

Before the Boundary Commission, St. Louis County, Missouri

In re: Proposal of the City of Berkeley)
)
)
) File No. BC9612
) McDonnell Douglas Area
)
)
)

**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 June 28, 1996 a proposal requesting a boundary change (hereinafter referred to as the "official submittal") by the City of Berkeley (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

Subsequent to the official submittal, but more than fourteen days prior to the public hearing, the City submitted certain financial corrections and additions to be included in their proposal.

On August 6, 1996 a public hearing was conducted by the Commission based upon the official submittal with the financial corrections and additions.

The area proposed for annexation is located west of the City of Berkeley, north of the City of Hazelwood, and is bounded on the south by Lambert-St. Louis International Airport. 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 predominant land uses in the annexation area are the corporate offices, industrial site and accessory uses of the McDonnell Douglas Corporation, Sabreliner and Flight Safety. This area is 24% contiguous with the City of Berkeley.

BASIC ANNEXATION AREA INFORMATION		
	<i>City of Berkeley Declarations:</i>	<i>St. Louis County Declarations:</i>
<i>Area</i>	.58 Sq. Miles	402.29 acres (.62 Sq. Mi.)
<i>Population</i>	0	0
<i>Total Assessed Valuation</i>	\$68,769,570	\$50,743,491

INFORMATION REGARDING ANNEXATION AREA AS AN UNINCORPORATED POCKET	
Criteria	Finding
Average residential density in excess of one dwelling per three acres	Area developed industrially, with a residential density less than one dwelling per three acres.
Population of less than five thousand (5,000) people	Area has a population of zero.
Accessible by public or private roadways only from incorporated jurisdictions and/or another county	Accessible from unincorporated St. Louis County.

FACTOR 1

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

City of Berkeley Declarations:

The annexation would allow McDonnell Douglas the opportunity to continue its working relationship with the City. It would result in bringing 93% of the company's facilities under the jurisdiction of one municipality, rather than two or three. It represents a natural extension of the City's boundaries. It would benefit the City, which is currently landlocked, by allowing it to grow. The additional revenue would help the City recover from the effects of the Lambert

Airport buy-outs by providing needed revenue to support services for businesses and residences. The estimated loss of gross revenue to the County is \$500,000, but the County would no longer be responsible for servicing an isolated area.

After a successful annexation, the businesses in the annexation area will be required to pay a gross receipts tax between 1 and 4 percent over a period of twelve years. After this period, the rate will resume at 5% or whatever the County's rate is at that time. During this period all business license fees will be suspended, but a property tax of \$.44 per \$100 will be levied.

St. Louis County Declarations:

Though the City of Berkeley amended their original proposal to require the businesses in the annexation area to pay a utility tax rate between 1-4% over a twelve year period, to lower the property tax from \$1.14 to \$.44 per \$100, and wave any license fees for the twelve year period, they have not explained how they plan to do this. Therefore the County assumes the businesses will experience a tax increase of approximately \$1 million per year due to the higher utility gross receipts tax of 8% in Berkeley and the higher real and personal property rate of \$1.14 per \$100 of assessed valuation.

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 "McDonnell-Douglas Area Legal Description."

FACTOR 3
(Ability to accommodate orderly incorporation in the County)

City of Berkeley Declarations:

Because of the existing working relationship with the businesses in the area, the City anticipates an orderly incorporation of this area.

St. Louis County Declarations:

If the area is to be annexed at some point in time, it would be in the best interest of the County to have it be one of the last areas to be annexed and not the first.

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	Berkeley	No	*
Fire/EMS/ALS Service	No Change					
Water Service	No Change					
Sewer Service	No Change					
Street Maintenance		McDonnell Douglas		Berkeley/St. Louis County	No	*
Utility Agreements	No Change					
Parks Service	Not Applicable					
Recreation Service	Not Applicable					
Refuse Service	No Change					
Sidewalk Maintenance		McDonnell Douglas		Berkeley/St. Louis County	No	*
Street Lighting		McDonnell Douglas		Berkeley when requested		
Code Administration		St. Louis County	Yes	Berkeley/St. Louis County	Yes	*
Planning & Zoning		St. Louis County	No	Berkeley	No	*
Municipal Court		St. Louis County	No	Berkeley	No	*
Health Services						

*Immediately following a successful election.

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 \$.44/\$100 Assessed Valuation
Utility Tax	Decrease from 5% to a Sliding Scale from 1 to 4% over 12 year period

Revenue, Cost and Balance Estimates after Annexation

Source of Revenue	New Revenue after Annexation Estimated	
	by Municipality	by County
Property Tax	\$305,781*	\$578,476
Utility Tax	110,000*	800,000
County Road and Bridge Tax		53,281
Misc		23,000
Estimated Total New Revenue from Annexation Area	\$415,781*	\$1,454,757
Estimated Cost of Extending Service to Area		
Estimated Net Surplus (Deficit)	\$415,781*	\$1,454,757

*First year of the multi-year tax plan

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 Berkeley Declarations:

The municipality anticipates the revenue loss to the County in gross receipts and property taxes to be \$500,000.

St. Louis County Declarations:

St. Louis County estimated the annual loss in gross revenue from the proposed annexation to be \$647,313. They offered the following analysis of gross revenue loss by funding source.

Estimated Gross Revenue Loss To St. Louis County from McDonnell Douglas Annexation Area	
Revenue Source	Amount
Sales Tax	\$100,805
Utility Tax	500,000
County Road Funding (C.A.R.T.)	94,032
County Road and Bridge	53,281
TOTAL	\$647,313

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 Berkeley Declarations:

The City identified the following County zoning classification contained within the proposed annexation area:

Proposed Zoning - McDonnell Douglas Annexation Area			
County Zoning Classification	Proposed Berkeley Zoning Classification	Proposed Zoning Classification New or Existing	Timing for Transition
M-3 (Planned Industrial District)	M-1 (Industrial District)	Existing	Immediately after election

The area of McDonnell Douglas currently in the City of Berkeley is zoned M-1, and the current uses under the existing zoning would be allowable and expandable.

St. Louis County Declarations:

The area is zoned M-1 industrial district except for the area adjacent to the Coldwater Creek drainage right-of-way which is zoned FPM-1 Flood Plain industrial district, and a small amount of land area that includes a portion of the Lambert Airport runway zoned NU non-urban district.

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 Berkeley Declarations:

Compactness of Area	
Criteria	Municipality
Service delivery/access	Secondary service delivery within the area has been established with Berkeley's police, fire and street departments, enabling primary service delivery to be established immediately.
Community of Interest	The company's headquarters is within miles of Berkeley's City hall.
Natural and/or Man-Made Barriers	Evidence not presented
Shared or Common Boundaries	Evidence not presented

St. Louis County Declarations:

The large area occupied by Lambert St. Louis International Airport directly adjacent to the south of the annexation area would remain unincorporated.

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 Berkeley Declarations:

The City of Berkeley is prepared to provide full municipal services immediately following a successful election.

Decision:

The City of Berkeley 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.

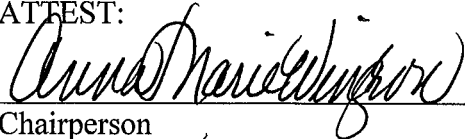
The boundary change sought by the municipality is an annexation governed by Chapter 72 RSMo.

The boundary change proposal overlaps a portion of a proposal submitted by the City of Hazelwood, BC9606.

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 **DISAPPROVED**. Those members voting against the proposal had the following reasons, including but not limited to:

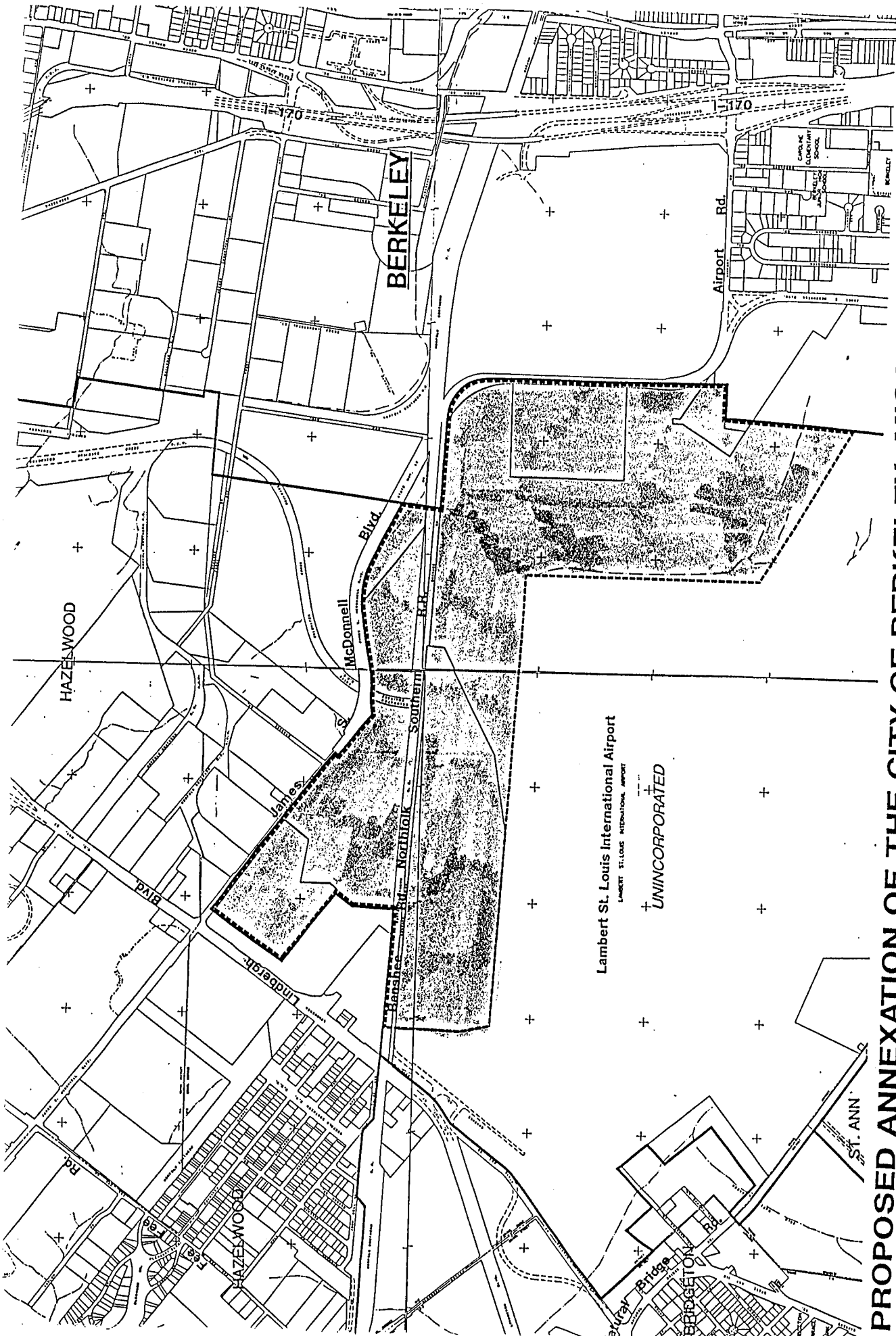
- A. The proposal would not be in the best interest of the unincorporated territories affected by the proposal:
 - i. The annexation would result in an increase in taxes and fees over a period of time without any increase or change in major services.
- B. The proposal would not be in the best interest of the areas of the County next to such proposed boundary changes:
 - i. The decrease of tax revenue to St. Louis County without any decrease in the cost of major services does not provide for orderly incorporation in the County.
- C. The proposal would have an extraordinary effect on the distribution of tax resources in the County.

ATTEST:



Chairperson

Date 1/24/97

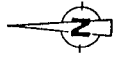


PROPOSED ANNEXATION OF THE CITY OF BERKELEY, MISSOURI

TOTAL ACREAGE : 402.29 Acres
 = 0.62 Sq. Mi.

- Proposed Annexation
- Existing City Limits

EXHIBIT A



0 400' 800' 1200'

Lambert St. Louis International Airport
LAMBERT ST. LOUIS INTERNATIONAL AIRPORT
 UNINCORPORATED

ST. ANN

BRIDGE

BERKELEY

HAZELWOOD

HAZELWOOD

McDonnell Blvd

Berkeley Blvd

Airport Rd

Lindbergh Blvd

Jones St

Northolt

Southern R.R.

ST. ANN

BRIDGE

EXHIBIT B

Article III A(3a)

GEOGRAPHIC INFORMATION

Legal description: McDonnell-Douglas area, west of City of Berkeley and south of Hazelwood City

A tract of land being a fractional part of Section 4, 5, 8 and 9, Township 46 North, Range 6 East in St. Louis County, Missouri, and more particularly described as follows:

Beginning at a point, the intersection of the south line of Section 4, Township 46 North, Range 6 East in St. Louis County, Missouri and the west line of the property n/f owned by F.J. Mollerous with an area of 76.40 acres, said west line being also the western Berkeley city limit line, the aforementioned intersection being also the northwest corner of said tract of land n/f owned by F.J. Mollerous; thence eastwardly along the aforesaid south line of Section 4, being also the Berkeley city limit line, to the west line of the old Brown Road (presently names as James S. McDonnell Boulevard) as shown in a plat filed for record October 24, 1944 in St. Louis County Recorder's Office, Missouri, pursuant to Ordinance 207 of the Board of Alderman of the City of Berkeley, Missouri on June 7, 1944: thence northwardly and westwardly on a curve along the west lines of said old Brown Road, being also the existing Berkeley City Limit lines, to the south line of Banshee (60' W) Road, formerly Wabash Avenue; thence westwardly along said south line of Banshee (60 W) Road, being also the existing Berkeley City Limit lines, to the southward prolongation of the west line of Lot 27 of Hazelwood Farm, as shown on the Right-of-way and Track Map of Wabash Railroad Sheet No. 1-Mo C/8a from STA 720 + 00 to 877 + 00; thence northwardly along the aforementioned prolongation and the west line of lot 27 of Hazelwood Farm, being also the existing Berkeley City Limit Line, to the existing Hazelwood City Limit line; thence leaving the Berkeley City Limit line in a northwest, southwest and northwest directions along the existing Hazelwood City Limit Lines, said Hazelwood City Limit lines, being also described as the south right-of-way line of James S. McDonnell Boulevard, to a line at 200 feet parallel distance, east of the east right-of-way line of Lindbergh (100' W) Boulevard, said line at 200 feet parallel distance is within the property owned by McDonnell Aircraft Corporation recorded in Book 1796, Pages 381-382 in St. Louis County Recorder's Office, Missouri; thence continuing along the Hazelwood City Limit lines in southwest and southeast directions, the aforementioned line at about 200 feet parallel distance, east of Lindbergh (100' W) Boulevard and the common line of US Survey Nos. 7 and 1249, being also the south line of the aforementioned real estate property owned by McDonnell Aircraft Corporation, to the west line of the property n/f owned by Defense Plant Corporation recorded in Book 1863, Page 192 in St. Louis county Recorder's Office, Missouri; thence continuing along the Hazelwood City Limit lines in southwest and southward directions along said west lines of the real estate property n/f owned by Defense Plant Corporation to the north right-of-way line of Norfolk and Western Railroad to the northward prolongation of the west property line of the tract of land owned by McDonnell Aircraft Corporation recorded in book 2877, Page 253-256 in St. Louis County Recorder's Office, Missouri; thence leaving the

Article III A(3a) - Legal description continued

Hazelwood City Limit line in southwest and southeast directions along the aforementioned prolongation and the west property lines of McDonnell Aircraft Corporation recorded in Book 2877, Pages 253-256 in St. Louis County Recorder's Office, to its south property line, being the southwest corner of said property; thence eastwardly along said south property line of the real estate owned by McDonnell Aircraft Corporation in Book 2877, Pages 253-256 in St. Louis County Recorder's Office and its eastward prolongation to the east line of Runway 17/35 (150' W) of Lambert St. Louis International Airport, Missouri is shown in the ADAP Project Plans No. 6-29-0084-14, prepared by Booker Associate, Inc. dated March 17, 1980; thence southwardly along said east line of Runway 17/35 to the northwest line of Taxiway F (TF), presently Runway 13/31 (150' W), also shown on the ADAP Project Plans No. 6-29-9984-14; thence southeastwardly along said northwest line of Taxiway F (TF) to the existing western Berkeley city Limit lines, being also the previously described west line of the property n/f owned by F. J. Mollerous; thence northwardly along the Berkeley City Limit line, being also the west line of the property n/f owned by F. J. Mollerous to the point of beginning.



**BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI**

January 24, 1997

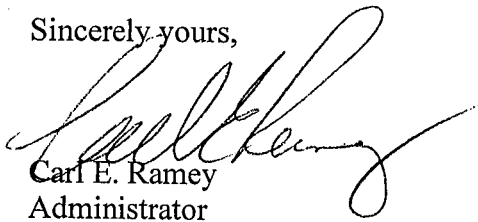
The Honorable Theodore Hoskins
City of Berkeley
6140 North Hanley Road
Berkeley, MO 63134-2008

Dear Mayor Hoskins:

Enclosed is an executed final copy of the **Summary and Decision of the Boundary Commission, St. Louis County** on BC9612, the City of Berkeley's proposal to annex the unincorporated territory described as McDonnell Douglas. This copy is for your official records.

If you should have any questions regarding this document, please feel free to call me at 961-7877.

Sincerely yours,



Carl E. Ramey
Administrator

encl.