

Before the Boundary Commission, St. Louis County, Missouri

In re: Florissant Area 13

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) File No. BC1001
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**SUMMARY OF DECISION
PROPOSAL FOR ANNEXATION OF AREA 13
CITY OF FLORISSANT, MISSOURI**

INTRODUCTION

On the 18th day of June, 2010, the City of Florissant (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 not within the jurisdiction of any municipality, township, village or other incorporated entity. The City refers to the area as the Area 13 (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 June 22, 2010.

On August 24, 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 St. Angela Merici Gymnasium, 3860 N. Highway 67, Florissant, Missouri 63034. 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 and several members of the public provided comment on the Proposal. 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 13, 2010 (the "Report"). The Commission notes, and finds persuasive, the high level of public comment to the Proposal at both the public hearing and the written comments submitted to the Commission during the period for public comments.

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 is comprised of approximately 154.2 acres and is 45.8 % contiguous with the existing municipal boundaries of the City. The Area is generally located on the northeast boundary of the City and the City's Golf Club, east and north of Coldwater Creek, west of and including Old Halls Ferry Road, south of and including N. Highway 67. Based upon the foregoing, the Commission finds that the Area meets the contiguity requirements.

The Area, pursuant to the information provided by both the City and County, has a population of 721 based upon the 2000 Census. The City states the Area has 348 dwelling units. The County reports that the Area has 387 dwelling units; no reason was provided for the discrepancy. The Area encompasses several subdivisions: Sunland Hills Plats 1-4, Spring Creek Condominium Phase 1-19 and Candlewyck subdivision. The Area also includes Kiefer subdivision, a single parcel, and the commercial property at the southwest corner of Olds Halls Ferry Road and N. Highway 67. The City contends, and the Commission so finds, that no existing subdivisions will be split by the proposed annexation.

The boundaries of the Area are consistent with the existing natural and man-made boundaries of the region. To the north, the Area is bounded by N. Highway 67. To the east the Area is bounded by Olds Halls Ferry Rd. To the west and south, the Area is bounded by existing municipal boundaries of the City. Coldwater Creek forms the southern boundary of the Area. The Commission finds that the Area does not contain any extensions across natural or man-made boundaries such as topographical features, roads, streets, or highways. The Commission, therefore, finds that if successful, annexation of the Area would result in a logical and reasonable municipal boundary for the City, as well as the surrounding unincorporated County. The Commission further 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 Area is within the New Halls Ferry Road Corridor Traffic Generation Assessment Road Trust Fund Area. The City states that it does not have a policy or ordinance prohibiting participation in trust funds of this nature. The City further states that it will continue to require any new development to participate in the trust fund. Therefore, the Commission finds that the proposed annexation will not adversely impact the New Halls Ferry Road Corridor Traffic Generation Assessment Road Trust Fund.

The City presented evidence that the Area is primarily zoned single family residential (R-3)—63.81%. The City states that approximately 1.29% of the Area is zoned Commercial C-8; 5.14% is zoned Multi-Family Residential R-6A; 4.11% is zoned Flood Plain Residential and 25.65% is zoned Flood Plain Non-Urban. The City provided evidence that it has comparable zoning classifications. However, the evidence presented indicates that the City does not have a Flood Plain District. The City instead utilizes a Flood Plain Ordinance, located in Chapter 415 of the City Code that applies to all zoning within a 100 year flood plain. The City provided evidence that if any structure within the Area does not meet the setback requirements of the City's zoning requirements any such structure will be treated as non-conforming. The City presented a

detailed procedure it will use to identify and document non-conforming structures, to eliminate future conflicts regarding the structures. As a result, Commission agrees with the City and finds that there will be no detrimental impact from the zoning and land use changes if annexation of the Area is approved.

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

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, based upon 2010 tax rates, would result in slightly higher utility tax and sales tax for the Area. The effective utility tax would increase from 5% to 7% if the annexation is approved by the voters. The sales tax in the Area would increase from 6.425% to 7.425%. The 1% increase is the result of a 0.5% Capital Improvement Sales Tax and a 0.50% Park Improvement Sales Tax imposed by the City. The Commission notes, however, there are no commercial retail properties presently operating within the Area. The Area will also realize a \$22.00 increase per year in the sewer lateral insurance fee charged. Presently the sewer lateral insurance fee is \$28.00 per year; if the annexation is approved, the sewer lateral insurance fee will be \$55.00 per year. The property tax imposed in the Area will not be changed if annexation is approved. Presently residents of the Area are subject to a 9.6289% property tax rate, which will not change if annexation is approved.

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 the total annual revenue lost as a result of approval of annexation of the Area is \$128,830. The City estimated that the revenue lost by the County would be approximately \$160,273. The County concedes that the revenue loss from this Proposal is not exorbitant, but argues that the cumulative impact of annexations since 2002 has significantly impacted the County. The Commission finds, however, that this proposed annexation will not have an extraordinary financial impact on the County.

Impact on the City

The City estimates that the proposed annexation will generate \$251,926 in revenue per year for the three (3) years following annexation. The County estimates that the City will generate \$226,391 in annual revenue from the Area. The discrepancy is the result of differences between the City and County estimates for sales tax revenues, utility tax revenues, state road aid and cable television taxes.

non-resident fees that are substantially greater than resident fees. If the annexation is approved by the voters, residents of the Area will be able to utilize these recreational services at the resident fee level. The Commission finds that extending these recreational services to the Area at discounted prices is a benefit to the Area.

The City also presented evidence that it offers a number of senior services to its residents, such as discounted recreational activities, free bus transportation to medical, banking and shopping centers within the City, and a dining center with social activities tailored to senior citizens. The Commission finds that the opportunity to access these additional senior services for the residents of the Area is a benefit to the Area.

The Area is presently serviced by the Black Jack Fire Protection District. Annexation will not affect this service. The Area receives sewer service through Metropolitan St. Louis Sewer District and water through Missouri American Water Company. Neither sewer service nor water service will be impacted by annexation. These services will continue to be provided by Metropolitan St. Louis Sewer District and Missouri American Water Company, respectively. 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 provided the Commission with a certified copy of Ordinance 7708, adopted by the City for the annexation of the Area. Pursuant to Section 3 of Ordinance 7708, the City states that if the annexation is approved by both the voters of the City and the voters of the Area, the annexation of the Area shall become effective six (6) months from the date of the court certified election. Further, the City presented evidence that the City will extend all services to the Area immediately after voter approval is certified.

The Commission finds, based upon the evidence presented by the City and County, that the level of major services provided to the Area will not be adversely impacted by annexation if approved by the voters.

DECISION

At a regularly scheduled public meeting of the Commission on August 23, 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 eight (8) in the affirmative and zero (0) in the negative, two (2) Commissioners having been absent and one (1) vacancy. 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-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 August 23, 2011, as a Boundary Change-Annexation. The Commission finds that the annexation proposed by Proposal BC1001 shall be submitted for approval by the voters. The annexation of the Area as set forth 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

9-27-2011

Date

AREA 13

LEGAL DESCRIPTION

A tract of land located in U.S. Survey 104, fractional of Section 13 and Section 24, in Township 47 North, Range 6 East, St. Louis County, Missouri. The primary subdivisions included are as follows: Spring Creek Condominiums Phase 1 through 19, Sunland Hills Plat 1 through 4, Kiefer, Candlewyck, and John Evans Estate.

Said tract of land is further described as follows:

Beginning at a point on the West right-of-way line of Old Halls Ferry road where the Northwest City Limit line of the City of Black Jack intersects the City Limit line of the City of Florissant (also being the Northeast property line of the Florissant Golf Club and City of Florissant City Limit line just South of Coldwater Creek);

Thence, Northeastwardly along the North City Limit line of the City of Black Jack, across Old Halls Ferry road, to its intersection with the East right-of-way line of Old Halls Ferry road;

Thence, Northwardly along the East right-of-way line of Old Halls Ferry road to its intersection with the South right-of-way line of Coldwater Creek;

Thence, continuing Northwardly along the prolongation of the East right-of-way line of Old Halls Ferry road, across Coldwater Creek, to its intersection with the North right-of-way line of Coldwater Creek;

Thence, continuing Northwardly along the East right-of-way line of Old Halls Ferry to its intersection with the South right-of-way line of North Highway 67;

Thence, continuing Northwardly along the prolongation of the East right-of-way line of Old Halls Ferry road, across North Highway 67, to its intersection with the North right-of-way line of North Highway 67;

Thence, Westwardly along the North right-of-way line of North Highway 67 and the prolongation of the North right-of-way line of North Highway 67, across Old Halls Ferry road, to its intersection with the West right-of-way line of Old Halls Ferry road;

Thence, continuing Westwardly along the North right-of-way line of North Highway 67 to the East right-of-way line of Ashbury Meadows drive;

Thence, continuing Westwardly along the prolongation of the North right-of-way line of North Highway 67, across Ashbury Meadows drive, to the West right-of-way line of Ashbury Meadows drive;

Thence, continuing Westwardly along the North right-of-way line of North Highway 67 to the East right-of-way line of Mondoubleau lane;



Thence, continuing Westwardly along the prolongation of the North right-of-way line of North Highway 67, across Mondoubleau lane, to the West right-of-way line of Mondoubleau lane;

Thence, continuing Westwardly along the North right-of-way line of North Highway 67 to its intersection with the East right-of-way line of Coldwater Creek;

Thence, continuing Westwardly along the prolongation of the North right-of-way line of North Highway 67, across Coldwater Creek, to its intersection with the West right-of-way line of Coldwater Creek;

Thence, continuing Southeastwardly along the prolongation of the West right-of-way line of Coldwater Creek, across North Highway 67, to its intersection with the South right-of-way line of North Highway 67;

Thence, continuing Southeastwardly along the West right-of-way line of Coldwater Creek; and continuing along the West and South right-of-way line of Coldwater Creek as it meanders and curves to the East and North East to its intersection with the Southeast corner of a small parcel (Locator No. 07H620025);

Thence, continuing Eastwardly along the South property line of said parcel (Locator No. 07H620025), also being the South right-of-way line of Coldwater Creek, to the Northeast corner of said parcel;

Thence, continuing Northeastwardly along the South right-of-way line of Coldwater Creek, as it meanders and curves to the East and North East, to its intersection with the West right-of-way line of Old Halls Ferry Road;

Thence, Southeastwardly along the West right-of-way line of Old Halls Ferry road to a point where the Northwest City Limit line of the City of Black Jack intersects the West right-of-way line of Old Halls Ferry road (also being the Northeast property line of the Florissant Golf Club and City of Florissant City Limit line, just South of Coldwater Creek), also being the point of beginning.

