boundary of the Area, 9000 Musick Road, 10300 Gravois Road, 10501 Tesshire Drive and 10298 Gravois Road would be split, resulting in part of each of the respective properties lying within the municipal limits of Grantwood Village and part of the properties within the jurisdiction of the County. The Commission notes that this scenario is just the type of scenario Cor Jesu Academy sought to avoid when it requested that Grantwood Village exclude the sixteen (16) acre parcel from the Amended Proposal. The Commission finds that, from a practical standpoint, such splitting of parcels makes the delivery and administration of services to those parcels difficult.

In addition to the four parcels being split, if the annexation were approved by both the Commission and voters, the combined land owned by the majority owner of the Area, now PBE Companies, LLC, would be split. PBE Companies, LLC owns 9000 Musick Road, 9703 Musick Road and tract of land on the eastern edge of the original annexation, 10270 Gravois Rd which was removed from the Area at the request of Cor Jesu Academy. Cor Jesu Academy stated at the public hearing held on September 14, 2010 that it made the request because it hoped to purchase the property and did not want the resulting land after purchase to lie within two jurisdictions. The Area is largely undeveloped and if the annexation were approved any development of PBE Companies, LLC's parcels would require input and approval from both Grantwood Village and the County. Finally, by excluding 10270 Gravois Rd. on the eastern edge of the original annexation, the property would be, for all practical purposes, landlocked. The Commission finds that such a splitting of PBE Companies, LLC's combined property between two jurisdictions

would unnecessarily complicate and hinder the sale and possible future development. Further the Commission finds

Finally, a representative of the current owner of the vast majority of the Area, PBE Companies, LLC, testified at both public hearings. PBE Companies, LLC a subsidiary of Sovereign Bank, is strenuously opposed to the annexation. The Commission finds PBE Companies, LLC's objection to the annexation compelling particularly because there are no voters residing in the Area. The Commission also finds compelling the fact that no other owner in the Area spoke in favor of the proposed annexation.

Based upon the foregoing, the Commission finds that annexation of the Area would not result in the creation of logical and reasonable municipal boundaries in Grantwood Village or the County.

SERVICES

Grantwood Village is a small village. Grantwood Village currently contracts with the County and other service providers to provide the majority of the municipal services it offers to its residents, including but not limited to police services, street maintenance, building code, mechanical permits and inspections, residential occupancy permits and inspections and health services. Grantwood Village's current contract for police services provides for the services of one officer¹. Grantwood Village contracts with third party vendors for refuse collection. Grantwood Village does not offer a program to its residents for the repair of sewer laterals. For a minimal \$28.00 annual fee, residents of the unincorporated County participate in a sewer lateral program whereby the property owner does not pay for costs of sewer lateral repair.

With regard to Grantwood Village's planning and zoning ordinances, Grantwood Village does not currently have certain ordinances in place to guide the anticipated development of the Area, including ordinances related to commercial development. However, Grantwood Village testified at the public hearing on October 14, 2010 that if the need arose, it would enact the necessary ordinances.

Presently the County provides a full range of municipal services to the Area, including but not limited to parks and recreation, services provided by the Department of Health, Human Services, code enforcement, planning and zoning, public works and police protection. The Area is within the Affton/Southwest (3rd) Police Precinct and is served by 74 commissioned officers.

Based upon the foregoing, the Commission finds that the present level of services provided to the Area by the County ensures that the Area is properly maintained through its public safety, code enforcement, highways and planning services. The Commission finds that the level of services currently provided by the County is at least equivalent to that of the proposed level of services by Grantwood Village. The Commission finds that the level of major services to be provided to the Area upon annexation, if approved, does not weigh in favor of annexation, as the level of present services to the Area would remain largely unchanged.

¹ The County reports that from January 1, 2010 to November 10, 2010, there were 33 police service calls to the Affton Athletic Association.

FINANCIAL

Impact on the Area

If annexation were approved by the Commission and the voters, the Area would see an increase in personal property taxes, real estate taxes and sales tax. Specifically, in addition to the \$0.523 real estate tax imposed by the County, Grantwood Village also imposes a \$0.2250 tax² on residential property. Grantwood Village also imposes a personal property tax in the amount of \$0.261 per \$100.00 of assessed value. Grantwood Village's personal property tax would be in addition to the personal property tax imposed by the County. The sales tax rate in the Area would also increase from 6.925% to 7.925%, although currently there are no commercial retail stores in the Area.

In the Area's current largely undeveloped state, the Commission finds that the financial impact of the annexation on the Area would be minimal.

Impact on Grantwood Village

Grantwood Village estimates that annexation of the Area would generate approximately \$3,888.67 annually in revenue, while only requiring \$2,780 in expenditures in the Area's current undeveloped state. The County estimates, however, that annexation of the Area would result in new annual revenue to Grantwood Village in the amount of \$5,225.67. The Commission finds that the difference is attributed to a discrepancy in the estimated per capita sales tax and Grantwood Village's failure to include revenue from the County Road and Bridge Tax, Highway User Tax, Cigarette Tax and Cable TV Tax.

Grantwood Village estimates the only annual expenditure it anticipates for the Area is for police services in the amount of \$2,780. The County reports however, that Grantwood Village's estimate may be conservative and in fact the estimate of \$2,780 for police services may not be adequate to address police calls from the Affton Athletic Association. As of November 10, 2010, the County states it received 33 calls for service from the Affton Athletic Association. Grantwood Village also states, and the Commission finds, that there are no current plans for capital improvements of the Area.

In the Area's current largely undeveloped state, the Commission finds that the financial impact on Grantwood Village as a result of the annexation would be minimal.

Impact on the County

The County estimates that it will lose \$2,792.20 annually in revenue from the Area. Based on the foregoing, the Commission finds that the loss of revenue that would result from the Amended 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.

² Pursuant to the report, Grantwood Village has indicated that the town's residential property tax rate will increase from \$0.219 to \$0.225.

DECISION

At a special public meeting of the Commission on March 8, 2011, wherein seven (7) Commissioners were present, with required statutory notice having been given, the Commission reviewed and discussed the Amended Proposal. Following discussion of the foregoing, and after each Commissioner had been provided the opportunity to express their respective thoughts concerning the Amended Proposal, a motion was made to disapprove the Amended 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 seven (7) in the affirmative, zero (0) in the negative, one (1) Commissioner having been absent and three (3) vacancies. Pursuant to the Rules of the Commission, the motion carried and the Amended Proposal was disapproved.

Based upon the facts presented in the (1) the Proposal and Amended Proposal, (2) information provided by Grantwood Village at the public hearings, (3) information presented by the County at the public hearings, (4) the public comment received by the Commission at the hearings, (5) the written comments received within 21 days after the hearings, 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 Amended Proposal is not in the best interest of the Grantwood Village, the Area, and unincorporated territories affected by the Amended Proposal.

NOW THEREFORE, the Proposal hereby is DISAPPROVED, effective as of March 8, 2011, as a Boundary Change-Annexation.

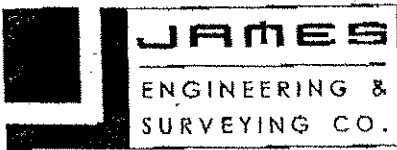
BOUNDARY COMMISSION,
ST. LOUIS COUNTY, MISSOURI



John Schuster, Chairman

26 April 2011

Date



September 30, 2010

**DESCRIPTION OF PROPOSED ANNEXATION AREA "B"
UNINCORPORATED ST. LOUIS COUNTY, MISSOURI
FILE CASE NUMBER BC1004**

Tracts of land in U.S. Survey 2994 and 3066, and in Section 21, Township 44 North, Range 6 East, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at the intersection of the southerly corporate limits of the Town of Grantwood Village, as it exists in June, 2010, with the northerly prolongation of the centerline of Musick Road;

thence along the centerline of Musick Road, Southerly 2750 feet, more or less, to the intersection with the westerly prolongation of the southerly limits of Lot 7 of "Musick Road and Gravois Road Consolidation Plat", as recorded in Plat Book 356 Pages 324-326 in the Office of the Recorder of Deeds for St. Louis County;

thence along the southerly limits of said Lot 7, Easterly 2300 feet, more or less, to the intersection with the easterly line of "Grant's Trail", formerly the Union Pacific Railroad, 100 feet wide;

thence along the easterly line of said Grant's Trail, Northerly 2790 feet, more or less, to the southerly line of Gravois Road, as widened in Cause No. 70CC-001249, and said southerly line of Gravois Road, as widened, being also the northerly line of Lot 2 of said Musick Road and Gravois Road Consolidation Plat;

thence along said southerly line of Gravois Road, as widened, Easterly 528 feet, more or less, to the easterly line of said Lot 2;

thence along the northerly prolongation of said easterly line of Lot 2, Northerly 80 feet, more or less, to said southern corporate limits of the Town of Grantwood Village;

thence along said southern corporate limits, Westerly 1850 feet, more or less, to the point of beginning, according to research by James Engineering & Surveying Co., Inc., in June and September, 2010, for Order No. 200583.

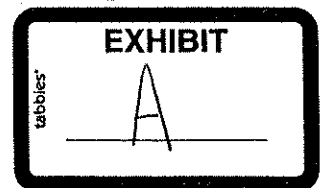


EXHIBIT A
MAP OF ANNEXATION AREA

