

Before the Boundary Commission, St. Louis County, Missouri

In re: Proposal of the City of Hazelwood)
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)
) File No. BC9605
) Crest Aire 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 4, 1996 a public hearing was conducted by the Commission based upon the official submittal.

The area proposed for annexation is generally located along the northeastern border of the City of Hazelwood. It is more specifically bounded on three sides (northwest, northeast and southeast) by the City of Florissant and the remainder of the territory (southwest) by the City of Hazelwood. 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 generally a fully developed residential subdivision. A small portion of the area’s land use is commercial. This area is along the northwestern border of the annexation area, along Howdershell Road. Street access into the area is only by public roadway from the incorporated jurisdiction, City of Florissant.

BASIC ANNEXATION AREA INFORMATION DATA		
	<i>City of Hazelwood Declarations:</i>	<i>St. Louis County Declarations:</i>
<i>Area</i>	85 acres (.16 Square miles)	75.52 acres
<i>Population</i>	698	698
<i>Dwelling Units</i>	211	215
<i>Dwelling Units per Three Acres</i>	2.73	3.08
<i>Total Assessed Valuation</i>	\$4,747,033	\$4,747,033
<i>Assessed Valuation per Capita</i>	\$6,801	\$6,801

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 unit 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 roadways from another incorporated jurisdiction.

FACTOR 1

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

On the impact of the proposal, the following declarations were presented:

Impact on:	Estimated Impact by Hazelwood	Estimated Impact by St. Louis County
Tax Base of Annexation Area	Residential Property - \$187 per year decrease	Residential Property - \$184 per year decrease
Tax Base of Existing Municipality	Estimated Revenue Gain - \$83,040	Estimated Revenue Gain - \$42,000
Tax Base of adjoining areas	Estimated Gross Revenue Loss to County - \$143,830	Estimated Gross Loss in Revenue to County - \$118,951

The municipality offered the following non-financial impacts:

- Area Subject to Proposed Boundary Change
 - April, 1992 City received petitions from residents seeking annexation to Hazelwood.
 - Annexation helps relieve County of financial burden to service area
 - Residents would receive services from a provider closer, more responsive and more accountable to residents.
 - Crest Aire residents share some of the same concerns as the City of Hazelwood
- Existing Municipality
 - Delivery of service would not pose a hardship on the City, because:
 - adjacent to Hazelwood
 - easily accessed via Howdershell Road
 - physically, its size and population allow City crews and facilities to serve the area.
 - City can service the area with a projected surplus of \$83,040.
- Adjoining Areas and Remainder of County
 - Relieves County from having to continue to incur costs of servicing isolated area.
 - Not a fiscal loss, the area generates only an estimated \$143,830 out of a General Fund budget of \$136,449,600.
 - No change in fire or emergency medical services.
 - Impact on the City of Florissant:
 - revenue increase not critical to city
 - would not deprive Florissant other avenues for annexation.

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 "Crest Aire 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 in the County, the City of Hazelwood represented that the increase in land area and population could be easily

incorporated into the City. It is one of the last remaining opportunities for the City to expand its borders. It represents a natural progression in the incorporation of the County.

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	No	12 mos
Utility Agreements	No Change					
Parks Service		St. Louis County	No	Hazelwood	No	Upon Annex.
Recreation Service		St. Louis County	No	Hazelwood	No	Upon Annex.
Refuse Service		Private Hauler	Yes	City Contract Hauler	Yes	12 mos
Sidewalk Maintenance		St. Louis County	No	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	\$11,289	\$11,403
Utility Tax	0	1,189
Sales Tax	70,498	71,859
Gasoline/Motor Vehicle Tax	23,764	21,785
County Road and Bridge Tax	4,984	4,984
Cigarette Tax	3,188	2,987
Cable T.V. Tax	3,188	1,548
Misc	26,349	9,591
Estimated Total New Revenue from Annexation Area	\$143,260	\$125,346
Estimated Cost of Extending Service to Area	\$60,220	\$82,934
Estimated Net Surplus (Deficit)	\$83,040	\$42,412

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 Hazelwood Declarations:

The municipality estimated the loss of revenue to St. Louis County at \$147,125, a decrease of one tenth of one percent of their General Fund Budget for 1995.

St. Louis County Declarations:

St. Louis County estimated the annual loss in gross revenue from the proposed annexation to be \$118,951.

St. Louis County and the City of Hazelwood offered the following analysis of revenue loss by funding source:

Estimated Gross Revenue Loss To St. Louis County from Crest Aire Annexation		
Source	Amount	
	City of Hazelwood	St. Louis County
Sales Tax	\$70,498	\$71,859
Use Tax	16,752	0
Utility Tax	21,100	25,248
County Road Funding (C.A.R.T.)	23,764	12,325
County Road and Bridge	8,635	4,987
Cable T.V. Tax	3188	1,548
Cigarette Tax	3,188	2,984
TOTAL	\$147,125	\$118,951

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 four County zoning classifications contained within the proposed annexation area:

Proposed Zoning - Crest Aire Annexation Area			
County Zoning Classification	Proposed Hazelwood Zoning Classification	Proposed Zoning Classification New or Existing	Timing for Transition
R-3 (10,000 sq. ft.) (Residential)	B-Single Family (10,000 sq. ft.) (Residential)	Existing	12 mos.
R-6 (Residential - Multi-family)	E-Multiple Dwelling	Existing	12 mos.
C-2 Shopping	G - Commercial	Existing	12 mos.
C-8 Planned Commercial	G-Commercial	Existing	12 mos.

The City of Hazelwood offered the following regarding their process for identifying proposed zoning districts. The City of Hazelwood would evaluate each property to determine the appropriate zoning classification. This process would begin upon successful annexation. Present zoning classifications and zoning rights would be maintained until such time as the classification is changed. (The City of Hazelwood did not offer a schedule for an evaluation or decision on the possible creation of new districts.)

St. Louis County Declarations:

The County pointed out that there are only three zoning districts in the annexation area; R-3 Residence District, C-2 Shopping District and C-8 Planned Commercial District. There is no R-6 Residential District. The County cited the possibility of some commercial properties in the area becoming non-conforming if the annexation occurs.

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	Howdershell Road runs uninterrupted from Hazelwood through the area.
Community of Interest	Residents demonstrated their interest through petitions and attendance at informational meetings. Common interests in schools, churches, shopping. Housing stock similar in age, style and condition with most areas of Hazelwood.
Natural and/or Man-Made Barriers	Evidence not presented
Shared or Common Boundaries	Annexation creates an irregular shaped border. This is similar to other border situations between Hazelwood and Florissant

St. Louis County Declarations:

Regarding the access for delivery of services, the County commented that the physical connections between Hazelwood and the area are weak. There is no local street connection with the City of Hazelwood. Also, in regard to shared or common boundaries, Florissant surrounds Crest Aire on three sides, with five points of connection.

“Based upon a review of compactness and service access considerations, the area would be more logically located in Florissant if it is annexed by either municipality.”

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 Declarations:

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 is identical in scope to a proposal submitted by the City of Florissant, BC9603.

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. Park and recreation facilities are not as convenient to the area as presently exist in an adjoining community.

- B. The proposal would not be in the best interest of the areas of the County next to such proposed boundary changes:
 - i. If approved, the annexation would not result in logical, contiguous boundaries.
 - ii. Common neighborhoods would be split between two incorporated jurisdictions.
 - iii. Access to the area for delivery of public services would be through another incorporated jurisdiction.

ATTEST:


Chairperson

Date 1/24/97

**PROPOSED ANNEXATION FOR THE CITY OF HAZELWOOD, MISSOURI:
BC9605 - CREST AIRE**

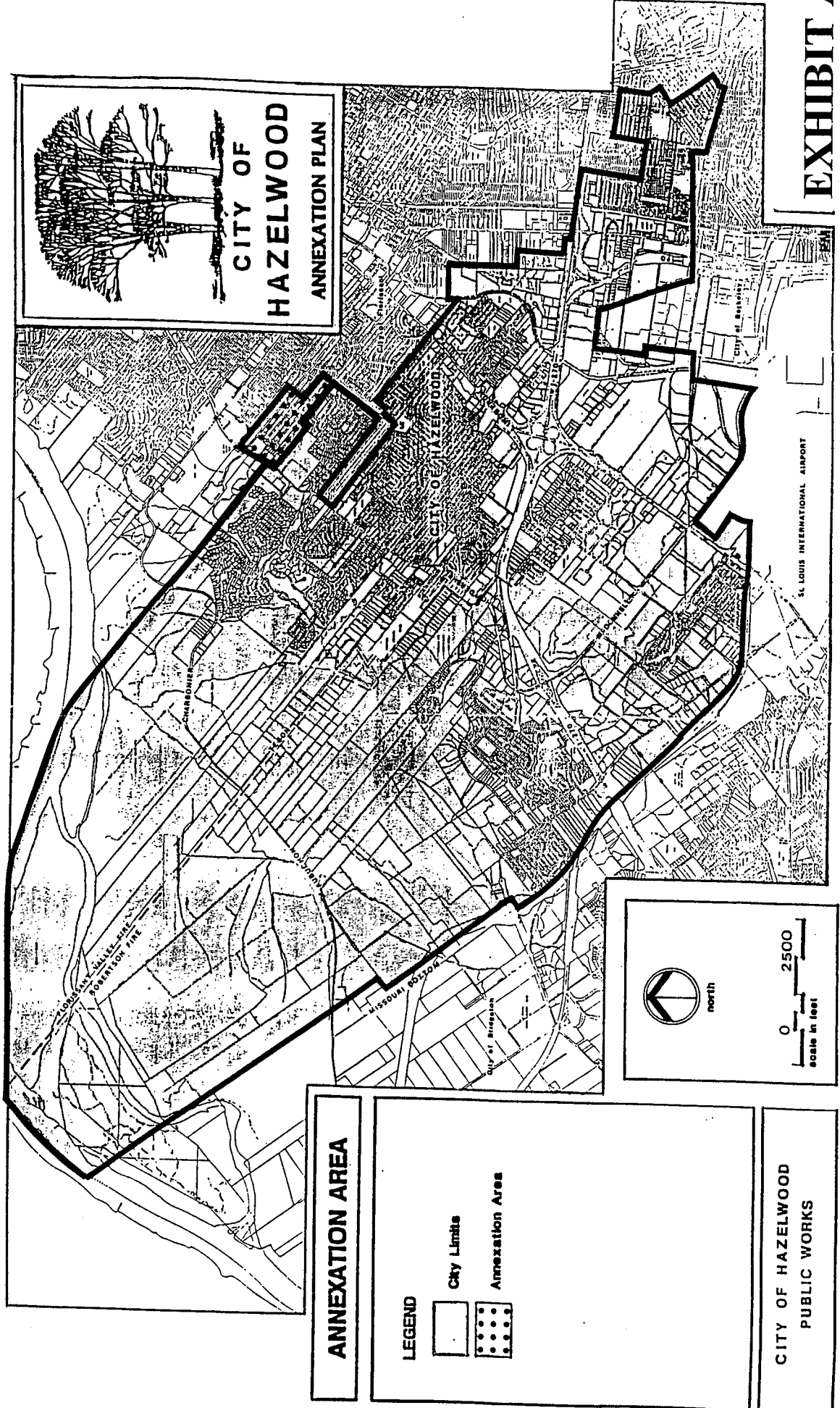


EXHIBIT A

EXHIBIT B

Description of Proposed Annexation - Crest Aire

AREA #1

A tract of land being located within U.S. Surveys 162-172, inclusive of the St. Ferdinand Commonfields, (Township 47 north, range 6 east), being located in St. Louis County, Missouri, and more particularly described as follows:

Beginning at a point being the southeast corner of Lot 187 of Crest Aire Plat Five as recorded in Plat Book 127 on Page 80 of the St. Louis County Records, said point being on the western line of the present corporate limits of the City of Florissant and the north incorporated limits of the City of Hazelwood; thence continuing along those present corporate boundary limits of the City of Florissant the following courses and distances; north 38 degrees 05 minutes 30 seconds east along the east line of said Crest Aire Plat Five, a distance of 315.5 feet to a point being the northeast corner of Lot 105 of Crest Aire Plat Five; thence northwestwardly along the north line of Crest Aire Plat Five, north 53 degrees 16 minutes 26 seconds west a distance of 228.50 feet; thence north 52 degrees 58 minutes 15 seconds west a distance of 708.12 feet; thence north 36 degrees 48 minutes 30 seconds east a distance of 2.31 feet; thence north 53 degrees 11 minutes 30 seconds west a distance of 214.27 feet to the southeast corner of Lot 28 of Crest Aire Plat Three, as recorded in Plat Book 124 on Page 52 of the St. Louis County Records; thence north 36 degrees 51 minutes east along the east line of said Crest Aire Plat Three and Crest Aire Plat One, as recorded in Plat Book 123 on Page 34 of the St. Louis County Records, a distance of 652.5 feet to the northeast corner of Lot 75 of said Crest Aire Plat One; thence north 53 degrees 07 minutes 30 seconds west a distance of 1661.5 feet along the north line of said Crest Aire Plat One and also Crest Aire Plat Two, as recorded in Plat Book 124 on Pages 12 and 13 of the St. Louis County Records, to a point being more particularly described as the southeast corner of Lot 47 of Charbonier Court Plat Two, as recorded in Plat Book 115 on Page 13 of the St. Louis County Records; thence continuing northwestwardly along the north line and prolonged north line of Crest Aire Plat 2 to its intersection with the western line of Howdershell Road; thence southwestwardly along the west line of Howdershell Road to a point being the intersection of this line and the north line of U.S. Survey 161 of the St. Ferdinand Common Fields, (Township 47 North, Range 6 East) and also being the northeast corner of a tract of land now or formerly conveyed to Desco Investment Company as recorded in Deed Book 7291 on Page 2357 of the St. Louis County Records; thence traversing from the present southern incorporated limits of the City of Florissant southwestwardly along the incorporated limits of the City of Hazelwood to a point being its intersection with the northwestern prolongation of the southern line of Crest Aire Plat Seven, as recorded in Plat Book 134 on Page 30 of the St. Louis County Records; thence continuing on the incorporated limits of the City of Hazelwood the following courses and

distances; south 53 degrees 11 minutes 05 seconds east to a point being the southwest corner of said Crest Aire Plat Seven; then south 53 degrees 11 minutes 05 seconds east along the southern line of Crest Aire Plat Seven, a distance of 1679.82 feet; thence north 36 degrees 48 minutes 55 seconds east a distance of 250 feet; thence south 53 degrees 11 minutes 05 seconds east a distance of 1880 feet to the point of beginning.