

Before the Boundary Commission, St. Louis County, Missouri

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In re: Proposal of the City of Hazelwood)	
)	File No. BC9606
)	South Industrial 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 an unincorporated pocket between the City of Hazelwood and the 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 area proposed to be annexed is entirely owned by a single corporate owner, and no residents live in the area.

BASIC ANNEXATION AREA INFORMATION DATA		
	<i>City of Hazelwood Declarations:</i>	<i>St. Louis County Declarations:</i>
<i>Area</i>	.22 square miles	192.37 acres (.3 sq. miles)
<i>Population</i>	0	0
<i>Dwelling Units</i>	0	0
<i>Total Assessed Valuation</i>	\$47,819,770	\$44,860,755
<i>Assessed Valuation per Capita</i>	\$0	\$0

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 Hazelwood Declarations:

The financial evidence presented by the municipality estimated they would receive an additional \$1,253,930 in revenue from the annexed area.

The municipality estimated the loss of revenue to the County at \$472,900, less than .6 of one percent of its budget.

In addition to the financial data, the following non-financial impacts were offered by the City:

- Impact on the area to be annexed:
 - City already serves businesses adjacent to this area, higher level of municipal services to be delivered.
 - Relieves County of burden to deliver service to an isolated unincorporated area
 - Eliminates pocket between Hazelwood and airport

- Rate of taxation lower for businesses annexed by Hazelwood than if annexed by Berkeley.
- South Industrial area shares some of the same concerns as the City of Hazelwood.
- Impact on Municipality:
 - No hardship on City as area is adjacent to Hazelwood's existing southern boundary.
 - Easy access to City and South Industrial Area.
 - Small physical size makes it easy for the City to serve the area.
- Impact on adjoining areas and remainder of county:
 - Relieves the County from having to continue to incur the costs of servicing one more isolated area.
 - Loss in revenue represents a less than .6% decrease of its budget.

St. Louis County Declarations:

McDonnell Douglas corporation will experience a tax increase estimated at \$1,251,201 per year, mainly due to business license fees.

The total annual revenue loss to the County is estimated to be \$547,783.

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 "South Industrial 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.

One of the last opportunities for Hazelwood to expand its borders. There are limited options for growth before the City becomes landlocked. Hazelwood has a proven track record of success with large manufacturing businesses.

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	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	N/A		No			
Recreation Service	N/A		No			
Refuse Service	No Change					
Sidewalk Maintenance		Private	Yes	Hazelwood	Yes	12 mos
Street Lighting		Private	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	Increase from 5 to 7.5%

Revenue, Cost and Balance Estimates after Annexation

Source of Revenue	New Revenue after Annexation Estimated	
	by Municipality	by County
Property Tax	\$57,600	\$53,771
Utility Tax	135,000	135,000
Sales Tax	0	0
Gasoline/Motor Vehicle Tax	0	0
County Road and Bridge Tax	22,900	47,104
Cigarette Tax	0	0
Cable T.V. Tax	0	0
Misc	1,512,500	1,512,500
Fire Protection Rebate	(459,070)	
Estimated Total New Revenue from Annexation Area	\$1,268,930	\$1,748,375
Estimated Cost of Extending Service to Area	\$15,000	\$15,000
Estimated Net Surplus (Deficit)	\$1,253,930	\$1,733,375

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 South Industrial Annexation		
Revenue Source	Amount	
	Hazelwood	St. Louis County
Sales Tax	\$0	\$0
Utility Tax	450,000	450,000
County Road Funding (C.A.R.T.)	0	50,679
County Road and Bridge	22,900	47,104
Cigarette Tax	0	0
Cable T.V. Tax	0	0
TOTAL	\$472,900	\$547,783

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 one County zoning classifications contained within the proposed annexation area:

Proposed Zoning - South Industrial Annexation Area			
County Zoning Classification	Proposed Hazelwood Zoning Classification	Proposed Zoning Classification New or Existing	Timing for Transition
M-3 Planned Industrial	I-Heavy Industrial	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 parcel 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 the current zoning in the annexation area is not M-3 Planned Industrial, but is presently zoned M-1 Industrial District and FPM-1 Flood Plain Industrial District. No problems are anticipated regarding zoning if the area is annexed by Hazelwood.

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	Service delivery can be extended effectively because McDonnell Blvd. and Banshee Rd. run uninterrupted from Hazelwood through the breadth of the area.
Community of Interest	The area is composed entirely of industrial property.
Natural and/or Man-Made Barriers	No natural or man-made barriers exist.
Shared or Common Boundaries	Annexation of the South Industrial area does not round off Hazelwood's borders. Annexation allows for the incorporation of a pocket by the City.

St. Louis County Declarations:

The area is not considered an unincorporated pocket under the law.

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 overlaps a portion of a proposal submitted by the City of Berkeley, BC9612.

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 without any increase or change in major services.
 - ii. The annexation would result in a disproportionate split of commonly held corporate property between two municipal jurisdictions, resulting in different taxing and delivery of service structures.
- 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 FOR THE CITY OF HAZELWOOD, MISSOURI:
BC9606 - SOUTH INDUSTRIAL

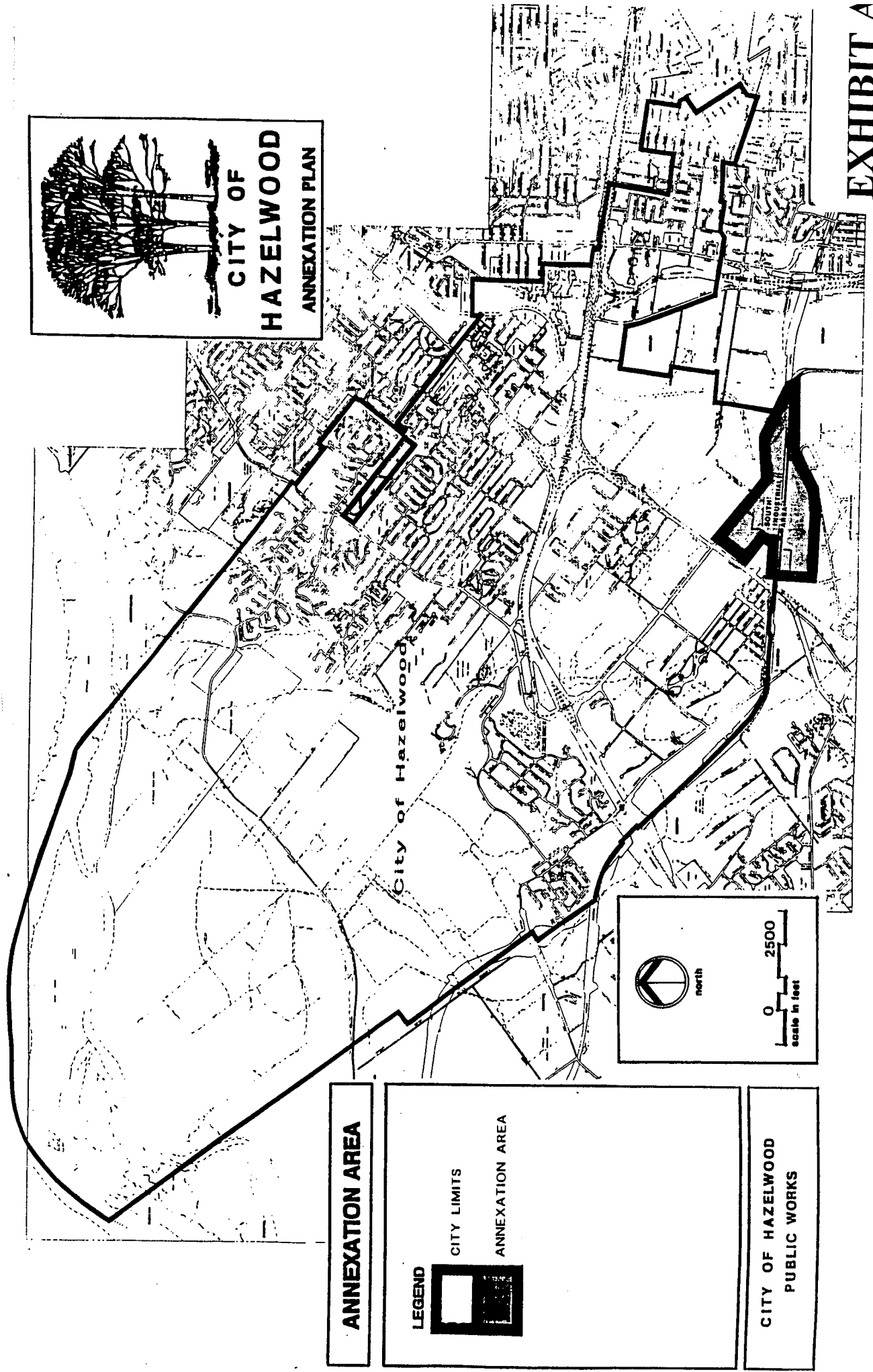


EXHIBIT B

Description of Proposed Annexation - South Industrial Area

A tract of land located in U. S. Survey 4, Survey 7, Survey 8, Survey 1247, Survey 1249, Survey 3096, and more particularly described as follows:

Beginning at a point in the incorporated boundary limits of the City of Hazelwood, Missouri, said point being more particularly described as a point in the northern right of way line of the tract now or formerly conveyed to the Wabash Railroad Company, 100 feet wide, at its intersection with the southwestern corner of a tract of 7.2515 acres conveyed to Defense Plant Corporation by deed recorded in Deed Book 1863, page 192 of the St. Louis County Records; thence continuing along said established City limits of Hazelwood and the west line of said Defense Plant Corporation tract northwardly a distance of 422.17 feet to the corner of said tract; thence northeastwardly along the northwestern line of said 7.2515 acre tract, 266.77 feet to the line dividing Survey 7 and Survey 1249; thence along said dividing lines of Survey 7 and Survey 1249, north 51 degrees 42 minutes west, 934.61 feet; thence northeastwardly along a line parallel with and 200 feet distant southeastwardly from the southeastern line of Lindbergh Boulevard, formerly known as U. S. Highway No. 67 as described in the incorporated boundary limits of the City of Hazelwood, to the northeastern line of James S. McDonnell Boulevard formerly Brown Road; thence continuing along the Hazelwood City limits line southeastwardly and eastwardly along the northeastern and northern line of James S. McDonnell Boulevard, formerly Brown Road to a point being its intersection with the center line of Coldwater Creek Drainage right of way; thence along said Creek center line South 13 degrees 54 minutes west to the southern line of said James S. McDonnell Boulevard; thence continuing along the south line of James S. McDonnell Boulevard to its intersection with the Berkeley City limits, thence along the Berkeley City limits to a point in the south line of Banshee Road, 40 feet wide; thence north 86 degrees 31 minutes west along the south line of said Banshee Road to the northeast corner of a tract of land now or formerly conveyed to McDonnell Aircraft Corporation as recorded in Deed Book 2877 on pages 253 and 254 of the St. Louis County Records; thence South 5 degrees 15 minutes 30 seconds west a distance of 180.67 feet; thence south 62 degrees 49 minutes 30 seconds west a distance of 1,266.52 feet; thence south 81 degrees 08 minutes west a distance of 866.69 feet; thence north 86 degrees 36 minutes 45 seconds west, along a line parallel with and 1,010 feet south of the south line of Banshee Road a distance of 2,074.62 feet to a point; thence north 18 degrees 21 minutes 45 seconds west a distance of 350.99 feet; thence north 3 degrees 23 minutes 15 seconds east a distance of 823.98 feet, more or less to a point in the north right of way line of said Wabash Railroad; thence eastwardly along the north right of way of said Wabash Railroad to the point of beginning.