

Before the Boundary Commission, St. Louis County, Missouri

In re: Proposal of the City of Ferguson

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File No. BC9616
Northeast Annexation Area

**Summary and Decision of the Boundary Commission, St. Louis County
June 3, 1997**

Summary of Facts:

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

On October 21, 1996 a proposal requesting a boundary change (hereinafter referred to as the "official submittal") by the City of Ferguson (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 January 7, 1997 a public hearing was conducted by the Commission based upon the official submittal. Within the 60 day period after the close of the public hearing a modification to the proposal was submitted on March 6, 1997.

The proposal for annexation encompasses an area located to the north of Interstate 270 (I-270), the current northern boundary of the City of Ferguson. The area is east of the city limits of the City of Florissant and west of Old Halls Ferry Road. The northern boundary extends east from Florissant across Pohlman Road to the corporate limits of the City of Black Jack on the northeast. The northern boundary was amended to include seven parcels of property located east of New Halls Ferry Road, bringing the northwestern boundary line to the east side of said road. In addition, the proposal includes a contiguous section south of I-270 along the east or west side of Old Halls Ferry/Halls Ferry Road, to the east and south of the City of Ferguson's boundaries. A

map showing the location of the area is attached as Exhibit "A" and is the same map presented in the revised proposal submitted by the municipality.

The following information, basic to the area, was either provided to the Commission by the municipality in their official submittal modified on March 6, 1997, by the St. Louis County Planning Department in their report to the Commission¹, or concluded from that information.

ANNEXATION AREA INFORMATION		
	<i>City of Ferguson</i>	<i>St. Louis County</i>
<i>Area</i>	1.65 Square miles	1,045 acres
<i>Population</i>	4,016	4,019
<i>Dwelling Units</i>	1,872	1,872
<i>Dwelling Units per Three Acres</i>	5.40	5.40
<i>Total Assessed Valuation</i>	\$55,544,975	\$49,679,399
<i>Assessed Valuation per Capita</i>	\$13,831	\$12,361

INFORMATION REGARDING ANNEXATION AREA AS AN UNINCORPORATED POCKET	
Criteria	Finding
Average residential density in excess of one dwelling per three acres	The area has an average residential 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 from unincorporated St. Louis County.

¹St. Louis County submitted a report on January 28, 1997. They did not update their analysis after the City amended their proposal presumably because of the minimal impact of those changes.

FACTOR 1

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

City of Ferguson Declarations:

The municipality offered the following non-financial impacts:

- Municipality:
 - ▶ allows for the natural future growth of the City
- Area subject to change:
 - ▶ direct access to a broad range of top quality, municipal services designed to cater to their specific needs
 - ▶ the benefit of aggressive code enforcement to help maintain the safety, health, and welfare and insure property values and neighborhood stability.
 - ▶ businesses will have the opportunity to take advantage of economic development assistance
 - ▶ direct representation and input into their government
- Adjacent communities:
 - ▶ the City of Ferguson will be able to assist in emergency aid, neighborhood stabilization, and provide for solid economic vitality

The financial impact on the County as a whole would be minimal. The Northeast Annexation Area is currently part of the St. Louis County sales tax distribution pool, and the sales tax dollars generated from this area would remain in the pool even though the City of Ferguson is a point-of-sale city. The City's share of these funds will be based solely on the population of the Northeast area, currently 4,005.

St. Louis County declarations:

Residents will pay additional property taxes to Ferguson, in addition to a one percent higher utility tax rate, but the City will assume the tax payments to the three fire protection districts in the proposed area: Black Jack, Florissant Valley, and Moline. Residents in the first two districts will experience a slight tax increase of either \$19 or \$37 respectively, and residents in the third district will experience a slight decrease of \$51.

Ferguson will also levy two additional sales taxes, a 1/4 cent local option sales tax and a 1/2 cent capital improvement sales tax which will impact both merchants and residents.

The total annual revenue loss that County Government could experience is estimated to be \$818,498, which does not reflect the growth in revenue from recent, current, and future developments in the proposed area.

FACTOR 2
(Legal Description of Area)

City of Ferguson Declarations:

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

St. Louis County Declarations:

The County identified three errors in the legal description that would create small pockets of unincorporated territory which did not appear on the maps of the original proposal. One was located in the northeast corner bordering Derhake Road, the other is contiguous with the city limits of Black Jack on Old Halls Ferry Road, and the third includes parcels in the Capitol Hill subdivision.

At the request of the Commission, the City of Ferguson addressed the discrepancies in the legal description by correcting their legal description to eliminate these pockets. The Commission found these changes did not require an additional public hearing.

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

City of Ferguson Declarations:

On the ability of the proposal to accommodate the orderly incorporation in the County, the City of Ferguson represented that the annexation is consistent with orderly incorporation. The City identified a small pocket of unincorporated St. Louis County located adjacent to the southwest corner of the area, along Dunn Road. The City stated they did not include this as part of their proposal because it was currently before the Commission as a proposal for annexation by the City of Florissant. The City of Florissant officially submitted an ordinance withdrawing their proposal, BC9614, on March 10, 1997. This was after the sixty day review period for Ferguson's proposal expired.

St. Louis County Declarations:

St. Louis County questioned the adverse impacts of the annexation upon future road improvements if the City of Ferguson did not make provisions for the continuance of the Bluff New Halls Ferry Road Corridor Traffic Generation Assessment Road Trust Fund. The City of Ferguson reviewed the provisions of the TGA fund and stated their willingness to participate.

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					
<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>
Police Services		St. Louis County	No	Ferguson	No
Fire/EMS/ALS Service	No Change				
Water Service	No Change				
Sewer Service	No Change				
Street Maintenance		St. Louis County	No	Ferguson	No
Utility Agreements	No Change				
Parks Service		St. Louis County	No	Ferguson	No
Recreation Service		St. Louis County	No	Ferguson	No
Refuse Service		Private Hauler	Yes	Ferguson	Yes
Sidewalk Maintenance		St. Louis County	No	Ferguson	Yes ²
Street Lighting		Property Owner	Yes	Ferguson	No
Code Administration		St. Louis County	Yes	Ferguson/St. Louis County	Yes
Planning & Zoning		St. Louis County	No	Ferguson	No
Municipal Court		St. Louis County	No	Ferguson	No
Health Services		St. Louis County		Ferguson/St. Louis County	

Within six months of a successful election, the City will provide all municipal services to the annexation area except for refuse collection, which according to RSMO 260.247 will not take place until two years after the effective date of annexation.

²The City has developed a 50/50 program for sidewalk replacement to offset the cost to the resident.

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	Net Increase of \$.61/\$100 Assessed Valuation ³
Utility Tax	Increase from 5 to 6%

Revenue, Cost and Balance Estimates after Annexation

Source of Revenue	Estimated New Revenue after Annexation	
	by Municipality	by County
Property Tax	\$333,270	\$303,044
Utility Tax	243,590	378,368
General Sales Tax	592,191	436,102
Capital Improvement Sales Tax	611,575	-
Gasoline Tax	87,349	-
Motor Vehicle Tax and Fees	37,631	145,850
County Road and Bridge Tax	58,265	52,163
Cigarette Tax	17,121	18,809
Business License	86,950	-
Cable TV Tax	-	13,478
Miscellaneous taxes/licenses/fees	-	698,525
Estimated Total New Revenue from Annexation Area	\$2,067,942	\$2,046,339
Estimated Cost of Extending Service to Area	\$1,213,103	\$1,212,683
Estimated Net Surplus (Deficit)	\$854,839	\$833,656

³The City of Ferguson, pursuant to RSMo §72.418 will pay annually an amount equal to that which the fire protection districts would have levied on all taxable property within the annexed area. Therefore, the addition of the City of Ferguson's current property tax rate of \$.61/\$100 Assessed Valuation will be offset in the annexation area by a reduction of the \$.66, \$.78, and \$1.25 per \$100 of assessed valuation currently being levied and collected respectively by and for the Florissant, Black Jack, and Moline Fire Protection Districts.

The estimated operating surplus by the City of Ferguson (\$425,249) would represent a 28% increase in the current General Fund Reserve (\$1,499,711 as of June 30, 1996) of the City. Capital Improvement Sales Tax revenue and related expenditures are dedicated to a separate Capital Projects Fund.

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:

Estimated Gross Revenue Loss To St. Louis County from Northeast Annexation Area		
Revenue Source	Amount	
	Ferguson	County
Sales Tax	\$412,315 ⁴	\$297,406
Utility Tax	202,992	315,307
Gasoline Tax	87,349	-
Motor Vehicle Tax and Fees	37,631	-
Business licenses	325	-
County Road Funding (C.A.R.T.)	-	121,336
County Road and Bridge	58,265	52,163
Cigarette Tax	17,121	18,808
Cable T.V. Tax	-	13,478
TOTAL	\$815,998	\$818,498

⁴Though the City of Ferguson is currently an "A" city, the Northeast Annexation Area is a "B" area, meaning that all general sales tax generated in that area is placed into a single "pool" and distributed to each B city and St. Louis County based on their respective populations. The City of Ferguson will receive its portion of general sales tax based on the population of the area. Additionally, 50% of Ferguson's 1/4% local option sales tax will be shared with St. Louis County for the first five years. In including these taxes, the City is accounting for revenue which the County currently does not receive, therefore increasing the estimated revenue loss to St. Louis County.

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 Ferguson Declarations:

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

Proposed Zoning - Northeast Annexation Area		
County Zoning Classification	Proposed Ferguson Zoning Classification	Proposed Zoning Classification New or Existing
R-2 (Residential)	R-1B (Single-Family Residential) ⁵	Existing
	R-1C (Single-Family Residential) ⁶	
R-3 (Residential)	R-1D (Single-Family Residential)	Existing
R-4 (Residential)		
R-6 (Residential)	R-1D (Single-Family Residential) ⁷	Existing
	R-3 (Multiple-Family Residential) ⁸	
R-6A (Residential)	R-3 (Multiple-Family Residential)	Existing
R-7 (Residential)		
C-2 (Shopping District)	C-1 (General Commercial District)	Existing
C-3 (Shopping District)		
C-6 (Office and Research Service District)		
C-8 (Planned Commercial District)	C-2 (Planned Commercial District)	Existing
	C-1 (General Commercial District) ⁹	
FP (Flood plain district)	Consistent with underlying zoning	Existing

⁵Little Creek Wildlife Area; Capital Hills and Hathaway Manor Subdivisions

⁶All other areas currently zoned R-2

⁷Village at Liberty Landing subdivision

⁸Apartments currently zoned R-6

⁹Northwest corner of the New Halls Ferry Road and West Florissant Avenue; area south of Seven Hills Drive and west of New Halls Ferry Road; and the area north of Dunn Road and west of New Halls Ferry Road.

Ferguson intends to zone the land proposed for annexation consistent with the current County zoning. The two exceptions are the FP and C-6 districts which Ferguson has not comparable zoning districts. Two churches in the proposed R-1D Single-Family Residence District will become special uses instead of permitted uses. Similarly, drive through restaurants and motor vehicle dealers in the proposed C-2 Planned Commercial District will also become special uses instead of permitted uses.

No nonconforming uses will be created as a result of the proposed zoning changes, though some lots will become nonconforming because they will be smaller than the minimum lot requirements in the Ferguson zoning districts. There may also be some buildings that will become nonconforming but this status will not hinder the current use of such buildings. It is not anticipated that any lot or building that may be rendered nonconforming by the proposed zoning will create an undue hardship upon the owner or user.

St. Louis County Declarations:

The County identified that the City of Ferguson proposes to zone the annexation area consistent with the current County zoning. The County reviewed the changes in zoning classifications and non-conformities as presented in the City's proposal.

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 Ferguson Declarations:

Compactness of Area	
Criteria	Municipality
Service delivery/access	There are three crossing points over I-270 making the entire annexation area easily accessible.
Community of Interest	No evidence provided.
Natural and/or Man-Made Barriers	The boundaries follow man-made barriers in the southeast section.
Shared or Common Boundaries	The annexation area is contiguous to approximately 27% of the current city limits of Ferguson.

St. Louis County Declarations:

Though the majority of the proposed area will be divided by I-270, there are three direct street connections from the existing Ferguson boundary which would provide access to the northeast portion. There are some access concerns with the western section of the annexation area. There is no direct access to the vocational school nor to the residential area from the City. The only access to the southeastern portion is via Halls Ferry Road which would be separated from the current City boundary by the City of Dellwood. In addition, the Hathaway Manor subdivision in this portion is split by the proposal which may cause service delivery problems. The City used the drainage ditch which serves as a natural boundary, but there are two through streets to connect the subdivision.

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 Ferguson Declarations:

The effective date of the annexation will be six months from the date of a successful election. The City of Ferguson can provide a full range of municipal services upon annexation.

DECISION

The City of Ferguson 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.

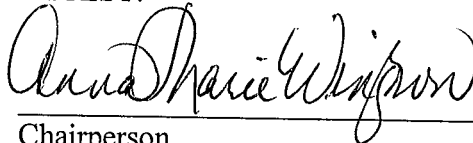
The boundary change sought by the municipality is an annexation governed by Chapter 72 RSMo.

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:

1. The proposal establishes arbitrary boundaries resulting in:
 - a. the division of a residential subdivision which has similar housing characteristics and common interests.
 - b. the division of contiguous commercial property between incorporated and unincorporated territory.
2. The proposal includes properties fronting Derhake Road that are only accessible for the delivery of public services through another incorporated jurisdiction.
3. The proposal, if approved, would not result in logical, contiguous boundaries.
4. From the evidence and argument submitted, it is inconclusive whether the financial impact of the proposal on the municipality, the area to be annexed and the entire geographic area of the County, would be equitable when considering the best interest of all parties.

Thereby the Commission finds the proposal submitted would not be in the best interest of the municipality, the unincorporated territories affected by the proposal, and the areas of the County next to such proposed boundary, and would not provide for orderly incorporation in the County.

ATTEST:



Chairperson

Date

6/17/97

EXHIBIT A

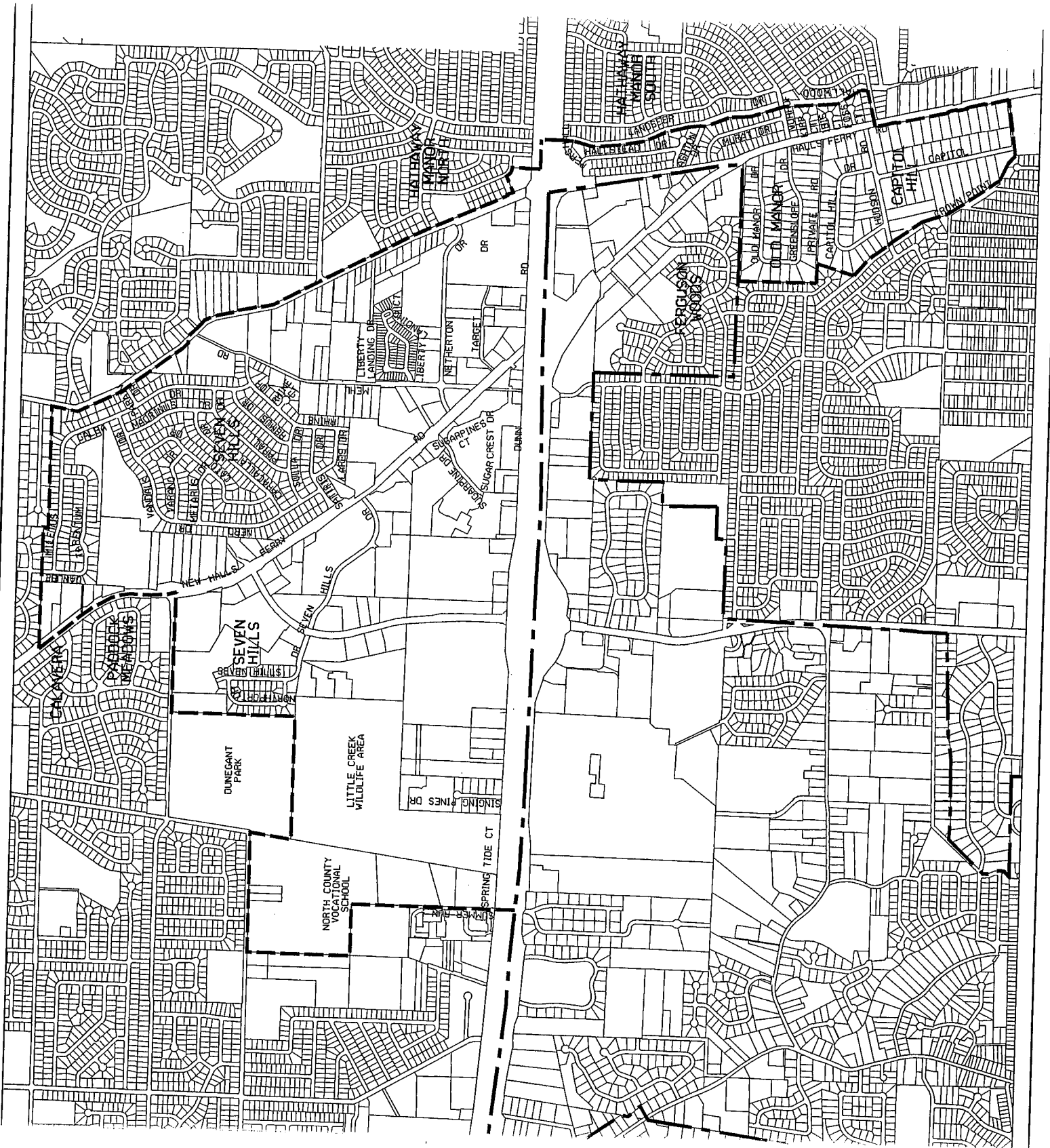


EXHIBIT B

Geographical Information

Legal Description of the Northeast Annexation Area (*Factor 1*)

A tract of land in Blocks 110, 111, 112 and 125 of St. Ferdinand Commons, all of Afshari Estates Plat No. 13A; all of Afshari Estates Plat No. 13C; Afshari Estate Plat B Condominiums, Phase Two and Phase Three; Phase 1, Part 3 of Afshari Estates Plat 13A Condominium; Condominium Lot of Afshari Estates Plat 13; Lots B-4 and B-5 of Afshari Estates Plat 13; Phase 1 of Afshari Estates Plat 13 Condominium Lots B1 and B3 of Afshari Estates Plat 13B; Phase 1, Part 2 of Afshari Estates Plat 13 Condominium, Amended; Singing Pine Acres; all of Seven Hills Plat 1, Plat 2, Plat 3, and Plat 4; Halls Ferry Junction, Plat 2; Afshari Center No. 8; Afshari Center No. 8 Annex; Mehl Acres; Miller Properties; Lincoln Hills; Westcott Subdivision; Sugarpine Apartments, Lion's Choice Subdivision; Wellington Arms; Wellington Arms Plat 2; Wellington Arms Plat 3; Seven Hills West Subdivision; Resubdivision of Lot D of Seven Hills West Subdivision; Seven Hills Plat 5 Subdivision; Seven Hills Addition Plat 6 Subdivision; Dierberg's Clocktower Place; Mega Bank Center; Lots 5, 6, 7, 8, 9, 10, and 11 of Partition of Estate Michal Tebeau; Lots A and B of Halls Ferry Junction; Lot 1 of Halls Ferry Junction Plat 2; Resubdivision of Lot B, Northeast Part of Lot A/B of Halls Ferry Junction Plat 2; Lots A and B of West Florissant Office Center Lot 2; Lots 1 and 2 of West Florissant Officer Center; Village of Liberty Landing; Village of Liberty Landing Plat 2; Part of Hathaway Manor No. 17; Krehmeyer Subdivision; Brighton Subdivision; Parcels 2 and 3 of Central City North; Lots 1 through 3, Lots 10 through 15, and Lot 27 of Central City North Plat 3; Parcel 1 of Central City North Plat 3; Adjusted Parcel 6 of Central City North; Lots 1 and 2 of Central City North Parcel 4; Lots A and B of Central City North, Parcel 4; Lot 30 of Central City North Plat 3; Central City North Parcels 2, 3, 6A, and 6B; Adjusted lots 1 and 2 of Survey 2471, Township 47 North, Range 7 East, Lots B, C, D, E, and F of Central City North Plat 2; Lot A of Central City North, Resubdivision of Parcel 3; Lots A and B of Central City North; Resubdivision of Lots A and B of Central City North; Lots 1 and 2 of Central City North, Plat 2; Lots 1a and 23a of Central City North; Halls Ferry Junction Shopping Center Plat 1; Capitol Hill Subdivision; Capitol Hill Subdivision Plat 2, 3, and 4; all of Hathaway Manor Subdivision, and all of Hathaway Manor No. 3; Sections 25 and 36, Township 47 North, Range 6 East; Sections 5 and 6, Fractional Sections 30 and 31; Township 47 North, Range 7 East in U. S. Surveys 110, U. S. Survey 2432, and U. S. Survey 2471, all in Township 47 North Range 7 East, St. Louis County, Missouri, and more particularly described as follows:

Beginning at the point of intersection of a line 60 feet south of and parallel with the centerline of Interstate Route No. 270 and the southerly extension of the west line of a 6.42 acre tract conveyed to the Ferguson Reorganized School District No. 2, by deed recorded in Book 6315, Page 235, of the St. Louis County Records Office; thence in a northerly direction along the southerly extension of said 6.42 acre tract and along the west line of said 6.42 acre tract and along the east line of Summerwood Condominium

No. 2, Phases 1, 2, and 3 and along the east line of a 11.532 acre tract now or formerly conveyed to the St. Louis Christian College, a Corporation, to the northeast corner of said Block 112; thence in a westerly direction along the north line of Block 112 and along the north line of Christian College property a distance of 660 feet, more or less, to the southwest corner of a 45.96 acre tract, now or formerly conveyed to the Special School District of St. Louis County and described in Daily No. 352, recorded November 10, 1965; thence in a northerly direction along the west line of said Special School District property 1069.27 feet more or less to the southeast corner of property now or formerly conveyed to George Moser by deed described in Locator No. 09H51-0072; thence in a westerly direction along Moser's south line and property now or formerly conveyed to Al Trepatz described by Locator No. 09H51-0083 a distance of 325.85 feet to Trepatz southwest corner; thence in a northerly direction along Trepatz west line 247.83 feet to a point in the south line of Derhake Road, 40 feet wide; thence in an easterly direction along the south line of Derhake Road 1810.85 feet more or less to a point in the west line of a tract of land conveyed to the City of Florissant, known as Dunegant Park; thence in a southerly direction along said City of Florissant property 529.00 feet, more or less, to the northwest corner of property now or formerly conveyed to Ferguson Reorganized School District by deed recorded in Book 6654, Page 100; thence in an easterly direction along the north line of said Ferguson Reorganized School District property 1533.54 feet to a point being the southwest corner of Afshari Estates Plat No. 13A; thence in a northerly direction along the west line of Afshari Estates Plat No. 13A and along the west line of property now or formerly conveyed to Viola V. Brown by deed recorded in Book 7451, Page 1876 of the St. Louis County Recorders Office; to a point in the south line of Pohlman Road; thence in an easterly direction along the south line of Pohlman Road to its point of intersection with the east line of New Halls Ferry Road; thence in a northerly direction along the east line of New Halls Ferry Road, as widened, to its intersection with the south line of Paddock Woods Plat 2 Subdivision; thence in an easterly direction along the south line of Paddock Woods Plat 2 and Paddock Estates Addition Plat 7, being also the north line of Seven Hills Addition Plat 6 Subdivision to the southeast corner of said Paddock Estates Addition Plat 7 Subdivision; thence south 0 degrees 42 minutes 30 seconds east 52.00 feet to the southwest corner of Northridge Hills Subdivision; thence continuing in an easterly direction along the south line of Northridge Hills Subdivision, north line of Seven Hills Plat 5 Subdivision, north line of property now or formerly conveyed to Alvin Ahrens by Deed Recorded in Book 3317, page 389 of the St. Louis County Records to a point in the southwest line of Old Halls Ferry Road; thence in a southeasterly direction along the southwest line of Old Halls Ferry Road to its intersection with the west line of Mehl Avenue; thence in a northeasterly direction and perpendicular to the right of way of Old Halls Ferry Road to a point in the northeast right of way of Old Halls Ferry Road, 60 feet wide; thence in a southeast direction along the east line of Old Halls Ferry Road to its point of intersection with direct prolongation westerly of the south line of Lot 1743 of Hathaway Manor No. 17 Subdivision, being also the most western corner of property designated St. Louis County Library on said Hathaway Manor No. 17, Subdivision Plat; thence in an easterly direction along the north line of said St. Louis

County Library Lot, 240.00 feet to a point in the west line of Saginaw Drive; thence in a southeasterly direction along the southwest line of Saginaw Drive to the northeast corner of property now or formerly conveyed to Martin D. Jr., and J. E. Spizman, by deed recorded in Book 7986, Page 2307 of the St. Louis County Records Office; thence in a southerly direction along Spizman's east line and its continuation southwardly to a point in the north line of Hathaway Manor Subdivision; thence in a southeasterly direction to the most eastern corner of Lot 39 of Hathaway Manor Subdivision; thence in a southerly direction along the east line of Hathaway Manor Subdivision, and Hathaway Manor Subdivision No. 3, and along the west line of a drainage ditch to the southeast corner of Lot 84 of said Hathaway Manor No. 3 Subdivision; thence in a westerly direction and along the south line of Lots 84 through 88 inclusive of said subdivision and continuing westerly to the west line of Old Halls Ferry Road; thence in a southerly direction along the west line of Old Halls Ferry Road to the southeast corner of Capitol Hill Subdivision, according to the plat thereof recorded in Plat Book 481 page 8 of the St. Louis County Records; thence in a westerly direction along the south line of said subdivision, 743.35 feet to a point in the west line of said subdivision; thence northwesterly along the west line of Lot 41 and the west line of said subdivision 132.13 feet to an angle point in the west line of lot 41; thence continuing in a northwesterly direction along the west line of Lot 41 and the west line of said subdivision a distance of 240.40 feet to a point in the east line of Crown Point Drive, 40 feet wide, as shown on the plat of Atwater Terrace Subdivision; thence continuing in a northwesterly direction along the east line of said Crown Point Drive and the west line of Lots 35 through 40 inclusive 791.43 feet to an angle point in said subdivision; thence in a northerly direction along the west line of Lot 34 of Capitol Hill Subdivision and the east line of White Acres Subdivision 355.36 feet to the northeast corner of White Acres Subdivision, said point being also the southeast corner of Northland Hills No. 5 Subdivision; thence north 35 degrees 55 minutes 30 seconds west along the northeast line of a 65 foot wide drainage easement as shown on the plat of Northland Hills No. 5, 517.43 feet to a point in the north line of Hudson Road, 60 feet wide, being 1049 a point in the west line of Capitol Hills Subdivision Plat No. 3, 263.53 feet to an angle point in said subdivision; thence continuing in a northwesterly direction along the west line of said subdivision, 324.84 feet to a point; thence in a northerly direction along the west line of Lot 78 of said subdivision, 152.97 feet to a point; thence in a westerly direction 27.39 feet to the northwest corner of Lot 79 of said subdivision; thence continuing in a northerly direction along Lots 79 and 80 of Capitol Hill Subdivision No. 3, 336.84 feet to a point in the south line of Capitol Hill Subdivision, Plat No. 4; thence in a westerly direction along the south line of Capitol Hills Subdivision Plat No. 4, 244.89 feet to the southwest corner of said subdivision, being also the southeast corner of Lot 22, Block 12 of Northland Hills No. 6 Subdivision; thence in a northerly direction, north 0 degrees 28 minutes west 1011.44 feet to the northwest corner of Capitol Hill Subdivision Plat No. 4; thence in an easterly direction along the north line of said subdivision, south 88 degrees 59 minutes east 1514.71 feet to a point in the southwest line of New Halls Ferry Road, 60 feet wide; thence in a northerly direction along a line being the direct prolongation southwardly of the west line of Old Halls Ferry Road and along the west line of Old Halls Ferry Road to its intersection with a line being

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60 feet south of and parallel with the centerline of Interstate Route No. 270; thence in a westerly direction along the line 60 feet south of a parallel with the centerline of Interstate Route No. 270 to the point of beginning and containing 1049 acres, more or less.