

Before the Boundary Commission, St. Louis County, Missouri

In re: Proposal of the City of Florissant

)
)
)
)
)
)
)
)
)

File No. BC9601
Area West

**Summary and Decision of the Boundary Commission, St. Louis County
January 14, 1997**

Summary of Facts:

The Boundary Commission, St. Louis County gathered the following facts:

On April 15, 1996 a proposal requesting a boundary change (hereinafter referred to as the "official submittal") by the City of Florissant (hereinafter referred to as the "municipality") was submitted to the Boundary Commission (hereinafter referred to as the "Commission") at its office, pursuant to the Rules of the Commission in effect as of March 12, 1996. The official submittal contained the information required of all proposals as found in Article III(A) of the Rules. Additionally, the official submittal contained the following information required under the Rules for boundary change requests involving the annexation of unincorporated territory to a municipality.

- A. Article III C(1) - Certification of 15% Adjacent
- B. Article III C(2) - Ordinance providing for Annexation
- C. Article IV C - Copy of Budget and Audit Report
- D. Article IV D - Statement regarding Fire Service

On May 21, 1996 a public hearing was conducted by the Commission based upon the official submittal.

The area proposed for annexation is unincorporated territory generally bounded on the north and east by the City of Florissant. It is bounded on the south by the City of Hazelwood and St. Charles County (the Missouri River) to the west. A map showing the location of the area is attached as Exhibit "A" and is the same map presented in the proposal by the municipality.

The area proposed to be annexed is approximately 46% developed. The vast majority of the development can be found in the eastern half of the area. This portion consists primarily of residential property, mostly single family residences in typical suburban subdivisions. Exceptions to this are found along Howdershell Road where there are smaller single family homes and apartment buildings. Also, along Charbonier Road, a large multiple family complex for the elderly, and larger lots, some vacant, others occupied by single family dwellings, can be found. The western portion of the area is largely undeveloped or used for agricultural purposes. Some of this area contains single family dwelling units.

BASIC ANNEXATION AREA INFORMATION		
	<i>City of Florissant Declarations:</i>	<i>St. Louis County Declarations:</i>
<i>Area</i>	915 acres	915 acres (1.43 sq. miles)
<i>Population</i>	2,145	2,145
<i>Dwelling Units</i>	696	810
<i>Dwelling Units per Three Acres</i>	2.28	2.65
<i>Total Assessed Valuation</i>	\$10,061,887	\$12,183,306
<i>Assessed Valuation per Capita</i>	\$4,690	\$5,680

INFORMATION REGARDING ANNEXATION AREA AS AN UNINCORPORATED POCKET	
Criteria	Finding
Average residential density in excess of one dwelling per three acres	The area has a population density greater than one dwelling per three acres.
Population of less than five thousand (5,000) people	The area has a population less than 5,000 people.
Accessible by public or private roadways only from incorporated jurisdictions and/or another county	The area is accessible only by public or private roadways from incorporated jurisdictions.

FACTOR 1

(Impact, including but not limited to the impact on the tax base or on the ability to raise revenue)

City of Florissant Declarations:

The financial evidence presented by the municipality estimated the impact on the tax base of the existing municipality would be an additional \$455,100 in revenue from the annexed area. The residents of the area would pay an additional \$52.64 to the City of Florissant. Subsequently, the City confirmed their commitment to a reduction in the Utility Tax, effective January, 1997 from the current 7% to 4%. Revised financial projections were not submitted.

The municipality did not quantify the financial impact on the County except to point out "revenues lost by St. Louis County will be more than offset by the elimination of their services to this area."

The municipality offered the following non-financial impacts:

- Municipality:
 - alignment of city limits to natural, logical borders or boundaries
 - steady, consistent growth

- Area subject to change:
 - ensure quality of life through proper community planning and zoning
 - prevention of adverse land development and land usage
 - ability to use city services and facilities
 - availability of convenient and more accessible government

St. Louis County Declarations:

The estimated impact of the annexation on a typical single family residential property would be a combined estimated increase in property (real and personal) tax and utility tax of \$54 per year. As a result, the County estimated the impact of the annexation on the tax base of the municipality would be an increase in revenue of \$463,605.

FACTOR 2

(Legal Description of Area)

For the legal description of the area subject to the boundary change proposal, the municipality submitted the document attached hereto as Exhibit "B" and generally described as "Area West Legal Description."

FACTOR 3

(Ability to accommodate orderly incorporation in the County)

City of Florissant Declarations:

On the ability of the proposal to accommodate orderly incorporation in the County, the City of Florissant represented that the increase in land area and population could be easily incorporated into the City.

FACTORS 4 and 5

(Present level of major services and proposed time schedule for delivery of services)

On the present level of major services and the proposed time schedule to provide those services, the Boundary Commission received the following evidence.

Provision of Services to Annexation Area						
<i>Service</i>	<i>Service Unchanged</i>	<i>Service Changed</i>				
		<i>Present Provider</i>	<i>Fee</i>	<i>New Provider</i>	<i>Fee</i>	<i>Date</i>
Police Services		St. Louis County	No	Florissant	No	6 mos
Fire/EMS/ALS Service	No Change					
Water Service	No Change					
Sewer Service	No Change					
Street Maintenance		St. Louis County	No	Florissant	No	6 mos
Utility Agreements	No Change					
Parks Service		St. Louis County	No	Florissant	No	6 mos
Recreation Service		St. Louis County	No	Florissant	No	6 mos
Refuse Service	No Change					
Sidewalk Maintenance		St. Louis County	No	Property Owner	Yes	6 mos
Street Lighting		Property Owner	Yes	Florissant	No	6 mos
Code Administration		St. Louis County	Yes	Florissant/St. Louis County	Yes	6 mos
Planning & Zoning		St. Louis County	No	Florissant	No	6 mos
Municipal Court		St. Louis County	No	Florissant	No	6 mos
Health Services		St. Louis County	No	Florissant	No	6 mos

FACTORS 6 and 7
 (Current tax rates of area and sources of revenue)

On the current tax rate of the area subject to the proposal and the sources of revenue of the area subject to the proposal, the Boundary Commission received the following evidence:

Change in Tax Rates for Property and Utility Taxes after Annexation

Source of Tax	Change in Tax Rate
Property Tax	Increase by \$.08/\$100 Assessed Valuation
Utility Tax	Increase from 5 to 7% ¹

Revenue, Cost and Balance Estimates after Annexation

Source of Revenue	New Revenue after Annexation Estimated	
	by Municipality	by County
Property Tax	\$8,000	\$9,747
Utility Tax	128,700	117,280
Sales Tax	226,500	220,828
Gasoline/Motor Vehicle Tax	50,400	66,945
County Road and Bridge Tax	10,600	12,792
Cigarette Tax	9,900	9,181
Cable T.V. Tax	No Estimate	5,832
Misc	21,000	21,000
Estimated Total New Revenue from Annexation Area	\$455,100	\$463,605
Estimated Cost of Extending Service to Area	\$430,400	\$430,400
Estimated Net Surplus (Deficit)	\$24,700	\$33,205

The estimated surplus by the City of Florissant would represent a 0.7% increase in the current General Fund Reserve (\$3,371,232) of the City.

¹The City confirmed their commitment to a reduction in the Utility Tax, effective January, 1997 from the current 7% to 4%. Revised financial projections were not submitted.

FACTOR 8

(Extraordinary effect of the boundary change on distribution of tax resources)

Regarding the extraordinary effect the boundary change will have on the distribution of tax resources in the county, the Boundary Commission received the following evidence:

City of Florissant Declarations:

The municipality did not quantify an effect the annexation would have on the distribution of tax resources in the county. They deferred to St. Louis County as being able to best present this information.

St. Louis County Declarations:

St. Louis County estimated the annual loss in gross revenue from the proposed annexation to be \$365,090. They offered the following analysis of gross revenue loss by funding source.

Estimated Gross Revenue Loss To St. Louis County from Area West Annexation	
Revenue Source	Amount
Sales Tax	\$220,828
Utility Tax	83,771
County Road Funding (C.A.R.T.)	32,686
County Road and Bridge	12,792
Cigarette Tax	9,181
Cable T.V. Tax	5,832
TOTAL	\$365,090

FACTOR 9
 (Current and Proposed Zoning)

As to how the municipality proposes to zone the area proposed for annexation, the following evidence was submitted to the Boundary Commission:

City of Florissant Declarations:

The City identified four County zoning classifications contained within the proposed annexation area:

Proposed Zoning - Area West Annexation			
County Zoning Classification	Proposed Florissant Zoning Classification	Proposed Zoning Classification New or Existing	Timing for Transition
R-3 (Residential)	R-3 (Residential)	Existing	6 mos.
R-5 (Residential)	R-5 (Residential)	Existing	6 mos.
NU (Non-Urban)	NU	Existing	6 mos.
FPNU (Flood Plain-Non Urban)	No Similar District	No District in Zoning Ordinance - Subject to Flood Plain Mgt. Ordinance	6 mos.

In general, the City of Florissant identified that setback requirements generally vary between St. Louis County zoning districts and those of the City of Florissant. Any newly annexed structure which did not meet the setback requirements of the existing City zoning classification would be treated as non-conforming.

The City offered the following regarding their process for identifying proposed zoning districts. The City of Florissant would evaluate each property to determine the appropriate zoning classification. Properties would be classified in a City Zoning District most comparable to St. Louis County. Properties and buildings may be non-conforming subject to the City Zoning Ordinance. Any property varying considerably from the City Zoning Districts (R-3, R-4, R-5) would be evaluated for a new zoning district. (The City of Florissant did not offer a schedule for an evaluation or decision on the possible creation of new districts.)

St. Louis County Declarations:

The County identified that some properties in the area may become non-conforming if annexation occurs. Non-conformities would have to be dealt with on a case-by-case basis, unless there is a change in the zoning ordinance to address these non-conformities.

FACTOR 10
(Compactness of area)

As to how the proposal addresses the compactness of the area subject to proposal, the following evidence was provided the Boundary Commission:

City of Florissant Declarations:

Compactness of Area	
Criteria	Municipality
Service delivery/access	The City can provide services from Charbonier, Shackelford, DeWayne and Cedar Place. All access is from incorporated jurisdictions.
Community of Interest	Residents have common interests in schools, churches and commercial properties.
Natural and/or Man-Made Barriers	Center line of Missouri River, St. Charles County to the West.
Shared or Common Boundaries	City of Florissant shares with Area West boundaries to the North, East, and Southeast.

St. Louis County Declarations:

Regarding access for the delivery of services, the County commented that there are four direct street connections from the existing Florissant boundary to the eastern portion, but access to the western area via Charbonier Road is not as definitive.

From a compactness and shape standpoint, the extension of the City of Florissant's boundaries as proposed appears to be logical.

FACTOR 11

(When boundary change to become effective)

Regarding the effective date of the proposed boundary change, the following evidence was presented to the Commission.

City of Florissant Declarations:

Within six months of a favorable election vote, the City would provide full services to this area.

Decision:

The City of Florissant is a proposing agent as defined by §72.400(4) of the Revised Statutes of the State of Missouri and the Boundary Commission has jurisdiction over the proposal.

The boundary change sought by the municipality is an annexation governed by Chapter 72 RSMo.

The unincorporated area included with the proposed boundary change is determined to be and classified as an unincorporated pocket, pursuant to §72.407(2) RSMo.

Based upon the entire record, the Boundary Commission, St. Louis County, voted at an open public meeting by a roll call vote, and the proposal was **APPROVED**. Those members voting for the proposal had the following reasons:

- A. The proposal is in the best interest of the municipality.
- B. The proposal is in the best interest of the unincorporated territories affected by the proposal.
- C. The proposal is in the best interest of the areas of the County next to such proposed boundary change.

In accordance with Section 72.407 RSMo, the Boundary Commission herewith sets a vote in the City of Florissant and the area to be annexed to be held at an election on April 1, 1997. Such elections shall be held in accordance with Chapter 115 RSMo. The ballot for said separate elections shall read:

“Shall the City of Florissant annex the unincorporated territory adjacent to it as described in the legal description and map contained in the Boundary Commission’s Summary and Decision, Commission Number BC9601(Area West), of January 14, 1997?”

The annexation shall take effect six months following certification of election results if a separate majority:

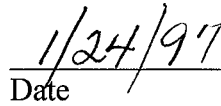
- A. of the votes cast on the question in Florissant and
- B. of votes cast in the whole municipality which would result from the boundary change

are in favor of the boundary change.

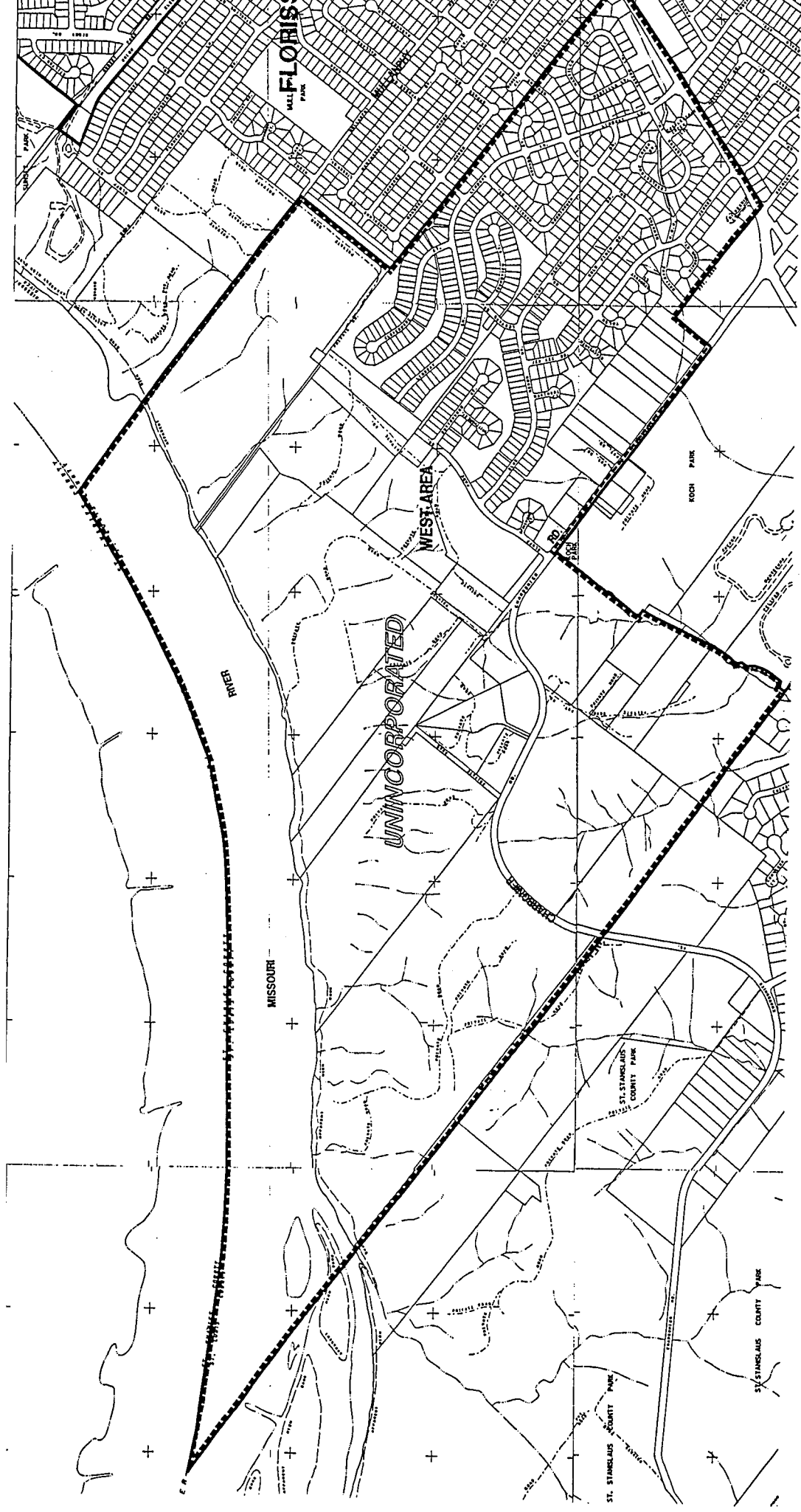
ATTEST:



Chairperson



Date



**PROPOSED ANNEXATION FOR THE CITY OF
FLORISSANT, MISSOURI
BC9601 - AREA WEST**

Farnsworth
Polk, Inc.engineers
& surveyors**AREA WEST LEGAL DESCRIPTION**

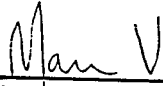
A tract of land in Township 47 North, Range 6 East, St. Louis County, Missouri, and being more particularly described as follows:

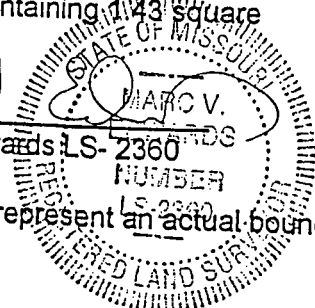
Beginning at a point being the intersection of the Southeast line of Shackelford Road and the Southeastwardly prolongation of the Northeastern line off Flamingo Park Plat 17 as recorded in Plat Book 126 pages 52 and 53 of the St. Louis County Records; thence Southwestwardly along the Southeast line of Shackelford Road a distance of 2370 feet more or less to a point being the intersection of this line and the Southeastwardly prolongation of the Southwestern line of Quail Run Condominiums Plat 1 as recorded in Plat Book 248 on Page 75 of the St. Louis County Records; thence Northwestwardly along the said Southwestern line of said of Quail Run Condominiums Plat 2 and continuing along the Southwestern line of Flamingo Park Plat 16 as recorded in Plat Book 124 page 20 of the St. Louis County Records North 52 degree 54 minutes 00 seconds West a distance of 1225 feet more or less to a point in the Southeastern line of property now or formerly of Lillian J. Hickman as recorded in Deed Book 8133 page 39 of the St. Louis County Records said point also being the most Western corner of Lot 97 of said Flamingo Park Plat 16; thence along said Southeastern line and its direct prolongation South 37 degrees 00 minutes 00 seconds West a distance of 416.16 feet to a point in the Southwestern line of Charbonier Road, 60.00 feet wide; thence along said Southwestern line North 53 degrees 00 minutes 00 seconds West a distance of 2234.80 feet to the most Northern corner of a tract of land conveyed to the City of Florissant now or formerly known as Koch Park as recorded in Deed Book 4799 page 496 of the St. Louis County Records; thence along the Northwestern line of said Koch Park South 35 degrees 50 minutes 00 seconds West a distance of 916.16 feet to a point in the Northeastern line of property now or formerly conveyed to George Pezold as recorded in Deed Book 7917 Page 134 of the St. Louis County Records; thence along said Koch Park line South 53 degrees 23 minutes 40 seconds East a distance of 48.87 feet to the Eastern most corner of said Pezold property, said corner also being the Northern most corner of a tract of land now or formerly conveyed to Charles W. Rasner as recorded in Deed Book 228 Page 201 of the St. Louis County Records; thence continuing along said Koch Park line South 27 degrees 50 minutes 40 seconds West a distance of 194.07 feet to a point in the Northeastern line of Villa Del Cresta Apartments Phase Two as recorded in Plat Book 147 Page 21 of the St. Louis County Records; thence along the Northwestern line of said Villa Del Cresta Apartments South 23 degrees 45 minutes 37 seconds West a distance of 526.00 feet; thence continuing along said line South 36 degrees 46 minutes 37 seconds West a distance of 100.65 feet; thence continuing along said line and the Northwestern line of Pelican Cove Subdivision as recorded in Plat Book 258 Page 81 thru 83 of the St. Louis County Records the following courses and distances: South 35 degrees 25 minutes 37 seconds West, 133.66 feet; thence South 06 degrees 33 minutes 37 seconds East, 40.36 feet; thence South 48 degrees 40 minutes 03 seconds West, 52.39 feet; thence South 17 degrees 20 minutes 18 seconds East, 62.80 feet; thence South 21 degrees 05 minutes 13 seconds West, 137.28 feet; thence South 41 degrees 28 minutes 52 seconds West, 132.74 feet; thence North 76 degrees 36 minutes 33

Farnsworth
Polk, Inc.

engineers
& surveyors

seconds West, 45.31 feet; thence South 37 degrees 27 minutes 25 seconds West, 85.03 feet to the most Western corner of said Pelican Cove Subdivision being also the most Southern corner of a tract of land now or formerly conveyed to Christine Love as recorded in Deed Book 7999 Page 2081 of the St. Louis County Records; thence along the Southwestern line of said Christine Love property North 53 degrees 10 minutes 07 seconds West a distance of 1154.08 feet more or less to the Southwest corner of U.S. Survey 162; thence along the Southwestern line of a tract of land now or formerly conveyed to William Love as recorded in Deed Book 7974 Page 706 in the St. Louis County Records North 52 degrees 54 minutes 00 seconds West a distance of 1453.75 feet to a point in the East line of Charbonier Road, 60.00 feet wide; thence continuing along said William Love lines prolongation across said Charbonier Road a distance of 69.00 feet more or less; thence along the Southwestern line of a tract of land now or formerly conveyed to Love Land and Cattle Company as recorded in Deed Book 7398 Page 1823 of the St. Louis County Records North 53 degrees 00 minutes 00 seconds West a distance of 3379.25 feet to a point; thence continuing along the prolongation of said Southwestern line North 53 degrees 00 minutes 00 seconds West a distance of 2500 feet more or less to a point in the Missouri River being the intersection of the County boundary line between St. Louis County and St. Charles County, Missouri; thence meandering Eastwardly and Northeastwardly along the said County boundary line to a point in the Missouri River being the intersection of the Northwestwardly prolongation of the Northeastern line of Mullanphy Road, 40.00 feet wide, and the County boundary line between St. Louis County and St. Charles County, Missouri; thence leaving said County line along said prolonged Northeastern line of Mullanphy Road South 52 degrees 34 minutes 00 seconds East a distance of 1010 feet more or less to a point; thence continuing along said Northeastern line South 52 degrees 34 minutes 00 seconds East a distance of 2254.20 feet to the intersection of the prolongation of the Northwestern line of property now or formerly of A. Sproule Love as recorded in Deed Book 4860 Page 140 of the St. Louis County Records; thence along said prolongation of the Northwestern line of said A. Sproule Love property South 37 degrees 26 minutes 00 seconds West a distance of 1037.62 feet to a point in the Northeastern line of Woodside Plat 19 as recorded in Plat Book 143 Page 7 of the St. Louis County Records; thence along said Northeastern line of Woodside Plat 19 and the Northeastern line of Flamingo Park Plat 17 as recorded in Plat Book 126 Pages 52 and 53 of the St. Louis County Records South 52 degrees 33 minutes 00 seconds East a distance of 1783.94 feet; thence continuing along said Northeastern line of Flamingo Park Plat 17 South 52 degrees 43 minutes 38 seconds East a distance of 1486.02 feet to the Point of Beginning and containing 1,143 square miles or 915 acres more or less.


Marc V. Edwards LS-2360



NOTE: Description is based on record information and does not represent an actual boundary survey.