

Before the Boundary Commission, St. Louis County, Missouri

In re: Proposal of the City of Hazelwood)	
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)	
)	File No. BC9604
)	Charbonier Area
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)	

**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 Hazelwood (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 June 18, 1996 a public hearing was conducted by the Commission based upon the official submittal.

The area proposed for annexation is generally located in the northeastern portion of the City of Hazelwood. It is more specifically bounded on the southeast by the City of Florissant, on the southwest by Hazelwood, the northwest by St. Charles County (Missouri River) and the northeast by St. Louis County. 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 land use in the area is primarily larger non-urban zoned lots, some containing single family homes and other being either undeveloped or used for agricultural purposes.

BASIC ANNEXATION AREA INFORMATION DATA		
	<i>City of Hazelwood declarations:</i>	<i>St. Louis County declarations:</i>
<i>Area</i>	293 acres (.46 square miles)	384.6 acres
<i>Population</i>	45	37
<i>Dwelling Units</i>	16	13
<i>Dwelling Units per Three Acres</i>	0.02	0.01
<i>Total Assessed Valuation</i>	\$383,964	\$479,487
<i>Assessed Valuation per Capita</i>	\$10,377	\$12,959

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 less than 5,000.
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 Hazelwood Declarations:

The financial evidence presented by the municipality estimated they would receive an additional \$4,164 in net revenue from the annexed area.

The municipality offered the following non-financial impacts:

- Impact on area proposed for annexation
 - Owners of property petitioned the City of Hazelwood to annex the area.
 - Annexation would result in residents being provided services by a city

- instead of County, more accountable and responsive.
- Municipal services easily provided via Charbonier Road
- Rate of taxation lower for property owner/resident than either City of Florissant or remaining unincorporated.
- Annexation area shares similar concerns with that of the City of Hazelwood, for example development of Aubuchon and Charbonier roads.
- Impact on Hazelwood
 - Positive impact on City
 - Adjacent to Hazelwood's existing boundary
 - Easy access from Charbonier and Aubuchon Roads
 - Area physically small enough of the City to easily deliver services
- Impact on the adjoining areas and the entire area of the County and its residents
 - Impact minor to all other residents of the County. Minimal revenue for County budget.

St. Louis County Declarations:

The County states that the residents will experience a tax savings if the annexation occurs. Hazelwood has no residential utility tax, and will pay the Florissant Valley Fire Protection District tax rate of \$.66 to offset property taxes providing a total tax savings of \$192. A small savings in refuse service is also estimated to occur after the mandated two year notification to current haulers. The City will provide limited services with the tax revenues generated but receive over \$3,200 in annual benefits.

Christie Love - Property Owner

The single largest and majority property owner submitted written opposition to the annexation by the City of Hazelwood, despite earlier support by petition. Expressed preference for annexation by the City of Florissant.

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 "Charbonier Area Legal Description."

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

City of Hazelwood Declarations:

On the ability of the proposal to accommodate the orderly incorporation of the County, the City of Hazelwood 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	Hazelwood	No	12 mos
Fire/EMS/ALS Service	No Change					
Water Service	No Change					
Sewer Service	No Change					
Street Maintenance		St. Louis County	No	Hazelwood/ St. Louis County	No	12 mos
Utility Agreements	No Change					
Parks Service		St. Louis County	No	Hazelwood	No	12 mos
Recreation Service		St. Louis County	No	Hazelwood	No	12 mos
Refuse Service		Private Hauler	Yes	City Contract Hauler	Yes	24 mos
Sidewalk Maintenance		St. Louis County	Yes	Property Owner	Yes	12 mos
Street Lighting		Property Owner	Yes	Hazelwood	No	12 mos
Code Administration		St. Louis County	Yes	Hazelwood/St. Louis County	Yes	12 mos
Planning & Zoning		St. Louis County	No	Hazelwood	No	12 mos
Municipal Court		St. Louis County	No	Hazelwood	No	12 mos
Health Services		St. Louis County	No	Hazelwood/St. Louis County	No	12 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 \$.31/\$100 Assessed Valuation
Utility Tax	Decrease Residential Rate from 5 to 0% Decrease Commercial Rate from 5 to 1.5%

Revenue, Cost and Balance Estimates after Annexation

Source of Revenue	New Revenue after Annexation Estimated	
	by Municipality	by County
Property Tax	\$1,015	\$1,192
Utility Tax	0	0
Sales Tax	3,737	3,809
Use Tax	888	
Gasoline/Motor Vehicle Tax	1,260	1,155
County Road and Bridge Tax	403	503
Cigarette Tax	169	158
Cable T.V. Tax	155	94
Misc	45	45
Estimated Total New Revenue from Annexation Area	\$7,672	\$6,956
Estimated Cost of Extending Service to Area	\$3,508	\$3,508
Estimated Net Surplus (Deficit)	\$4,164	\$3,448

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 Charbonier Annexation		
Revenue Source	Hazelwood	St. Louis County
Sales Tax	\$3,737	\$3,809
Use Tax	\$888	0
Utility Tax	1,500	1,287
County Road Funding (C.A.R.T.)	1,260	1,597
County Road and Bridge	403	503
Cigarette Tax	169	158
Cable T.V. Tax	155	94
TOTAL	\$8,112	\$7,448

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 Hazelwood Declarations:

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

Proposed Zoning - Charbonier Annexation Area			
County Zoning Classification	Proposed Hazelwood Zoning Classification	Proposed Zoning Classification New or Existing	Timing for Transition
NU - Non-Urban	AG - Suburban	Existing	12 mos.
FPNU- Flood Plain Non-urban	AG - Suburban	Existing	12 mos.

The City of Hazelwood offered the following regarding their process for identifying proposed zoning districts. The City of Hazelwood would upon annexation rezone the Charbonier area Suburban, a classification very similar to the County's Non-Urban classifications. Properties and buildings may be non-conforming subject to the City Zoning Ordinance.

St. Louis County Declarations:

The potential exists for some properties in the area to become non-conforming because of set-back requirements. Those non-conformities would have to be evaluated on a case-by-case basis before the Board of Adjustment.

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 Hazelwood Declarations:

Compactness of Area	
Criteria	Municipality
Service delivery/access	Direct access from Charbonier Road, Aubuchon Road and from Riverwood Estates Boulevard.
Community of Interest	The residents share an interest in protecting their non-urban zoning district. Land use is identical to hundreds of acres along Aubuchon and Charbonier roads. Hazelwood has compatible zoning, while competing interest, Florissant does not.
Natural and/or Man-Made Barriers	No natural or man-made barriers exist.
Shared or Common Boundaries	Annexation does not round off boundaries, but is similar to other situations in the immediate area.

St. Louis County Declarations:

There are no direct local street connections from Hazelwood to the area. All municipal services would have to be provided via Charbonier Road, a County arterial road.

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 Hazelwood

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

Decision:

The City of Hazelwood 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 Florissant, BC9601.

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 had the following reason:

- A. The Boundary Commission had previously approved a proposal submitted by the City of Florissant, BC9601, containing the same unincorporated territory included in this proposal (BC9604). The act of approving the City of Florissant proposal (BC9601) resulted in the rejection of the City of Hazelwood proposal (BC9604).

ATTEST:



Chairperson

Date 1/24/97

EXHIBIT B

Description of Proposed Annexation - Charbonier Area

A tract of land being located within part of U. S. Survey 276; and within part of Surveys 162 through 170, inclusive, of the St. Ferdinand Common Fields, Township 47 North, Range 6 east, and more particularly described as follows:

Beginning at a point along the dividing lines of the Missouri Counties of St. Louis and St. Charles, at its intersection with the northern established corporate boundary limits of the City of Hazelwood, Missouri; thence continuing along the said northern corporate boundary limits of Hazelwood to a point on the water's edge along the northeastern line of a tract of land, denoted as Parcel No. 1 and No. 2, as now or formerly conveyed to McDonnell Douglas Realty Company as recorded in Deed Book 8235 on page 1183 of the St. Louis County Records; thence southeastwardly along said McDonnell Douglas Realty Company tract and said northern boundary of the City of Hazelwood to a point being the most western corner of a tract of land now or formerly conveyed to the Pelican Cove Partnership, as recorded in Deed Book 7784 on page 1716 of the St. Louis County Records; thence northeastwardly along the western line of said Pelican Cove Partnership property, the following courses and distances, north 37 degrees 27 minutes 25 seconds east 85.03 feet, south 76 degrees 36 minutes 33 seconds east 45.31 feet, north 41 degrees 28 minutes 52 seconds east, 132.74 feet, north 21 degrees 05 minutes 13 seconds east 137.28 feet, north 17 degrees 20 minutes 18 seconds west 62.80 feet, north 48 degrees 40 minutes 03 seconds east 52.39 feet, north 6 degrees 33 minutes 37 seconds west 40.36 feet, and north 35 degrees 25 minutes 37 seconds east 116.76 feet to the northwest corner of said tract and the most western corner of Villa Del Cresta Apartments Phase Two Dedication Plat as recorded in Plat Book 147 on page 21 of the St. Louis County Records; thence continuing northeastwardly along the western line of said Villa Del Cresta Plat the following courses and distances north 36 degrees 19 minutes east 16.90 feet, north 37 degrees 40 minutes east 100.65 feet and north 24 degrees 39 minutes east 526.0 feet to most northern corner of said Apartment Dedication Plat; thence south 52 degrees 20 minutes east along the northern property line of said Villa Del Cresta Apartments Phase Two Dedication Plat a distance of 23.10 feet to a point, being the southeast corner of a tract of land now or formerly conveyed to George R. Pezold and Beatrice M. Pezold, as described in Deed Book 8934 on page 1890 of the St. Louis County Records and also being the most western corner of the property now or formerly conveyed to the City of Florissant, Missouri, and known as Koch Park; thence continuing along said western line of the corporate boundary limits of the City of Florissant and along the eastern and northern property line of said Pezold Tract, north 28 degrees 03 minutes east a distance of 194.37 feet and north 53 degrees 47 minutes west a distance of 48.87 feet more or less to a point, being the southern corner of a tract now or formerly conveyed to Christine G. Love, as recorded in Deed Book 6885 on page 1319 of the St. Louis County Records; thence

northeastwardly along said western corporate boundary limits of the City of Florissant and the eastern line of said Christine Love parcel, a distance of 916.38 feet more or less to a point on the southern right-of-way line of Charbonier Road; thence northwestwardly along the southern right-of-way of Charbonier Road to a point along the eastern line of U. S. Survey 276, Township 47 North, Range 6 East, being also the eastern prolongation of the tract of land now or formerly conveyed to Carl A. Twesten, Jr., and Frances L. Twesten, as recorded in Deed Book 6758 on page 1425 of the St. Louis County Records; thence northeastwardly to a point in the northern right-of-way line of Charbonier Road at its intersection with the southern right-of-way line of Old Charbonier Road, more specifically at the most eastern corner of Lot 5 of Charbonier Woods, as recorded in Plat Book 220 on pages 13 and 14 of the St. Louis County Records; thence westwardly along the southern right-of-way of Old Charbonier Road and the northern line of said Lot 5 of Charbonier Woods, north 53 degrees 23 minutes west a distance of 359.12 feet to the east line of Lot 4 of Charbonier Woods; thence continuing along the east line of said Lot 4, north 36 degrees 37 minutes east a distance of 40 feet, south 53 degrees 23 minutes east a distance of 19.81 feet, and north 36 degrees 04 minutes east a distance of 19.82 feet; thence south 52 degrees 55 minutes 55 seconds east to a point in the east line of U. S. Survey 276, Township 47 North, Range 6 East, being also the southern corner of a tract of land now or formerly conveyed to Robert M. Fehrman and Julie K. Fehrman as recorded in Deed Book 6765 on page 221 of St. Louis County Records; thence continuing, respectively, along the eastern and northern line of said Fehrman tract, north 36 degrees 10 minutes east a distance of 250.05 feet and north 52 degrees 55 minutes west a distance of 816.35 feet to a point, being the most southern corner of a tract of land now or formerly conveyed to Edgar W. Schroeder, Jr., and Beatrice Schroeder, as recorded in Deed Book 7451 on page 1117 of the St. Louis County Records; thence along said Schroeder tract north 37 degrees 05 minutes east a distance of 320.46 feet, thence north 52 degrees 55 minutes west a distance of 407.79 feet and north 52 degrees 58 minutes west a distance of 826 feet more or less to a point on the water's edge of the Missouri River; thence continuing north 52 degrees 53 minutes west to a point along the dividing line of the Missouri Counties of St. Louis and St. Charles; thence meandering westwardly along said County dividing lines to the point of beginning.

PROPOSED ANNEXATION FOR THE CITY OF HAZELWOOD, MISSOURI: BC9604 - CHARBONIER

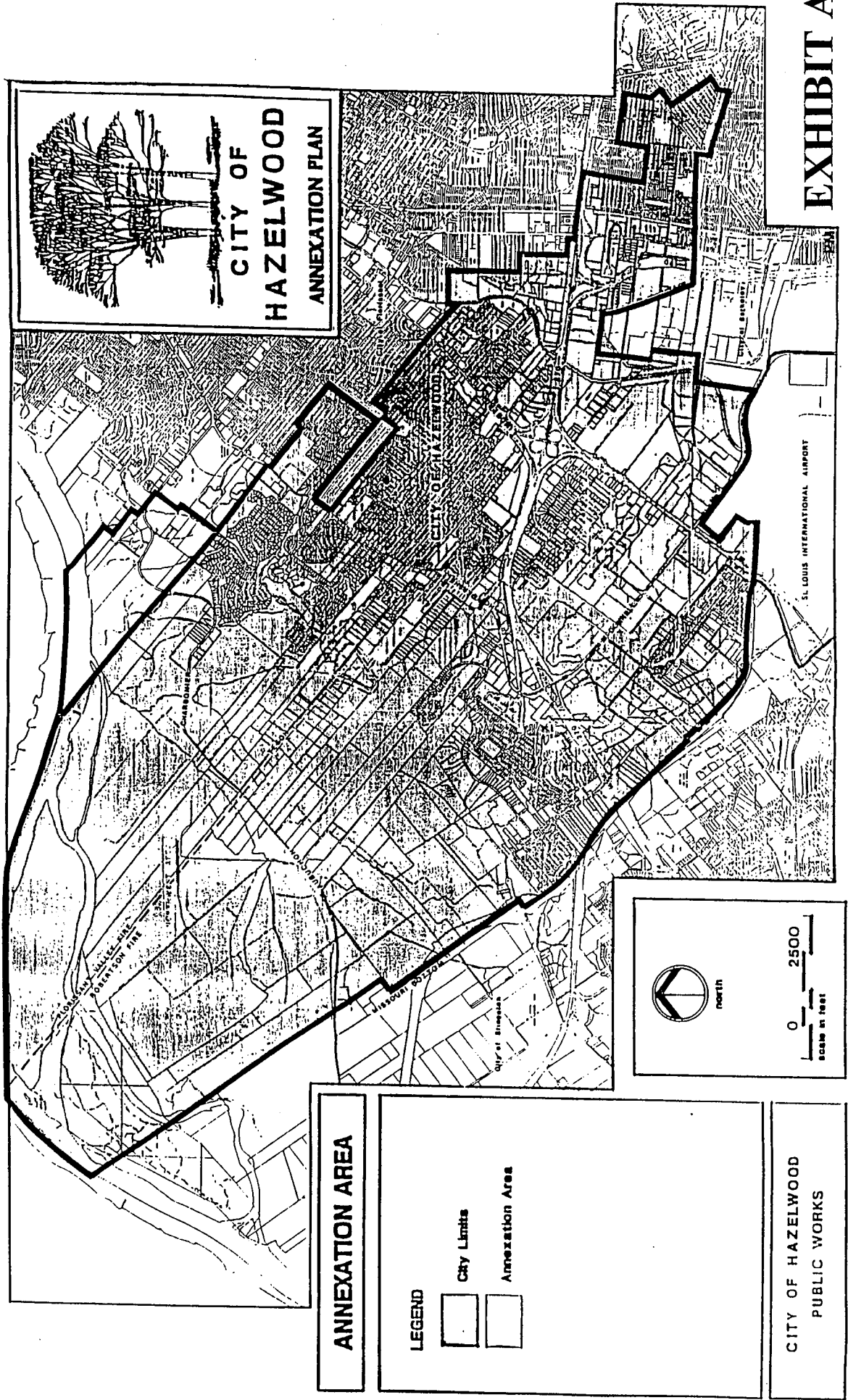


EXHIBIT A