

**CITY OF FENTON
CITY OFFICIALS**

MAYOR FRAN RUZICKA

Ward 1

*Alderman Larry Steelman
Alderman Wayne Berry*

Ward 2

*Alderman Terry Ball
Alderman Dave Schnorbus*

Ward 3

*Alderman Charlie Preslar
Alderman Tim Trego*

Ward 4

*Alderman Jack Lauer
Alderman Steve Brightman*

Assistant to the Mayor - Valerie D. Adams
City Attorney - Jerry Wallach
City Clerk - Claire Pyne

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**ONE COPY OF THE
ADDITIONAL INFORMATION
HAS BEEN PROVIDED TO C. RAMEY**

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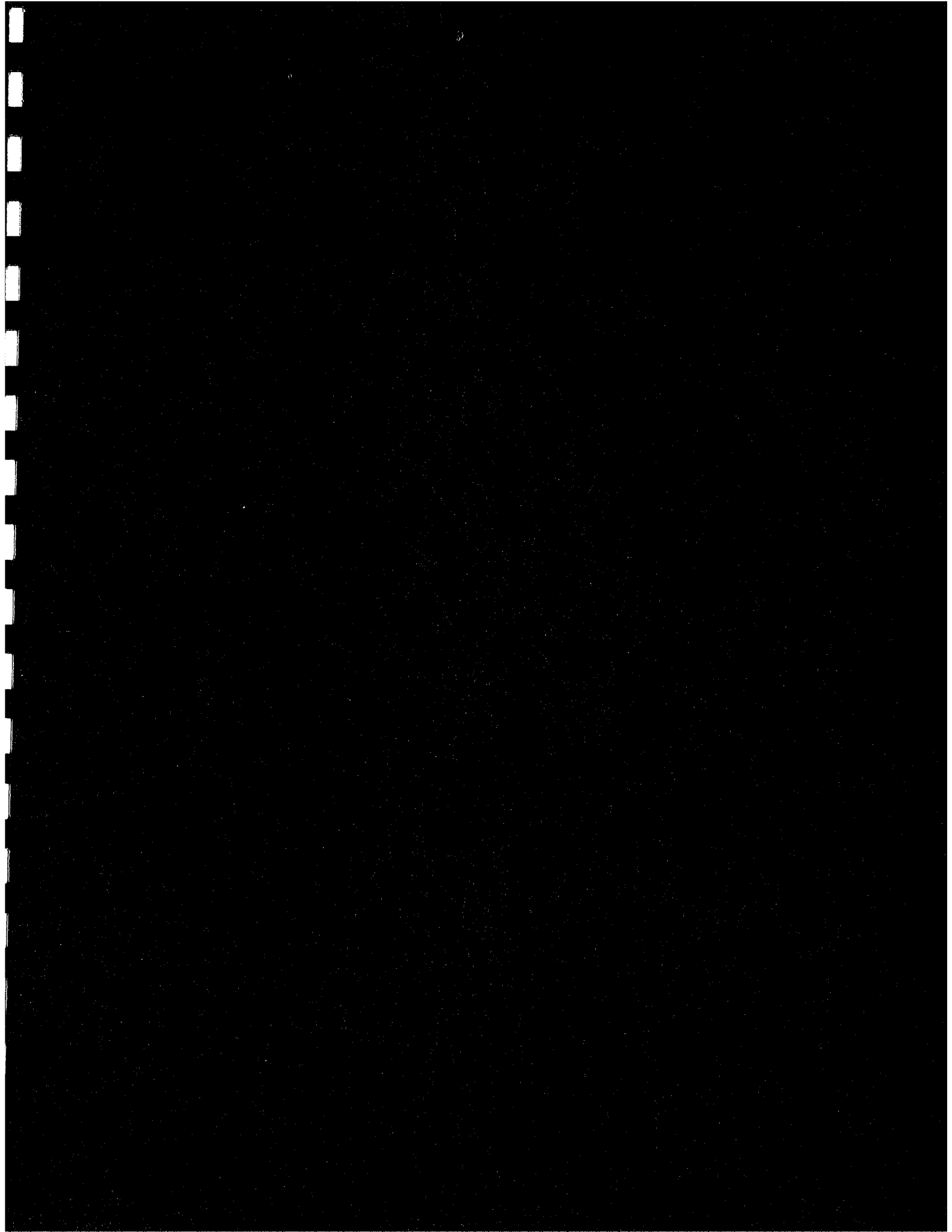
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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Pursuant to RSMo 72.405(6), the City of Fenton is pleased to submit this "simplified boundary change" application to the St. Louis County Boundary Commission for annexation of the property located at the southwest quadrant of the intersection of State Highways 30 and 141 which is commonly known as the First Baptist Church property. In support of said application, the City of Fenton is pleased to submit all data, information, statistics and submission requirements in compliance with this Commission's Rules as amended and the dictates of the Missouri Revised Statutes.

The subject property consists of a triangular shaped tract of land of approximately 31.255 acres with State Highway 141 to the Northeast and State Highway 30 to the Southeast. The property is contiguous to the City of Fenton and is within three quarters of a mile of Fenton City Hall, major subdivisions and other major retail businesses located in the City's downtown area. This tract of land currently contains three (3) residences and a church. The remainder of the property is not devoted to any use.

Pursuant to Boundary Commission Rule IIIA.1 this executive summary will provide the Commission and staff a brief overview as to the purpose of the proposal and the rationale for the property owner's request to be come part of the City of Fenton.

Although situated at a major intersection in a significant growth corridor, this property has never been successfully developed. It is a difficult tract of land and presents extraordinary challenges such as major geologic and topographic problems, floodplain management and safe access.

The 31+ acres is close to major transportation corridors and residential areas. This proximity lends itself well to future commercial and retail development.

The owners-under-contract, ("Owners") goal is to successfully develop the site into a regional retail center. Over the past several years many residents and businesses located both within and outside the current City borders have been anxiously waiting for a retail center to be developed to service this area.

<i>Summary Description of Annexation</i>		
Description	Church / Residential	Commercial Center
Area	31.255 acres	31.255 acres
Assessed Value	\$260,150	\$7,273,400
Number of Dwellings	3	0
Estimated Population	9	0

To accomplish this goal and render the property usable, the City of Fenton and the Owner respectfully submit this request for annexation, along with the verifying requests of the underlying fee owners. This submission includes all residential fee owners of the property. It should be noted that this Application and Plan of Intent are written to portray that the Owner will consummate the contract for the property and the residents will be removed at some point once the proposed development is underway. The Owner anticipates that this will take place sometime in late 1998 or early 1999.

Throughout this report, the tax and revenue projections as required by many of the Review Factors are presented by the City. The two main focuses are:

- ① The residential property as it currently exists, and
- ② The property as developed into a major retail center.

It should be noted, however, for purposes of Chapter 66 RSMo et. Seq., that this area will come into the City of Fenton as a "B" Pool City Area not as a "A" Point of Sale Area. This will have an insignificant impact upon the revenue stream for the property to St. Louis County.

This Plan of Intent and supporting documentation will provide the statutory reasonableness and necessity of annexing this tract of land into the City of Fenton's jurisdiction in terms of:

- ① Compactness/geographic location,
- ② Efficiency of service delivery,
- ③ Quality of services provided,
- ④ Community interest,
- ⑤ Public taxation and finance.

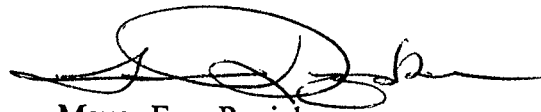
The City does not anticipate any complications with regards to political representation, zoning, taxation, service delivery or any other review criteria. Please note that while the City of Fenton will assume the responsibility immediately upon the effective date for all municipal services, this proposal will not require any changes in fire protection or emergency medical services. Fenton Fire District will continue to provide these services and currently does so regardless of jurisdiction.

One of the benefits that should be noted is that the City of Fenton currently contracts for full service police protection from St. Louis County. This transition will be effortless and seamless for both St. Louis County and the City of Fenton. In addition, the extension of any municipal services provided to this area will not create any undue burden to the current or projected financial condition of the City. All service levels will remain consistent with those services currently offered to others within the City's corporate borders. These findings of fact are supported with empirical data in quantifiable terms within this Plan of Intent. The financial viability of the boundary change proposal is advantageous to the City and will afford the Owners the opportunity to devote the property to the highest and best possible use.

But for this annexation being granted, this tract of land will remain effectively blighted to future use over the greater portion of the acreage. Once adopted by the Fenton Board of Aldermen, this Plan will be presented to the St. Louis County Clerk's Office in accordance with the Rules of the Commission. Further in conformity with those rules, as amended, the City will bear the costs of the Commission relating to any public notice publication costs, copies or any other costs contemplated by the Rules.

By submitting this petition and Plan of Intent, the City is honoring the wishes of all persons and entities seeking to bring this tract of land into the City of Fenton, as well as expanding the corporate boundaries as are reasonable and necessary to the geographical, transportation, service delivery and community interest needs of the area.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Fran Ruzicka', with a large, stylized flourish at the end.

Mayor Fran Ruzicka
City of Fenton

**PETITION FOR SIMPLIFIED
BOUNDARY CHANGE**

PETITION FOR SIMPLIFIED BOUNDARY CHANGE

The City of Fenton hereby petitions the Boundary Commission, St. Louis County to consider a proposal for a "Simplified Boundary Change" as provided for in RSMo Chapter 72.400 - 72.420, and as is more fully described in Appendix A.

Attached are petitions signed by over 75% the residential property owners of all fee interest of record of the area proposed for annexation. The petitions have been verified by St. Louis County that the signatures on the petitions represent over 75% of the residential property owners of all fee interest of record. A copy of that verification is attached hereto and made a part of this petition.

(If less than 100% of the residential owners of all fee interest sign the verified petition the following statement shall be provided)

Attached is a list of those residential property owners who did not sign a petition requesting a Simplified Boundary Change for their property.

Submitted this 20th day of May, 1997.



City of Fenton

Mayor Fran Ruzicka

PETITION FOR SIMPLIFIED BOUNDARY CHANGE

The following is a record of those residential fee owners who **did not sign** the verified petition seeking annexation to the City of Fenton through a Simplified Boundary Change.

Printed Name	Legal Description/Book and Page found in St, Louis County Recorder of Deeds	Street Address (If Available)	St. Louis County Locator Number
Betty Hanneke*	Book 7950, Page 1063	None	280240471

* Ms. Hanneke has only a fee interest as a result of condemnation proceedings.

LEGAL OPINION

THE WALLACH LAW FIRM
ATTORNEYS AND COUNSELORS AT LAW
MANCHESTER/270 OFFICE CENTER
12444 POWERSCOURT DRIVE, SUITE 250
ST. LOUIS, MISSOURI 63131
314-965-4050
FAX 314-965-3568

JEROME WALLACH AND ASSOC., P.C.

May 16, 1997

Mayor Fran Ruzicka
Board of Aldermen
City of Fenton
625 New Smizer Mill Road
Fenton, Missouri 63026

Via Fax & U.S. Mail

Re: Proposed Annexation

Dear Mayor and Alderpersons:

After careful review of the relevant statutory requirements applicable to the City of Fenton concerning the proposed annexation of land situated on the Southwest quadrant of the intersection of State Highway 30 & 141 commonly known as First Baptist Church, it is my opinion that all statutory requirements, other than Chapter 72 R.S.Mo., applicable to the proposing agent, have been satisfied.

I understand that the proposal and plan of intent will now be submitted to the Boundary Commission of St. Louis County.

Yours truly,


Jerome Wallach

JW/pd

PUBLIC HEARING SITE LOCATIONS

PUBLIC HEARING SITE LOCATIONS

The following places would constitute suitable locations for conducting public hearings for this proposed annexation:

1. Fenton City Hall
625 New Smizer Mill Road
Fenton, MO, 63026
Contact Person: Valerie D. Adams - Assistant to the Mayor
Phone: 343-2080

2. St. Pauls Catholic Church
15 Forest Knoll Drive
Fenton, MO 63026
Phone: 343-1234

3. Uthoff Valley Elementary School
1600 Uthoff Drive
Fenton, MO 63026
Phone: 343-6335

**PUBLIC HEARING
NOTICE**

BOUNDARY COMMISSION, ST. LOUIS COUNTY

NOTICE OF ANNEXATION PROPOSAL AND PUBLIC HEARING

In accordance with Chapter 72 of the Revised Statutes of the State of Missouri, notice is hereby given that the Boundary Commission, St. Louis County will conduct a

Public hearing on _____ at _____ at the Fenton City Hall.

for the purpose of giving parties in interest and citizens an opportunity to be heard on the following proposed boundary changes:

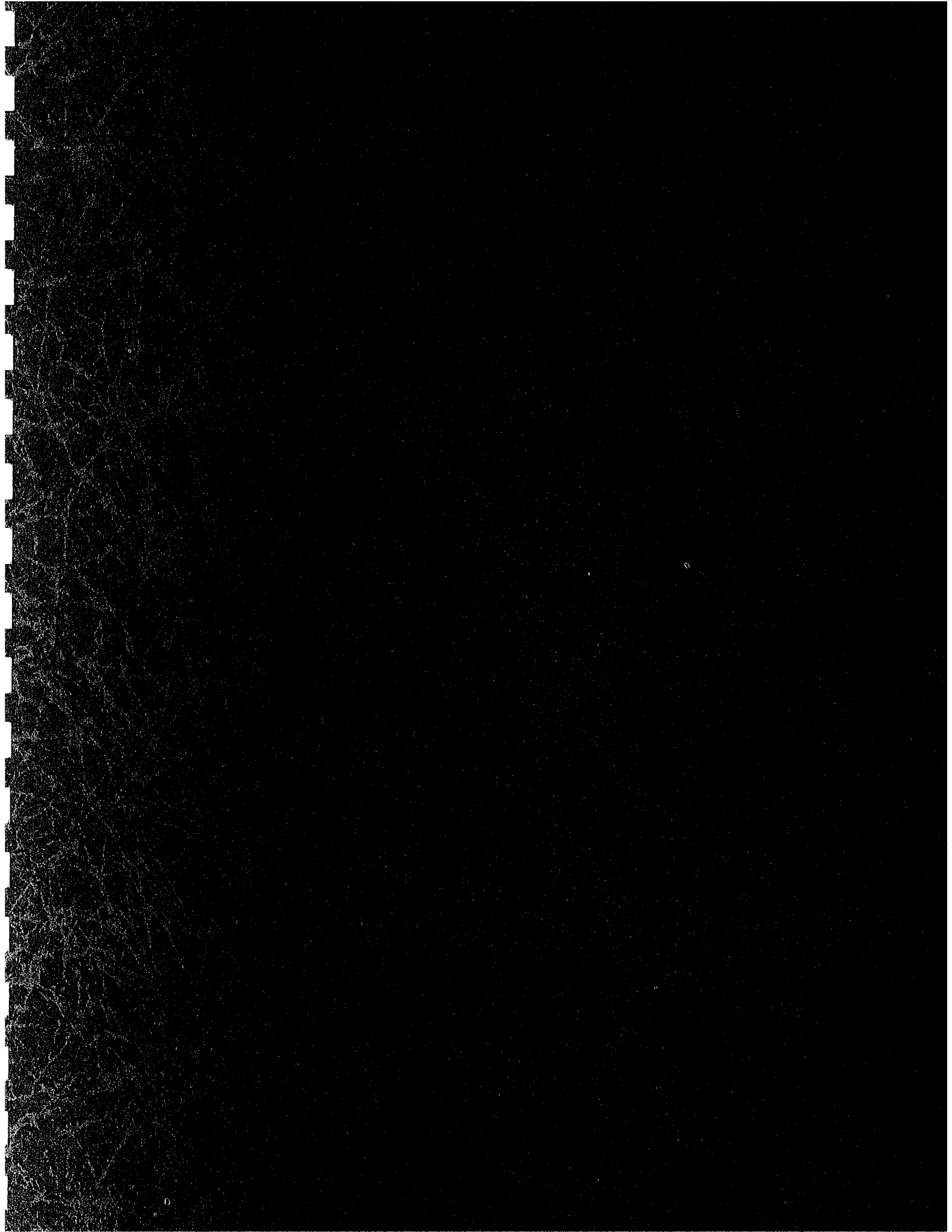
Proposal No. _____. A proposal for a boundary change submitted on _____ by the City of Fenton, Missouri to annex into the City the property located at _____, which is currently unincorporated territory within St. Louis County.

The Boundary Commission, St. Louis County, invites public comments on the proposals submitted for public hearing. Written and oral comments may be presented to the Commission in conjunction with the Public Hearing, or, in addition, written comments may be received for a period of twenty-one (21) days after the close of the Public Hearing and will be filed for the reference of the Commission.

A copy of each proposal, which includes the proposing agent, a copy of the map depicting the proposed annexation area, legal description, and plan of intent and required certifications, as received from the applicant, is available in the office of the Boundary Commission, St. Louis County, 1516 S. Brentwood Blvd., Suite 101, Brentwood, MO 63144, weekdays, during regular business hours, 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m. If you have any questions regarding the proposal scheduled for public hearing, please contact the Boundary Commission, St. Louis County, at 961-7877.

Persons requiring an accommodation to attend and participate in the Public Hearing should contact the Boundary Commission, St. Louis County in writing at 1516 S. Brentwood Blvd., Suite 101, Brentwood, MO 63144 or by telephone at 961-7877 or TDD 1-800-735-2966, at least two working days prior to the Public Hearing.

Carl E. Ramey
Administrator
Boundary Commission, St. Louis County



**CERTIFICATION THAT THE AREA COVERED BY THE PROPOSAL INCLUDES
UNINCORPORATED TERRITORY WHICH IS LESS THAN FIFTY PERCENT OF
THE COMBINED LAND SUBJECT TO THE PROPOSAL**

Consistent with the Rules and Regulations of the Boundary Commission, St. Louis County, Article III, Section A.3.c.ii., I certify that the proposed annexation area covered by the proposal includes unincorporated territory which is less than fifty (50%) percent of the combined land subject to the proposal, and currently lies exclusively within St. Louis County, Missouri.



Signature

Mayor Fran Ruzicka

**CERTIFICATION OF SUBDIVISION STATUS OF ANNEXATION TERRITORY, AND
THAT NO OVERLAPS EXIST WITH RESPECT TO OTHER PROPOSALS BEFORE
THE COMMISSION**

Consistent with the Rules of the Boundary Commission, St. Louis County, Article III, Section A.3.d.i., I certify that the proposed annexation area is not part of any subdivision, has not been platted as a subdivision, nor recorded as a subdivision on file within St. Louis County. I further certify that, due to the absence of any subdivision status, no subdivisions are being split for purposes of this annexation.

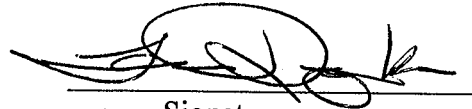
Consistent with the Rules of the Boundary Commission, St. Louis County, Article III, Section A.3.d.ii., I further certify that the proposed annexation area does not overlap with other proposals before the St. Louis County Boundary Commission.



Signature
Mayor Fran Ruzicka

**CERTIFICATION THAT CURRENT FIRE AND EMERGENCY MEDICAL SERVICES
WILL NOT CHANGE WITH THIS ANNEXATION**

Consistent with the Rules of the Boundary Commission, St. Louis County, Article III, Section A.5.a., I certify that the proposed annexation area known is located entirely within the Fenton Fire District and that this proposed annexation will have no impact or change on the provision of such services to this subject area.

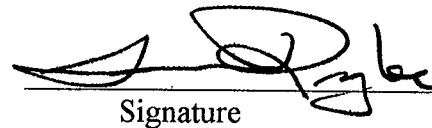
A handwritten signature in black ink, appearing to read 'Fran Ruzicka', is written over a horizontal line.

Signature

Mayor Fran Ruzicka

**CERTIFICATION THAT COPIES OF THIS PROPOSAL HAVE BEEN MAILED TO
THE ST. LOUIS COUNTY CLERK AND THE CITY CLERK OF ALL
MUNICIPALITIES CONTIGUOUS WITH THE AREA COVERED BY THIS
PROPOSAL**

Consistent with the Rules of the Boundary Commission, St. Louis County, Article III, Section A.8.a., I certify that copies of this proposal have been mailed to the St. Louis County Clerk. I further certify that the proposal annexation area is not contiguous to any area of another municipality, thus precluding the need to mail copies of this proposal to any other municipality.



Signature

Mayor Fran Ruzicka

CERTIFICATION THAT PROPOSING AGENT (CITY OF FENTON) WILL BEAR ALL COSTS OF THE BOUNDARY COMMISSION RELATING TO PUBLICATIONS, NOTIFICATIONS, COPIES, ETC. RELATING TO THIS PROPOSAL

Consistent with the Rules of the Boundary Commission, St. Louis County, Article III, Section A.10, I certify that the proposing agent (the City of Fenton) will bear all costs of the Boundary Commission relating to publications, notifications, copies, etc. related to this proposal.



Signature

Mayor Fran Ruzicka

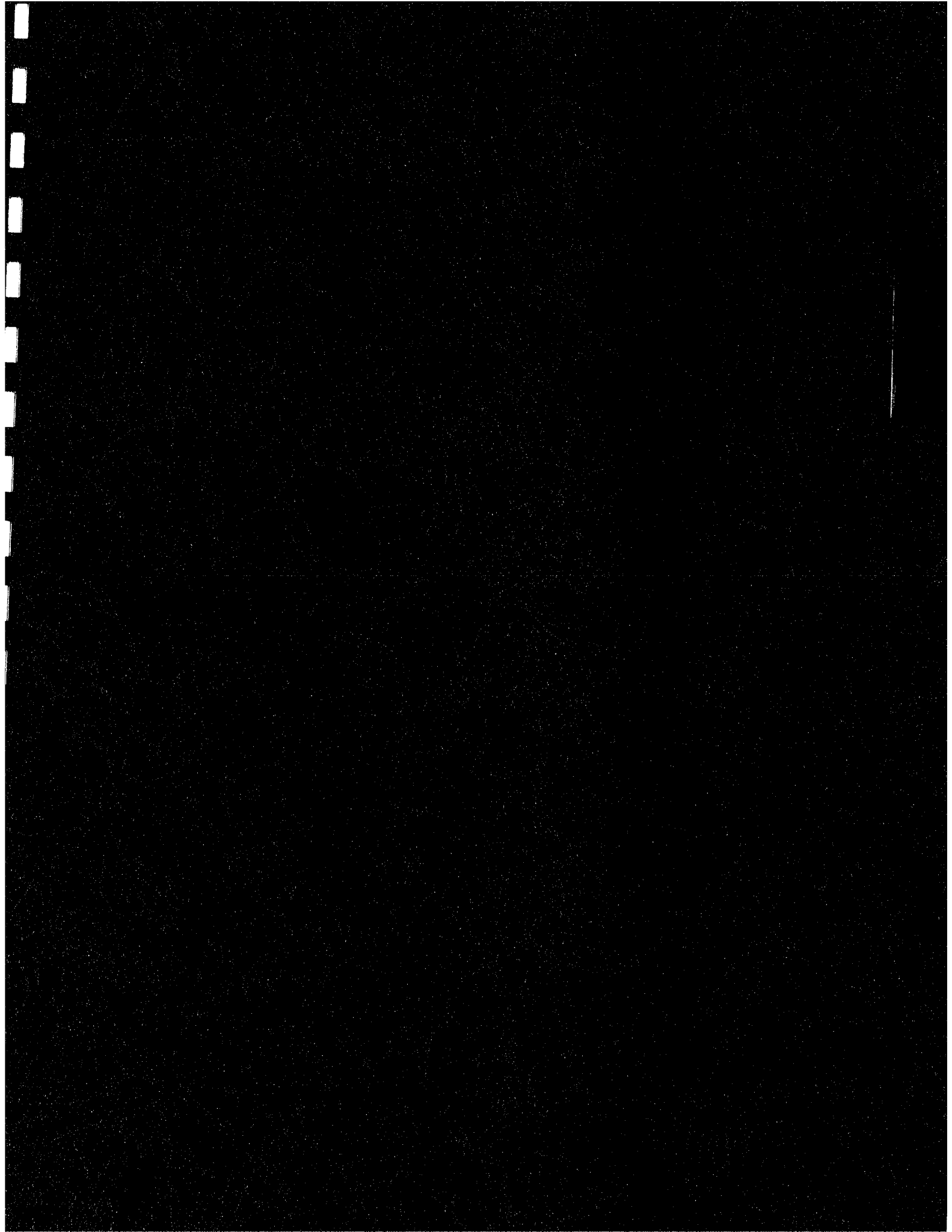
**CERTIFICATION THAT OF THE TERRITORY PROPOSED FOR ANNEXATION, AT
LEAST FIFTEEN (15%) OF ITS BOUNDARY IS ADJACENT TO THE
MUNICIPALITY WHICH IS PROPOSING THE ANNEXATION**

Consistent with the Rules of the Boundary Commission, St. Louis County, Article III, Section C.1, I certify that, of the territory proposed for annexation, at least fifteen (15%) of its boundary is adjacent to the municipality which is proposing the annexation.

A handwritten signature in black ink, appearing to read 'Fran Ruzicka', written over a horizontal line.

Signature

Mayor Fran Ruzicka



Plan of Intent

Proposed by:
THE CITY OF FENTON

Mandatory Review Factors

FACTOR 1. THE IMPACT, INCLUDING BUT NOT LIMITED TO THE IMPACT ON THE TAX BASE OR ON THE ABILITY TO RAISE REVENUE, OF SUCH PROPOSAL ON:

A. The area subject to the proposed boundary change and its residents;

The City of Fenton levies no residential or business property tax, no business license fees and has no residential utility tax. The business utility tax rate is 5% which is the same as St. Louis County. The 1% local sales tax that is collected from this tract of land will go to the "B" Pool City Area. In addition to this revenue, in 1996 the City passed the ½% sales tax for parks and storm water improvements. Because of these factors, it is important to point out that the development of the property included in this annexation would have a greater positive impact on all other taxing districts than it would have for the City of Fenton. (Table 1)

In the first scenario, looking at this area as it is right now, residents living in the unincorporated area pay for routine municipal services at an annual cost of \$166.00 per year. If this area is annexed into the City of Fenton these residents would be provided with numerous key municipal services such as:

- ✓ Solid Waste Pick-Up Twice a Week - No Charge
- ✓ Recycling Pick-Up Once a Week - No Charge
- ✓ Lawn Debris Removal Once a Week - No Charge
- ✓ \$10.00 Payment toward monthly residential MSD Bill
- ✓ City pays for Street Lights

The above listed services would equate to an approximate annual cost to the City of \$577.00 per household. This proposed annexation would result in providing equal, if not superior, subsidized municipal services to the residents in the proposed annexed area.

In the second scenario, development of the proposed area into a retail/commercial tract would also benefit the City and the population both within and outside the city's corporate limits. The City provides numerous services including, but not limited to police protection, street and infrastructure maintenance, storm water control and snow removal. These services are a benefit and will serve to offset the cost differential for the Owner.

<i>Financial Impact of Annexation</i>					
Tax Source	Current Unincorporated Scenario	Annexed as			
		Church / Residential		Retail/Commercial	
		St. L. Co & Other tax Dist.	Fenton	St. L. Co. & Other tax Dist.	Fenton
Property Taxes	\$3,073	\$3,073	\$0	\$396,909	\$0
Local 1% Sales Tax	0	0	0	296,885	0
½ % Park & SW Sales Tax	0	0	0	0	148,443
5% Utility Tax	500	0	500	0	20,732
Total Revenue	\$3,573	\$3,073	\$500	\$693,794	\$169,175

TABLE 1

B. The existing municipality or municipalities, if any, proposing the boundary change and the residents thereof;

The property as it currently exists would be of minimal costs to the City of Fenton. As previously stated, Fenton provides all residents with free trash pickup, curbside recycling, municipal level police protection, public works, planning and zoning, administrative and recreational services. In addition the City subsidizes up to \$10 per month of monthly residential M.S.D. bills. The City will not need any additional personnel to provide these services to the three (3) residences.

If this tract develops into a retail/commercial center, the City of Fenton would not receive any of its largest source of revenue, which is the 1% local sales tax. However, the City would receive the funds from the ½% Park and Storm Water sales tax.

With this proposed annexation, the current City of Fenton residents and businesses will not see any changes in the City's ability to deliver the high level of municipal services after the annexation has been completed.

C. Adjoining areas not involved in the boundary changes and the residents thereof;

The subject property to be annexed and those properties surrounding it are located at the southwest quadrant of Missouri Highway 141 and Highway 30, the proposed annexation area includes an unincorporated tract of land which is approximately 31 acres. (Appendix A)

The immediate area in St. Louis County surrounding the proposed annexation area has a hilly terrain and is sparsely settled. Several newer subdivisions, including Summerset Parq, are being developed within proximity of the proposed area. Residential, institutional and retail uses exist predominately across Highway 141 within the City's current boundaries.

The highway location, with its excellent accessibility and visibility, is likely to attract commercial interests. With the eventual widening of Highway 141 to six lanes at Highway 30, the new highway will only add to the impetus for future commercial development at this quadrant of the interchange.

Because of highway and other infrastructure improvements, the added attention brought on by potential commercial success may focus development interest on the available vacant land in the immediate vicinity. Similarly, the hilly terrain, rocky soils and other physical features within the immediate area of the proposed annexation area add to create higher project development costs.

The City believes strongly that the proposed annexation will have a positive impact on the adjoining areas with respect to an increased tax base and the ability of the City and County to raise revenues. Commercial traffic from future development may increase but is likely to be offset by increased Highway 141 capacity currently under construction by Missouri Department of Transportation.

D. The entire geographic area of the county and its residents;

The proposed area is currently in unincorporated St. Louis County and is situated in close proximity to the retail/commercial center of Fenton. Retail and commercial development should be attracted to the proposed annexation area due to the access to the State Highway system, high visibility, physical improvements, and needed infrastructure. *Future commercial development is likely to have a positive impact to the entire area and St. Louis County.*

This proposal has briefly touched on the City of Fenton and how the City and the proposed annexed area will be affected by the St. Louis County sales tax redistribution plan. As you are aware the City of Fenton is currently an "A" Point of Sale City.

The proposed annexation area is a "B" pool area. All general sales tax generated in that area is placed into a single "pool" along with the general sales tax generated from other unincorporated areas of St. Louis County and "B" classified municipalities. This sales tax that is collected in this "pool" is then distributed to each "B" city and St. Louis County based on their respective populations.

Even though the City of Fenton is proposing to annex the subject area, this tract of land will remain a "B" pool classified area and thus any general sales tax generated by that area will be shared with other "B" classified cities and St. Louis County and **not** the City of Fenton. If this area is left as is, the City of Fenton will receive its portion of the general sales tax generated in the proposed annexation area based on the population of the area annexed. Thus, the proposed annexation will have a *positive impact* on St. Louis County residents.

FACTOR 2. A LEGAL DESCRIPTION OF THE AREA TO BE ANNEXED, INCORPORATED, CONSOLIDATED, DISINCORPORATED, OR SUBJECT TO THE TRANSFER OF JURISDICTION.

- A. All descriptions should be in a standard legal form by metes and bounds, prepared and signed and sealed by a registered surveyor or professional engineer:**

Refer to **Appendix B** for the detailed metes and bounds legal description.

- B. A standard format shall be used;**

Please refer to **Appendix B** for the legal description.

- C. All descriptions shall close and indicate the included area in miles or acres.**

Please refer to **Appendix B** for the legal description.

FACTOR 3. THE ABILITY TO ACCOMMODATE THE ORDERLY INCORPORATION IN THE COUNTY, INCLUDING ITS ABILITY TO MAKE ADDITIONS, DELETIONS AND MODIFICATIONS WHICH ADDRESS LEGAL BOUNDARIES, TECHNICAL OR SERVICE DELIVERY PROBLEMS OR BOUNDARIES WHICH OVERLAP THOSE OF OTHER PROPOSALS; HOWEVER, SUCH ADDITIONS, DELETIONS AND MODIFICATIONS SHALL NOT MAKE SUBSTANTIVE CHANGES TO ANY PROPOSED BOUNDARY PETITION.

A. Ability to make additions, deletions and modifications which address:

1. legal boundaries;

This tract of land is presently in unincorporated St. Louis County, yet lies well within the geographic perimeter and corporate boundaries of Fenton proper. This annexation constitutes a move toward an orderly incorporation in the County by annexing into Fenton's corporate limits. This annexation would not create any unique servicing requirements.

This proposal contains no overlapping features or conflicts involving another jurisdiction. The outcome of this annexation would result in greater jurisdictional order in the community and logical boundary lines.

2. technical or service delivery problems;

There are no technical or service delivery problems inherent in this proposal because the subject area already geographically lies in close proximity to the City corporate boundaries. Additional servicing costs are negligible and can easily be absorbed through current operations.

3. boundaries which overlap those of other proposals;

There are no boundary disputes or overlapping proposals associated with this proposed annexation property.

4. Such additions, deletion and modifications shall not make substantive changes to any proposed boundary petition.

It is not anticipated that any substantive changes will be necessary in order to accommodate this proposal and this land is not being proposed for annexation by any other jurisdiction.

FACTOR 4. THE PRESENT LEVEL OF MAJOR SERVICES PROVIDED BY THE MUNICIPALITY OR OTHER PROVIDER, PROVIDED TO THE UNINCORPORATED AREA BY THE COUNTY, AND PROPOSED TO BE PROVIDED BY THE ANNEXING MUNICIPALITY OR MUNICIPALITY TO BE INCORPORATED OR CONSOLIDATED, INCLUDING, BUT NOT LIMITED TO POLICE PROTECTION, FIRE PROTECTION, WATER AND SEWER SYSTEMS, STREET MAINTENANCE, UTILITY AGREEMENTS, PARKS, RECREATION AND REFUSE COLLECTIONS;

A. If one or more municipalities are included in the proposed boundary change, itemize the following:

1. A full inventory of typical municipal services extended by any included municipality(ies);

The City provides municipal services for it's residents and businesses. An inventory of the services provided by City of Fenton and St. Louis County can be found on Appendix C.

2. A description of each service;

A description of each service is provided in Appendix C.

3. Any municipal services provided by a source other than included municipality(ies) together with a description of agreements or special arrangements;

In addition, Appendix C discusses any municipal services which are provided by contract or agreement through another provider or public agency.

B. If unincorporated areas are included in the proposed boundary change, itemize the full inventory of municipal type services provided by the County; other cities or private parties.

The full range of services provided by the City of Fenton, St. Louis County, and other agencies can be found on Appendix C.

FACTOR 5. A PROPOSED TIME SCHEDULE WHEREBY THE MUNICIPALITY OR PROPOSED MUNICIPALITY PLANS TO PROVIDE SUCH SERVICES TO THE RESIDENTS OF THE AREA TO BE ANNEXED, INCORPORATED OR CONSOLIDATE WITHIN THREE YEARS FROM THE DATE OF THE MUNICIPAL BOUNDARY CHANGES IS TO BECOME EFFECTIVE.

A. Give the date(s) at which each service proposed to be extended would be initiated;

All services would be provided immediately upon the effective date of the proposed boundary change.

B. A description of agreements and arrangements required to attain the scheduled change.

No agreements or other arrangements would be required, other than to formally notify St. Louis County of final approval by the Boundary Commission.

FACTOR 6. THE CURRENT TAX RATES OF THE AREAS SUBJECT TO THE PROPOSAL.

A. Provide current listing of tax rates for area affected by boundary change.

Tax/Levy	St. Louis County	Fenton
Real Estate Prop. Tax Levy	\$0.58/\$100 AV	\$0.00/\$100AV
Personal Prop. Tax Levy	\$0.58/\$100 AV	\$0.00/\$100 AV
Utility Tax Rate-Commercial	5% of Gross Rec	5% of Gross Rec.
Utility Tax Rate-Residential	5% of Gross Rec.	0% of Gross Rec.
Cable TV Franchise Tax	5% of Gross Rec.	3% of Gross Rec.

B. Provide current listing of licenses and fees for the area affected by boundary change.

<u>LICENSE/FEE</u>	<u>COUNTY</u>	<u>FENTON</u>
Residential Bldg. Permits	Based on Estimate Construction Costs and Sq. Ft.	Approx. Cost of Construction
Residential Occupancy Permit	\$25.00	\$5.00
Comm. Municipal Zoning Approval	Value of Construction	Value of Construction
Comm. Occupancy	\$45.00	\$25.00
Comm. Re-Occupancy	\$45.00	\$25.00
Sign/Banner	\$90 up to 100sq. \$145 > 100 sq. ft.	\$1.00 per sq. ft. Minimum \$10.00
Electrical	Contract with St. Louis Co.	Contract with St. Louis Co.
Plumbing	Contract with St. Louis County	Contract with St. Louis Co.
Excavation	\$5.00 permit \$5.00 inspection \$10.00 Total	\$10.00 Refundable deposit \$500 boring \$1,000 cutting street
Demolition	\$45.00 permit \$25.00 inspection	Refundable deposit \$500.00

The City of Fenton Fee Schedule is attached as **Appendix D**. Both the City of Fenton and St. Louis County utilize the issuance of permits, inspections and code enforcement to control and oversee development within their jurisdictions. Both units of government have appropriate fee schedules for permits and inspection services.

The City of Fenton contracts with St. Louis County Department of Public Works to perform the permitting and inspections for residential and commercial development within the City of Fenton. The City of Fenton gives the project municipal zoning approval before the project is started and final occupancy permits after it is completed. With or without annexation there will be no change in inspection service and fees.

FACTOR 7. WHAT SOURCES OF REVENUE OTHER THAN PROPERTY TAX ARE COLLECTED OR ARE PROPOSED TO BE COLLECTED BY THE MUNICIPALITY OR PROPOSED MUNICIPALITY.

A. List all current sources of revenue, including rates and projected revenue realized for:

1. All municipal taxes and fees.

If the proposed area is left as is, the City will realize revenues, including sales tax and intergovernmental revenues of approximately \$1,578 in 1998, \$1,825 in 1999 and \$1,674 in the year 2000. Once the proposed area is fully developed the City will collect approximately \$176,812 per year. (Table 2)

2. All investment income.

The City's general fund investment income will be appropriated annually by the Mayor and Board of Aldermen for general fund operating expenses and capital improvement purposes, just as any other general revenue source would be treated. The City does not anticipate any significant increase in interest income relating to this annexation.

Investment income from the park and storm water sales tax will be appropriated annually by the Mayor and Board of Aldermen for appropriate operating expenses and capital improvements.

3. Fire district rates, if applicable.

The proposed area will remain in the Fenton Fire Protection District which currently has a property tax rate of \$.74 per \$100 assessed valuation.

<i>Annexation Impact - City of Fenton Revenues</i>			
Taxes and Fees	Rate	REVENUE INCREASE	
		Church / Residential	Commercial Center
Utility Tax	5%	\$500	\$20,732
Cable TV Franchise Tax	3%	13	0
Pool Sales Tax	\$115	690	0
Gas Tax	\$25.42	153	0
Cigarette Tax	\$4.40	26	0
Co. Road & Bridge Tax	.105 /\$100AV	136	7,637
Motor Vehicle Fee	\$4.45	27	0
Motor Vehicle Sales Tax	\$5.45	33	0
Park & Storm Water Sales Tax	½ %	0	148,443
Total Revenue Increase		\$1,678	\$176,812

TABLE 2

4. All reserves, fund balances, enterprise funds.

The City of Fenton has an approved fund balance policy which demonstrates the City of Fenton's commitment to maintaining a strong fund balance. A copy of this policy is attached as Appendix E. Revenues from the annexation area will be used to help fund general services such as law enforcement, street maintenance, code enforcement, and administration services. The City of Fenton does not operate any enterprise funds.

5. Traffic Generated Assessments.

Traffic generated assessments are generally used as a reference or a guide for determining the extent of roadway improvement requirements related to a new development. In theory, a developer pays a specific traffic generated assessment ("TGA") which is generally calculated as a dollar amount per parking or loading space. The TGA is used for financing the costs relating to roadway improvements, lane widening, installation of traffic signals, bridge construction and other applicable

improvements. In unincorporated St. Louis County the contribution is negotiated and established in the final zoning ordinance approved by the St. Louis County Council. The developer's total obligation for specified road improvements shall not exceed the TGA contribution, except if the improvements are considered mandatory for the safety of the public. The developer's contribution is used for roadway improvements associated with their development and for improvements located within the established TGA district.

Within incorporated St. Louis County, the need for traffic generated assessments fall within the jurisdiction of the municipality. This proposed area currently falls within the St. Louis County established TGA district. (Appendix F)

The City embraces the theory of traffic generated assessments. If this proposed area is developed, the City will require the developer to uphold the spirit and intent of the TGA. The City will require that the developer be responsible for the TGA contribution which will be collected by the City for roadway improvements related directly to the new development. The City and the County have come to a tentative agreement that as long as the developer is required to contribute funds that are equal to a TGA, the City may collect and distribute these funds to improve the roadways.

6. Any proposed changes to the revenue structure.

At this time, the City of Fenton is not proposing any changes to the revenue structure.

B. In addition to those existing city revenue instruments that may be extended to the unincorporated area proposed to be annexed, indicate all proposed new sources or revenue (including new tax rates and new fees), their proportion of the proposed budget, whether or not new revenues are earmarked for a specific source, and a three year projection.

No new sources of revenue are anticipated.

C. Summary of current and projected expenditures.

The City of Fenton has a five year projection for general fund revenue and expenditures. The expenditures are divided into reoccurring operating expenses and non-reoccurring capital and grant projects. The City of Fenton reserves 15% of general fund budgeted revenue for non-reoccurring projects. Operating expenditures are categorized into several categories.

The first two are for payments to employees and employee benefits. The third category is the City of Fenton's municipal police service contract with the St. Louis County Police Department. The fourth category is for payments made for residential citizens, including trash pickup, curbside recycling, street lights, and up to \$10 per month of

sewer bills.

Over the next twenty-four months, the City of Fenton will be building and operating a new Recreational Complex and a City Government Center. The Recreation Complex is designed to serve the needs not only of Fenton residents, but also the residents located in the Fenton area. The City Center will provide the needed space, technology and accessibility necessary to provide modern open municipal government.

The increase in capital and operating expenditures for these two new buildings will come from several sources. The capital

expenditures will be covered by the proceeds from a bond issue, from the general fund, and from a new parks and storm water tax. The increased operating expenses will be covered by recreational program fees, the general fund and the ½ cent parks and storm water tax. The general fund, and the ½ cent parks and storm water improvements tax will also be utilized for payments on the bond issue.

D. Cost of extending services to annexation area(s) if applicable.

Although the City's service extension costs will be minimal, they must be examined separately under (1) the present scenario and (2) the redevelopment scenario.

1. CHURCH/RESIDENTIAL SCENARIO

The City's service extension costs to the area will be minimal, if any, for the existing church. Servicing the 3 homes includes paying for the full cost of trash service and recycling, \$10/month off their monthly sewer costs, brush and leaf collection, snow removal of Old Smizer Mill Road and the end of Country Home

<i>Three-Year Summary Projection</i>			
CATEGORY OF EXPENDITURES	1998 PROJECTIONS	1999 PROJECTIONS	2000 PROJECTIONS
OPERATING EXPENDITURES			
Personnel	\$1,220,000	\$1,281,000	\$1,345,000
Employee Benefits	329,000	346,000	363,000
Police Contract	1,191,000	1,250,000	1,313,000
Direct Residential Payments	579,000	649,000	725,000
Other	1,193,000	1,252,000	1,315,000
New Center Operations	769,000	1,015,000	1,066,000
TOTAL OPERATING EXP.	\$5,281,000	\$5,793,000	\$6,127,000
CAPITAL & GRANT PROJECTS	\$11,704,000	\$4,665,000	\$2,076,000
BOND PAYMENTS	1,522,000	1,518,000	1,516,000
TOTAL EXPENDITURES	\$18,507,000	\$11,976,000	\$9,719,000

TABLE 3

Drive. Other municipal services such as full service police protection, planning and zoning and parks and recreation will be available. The additional cost of providing services to the annexed area is estimated at \$1,700.

Servicing existing residential from both New and Old Smizer Mill is easily facilitated because the residences are adjacent to the existing city limits. The other two properties at the end of Country Home Drive can be accessed by proceeding south on Highway 30 and returning on Country Home Drive mostly through unincorporated St. Louis County. This does not cause a problem because most of the services provided are by contract. The only other services that the City would be actually providing to these three (3) residences are once a week leaf/ brush collection and snow removal.

Country Home Drive is currently a St. Louis County road. This road is now, and will continue to be maintained by St. Louis County. This annexation will not in any way hinder St. Louis County in providing maintenance to this road.

2. REDEVELOPMENT SCENARIO

If the property is developed for retail and commercial purposes the City will provide the municipal services it regularly provides to current retail and commercial areas within the city limits. The City currently provides superior snow removal and street maintenance to publicly owned streets. The proposed area will be serviced by full police protection which now and in the future will be provided by the St. Louis County Police Department. The additional cost of providing services to the annexed area is estimated at \$2,000.

Services can be provided at minimal cost due to the compactness of the subject area relative to the existing City of Fenton boundaries. To provide the regular municipal services, the City can absorb the impact of the new area and provide public services to these residents at negligible costs. It should be noted that this scenario is based upon the St. Louis County Police Department's estimates that the cost to provide services to the annexed area will be negligible. However, if calls for service increase above expected levels, the City's contract with St. Louis County will be adjust accordingly.

As described before, the proposed annexation area is currently a part of the St. Louis County sales tax distribution pool. Though the City of Fenton is an "A" point-of-sale city for purposes of sales tax distribution, the sales tax dollars generated from the proposed annexation area would remain in the St. Louis County sales tax distribution "B" pool.

FACTOR 8. THE EXTRAORDINARY EFFECT THE BOUNDARY CHANGE WILL HAVE ON THE DISTRIBUTION OF TAX RESOURCES IN THE COUNTY.

This annexation would produce a minimal impact on the tax resources of St. Louis County. Because the area will become part of the corporate boundaries of the City of Fenton, some taxes previously paid to the County will now be paid to the City. In addition, net tax resources could increase with the possible development of a commercial/retail center.

Currently, the sales tax pool receives *nothing annually* from proposed area. The City estimates that St. Louis County receives:

- ✓ \$500.00 per year in utility tax revenue,
- ✓ \$21.00 per year in cable television tax,
- ✓ \$136.00 per year in Road and Bridge tax, and
- ✓ \$239.00 in other per capita intergovernmental taxes.

<i>Annexation Impact - St. Louis Co. Revenues</i>				
Taxes and Fees	Rate	Current Status	REVENUE CHANGE	
			Church / Residential	Commercial Center
Property Taxes	.58 /\$100AV	\$327	\$327	\$42,186
Utility Tax	5%	500	0	0
Cable TV Tax	5%	21	0	0
Gasoline Tax	\$25.42	153	0	0
Motor Vehicle Sales Tax	\$5.45	33	0	0
Motor Vehicle Fee	\$4.45	27	0	0
Cigarette Tax	\$4.40	26	0	0
Local Sales Tax Group "B" Pool	1%	0	0	296,885
Total Revenue Increase		\$1,087	\$327	\$339,071

TABLE 4

If the annexation area is developed under the commercial/retail scenario the impact on the sales tax "B" pool will be significant and positive.

The redevelopment will generate an estimated \$29,688,500 per year in sales. As shown in Table 4, if this area is developed it will generate \$296,885 in new sales taxes for the "B" pool cities and the County. The County will lose an estimated \$760 from all other taxes. *This still comes out as a net gain for St. Louis County.*

FACTOR 9. HOW THE MUNICIPALITY OR PROPOSED MUNICIPALITY PROPOSES TO ZONE ANY AREA NOT PRESENTLY INCORPORATED.

A. The existing zoning maps plus an accurate and complete description of zoning regulations which apply to existing categories;

The proposed annexation area is presently zoned under the St. Louis County's zoning ordinance. The properties are zoned R-2 and R-3 Single Family Residential with the Flood Plain District overlaying these two zones (FPR2 and FPR3) along the northern portion of the area. A zoning map of the subject area is shown on Appendix G. A description of these zone districts from the County's existing zoning ordinance is provided below.

"FP" Flood Plain District

The "FP" zoning district is an overlay district designed to provide additional regulations for those areas of St. Louis County located in the 100-year flood plain and floodway. Property zoned "FP" is also zoned under another applicable zoning district governed by the St. Louis County Zoning Ordinance. In case of any conflict between the "FP" zoning regulations and the regulations otherwise applicable to any property by virtue of its underlying zoning, the "FP" regulations govern.

"R-2" Residence District

The purpose of the "R-2" zoning district is to provide areas for single-family residences on lots with a minimum area of 15,000 square feet. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences.

"R-3" Residence District

The purpose of the "R-3" zoning district is to provide areas for single-family residences on lots with a minimum area of 10,000 square feet. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences.

B. The projected zoning of unincorporated areas should be mapped and identified by existing zoning districts. Any transition of land use character should be indicated and described;

The current St. Louis County zoning for the subject area is R-2 and R-3 Residential with a Flood Plain overlay over the northern part of the subject area. The proposed zoning for all areas currently zoned "R-2" and "R-3" with the "FP" Overlay is the City of Fenton zone district, "OT-2" - Commercial Zone District which includes retail shopping centers as a permitted use.

The City's "OT-2" zoning district exists adjacent to the proposed annexation area separated only by the adjacent highway interchange. The "OT-2" zone district currently holds large-scale commercial, retail uses such as grocery stores, fast-food restaurants, and clothing stores. If development proceeds, these are the similar types of commercial uses that will be developed on the area to be annexed. No non-conforming uses will be created as a result of the proposed zoning changes.

Any request to change zoning should be submitted by the property owner. The request would be referred to the Fenton Planning and Zoning Commission for recommendation and then submitted to the Board of Aldermen for approval or denial.

C. Other regulations such as subdivision, flood plain management ordinances; special districts such as historic preservation; or any other relevant regulations should be included with zoning information if any significant effects are likely to result from their extension into the unincorporated area.

The City of Fenton has adopted Ordinance #1872 to enforce its Flood Plain Management regulations. These regulations ensure that every development built within the City of Fenton is built at or above the 100-year flood plain as identified on the Flood Insurance Rate Map (FIRM) as determined by the Federal Emergency Management Agency.

It should be pointed out that the City's flood plain management regulations differ from St. Louis County. In fact, St. Louis County's flood plain regulations would not allow the Owner to develop the property at any time. The City of Fenton's flood plain regulations are realistic and require strict compliance to all FEMA regulations.

D. Zoning and land use regulation;

1. Description of projected zoning changes which would affect residents and/or other property owners.

As discussed earlier, the proposed zoning for the annexed area will include rezoning the property to the City of Fenton's "OT-2" Commercial District. All proposed uses by the Owner will be permitted in this city zone district. Adjacent to the property on the south side is land currently zoned by St. Louis County as "C-8" Planned Commercial District.

The "C-8" district encompasses areas where development and uses permitted in any other commercial districts may be located. It is the purpose of this district to facilitate the establishment of combinations of development and uses for which no provision is made in any other commercial district.

St. Louis County zoning, allowing a broad range of commercial possibilities exists adjacent to the subject property. Residents and property owners would expect zoning changes on non-commercial zoned property in the immediate vicinity given the commercial attraction of this highway interchange and the established commercial zoning.

2. Identification of non-conforming setbacks, lot sizes, land uses, etc. which would result from zoning and remedies being instituted or intended;

No non-conforming uses will be created as a result of the proposed zoning changes. New lots will be created and are expected to conform to the proposed zone district's regulations. Building setbacks and height limits will also be observed.

It is not anticipated that any lot or building that may be rendered nonconforming by the proposed zoning will create an undue hardship on any owner or user of such a lot or building. The City of Fenton zoning ordinance specifically protects nonconforming lots of record with the following provision:

Section 420.010 (f):

Transfer of Ownership. If, as the result of enactment of this Code, existing uses and/or structures may continue under the category of prior non-conforming uses. The property may be sold or transferred by its owner or any future owner or owners, and such new and future owner and owners shall be entitled to continue the non-conforming use or a similar non-conforming use, or may initiate any use permitted within the new zoning district, and any structures on the property may continue in their non-conforming status after such sale or sales.

If there are any undue hardships created by the imposition of the Fenton zoning regulations, an aggrieved owner, resident, or applicant would have grounds to seek a variance from the strict interpretation of the zoning ordinance.

3. Identification of ongoing development projects and indication of provision for transition of jurisdiction.

At this time, the developer has submitted a request for a simple annexation. The developer has under contract obtained all interest in real property and has submitted to the City a concept plan for the site. The annexation proposal was requested by the proposed developer in anticipation of the commercial development project. The developer seeks the appropriate zoning for the proposed retail/commercial uses. These have been identified to be similar to those permitted in the OT-2 Commercial Zone District.

FACTOR 10. THE COMPACTNESS OF THE AREA SUBJECT TO SUCH PROPOSAL

- A. Service delivery/access...the use of roads within the proposed city for safe and efficient delivery of services and access to properties within city. It implies that properties shall not be left stranded, or unable to be accessed by the jurisdiction that contains them.**

The subject area at the southwest quadrant of Highway 141 and Highway 30. It is accessed by State Highway 141 or locally known as New Smizer Mill Road. With the new highway expansion and alignment, the proposed area will have direct frontage on State Highway 141.

A second access point is provided from the south by Country Home Drive. This road does not currently connect to State Hwy. 141. If this proposed area is developed the City will require roadway improvements of Country Home Drive so that it provides safe and adequate access through the development. These improvements will meet St. Louis County Standards.

- B. Community of interest...A geographic area within which one property owner or resident will be significantly affected by municipal decisions concerning another property within that area (either public or private); also, a geographic area within which the residents use many of the same public and private facilities, e.g. churches, parks, elementary schools, grocery stores, etc.**

There is a strong community interest between the City of Fenton and the proposed area. The proposed area is directly across the street from St. Paul's Church and elementary

school, established Fenton subdivisions, and less than a quarter mile from Fenton City Hall, Fenton Community Center, and Bud Weil Park. Should the retail/commercial development be built, the residents of Fenton and the surrounding area would benefit by having more opportunities to shop and dine.

- C. Natural and/or man-made barriers may serve as boundaries as they are obstacles to safe and efficient service delivery/access. Examples include discernible features such as rivers/creeks and other bodies of water; rail systems that block access.**

If the area remains undeveloped, access to the south side of the proposed area can be obtained by traveling a short distance on Highway 30. If this area is developed, access should be noticeably improved since it is planned to have Country Home Drive connect directly with the development through to State Highway 141. With development, bridges will also be constructed to traverse across Fenton Creek.

The boundaries of the annexation area follow existing streets (highways) and property demarcation lines keeping properties intact.

FACTOR 11. WHEN THE PROPOSED BOUNDARY CHANGE SHALL BECOME EFFECTIVE.

- A. Provide the proposed effective date for the boundary changes as proposed.**

The changes will become effective as soon as is legally permitted under the Boundary Commission rules and regulations and State Statutes. Currently the Boundary Commission has set a period of no more than four months for review and decision of a "simplified boundary change". The Commission may choose to require a vote; however, the City of Fenton asks that the proposal be approved without a vote for the following reasons:

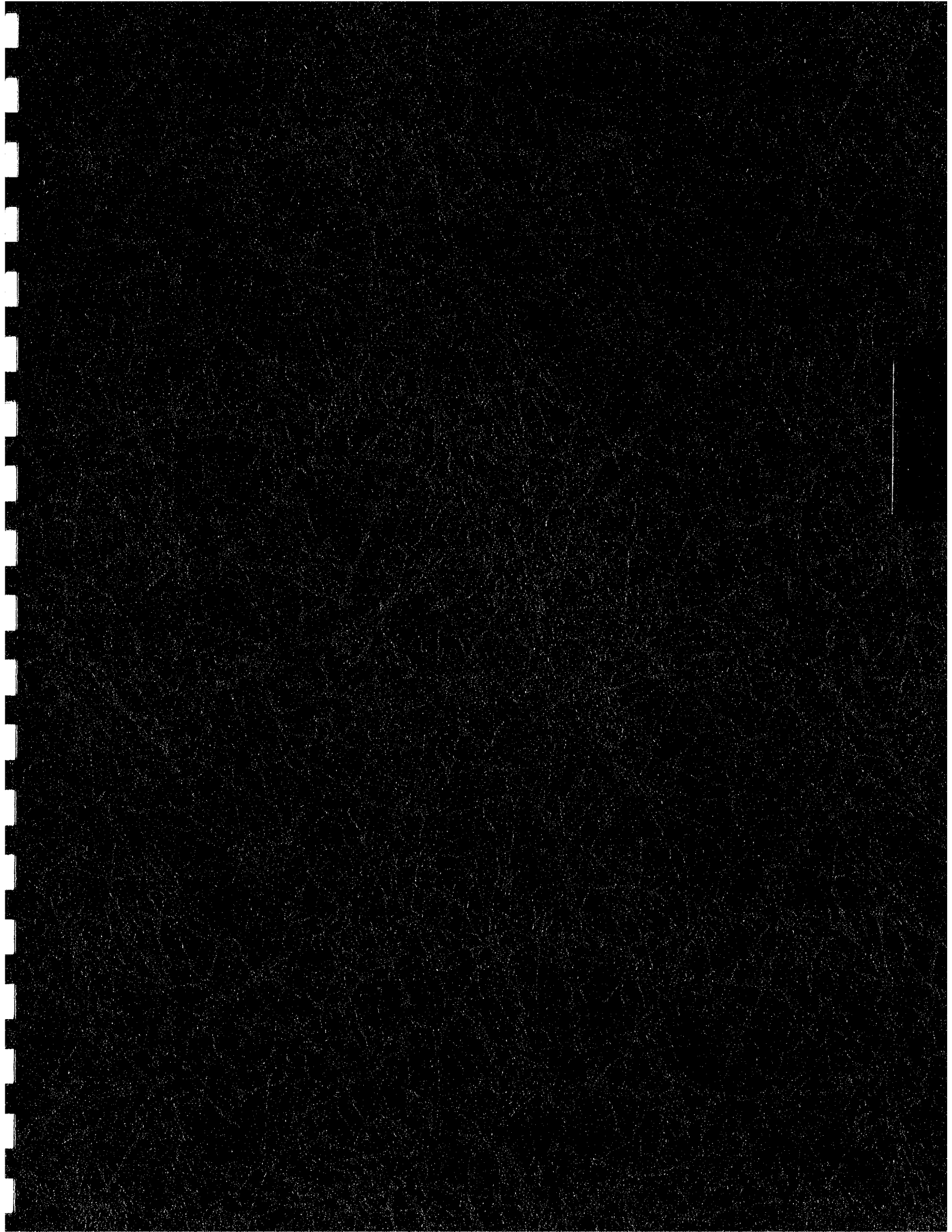
1. The property owners of the subject property have signed a petition document requesting that the City of Fenton adjust its boundaries to incorporate the subject property into Fenton, which, in our opinion, indicates the necessary support from the subject area of annexation, and
2. The subject area will have no adverse impact on the financial resources of the existing City, as was previously established. As a result, opposition to this proposal by existing residents would be negligible, if any.

We request that, due to the reasons stated immediately above, the Boundary Commission waive the requirement for a costly election. A copy of the petition is included in **Appendix H**. The final appendix of this document, contains the certified and approved

Board of Aldermen Council ordinance adopting this Plan of Intent.

- B. No simplified boundary change involving territory already described in an annexation resolution or incorporation petition filed with the Commission shall occur unless the annexation or incorporation proposal first filed has been disapproved by the Commission or defeated by the voters.**

This proposal does not involve territory already described in an annexation resolution or incorporation petition filed with the Commission.



APPENDIX - A

CITY OF FENTON

Proposed Simplified Annexation
At the Intersection of State
Highways 30 and 141

May 8, 1997



PROPOSED AREA
OF ANNEXATION

CURRENT CITY OF
FENTON CORPORATE
LIMITS

APPENDIX - B

LEGAL DESCRIPTION

A tract of land being part of Section 27, Section 34 and U.S. Survey 373, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows:

Beginning at the intersection of the Southwestern line of a tract of land conveyed to David J. and Barbara L. Barton by deed recorded in Book 6674, page 2483 of the St. Louis County Records with the Northwestern line of State highway Route 30 as condemned by the State of Missouri by Cause No. 299274 of the Circuit Court of St. Louis County and Report of Commissioners recorded in Book 6420, page 1431 of the St. Louis County Records; thence along said Northwestern line of Route 30, North 56 degrees 19 minutes 52 seconds East, 139.68 feet to a point being 145.00 feet perpendicular Northwesterly of center line station 482+37, North 42 degrees 58 minutes 00 seconds East, 503.72 feet to a point being 152.00 feet perpendicular Northwesterly of center line station 477+51.85, North 44 degrees 00 minutes 00 seconds East, 217.61 feet, North 23 degrees 54 minutes 10 seconds East, 69.29 feet, South 34 degrees 34 minutes 50 seconds East, 24.29 feet, North 44 degrees 00 minutes 00 seconds East, 43.97 feet to a point being 184.00 feet perpendicular Northwesterly of center line station 474+45, North 45 degrees 53 minutes 50 seconds East, 158.87 feet to a point being 204.00 feet perpendicular Northwesterly of center line station 472+95, North 56 degrees 17 minutes 26 seconds East, 76.90 feet to a point being 202.00 feet perpendicular Northwesterly of center line station 472+22, North 39 degrees 15 minutes 23 seconds East, 110.44 feet to a point being 234.00 feet perpendicular Northwesterly of center line station 471+22, and North 2 degrees 41 minutes 50 seconds West, 39.43 feet to a point on the Southern line of Relocated Route -141, said point being 85 feet radial distant from center line station 6+95; thence North 38 degrees 48 minutes 16 seconds East, 85.00 feet to said center line; thence along said center line being a curve to the left having a radius of 1432.40 feet an arc distance of 76.29 feet to the point of tangent; thence North 54 degrees 14 minutes 50 seconds West, 877.66 feet to the point of intersection of the extension Northeasterly of the center line of Old Smizer Mill Road; thence along said extension of Old Smizer Mill Road and said center line, North 88 degrees 36 minutes 02 seconds West, 388.33 feet to an angle point therein; thence continuing along the center line of Old Smizer Mill Road; North 88 degrees 21 minutes 34 seconds West, 101.41 feet to an angle point therein; thence North 74 degrees 15 minutes 12 seconds West, 74.26 feet to an angle point therein; thence North 60 degrees 38 minutes 06 seconds West, 48.48 feet to the Northwest corner of property conveyed to Kenneth R. Tebo by Deed recorded in Book 7328, page 1446 of the St. Louis County Records; thence

along the West line of Tebo and the West line of Barton, as aforementioned, South 3 degrees 37 minutes 25 seconds West, 974.96 feet to the Southwest corner of Barton; thence along the South line of Barton and the South line of property conveyed to Willard King by Deed recorded in Book 4754, page 428 of the St. Louis County Records and property conveyed to Eldon and Patricia Lohman by Deed recorded in Book 7472, page 903 of the St. Louis County Records, South 34 degrees 25 minutes 59 seconds East, 805.38 feet to the point of beginning and containing 32.6 acres.

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APPENDIX - C

INVENTORY OF SERVICES

Service	Current Provider	New Provider	Notes
Government and Administration	St. Louis County	Fenton	St. Louis County jurisdiction remains in effect, but Fenton Mayor and City Board of Aldermen provide primary services
Police	St. Louis County	Fenton	St. Louis County jurisdiction remains in effect. City of Fenton has a full service contract for police services with St. Louis County.
Parks and Recreation	St. Louis County	Fenton	City has over 200 acres of both passive and active parkland. The City is in the process of constructing a recreational facility with indoor and outdoor aquatic facilities to serve the City and surrounding area.
Solid Waste/Recycling	Resident	Fenton	City contracts with Meramec Hauling for all solid waste/recycling services. This is 100% -subsidized by the City.
<i>Sewer Service M.S.D. Bills</i>	<i>Resident</i>	<i>Fenton</i>	<i>City pays up to \$10.00 per month on residential M.S.D. bill.</i>
Leaf and Brush Collection	Resident	Fenton	100% City-Subsidized
Planning & Zoning	St. Louis County	Fenton	City has recently finished a new comprehensive zoning code and land use plan.
Municipal Court		Fenton	
Streets, Sidewalk and Infrastructure Repair and Maintenance	St. Louis County	Fenton	
Snow Removal	St. Louis County	Fenton	
Fire/EMS	Fenton Fire District	Fenton Fire District	
Utility Agreements	St. Louis County	Fenton	
Health & Social Services	St. Louis County	Same	
Electric Services	Union Electric	Same	

INVENTORY OF SERVICES (cont.)

Service	Current Provider	New Provider	Notes
Natural Gas Services	Laclede Gas	Same	
Water Service	St. Louis County Water	Same	
Cable Television	St. Louis County	Fenton	Fenton administrates the rates and the cable franchise agreements.
Telephone Service	Resident	Same	

INVENTORY OF SERVICES

1. A LIST OF MAJOR SERVICES PRESENTLY PROVIDED BY THE CITY:

TYPE OF GOVERNMENT

The City of Fenton is a fourth class municipality governed according to Missouri State Statutes by a Mayor and Board of Aldermen. Fenton was first incorporated in 1874 and then reincorporated in 1959. The City provides major services such as street maintenance, public works, parks, recreation, municipal court, planning and zoning, police and general administrative services.

REPRESENTATION AND ADMINISTRATION

The Mayor and Collector are elected at large in odd numbered years for two-year terms. The Board of Aldermen appoints the City Clerk. The City is divided into four wards, served by two Aldermen per ward elected in alternating years for two-year terms. Upon the effective date of the annexation, the subject parcel would become part of Ward 1 in Fenton.

The Mayor is the chief operating officer and is charged with the overall operations of City business. The Board of Aldermen sets policies, rules and regulations. The Assistant to the Mayor is responsible for the coordination and supervision of daily municipal services through the department heads and employees. The Assistant to the Mayor serves at the pleasure of the Mayor and the Board of Aldermen.

BOARD AND COMMISSIONS

The Board of Aldermen holds their formal meeting every third Monday of the month. Every year the Board elects a President of the Board. In addition, the Board forms working committees to review all issues relating to policies and procedures. All items are scheduled for the relevant committee for discussion. These public meetings are held as follows:

The Thursday following the monthly Planning and Zoning Commission Meeting:

- Personnel & Public Relations
- Police
- Planning and Zoning Liaison Report
- Parks and Recreation Liaison Report

The Last Wednesday of the Month:

- Capital Improvements
- Finance
- Public Works
- Health and Safety

In addition to the Board of Aldermen, the City has several boards and commissions to deal with local issues such as the Planning and Zoning Commission, Parks, Beautification and Recreation Advisory Board, Human Rights Commission, Senior Advisory Commission, Industrial Development Authority and Board of Adjustment. With the exception of the Board of Aldermen, membership on these boards and commissions is available to any resident that is recommended by the Mayor and approved by the Board of Aldermen, as openings become available.

POLICE DEPARTMENT

The St. Louis County Police Department/City of Fenton is comprised of 20 full-time police officers dedicated to providing police services to the City. The officers assigned to the City of Fenton include a Captain, who serves as the City's Chief of Police, a Sergeant, fifteen patrol officers and two officers assigned to community policing.

The St. Louis County Police Department/City of Fenton works closely with representatives of the city and community, seeking citizen input in identifying problems and developing mutually acceptable solutions. The emphasis is on being proactive and committed to preventing incidents rather than simply reacting to them.

The City of Fenton is divided into three sectors, with each being patrolled 24 hours per day. The sectors mainly consist of the retail, residential and industrial/hospitality districts of the city. Due in part to the extensive city park system, several officers are specially trained to patrol on bicycle. Many city residents/businesses participate in the Neighborhood/Business Watch Program.

A Law Enforcement Explorer Program has been established in the City of Fenton for youths between 15 and 20 years of age that are interested in a law enforcement career. This program is coordinated through the Boy Scouts of America. These volunteers assist police officers with non-emergency police duties.

Residents of the Fenton area are invited to participate in regularly scheduled Citizen Police Academy sessions, which are held at the Fenton Community Center. The Academy offers information on street gangs, patrol tactics, police officer survival, criminal law, investigative procedures and tactical situations. In addition to these operations, the academy offers a wide variety of crime prevention information.

The St. Louis County Police Department supports officers assigned to the City of Fenton with more than 600 full-time commissioned police officers. With the third largest investigative unit in the State of Missouri, the Division of Criminal Investigation has Detectives assigned to specialized units which include homicide, robbery, sexual assault, family crimes, arson & explosives, drug enforcement, auto theft, burglary, polygraph and general assignment unit.

The Bureau of Criminal Identification is staffed with highly trained forensic scientists, photo lab and crime scene technicians and fingerprint analysts and firearms examiners. The crime lab has recently added a highly sophisticated DNA comparison program.

Officers assigned to the Bureau of Tactical Operations are highly trained with the most recent and effective weapons and tactics. Several members are trained hostage negotiators. The Police Department's flight operations are based at Spirit of St. Louis Airport. Helicopters are equipped with the latest night vision and surveillance equipment.

All schools in the City of Fenton participate in the Police Department's Drug Abuse and Resistance Education (D.A.R.E.) program. Officers assigned to the D.A.R.E. Unit present crucial drug awareness and resistance oriented strategies to more school age youths than any other program in the State of Missouri.

Police communications are provided through the state-of-the-art Computer-Aided Dispatch (C.A.D.) system. This system provides efficient routing of police calls to the appropriate units. Typical emergency response time in the City of Fenton averages three minutes.

Officers make police reports via the Computer-Aided Report Entry (C.A.R.E.) system. With this system, officers no longer have to hand-write police reports. Officers verbally communicate report information to a C.A.R.E. operator who enters the information into a computer. The report is immediately available to investigating detectives. With this report system, officers are able to spend more time on community problems and less time writing reports.

The St. Louis County Police Office of Emergency Management is responsible for coordinating natural or other disasters should they occur in the City of Fenton. In addition, the City has developed an Emergency Management plan that is on file with the State Emergency Management Agency.

PUBLIC WORKS DEPARTMENT

Department Overview

The Fenton Public Works Department is responsible for repairing, maintaining and improving all of the City's infrastructure, street and parks. This includes the repair, maintenance and improvement of public concrete and asphalt streets, gutters, curbs and sidewalks using the appropriate materials and methods.

The Public Works Director coordinates the priority, scheduling, timing and performance of this work. Some efforts are coordinated with the City's planning department and the City Engineer. The City utilizes various computerized programs for mapping, planning, engineering drafting and monitoring of infrastructure and utilities. Over the next several months the City will be installing a computer network system to assist staff and management in monitoring vehicle maintenance, labor and materials.

The department has its own vehicle mechanic and performs its own vehicle maintenance. The St. Louis County Police use the City's maintenance facilities computerized gas pumps to fill their cars that patrol in both the City and the unincorporated areas.

Storm Water Control

Storm water control is a major concern of the City. The Board of Aldermen Capital Improvements Committee works with the Board, Mayor and staff to identify the major storm water projects that must be prioritized and accomplished for each fiscal year. The city will be dedicating funds from the new ½ cent storm water sales tax to accomplish many of these projects.

Park Maintenance

The Public Works Department utilizes its own equipment and labor to maintain over 200 acres of parkland. This includes eight parks, eight irrigated soccer fields, eight softball fields, two lakes, four tennis courts, multi-purpose courts and the right-of-way on State Highway 44 that are within the City limits.

Other Services

The Public Works department provides:

- **Residential curbside leaf and lawn debris collection.** This collection utilizes specially equipped trucks, which vacuum leaves previously raked to the curb by residents. The City disposes of this brush by utilizing its own chipper and taking materials to the Peerless Park Compost.

- **A post-holiday drop-off site Christmas Tree Program** is offered to residents, which gives them a convenient means to dispose of their Christmas trees. The trees are then chipped and the resulting material is available as winter mulch. This program provides convenience to residents and allows the City an opportunity to recycle these trees in an environmentally acceptable and useful manner.
- Utilization of staff and equipment to provide **high quality snow removal services**. Crews are called out as required 24 hours a day and stay on the job until streets are cleared using the proper combination of plowing and application of salt and calcium chloride.
- The City of Fenton also **offers Senior Citizens snow removal and lawn cutting services** to those seniors who qualify for the program. Currently, the City of Fenton provides these services to over 21 qualified seniors citizens
- The City of Fenton also provides **mosquito larvicidal spraying**. This service is performed on a regularly scheduled basis and on demand, especially as susceptible season's dictate.
- The City fully **subsidizes street lighting costs**. Should the subject property be successfully annexed and ultimately developed, the City would, by request, begin immediately funding the street lighting services for the subject property.

The Fenton Public Works Department can and will extend all services and programs to the subject parcel. The hiring of additional Public Works employees will not be necessary as a result of this annexation proposal. The City will be able to provide the same level of service to residents of the subject properties as it does the existing City, and without additional human resource requirements.

PARKS AND RECREATION DEPARTMENT

Fenton operates a total of eight parks. Fenton City Park, the City's primary park, is approximately 93 acres in size and offers a vast number of recreational facilities and activities such as:

- Tennis courts,
- Softball/baseball fields,
- Irrigated soccer fields,
- Volleyball courts,
- Over 2 miles of pedestrian/bicycle trails and nature trails,
- Playgrounds,
- Shelters,

- Concessions and
- Basketball play area.

The other parks offer playgrounds, picnic tables, fishing and nature trails in areas adjacent to residential developments.

The Parks and Recreation Department conducts a large number of recreational programs, classes, leagues and camps which serve age groups from small youths to adults. These include, but are not limited to, a swimming team, swim lessons, volleyball league, aerobics, fitness clinics, tennis lessons, tennis leagues, T-Ball, day camps, basketball lessons/league, karate, dance youth gymnastics and developmental physical activities, and an extensive senior citizens program.

The Fenton Parks and Recreation Department also conduct or sponsor special events including Sunset in the Park, D.A.R.E. Mania, Easter Egg Hunt and Halloween Fright Fest. While the City's facilities, programs, lessons, leagues and camps are open to both residents and non-residents, residents often receive preferential, advance or priority registration. Resident rates are, in most cases, substantially less than non-resident rates. In addition, every resident gets two free rentals of the community center.

The Parks and Recreation Department helps in carrying out the City's ongoing objectives of open green space, and the preservation and planting of trees. Fenton has had the distinction of being awarded the Tree City, U.S.A. award for fourteen (14) consecutive years. To qualify for this award a community must demonstrate that they have budgeted certain levels of funds per capita for plantings and promote forestry conservation practices.

The City recently acquired 50 acres of parkland located at 990 Horan Drive. This land will be the home of the City's new recreational complex. This property is nestled between the industrial and residential areas for easy access to all potential users. The proposed facility will be approximately 60,000 square feet with both an indoor/outdoor aquatic facilities. In addition, this facility will have an indoor running track, weights and fitness, aerobics, two gyms and comprehensive programs for adults, children and senior citizens. The new recreational complex will also afford the St. Louis County Library a larger space for more interactive programs.

PLANNING AND ZONING

The City of Fenton has mature, refined and tested zoning regulations in place, which address all zoning districts and land uses. The City recently updated its zoning code to reflect current uses. In addition, the City has finalized its comprehensive land use plan. This plan is the master land use plan for the City. It encompasses current and future land uses for areas within the City limits. This plan also addresses the City's future relating to land use and growth and expansion of the City's boundaries.

The City has a professional planner who serves as the City's Planning and Zoning Director. The Director is the liaison to the City's Planning and Zoning Commission. The Planning and Zoning Commission consists of residents that hear all matters pertaining to zoning changes within the City or applications of the zoning code and make recommendations to the Board of Aldermen. The Board of Aldermen makes the final determination on all recommendation from the Planning and Zoning Commission.

The City stringently enforces its zoning codes in an effort to promote the health, safety and general welfare of the community on an ongoing basis. To facilitate this proposed annexation, the City believes that the proposed area whether or not, developed will match with zoning districts that are currently in place.

Code Enforcement and Plan Review lies within the jurisdiction of this department. The City of Fenton performs plan review services, conducts inspections and issues permits of many types, including building, electrical, mechanical, plumbing, signage, excavation, sewer, street, grading and demolition. St. Louis County currently performs all inspections. The City is in the process of upgrading the Code Enforcement position to a full time Building Official. The City plans on filling this position within the next month. Once this position is filled the City of Fenton will no longer use St. Louis County for residential and commercial structural inspections.

Both the City Staff Engineer and a third-party engineering Consultant review all new subdivision developments. Appropriate revisions/recommendations of such plans are made to the City for consideration in granting final approval for developments.

The City has adopted the 1993 B.O.C.A. Building Code, which is the code in use by St. Louis County and the 1990 National Electrical Code.

All new residential and commercial property requires an approved occupancy inspection prior to issuance of an occupancy permit. The City has adopted the 1990 B.O.C.A. National Property Maintenance Code to provide standards for inspection.

CITY STAFF ENGINEER

This is a new position for the City of Fenton. The City Staff Engineer reports to the Assistant to the Mayor, but serves as a technical resource and advisor to all City departments. The City Staff Engineer performs professional engineering work, which includes the review of design, construction, subdivision and improvement plans. In addition, the Staff Engineer is responsible for assisting with project management on various design, construction and public works projects.

This position applies approved engineering methods and standards to the design and construction of all projects relating to planning and zoning, park development and public works. It requires a thorough knowledge of environmental, hydrology and geotechnology concepts and practices as it relates to the review and approval of development and construction projects.

SOLID WASTE PROGRAM

The City is currently engaged in a three year contract with Meramec Hauling, Division of Waste Management for the provision of a 100% City subsidized bi-weekly solid waste collection, hauling and disposal service, and a 100% City subsidized curbside recyclable collection program. The City's program provides for bi-weekly curbside collection of an unlimited amount of refuse with the exception of yard waste and an unlimited number of larger items, by appointment with the hauler. Presently, the recyclable material pick-up includes aluminum cans, tin cans, glass, plastic milk and plastic "liter" soda bottles, newspaper and waste motor oil.

The state law (RSMo 260.247) which prohibits the City from offering the solid waste program until two full years has expired following an annexation, will not apply to the subject property because the residential density of the property (three homes) does not meet the minimum customer density called for in the state law.

In addition, the City has adopted the St. Louis/Jefferson County Solid Waste Management Plan. In order to meet the 40% reduction guidelines set forth in this plan the City has appointed a citizen solid waste management task force to look at current and future aspects of the solid waste/recycling program. Working with staff and the elected officials, the Task Force submitted a grant with the St. Louis/Jefferson County Solid Waste District for developing a new volume base solid waste management program. The City just received notice that their grant was accepted and the City will be receiving \$85,000 in grant money to start this program.

MUNICIPAL COURT

Although all of St. Louis County is served by the St. Louis County Circuit Court, certain violations, complaints and summons are directed through the City's municipal court division, rather than to a County Circuit Court.

2. PROPOSED TIME SCHEDULE WHEREBY THE CITY PLANS TO PROVIDE SUCH SERVICES TO THE RESIDENTS OF THE ANNEXATION AREA:

The City of Fenton will provide all municipal services immediately, upon the effective date of the annexation. Neither reasons nor laws exist for the need to delay the delivery of any of the City's services.

APPENDIX - D

APPENDIX - E

1st Reading: 9/16/96
2nd Reading: 9/16/96
*3rd Reading: 9/16/96

SPONSOR: LAUER

ORDINANCE NO. 1988

BILL NO. 96-60

**AN ORDINANCE OF THE CITY OF FENTON ADOPTING
A FUND BALANCE POLICY.**

WHEREAS, the City of Fenton is the custodian of public monies to provide current and long-term municipal services; and

WHEREAS, the Mayor and Board of Aldermen consider the continuation of secure and stable finances to be of the highest priority; and

WHEREAS, a Fund Balance Policy has been determined to be one of the methods that will insure the necessary financial resources will be available in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, MISSOURI, AS FOLLOWS:

Section 1. The attached Fund Balance Policy, being Exhibit A and incorporated herein, is hereby adopted in its entirety.

Section 2. If any clause, word, paragraph, section or other part or portion of this ordinance is held to be invalid, illegal or unconstitutional for any reason, the Board of Aldermen hereby declares it would nevertheless have enacted the remaining portions thereof and such remaining portions shall remain in full force and effect.

Section 3. This ordinance shall be in full force and effect after the date of its passage and approval.

* Motion to suspend the rules to allow a third reading was unanimously approved.

ORD. NO. 1988

PASSED this 16th day of September, 1996.



FRANCIS RUZICKA, MAYOR

APPROVED this 16th day of September, 1996.



FRANCIS RUZICKA, MAYOR

ATTEST:



CITY CLERK

Motion to approve. Roll Call vote:

Unanimous approval by the Board of Aldermen

ORD. NO. 1988

**CITY OF FENTON
POLICY AND PROCEDURE**

Issue Date: 8/23/96	Original
Drafted by: Valerie Adams, Assistant to the Mayor Donald Cary, Finance Director	
Ordinance Number and Date of Approval: Ordinance 1988 - September 16, 1996	

FUND BALANCE

A. GENERAL STATEMENT

The City of Fenton is a custodian of public monies to provide current and long term municipal services. Fenton currently has a secure and stable financial picture. The Mayor and Board of Aldermen consider the continuation of secure and stable finances to be of the highest priority. A Fund Balance Policy has been determined to be one of the methods that will insure the necessary financial resources will be available for the future.

The Fund Equity of the City of Fenton consists of two sections. The first section, as stated in the audited annual Financial Report, is a reserved balance for prepaid expenses. This and any other appropriate reserves will be maintained as determined by the City in conjunction with the C.P.A. firm that performs the annual financial audit. The Fund Equity also includes an unreserved section. Within the unreserved section the city can designate funds for certain categories.

This policy is to designate categories in the unreserved fund equity. Nothing in this policy is intended to limit any additional designations that may be determined by the City in conjunction with the C.P.A. firm that performs the annual financial audit and presented in the annual audited financial report. All unreserved funds that are not in a designated category will be considered undesignated.

B. POLICY STATEMENT

It is the policy of the City of Fenton to maintain a minimum fund balance in reserved funds and unreserved but designated funds to insure both ongoing current operations and the funds necessary for the long term stability of the city. The Fund Balance will normally exceed the balance of reserved and designated funds. Any proposed utilization of the undesignated fund balance will be reviewed carefully by the Mayor and Board of Aldermen. This review will include, but not be limited to, the long term benefit of the expenditure and the effect on the general fund of lower interest earnings in

the future. Only after this review will the Mayor and Board of Aldermen consider approving expenditures affecting the Fund Balance above the minimum standards.

DESIGNATED CATEGORIES

The unreserved fund balance will include designations for the following categories and any additional categories that may be added by the Mayor and Board of Aldermen in the future.

Designated for the General Fund Operating Budget	50%
Designated for the General Fund Capital Improvements Budget	50%
Designated for budget Amounts Carried Forward from prior years.	100%
Designated for Grant Funds received that will be expended in the future.	100%
Designated for Economic Development by the City	\$ 1,000,000
Designated for Debt Service on any and all Bonds. Including General Obligation Bonds, Leasehold Bonds, and Sales Tax Bonds.	amount equal to the largest annual payment including both principal and interest

CATEGORY DEFINITIONS

General Fund Operating Budget

This designated category is to insure the timely payment of expenditures. The timing of receipts is not related to the appropriate time for expenditures. This designated category will allow for expenditures to be made when necessary and assure timely payment even if receipts are not expected until later in the year. This will not allow deficit spending and the City of Fenton will maintain a balanced budget.

General Fund Capital Improvements Budget

This designated category is intended for the same purpose as the reserve for the Operating Budget.

Amounts Carried Forward

This designated category signifies that the revenue for these items has been received in prior years. These are important projects and the Mayor and Board of Aldermen want to insure that the funds for these projects are available. During the next budget year the funds of this category will be utilized on the appropriate projects. Each year during the budget cycle the Mayor and Board of Aldermen will determine the carried forward items for the next budget year.

Grant Funds

This designated category is established to insure the proper expenditure of grants that have been received from other governmental units or other outside sources which have not been expended as of the end of the year. It will also insure that the city is committed to the project and is following the specific grant regulations.

Economic Development

This designated category is established for two reasons. Generally the type of business that would be included would be a large sales tax or utility gross receipts tax provider. The first intent of the category is to provide funds that may be utilized in attracting a new business which would be a major source of tax receipts. The second intent of the category is to provide funds for the general fund budget to replace the loss of tax receipts during the search for a replacement business.

Debt Service

This designated category is for the Debt Service on any and all bonds including but not limited to General Obligation Bonds, Leasehold Bonds, and Sales Tax Bonds is established to evidence the City's intent to make all debt service payments in a timely manner.

The Mayor and Board of Aldermen hold the City's credit rating in very high regard. This category evidences the City's intent to not only make all payments, but to designate an appropriate portion of unreserved fund equity equal to a full year's payments of interest and principle in case unlikely catastrophic event occurs. Expenditures from this category are not anticipated but will be made without further approval from the Mayor or Board of Aldermen if necessary to meet bond repayment requirements.

ANNUAL REVIEW

Each year as a part of the annual budget for the next year the Mayor and Board of Aldermen will state the exact dollar amounts that will be designated for each category.

CHANGES TO DESIGNATED CATEGORIES

It is the Mayor and the Board of Aldermen's intent to insure the funding of each designated category will be a long term policy with few changes. In order to limit future changes the following rules are included.

Increases

Increases in the percentage or amount of a designated category or the addition of a new category shall only require a simple majority vote on a motion at a formal Board of Aldermen's meeting.

Decreases

In order to decrease the designated percentage or amount stated in this policy for any category will require approval by an "extraordinary majority" of the Board of Aldermen. An extraordinary majority shall include a minimum of seven votes. The vote shall be on a motion at a formal Board of Aldermen's meeting.

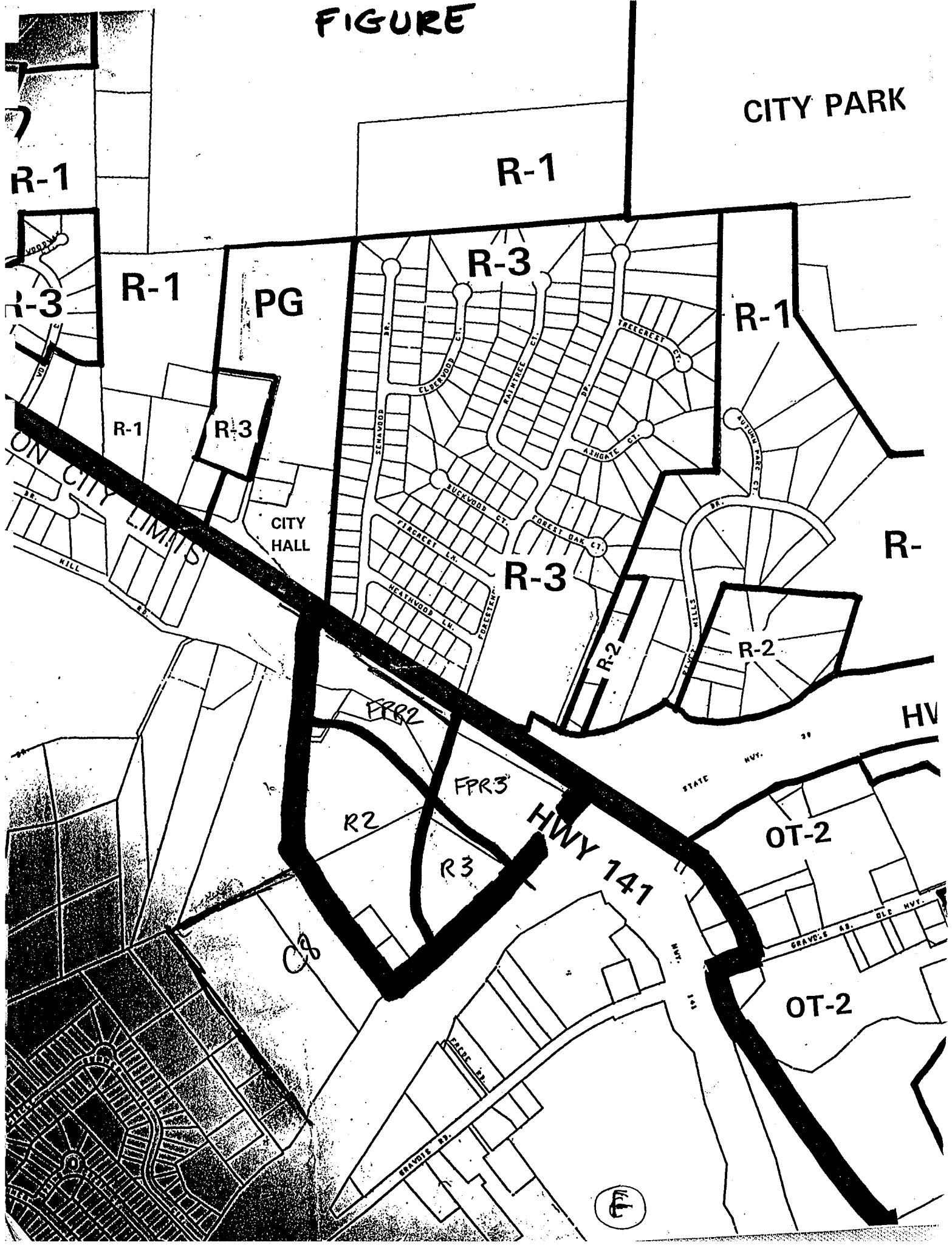
PUBLIC DISCLOSURE

The specific amounts that are designated for each category will be included in the annual budget. These amounts will also be included in the annual audited financial statement. In addition, any other required notifications will be made in a timely manner. This will include but not be limited to the Securities and Exchange Commission's requirements for municipal bonds.

APPENDIX - F

APPENDIX - G

FIGURE



APPENDIX - H

LAW OFFICES
OF
DONALD KENNETH ANDERSON, JR.
8011 CLAYTON ROAD
ST. LOUIS, MISSOURI 63117

(314) 727-7100
FAX (314) 727-4762

March 12, 1997

RECEIVED MAR 13 1997

The Honorable Fran Ruzicka
and the Board of Aldermen
of the City of Fenton
625 New Smizer Mill Road
Fenton, MO 63026-1923

RE: Petitions for Simplified Boundary Change (31.255 acres at Routes 141 and 30)

Dear Mayor Ruzicka, and Members of the Board of Aldermen:

Enclosed please find the following Boundary Commission verified petitions for the following fee owners to initiate a simplified boundary change pursuant to 72.405.6(1) R.S.Mo. and Article 1, Paragraph N and Article 3, Paragraph B1 of the Boundary Commission Rules for the above referenced area to be annexed:

- 1.) First Baptist Church of Fenton
Book 7605, page 468, St. Louis County Locator No. 200220198;
- 2.) Kenneth Robert Tebo and Cindy E. Tebo;
Book 7328, Page 1448, St. Louis County Locator No. 280240493;
- 3.) David J. Barton and Barbara L. Barton;
Book 6674, Page 2483, St. Louis County Locator No. 280220154;
- 4.) Willard R. King and Elizabeth M. King; and
Book 4754, Page 428, St. Louis County Locator No. 280220099;
- 5.) Eldon Lohman and Patricia Lohman
Book 7472, Page 903, St. Louis County Locator No. 280220088;

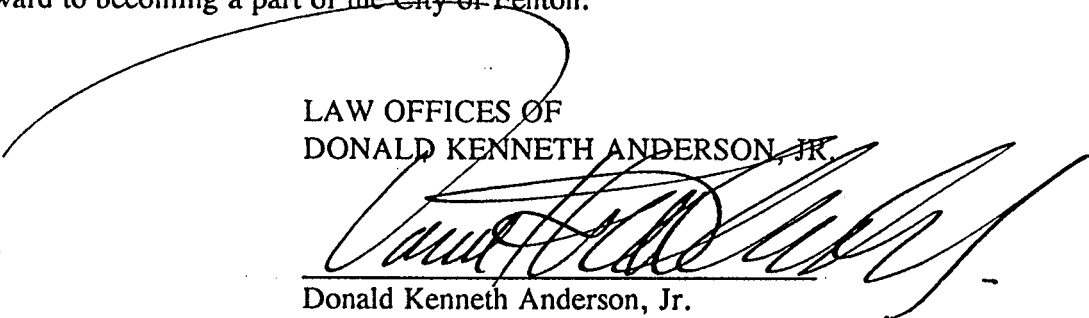
The petitioners hereby request that the Board of Alderman formally receive, acknowledge and file these petitions at their meeting on March 17, 1997 and refer the matter for presentation at the meeting of the Committee of the Whole on March 26, 1997.

At this time, there is only one remaining owner of a fee interest within the area proposed to be annexed who has yet to execute a petition, to-wit: Betty Hanneke (Book 7950, Page 1063, St. Louis County Locator No.280240471).

These petitions represent in excess of 75% of owners of fee interests in the area proposed to be annexed per statutory requirements. They also represent in excess of 75% of all residential fee owners as required by the Boundary Commission Rules.

We look forward to becoming a part of the City of Fenton.

LAW OFFICES OF
DONALD KENNETH ANDERSON, JR.



Donald Kenneth Anderson, Jr.
Attorney for Owners Under Contract,
Caplaco Twenty-Seven, Inc.
Dierbergs 270, Inc.
Fenton Land Company, L.L.C.

DKA:ml
Enc.

cc: Valerie D. Adams
Assistant to the Mayor

Jerome Wallach, Esq.
City Attorney

Church Parcel

A tract of land being part of Section 27, Section 34 and U.S. Survey 373, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows: Beginning at the intersection of the Northwestern line of State highway Route 30 as condemned by the State of Missouri by Cause No. 299274 of the Circuit Court of St. Louis County and Report of Commissioners recorded in Book 6420, page 1431 of the St. Louis County Records with the Southwestern line of a tract of land conveyed to William Hodapp by deed recorded in Book 1337, page 616 of the St. Louis County Records; thence along said Northwestern line of Route 30, North 44 degrees 00 minutes 00 seconds East, 11.93 feet to a point on the Southeastern line of Hodapp; thence along said Southeastern line of Hodapp, North 23 degrees 54 minutes 10 seconds East, 69.29 feet to a point, said point being the Southwest corner of land conveyed to First Baptist Church of Fenton by deed recorded in Book 3707, page 459 of the St. Louis County Records; thence along the Southwest line of Church, South 34 degrees 34 minutes 50 seconds East, 24.29 feet to a point on the Northwestern line of said Route 30; thence along the Northwestern line of Route 30, North 44 degrees 00 minutes 00 seconds East, 43.97 feet to a point being 184.00 feet perpendicular Northwesterly of center line station 474+45, North 45 degrees 53 minutes 50 seconds East, 158.87 feet to a point being 204.00 feet perpendicular Northwesterly of center line station 472+95, North 56 degrees 17 minutes 26 seconds East, 76.90 feet to a point being 202.00 feet perpendicular Northwesterly of center line station 472+22, North 39 degrees 15 minutes 23 seconds East, 110.44 feet to a point being 234.00 feet perpendicular Northwesterly of center line station 471+22, and North 2 degrees 41 minutes 50 seconds West, 39.43 feet to a point on the Southern line of State Route 141, said point being 85 feet radial distant from center line station 6+95; thence along the Southern line of route 141, North 47 degrees 40 minutes 17 seconds West, 234.99 feet to a point being 40 feet perpendicular Southwesterly of center line station 4+57, North 54 degrees 06 minutes 27 seconds West, 455.88 feet to a point on the Northwestern line of Hodapp, said point being 40 feet perpendicular Southwesterly of center line of Route 141; thence along the Northwestern line of Hodapp, South 23 degrees 54 minutes 10 seconds West, 523.53 feet to the Southwestern corner thereof; thence along the Southwestern line of Hodapp, South 54 degrees 13 minutes 53 seconds east, 527.96 feet to the point of beginning and containing 315,474 square feet (7.242 acres) according to survey by The Clayton Engineering Company January, 1997.

Church Parcel
less relocated route 141

A tract of land being part of Section 27, Section 34 and U.S. Survey 373, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows: Beginning at the intersection of the Northwestern line of State highway Route 30 as condemned by the State of Missouri by Cause No. 299274 of the Circuit Court of St. Louis County and Report of Commissioners recorded in Book 6420, page 1431 of the St. Louis County Records with the Southwestern line of a tract of land conveyed to William Hodapp by deed recorded in Book 1337, page 616 of the St. Louis County Records; thence along said Northwestern line of Route 30, North 44 degrees 00 minutes 00 seconds East, 11.93 feet to a point on the Southeastern line of Hodapp; thence along said Southeastern line of Hodapp, North 23 degrees 54 minutes 10 seconds East, 69.29 feet to a point, said point being the Southwest corner of land conveyed to First Baptist Church of Fenton by deed recorded in Book 3707, page 459 of the St. Louis County Records; thence along the Southwest line of Church, South 34 degrees 34 minutes 50 seconds East, 24.29 feet to a point on the Northwestern line of said Route 30; thence along the Northwestern line of Route 30, North 44 degrees 00 minutes 00 seconds East, 43.97 feet to a point being 184.00 feet perpendicular Northwesterly of center line station 474+45, North 45 degrees 53 minutes 50 seconds East, 158.87 feet to a point being 204.00 feet perpendicular Northwesterly of center line station 472+95, North 56 degrees 17 minutes 26 seconds East, 76.90 feet to a point being 202.00 feet perpendicular Northwesterly of center line station 472+22, North 39 degrees 15 minutes 23 seconds East, 110.44 feet to a point being 234.00 feet perpendicular Northwesterly of center line station 471+22, and North 2 degrees 41 minutes 50 seconds West, 39.43 feet to a point on the Southern line of Relocated State Route 141, said point being 79.26 feet radial distant from center line station 198+07.12; thence along the Southern line of Relocated State Route 141, North 52 degrees 39 minutes 57 seconds West, 100.90 feet to a point being 73 feet perpendicular Southwesterly of center line station 196+99.43, North 59 degrees 14 minutes 49 seconds West, 574.83 feet to a point on the Northwestern line of Hodapp, said point being 73 feet perpendicular Southwesterly of center line of, Relocated State Route 141; thence along the Northwestern line of Hodapp, South 23 degrees 54 minutes 10 seconds West, 446.55 feet to the Southwestern corner thereof; thence along the Southwestern line of Hodapp, South 54 degrees 13 minutes 53 seconds east, 527.96 feet to the point of beginning and containing 287,051 square feet (6.590 acres) according to survey by The Clayton Engineering Company January, 1997.

LEGAL DESCRIPTION
(overall tract)

A tract of land being part of Section 27, Section 34 and U.S. Survey 373, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows:

Beginning at the intersection of the Southwestern line of a tract of land conveyed to David J. and Barbara L. Barton by deed recorded in Book 6674, page 2483 of the St. Louis County Records with the Northwestern line of State highway Route 30 as condemned by the State of Missouri by Cause No. 299274 of the Circuit Court of St. Louis County and Report of Commissioners recorded in Book 6420, page 1431 of the St. Louis County Records; thence along said Northwestern line of Route 30, North 56 degrees 19 minutes 52 seconds East, 139.68 feet to a point being 145.00 feet perpendicular Northwesterly of center line station 482+37, North 42 degrees 58 minutes 00 seconds East, 503.72 feet to a point being 152.00 feet perpendicular Northwesterly of center line station 477+51.85, North 44 degrees 00 minutes 00 seconds East, 217.61 feet, North 23 degrees 54 minutes 10 seconds East, 69.29 feet, South 34 degrees 34 minutes 50 seconds East, 24.29 feet, North 44 degrees 00 minutes 00 seconds East, 43.97 feet to a point being 184.00 feet perpendicular Northwesterly of center line station 474+45, North 45 degrees 53 minutes 50 seconds East, 158.87 feet to a point being 204.00 feet perpendicular Northwesterly of center line station 472+95, North 56 degrees 17 minutes 26 seconds East, 76.90 feet to a point being 202.00 feet perpendicular Northwesterly of center line station 472+22, North 39 degrees 15 minutes 23 seconds East, 110.44 feet to a point being 234.00 feet perpendicular Northwesterly of center line station 471+22, and North 2 degrees 41 minutes 50 seconds West, 39.43 feet to a point on the Southern line of Relocated Route 141, said point being 85 feet radial distant from center line station 6+95; thence along the Southern line of route 141, North 47 degrees 40 minutes 17 seconds West, 234.99 feet to a point being 60 feet perpendicular Southwesterly of center line station 4+57, and North 54 degrees 06 minutes 27 seconds West, 455.88 feet to a point on the Northeast line of Barton, as aforementioned, said point being 60 feet perpendicular Southwesterly of center line of Route 141; thence along Bartons Northeastern line North 23 degrees 54 minutes 10 seconds East, 20.44 feet to a point on the Southwestern line of State Route 141, said point being 40 feet perpendicular Southwesterly of center line of Route 141, thence along said Southwestern line of State Route 141, North 54 degrees 14 minutes 50 seconds West, 241.03 feet to the intersection of the Southern line of Old Smizer Mill Road, 40 feet wide; thence along said Southern line of Old Smizer Mill Road, North 74 degrees 51 minutes 12

seconds West, 15.22 feet to a point on the Northeast line of property conveyed to Arnold and Betty Hanneke by Deed recorded in Book 7950, page 1063 of the St. Louis County Records; thence along Hannekes Northeast line, North 6 degrees 09 minutes 08 seconds East, 20.07 feet to a point in the center line of Old Smizer Mill Road, 40 feet wide; thence along said center line of Old Smizer Mill Road, being also the North line of Hanneke, North 88 degrees 36 minutes 02 seconds West, 281.42 feet to the Northeast corner of property conveyed to Kenneth R. Tebo by Deed recorded in Book 7328, page 1446 of the St. Louis County Records; thence continuing along the center line of Old Smizer Mill Road; being also the North line of Tebo, North 88 degrees 21 minutes 34 seconds West, 101.41 feet to an angle point therein; thence North 74 degrees 15 minutes 12 seconds West, 74.26 feet to an angle point therein; thence North 60 degrees 38 minutes 06 seconds West, 48.48 feet to the Northwest corner of Tebo; thence along the West line of Tebo and the West line of Barton, as aforementioned, South 3 degrees 37 minutes 25 seconds West, 974.96 feet to the Southwest corner of Barton; thence along the South line of Barton and the South line of property conveyed to Willard King by Deed recorded in Book 4754, page 428 of the St. Louis County Records and property conveyed to Eldon and Patricia Lohman by Deed recorded in Book 7472, page 903 of the St. Louis County Records, South 34 degrees 25 minutes 59 seconds East, 805.38 feet to the point of beginning and containing 31.255 acres according to survey by The Clayton Engineering Company January, 1997.

PETITION FOR SIMPLIFIED BOUNDARY CHANGE

The undersigned, being the owner of all fee interest of record in property located at:

530 Old Smizer Mill Road, Unincorporated St. Louis County, Missouri 63026

Book 7328, Page 1448 of the St. Louis County Recorder of Deeds, Legal Description attached hereto as Exhibit A.

St. Louis County Locator Number: 280240493

hereby request annexation of my property into the City of Fenton. In support of this petition, being of lawful age and duly sworn upon my oath, further state as follows:

- 1. The undersigned is the owner of all fee interest of record of the tract of land described above and proposed to be annexed to the City of Fenton.
2. That the real property is situated entirely within an unincorporated portion of St. Louis County, Missouri.
3. That the real property is either contiguous to property being proposed for annexation, which is contiguous to the existing corporate limits of the City of Fenton or is contiguous to the corporate limits of City of Fenton. A legal description of the entire annexation area being made part of this petition and attached hereto as Appendix A.

IN WITNESS WHEREOF, I have set my hand this 12 day of March, 1997.

[Handwritten signature of Kenneth Robert Tebo]

Kenneth Robert Tebo

[Handwritten signature of Cindy E. Tebo]

Cindy E. Tebo

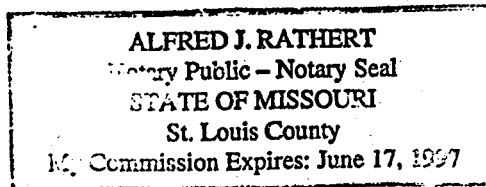
State of Missouri)
) ss
County of St. Louis)

On this 12th day of Mar, 1997, before me personally appeared Kenneth Robert Tebo, to me known to be the person who executed the foregoing instrument and acknowledged that he executed the same as a free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Commission Expires:

[Handwritten signature of Alfred J. Rathert]
Notary Public



STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

On this 12th day of March, 1997 before me personally appeared Kenneth Robert Tebo and Cindy E. Tebo, his wife, to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.



Notary Public

ALFRED J. RATHERT
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: June 17, 1997

Tebo Parcel

A tract of land being part of Section 27 and 34, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows:

Parcel 1: Beginning at a point in the center line of Old Smizer Mill Road, 40 feet wide, where it intersects the Western line of a tract described in Deed recorded in Book 31, page 208 of the St. Louis County Records; thence along said Western line South 3 degrees 37 minutes 25 seconds West, 288.50 feet; thence departing said Western line South 86 degrees 13 minutes 35 seconds East, 81.00; thence North 31 degrees 45 minutes 11 seconds East, 289.80 feet to the center line of Old Smizer Mill Road; thence along said center line, North 88 degrees 32 minutes 12 seconds West, 101.41 feet, North 74 degrees 15 minutes 12 seconds West, 74.26 feet and North 60 degrees 38 minutes 06 seconds West, 48.48 feet to the point of beginning and containing 39,273 square feet (0.902 acres) according to survey by The Clayton Engineering Company January, 1997.

Parcel 2: Beginning at the Southwestern corner of a 0.90 acre tract described in Deed recorded in Book 2334, page 34 of the St. Louis County Records; thence South 86 degrees 13 minutes 35 seconds East, 81.00 feet; thence North 31 degrees 45 minutes 11 seconds East, 151.00 feet; thence South 72 degrees 51 minutes 35 seconds East, 7.00 feet; thence South 28 degrees 07 minutes 45 seconds West, 168.75 feet; thence North 86 degrees 13 minutes 35 seconds West, 89.00 feet; thence North 3 degrees 37 minutes 25 seconds East, 22.00 feet to the point of beginning and containing 3,766 square feet (0.09186 acres) according to survey by The Clayton Engineering Company January, 1997.

LEGAL DESCRIPTION
(overall tract)

A tract of land being part of Section 27, Section 34 and U.S. Survey 373, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows:

Beginning at the intersection of the Southwestern line of a tract of land conveyed to David J. and Barbara L. Barton by deed recorded in Book 6674, page 2483 of the St. Louis County Records with the Northwestern line of State highway Route 30 as condemned by the State of Missouri by Cause No. 299274 of the Circuit Court of St. Louis County and Report of Commissioners recorded in Book 6420, page 1431 of the St. Louis County Records; thence along said Northwestern line of Route 30, North 56 degrees 19 minutes 52 seconds East, 139.68 feet to a point being 145.00 feet perpendicular Northwesterly of center line station 482+37, North 42 degrees 58 minutes 00 seconds East, 503.72 feet to a point being 152.00 feet perpendicular Northwesterly of center line station 477+51.85, North 44 degrees 00 minutes 00 seconds East, 217.61 feet, North 23 degrees 54 minutes 10 seconds East, 69.29 feet, South 34 degrees 34 minutes 50 seconds East, 24.29 feet, North 44 degrees 00 minutes 00 seconds East, 43.97 feet to a point being 184.00 feet perpendicular Northwesterly of center line station 474+45, North 45 degrees 53 minutes 50 seconds East, 158.87 feet to a point being 204.00 feet perpendicular Northwesterly of center line station 472+95, North 56 degrees 17 minutes 26 seconds East, 76.90 feet to a point being 202.00 feet perpendicular Northwesterly of center line station 472+22, North 39 degrees 15 minutes 23 seconds East, 110.44 feet to a point being 234.00 feet perpendicular Northwesterly of center line station 471+22, and North 2 degrees 41 minutes 50 seconds West, 39.43 feet to a point on the Southern line of Relocated Route 141, said point being 85 feet radial distant from center line station 6+95; thence along the Southern line of route 141, North 47 degrees 40 minutes 17 seconds West, 234.99 feet to a point being 60 feet perpendicular Southwesterly of center line station 4+57, and North 54 degrees 06 minutes 27 seconds West, 455.88 feet to a point on the Northeast line of Barton, as aforementioned, said point being 60 feet perpendicular Southwesterly of center line of Route 141; thence along Bartons Northeastern line North 23 degrees 54 minutes 10 seconds East, 20.44 feet to a point on the Southwestern line of State Route 141, said point being 40 feet perpendicular Southwesterly of center line of Route 141, thence along said Southwestern line of State Route 141, North 54 degrees 14 minutes 50 seconds West, 241.03 feet to the intersection of the Southern line of Old Smizer Mill Road, 40 feet wide; thence along said Southern line of Old Smizer Mill Road, North 74 degrees 51 minutes 12

seconds West, 15.22 feet to a point on the Northeast line of property conveyed to Arnold and Betty Hanneke by Deed recorded in Book 7950, page 1063 of the St. Louis County Records; thence along Hannekes Northeast line, North 6 degrees 09 minutes 08 seconds East, 20.07 feet to a point in the center line of Old Smizer Mill Road, 40 feet wide; thence along said center line of Old Smizer Mill Road, being also the North line of Hanneke, North 88 degrees 36 minutes 02 seconds West, 281.42 feet to the Northeast corner of property conveyed to Kenneth R. Tebo by Deed recorded in Book 7328, page 1446 of the St. Louis County Records; thence continuing along the center line of Old Smizer Mill Road; being also the North line of Tebo, North 88 degrees 21 minutes 34 seconds West, 101.41 feet to an angle point therein; thence North 74 degrees 15 minutes 12 seconds West, 74.26 feet to an angle point therein; thence North 60 degrees 38 minutes 06 seconds West, 48.48 feet to the Northwest corner of Tebo; thence along the West line of Tebo and the West line of Barton, as aforementioned, South 3 degrees 37 minutes 25 seconds West, 974.96 feet to the Southwest corner of Barton; thence along the South line of Barton and the South line of property conveyed to Willard King by Deed recorded in Book 4754, page 428 of the St. Louis County Records and property conveyed to Eldon and Patricia Lohman by Deed recorded in Book 7472, page 903 of the St. Louis County Records, South 34 degrees 25 minutes 59 seconds East, 805.38 feet to the point of beginning and containing 31.255 acres according to survey by The Clayton Engineering Company January, 1997.

PETITION FOR SIMPLIFIED BOUNDARY CHANGE

The undersigned, being the owners of all fee interest of record in property located in:

A tract of land being part of Section 27, Section 34 and U.S. Survey 373, Township 44 North, Range 5 East, of unincorporated St. Louis County, Missouri 63026.

Book 6674, Page 2483 of the St. Louis County Recorder of Deeds, Legal Description attached hereto as Exhibit A.

St. Louis County Locator Number: 280220154

hereby request annexation of our property into the City of Fenton. In support of this petition, being of lawful age and duly sworn upon our oaths, further state as follows:

- 1. The undersigned are the owners of all fee interest of record of the tract of land described above and proposed to be annexed to the City of Fenton.
2. That the real property is situated entirely within an unincorporated portion of St. Louis County, Missouri.
3. That the real property is either contiguous to property being proposed for annexation, which is contiguous to the existing corporate limits of the City of Fenton or is contiguous to the corporate limits of City of Fenton. A legal description of the entire annexation area being made part of this petition and attached hereto as Appendix A.

IN WITNESS WHEREOF, We have set our hands this 3rd day of March, 1997.

Signature of David J. Barton
David J. Barton

Signature of Barbara L. Barton
Barbara L. Barton

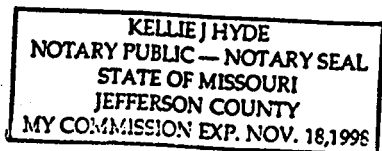
State of Missouri)
) ss
County of St. Louis)

On this 3rd day of March, 1997, before me personally appeared David J. Barton and Barbara L. Barton, to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Commission Expires:

Signature of Kellie J. Hyde
Notary Public



A tract of land being part of Section 27, Section 34 and U.S. Survey 373, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows: Beginning at the intersection of the Southwestern line of a tract of land conveyed to David J. and Barbara L. Barton by deed recorded in Book 6674, page 2483 of the St. Louis County Records with the Northwestern line of State highway Route 30 as condemned by the State of Missouri by Cause No. 299274 of the Circuit Court of St. Louis County and Report of Commissioners recorded in Book 6420, page 1431 of the St. Louis County Records; thence along said Northwestern line of Route 30, North 56 degrees 19 minutes 52 seconds East, 139.68 feet to a point being 145.00 feet perpendicular Northwesterly of center line station 482+37, North 42 degrees 58 minutes 00 seconds East, 503.72 feet to a point being 152.00 feet perpendicular Northwesterly of center line station 477+51.85 and North 44 degrees 00 minutes 00 seconds East, 205.68 feet to a point on the Southwestern line of land conveyed to William Hodapp by deed recorded in Book 1337, page 616 of the St. Louis County Records; thence departing said Northwestern line of Route 30, along said Southwestern line of Hodapp, North 54 degrees 13 minutes 53 seconds West, 527.96 feet to the Southwest corner thereof; thence along the Northwestern line of Hodapp, North 23 degrees 54 minutes 10 seconds West, 543.96 feet to a point on the Southwestern line of State Route 141, 80 feet wide, thence along said Southwestern line of State Route 141, North 54 degrees 14 minutes 50 seconds West, 241.03 feet to the intersection of the Southern line of Old Smizer Mill Road, 40 feet wide; thence along said Southern line of Old Smizer Mill Road, North 74 degrees 51 minutes 12 seconds West, 86.14 feet to an angle point therein and North 88 degrees 32 minutes 12 seconds West, 15.22 feet to a point on the East line of land conveyed to the Hessoun Bohemian Catholic Orphanage by deed recorded in Book 2917, page 278 of the St. Louis County Records; thence departing said Southern line of Old Smizer Mill along said East line of Orphanage, South 6 degrees 09 minutes 08 seconds West, 172.48 feet to the Southeast corner thereof; thence along the Southern line of Orphanage, North 64 degrees 55 minutes 30 seconds West, 100.14 feet to an angle point therein, South 77 degrees 37 minutes 33 seconds West, 71.99 feet to an angle point therein and North 72 degrees 51 minutes 35 seconds West, 173.76 feet to a point on the East line of land conveyed to Anton Dissel by deed recorded in Book 3350, page 135 of the St. Louis County Records; thence along said East line of Dissel, South 28 degrees 07 minutes 45 seconds West, 168.75 feet to the Southeast corner thereof; thence along the South line of Dissel, North 86 degrees 13 minutes 35 seconds West, 89.00 feet to a point on the West line of land conveyed to Barton, as aforementioned; thence along said West line of Barton, South 3 degrees 37 minutes 25 seconds West, 664.46 feet to the Southwest corner thereof; thence along the Southern line of Barton, South 34 degrees 25 minutes 59 seconds East, 374.14 feet to the Southwest corner of land conveyed to Jasper C. Pitman by deed recorded in Book 3121, page 14 of the St. Louis County Records; thence along Northwest line of Pitman, North 55 degrees 34 minutes 01 seconds East, 150.00 feet to the Northwest corner thereof; thence along the Northeast line of Pitman and the Northeast line of land conveyed to Alton Barton by deed recorded in Book 3212, page 305 of the St. Louis County Records, South 34 degrees 25 minutes 59 seconds West, 379.80 feet to the Northeast corner of Alton Barton; thence along the Southeast line of Alton Barton, South 55 degrees 34 minutes 01 seconds West, 150.00 feet to the Southeast corner thereof, said point being on the Southern line of David Barton, as aforementioned; thence along said Southwestern line of Barton, South 34 degrees 25 minutes 59 seconds East, 51.43 feet to the point of beginning and containing 896,588 square feet (20.583 acres) according to survey by The Clayton Engineering Company January, 1997. Above description is of the same property conveyed to David and Barbara Barton in Book 6674, page 2483.

A tract of land being part of Section 27, Section 34 and U.S. Survey 373, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows: Beginning at the intersection of the Southwestern line of a tract of land conveyed to David J. and Barbara L. Barton by deed recorded in Book 6674, page 2483 of the St. Louis County Records with the Northwestern line of State highway Route 30 as condemned by the State of Missouri by Cause No. 299274 of the Circuit Court of St. Louis County and Report of Commissioners recorded in Book 6420, page 1431 of the St. Louis County Records; thence along said Northwestern line of Route 30, North 56 degrees 19 minutes 52 seconds East, 139.68 feet to a point being 145.00 feet perpendicular Northwesterly of center line station 482+37, North 42 degrees 58 minutes 00 seconds East, 503.72 feet to a point being 152.00 feet perpendicular Northwesterly of center line station 477+51.85 and North 44 degrees 00 minutes 00 seconds East, 205.68 feet to a point on the Southwestern line of land conveyed to William Hodapp by deed recorded in Book 1337, page 616 of the St. Louis County Records; thence departing said Northwestern line of Route 30, along said Southwestern line of Hodapp, North 54 degrees 13 minutes 53 seconds West, 527.96 feet to the Southwest corner thereof; thence along the Northwestern line of Hodapp, North 23 degrees 54 minutes 10 seconds West, 348.86 feet to a point on the Southwestern line of Relocated State Route 141, according to Cause No. 638688, a copy of the report of Commissions is recorded in Book 9676, page 2240, thence along said Southwestern line of Relocated State Route 141, North 59 degrees 14 minutes 49 seconds West, 128.00 feet, North 30 degrees 45 minutes 11 seconds East, 60.00 feet and North 59 degrees 14 minutes 49 seconds West, 174.80 feet to a point on the East line of land conveyed to the Hessoun Bohemian Catholic Orphanage by deed recorded in Book 2917, page 278 of the St. Louis County Records; thence along said East line of Orphanage, South 6 degrees 09 minutes 08 seconds West, 35.99 feet to the Southeast corner thereof; thence along the Southern line of Orphanage, North 64 degrees 55 minutes 30 seconds West, 100.14 feet to an angle point therein, South 77 degrees 37 minutes 33 seconds West, 71.99 feet to an angle point therein and North 72 degrees 51 minutes 35 seconds West, 173.76 feet to a point on the East line of land conveyed to Anton Dissel by deed recorded in Book 3350, page 135 of the St. Louis County Records; thence along said East line of Dissel, South 28 degrees 07 minutes 45 seconds West, 168.75 feet to the Southeast corner thereof; thence along the South line of Dissel, North 86 degrees 13 minutes 35 seconds West, 89.00 feet to a point on the West line of land conveyed to Barton, as aforementioned; thence along said West line of Barton, South 3 degrees 37 minutes 25 seconds West, 664.46 feet to the Southwest corner thereof; thence along the Southern line of Barton, South 34 degrees 25 minutes 59 seconds East, 374.14 feet to the Southwest corner of land conveyed to Jasper C. Pitman by deed recorded in Book 3121, page 14 of the St. Louis County Records; thence along Northwest line of Pitman, North 55 degrees 34 minutes 01 seconds East, 150.00 feet to the Northwest corner thereof; thence along the Northeast line of Pitman and the Northeast line of land conveyed to Alton Barton by deed recorded in Book 3212, page 305 of the St. Louis County Records, South 34 degrees 25 minutes 59 seconds West, 379.80 feet to the Northeast corner of Alton Barton; thence along the Southeast line of Alton Barton, South 55 degrees 34 minutes 01 seconds West, 150.00 feet to the Southeast corner thereof, said point being on the Southern line of David Barton, as aforementioned; thence along said Southwestern line of Barton, South 34 degrees 25 minutes 59 seconds East, 51.43 feet to the point of beginning and containing 843.376 square feet (19.361 acres) according to survey by The Clayton Engineering Company January, 1997.

LEGAL DESCRIPTION
(overall tract)

A tract of land being part of Section 27, Section 34 and U.S. Survey 373, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows:

Beginning at the intersection of the Southwestern line of a tract of land conveyed to David J. and Barbara L. Barton by deed recorded in Book 6674, page 2483 of the St. Louis County Records with the Northwestern line of State highway Route 30 as condemned by the State of Missouri by Cause No. 299274 of the Circuit Court of St. Louis County and Report of Commissioners recorded in Book 6420, page 1431 of the St. Louis County Records; thence along said Northwestern line of Route 30, North 56 degrees 19 minutes 52 seconds East, 139.68 feet to a point being 145.00 feet perpendicular Northwesterly of center line station 482+37, North 42 degrees 58 minutes 00 seconds East, 503.72 feet to a point being 152.00 feet perpendicular Northwesterly of center line station 477+51.85, North 44 degrees 00 minutes 00 seconds East, 217.61 feet, North 23 degrees 54 minutes 10 seconds East, 69.29 feet, South 34 degrees 34 minutes 50 seconds East, 24.29 feet, North 44 degrees 00 minutes 00 seconds East, 43.97 feet to a point being 184.00 feet perpendicular Northwesterly of center line station 474+45, North 45 degrees 53 minutes 50 seconds East, 158.87 feet to a point being 204.00 feet perpendicular Northwesterly of center line station 472+95, North 56 degrees 17 minutes 26 seconds East, 76.90 feet to a point being 202.00 feet perpendicular Northwesterly of center line station 472+22, North 39 degrees 15 minutes 23 seconds East, 110.44 feet to a point being 234.00 feet perpendicular Northwesterly of center line station 471+22, and North 2 degrees 41 minutes 50 seconds West, 39.43 feet to a point on the Southern line of Relocated Route 141, said point being 85 feet radial distant from center line station 6+95; thence along the Southern line of route 141, North 47 degrees 40 minutes 17 seconds West, 234.99 feet to a point being 60 feet perpendicular Southwesterly of center line station 4+57, and North 54 degrees 06 minutes 27 seconds West, 455.88 feet to a point on the Northeast line of Barton, as aforementioned, said point being 60 feet perpendicular Southwesterly of center line of Route 141; thence along Bartons Northeastern line North 23 degrees 54 minutes 10 seconds East, 20.44 feet to a point on the Southwestern line of State Route 141, said point being 40 feet perpendicular Southwesterly of center line of Route 141, thence along said Southwestern line of State Route 141, North 54 degrees 14 minutes 50 seconds West, 241.03 feet to the intersection of the Southern line of Old Smizer Mill Road, 40 feet wide; thence along said Southern line of Old Smizer Mill Road, North 74 degrees 51 minutes 12

seconds West, 15.22 feet to a point on the Northeast line of property conveyed to Arnold and Betty Hanneke by Deed recorded in Book 7950, page 1063 of the St. Louis County Records; thence along Hannekes Northeast line, North 6 degrees 09 minutes 08 seconds East, 20.07 feet to a point in the center line of Old Smizer Mill Road, 40 feet wide; thence along said center line of Old Smizer Mill Road, being also the North line of Hanneke, North 88 degrees 36 minutes 02 seconds West, 281.42 feet to the Northeast corner of property conveyed to Kenneth R. Tebo by Deed recorded in Book 7328, page 1446 of the St. Louis County Records; thence continuing along the center line of Old Smizer Mill Road; being also the North line of Tebo, North 88 degrees 21 minutes 34 seconds West, 101.41 feet to an angle point therein; thence North 74 degrees 15 minutes 12 seconds West, 74.26 feet to an angle point therein; thence North 60 degrees 38 minutes 06 seconds West, 48.48 feet to the Northwest corner of Tebo; thence along the West line of Tebo and the West line of Barton, as aforementioned, South 3 degrees 37 minutes 25 seconds West, 974.96 feet to the Southwest corner of Barton; thence along the South line of Barton and the South line of property conveyed to Willard King by Deed recorded in Book 4754, page 428 of the St. Louis County Records and property conveyed to Eldon and Patricia Lohman by Deed recorded in Book 7472, page 903 of the St. Louis County Records, South 34 degrees 25 minutes 59 seconds East, 805.38 feet to the point of beginning and containing 31.255 acres according to survey by The Clayton Engineering Company January, 1997.

TO BE RECORDED

PETITION FOR SIMPLIFIED BOUNDARY CHANGE

The undersigned, being the owners of all fee interest of record in property located at:

12 Frede Drive, Unincorporated St. Louis County, Missouri 63026

Book 4754, Page 428 of the St. Louis County Recorder of Deeds, Legal Description attached hereto as Exhibit A.

St. Louis County Locator Number: 280220099

hereby request annexation of our property into the City of Fenton. In support of this petition, being of lawful age and duly sworn upon our oaths, further state as follows:

1. The undersigned are the owners of all fee interest of record of the tract of land described above and proposed to be annexed to the City of Fenton.
2. That the real property is situated entirely within an unincorporated portion of St. Louis County, Missouri.
3. That the real property is either contiguous to property being proposed for annexation, which is contiguous to the existing corporate limits of the City of Fenton or is contiguous to the corporate limits of City of Fenton. A legal description of the entire annexation area being made part of this petition and attached hereto as Appendix A.

IN WITNESS WHEREOF, We have set our hands this 7 day of March, 1997.

Willard R. King
Willard R. King

Elizabeth M. King
Elizabeth M. King

State of Missouri)
) ss
County of St. Louis)

On this 7 day of March, 1997, before me personally appeared Willard R. King and Elizabeth M. King, to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

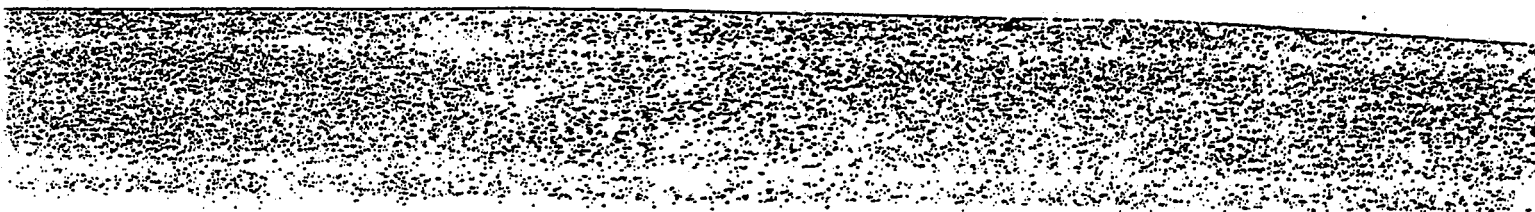
Commission Expires:

Fred W. Schmidt, III
Notary Public

**FRED W. SCHMIDT, III
NOTARY PUELIC, STATE OF MISSOURI
MY COMMISSION EXPIRES 3/17/2000
ST. LOUIS COUNTY**

King Parcel

A tract of land being part of U.S. Survey 373, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows: Beginning at a point on the Southwestern line of a tract of land conveyed to Herman S. Barton by deed recorded in Book 226, page 174 of the St. Louis County Records, said point being South 34 degrees 25 minutes 59 seconds East, 374.14 feet from the Southwest corner of Barton; thence departing the Southwestern line of Barton. North 55 degrees 34 minutes 01 seconds East, 150.00 feet; thence South 34 degrees 25 minutes 59 seconds West, 189.90 feet; South 55 degrees 34 minutes 01 seconds West, 150.00 feet to a point on the Southwestern line of Barton, as aforementioned; thence along said Southwestern line of Barton, North 34 degrees 25 minutes 59 seconds West, 189.90 feet to the point of beginning and containing 28,485 square feet (0.654 acres) according to survey by The Clayton Engineering Company January, 1997.



LEGAL DESCRIPTION
(overall tract)

A tract of land being part of Section 27, Section 34 and U.S. Survey 373, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows:

Beginning at the intersection of the Southwestern line of a tract of land conveyed to David J. and Barbara L. Barton by deed recorded in Book 6674, page 2483 of the St. Louis County Records with the Northwestern line of State highway Route 30 as condemned by the State of Missouri by Cause No. 299274 of the Circuit Court of St. Louis County and Report of Commissioners. recorded in Book 6420, page 1431 of the St. Louis County Records; thence along said Northwestern line of Route 30, North 56 degrees 19 minutes 52 seconds East, 139.68 feet to a point being 145.00 feet perpendicular Northwesterly of center line station 482+37, North 42 degrees 58 minutes 00 seconds East, 503.72 feet to a point being 152.00 feet perpendicular Northwesterly of center line station 477+51.85, North 44 degrees 00 minutes 00 seconds East, 217.61 feet, North 23 degrees 54 minutes 10 seconds East, 69.29 feet, South 34 degrees 34 minutes 50 seconds East, 24.29 feet, North 44 degrees 00 minutes 00 seconds East, 43.97 feet to a point being 184.00 feet perpendicular Northwesterly of center line station 474+45, North 45 degrees 53 minutes 50 seconds East, 158.87 feet to a point being 204.00 feet perpendicular Northwesterly of center line station 472+95, North 56 degrees 17 minutes 26 seconds East, 76.90 feet to a point being 202.00 feet perpendicular Northwesterly of center line station 472+22, North 39 degrees 15 minutes 23 seconds East, 110.44 feet to a point being 234.00 feet perpendicular Northwesterly of center line station 471+22, and North 2 degrees 41 minutes 50 seconds West, 39.43 feet to a point on the Southern line of Relocated Route 141, said point being 85 feet radial distant from center line station 6+95; thence along the Southern line of route 141, North 47 degrees 40 minutes 17 seconds West, 234.99 feet to a point being 60 feet perpendicular Southwesterly of center line station 4+57, and North 54 degrees 06 minutes 27 seconds West, 455.88 feet to a point on the Northeast line of Barton, as aforementioned, said point being 60 feet perpendicular Southwesterly of center line of Route 141; thence along Bartons Northeastern line North 23 degrees 54 minutes 10 seconds East, 20.44 feet to a point on the Southwestern line of State Route 141, said point being 40 feet perpendicular Southwesterly of center line of Route 141, thence along said Southwestern line of State Route 141, North 54 degrees 14 minutes 50 seconds West, 241.03 feet to the intersection of the Southern line of Old Smizer Mill Road, 40 feet wide; thence along said Southern line of Old Smizer Mill Road, North 74 degrees 51 minutes 12

seconds West, 15.22 feet to a point on the Northeast line of property conveyed to Arnold and Betty Hanneke by Deed recorded in Book 7950, page 1063 of the St. Louis County Records; thence along Hannekes Northeast line, North 6 degrees 09 minutes 08 seconds East, 20.07 feet to a point in the center line of Old Smizer Mill Road, 40 feet wide; thence along said center line of Old Smizer Mill Road, being also the North line of Hanneke, North 88 degrees 36 minutes 02 seconds West, 281.42 feet to the Northeast corner of property conveyed to Kenneth R. Tebo by Deed recorded in Book 7328, page 1446 of the St. Louis County Records; thence continuing along the center line of Old Smizer Mill Road; being also the North line of Tebo, North 88 degrees 21 minutes 34 seconds West, 101.41 feet to an angle point therein; thence North 74 degrees 15 minutes 12 seconds West, 74.26 feet to an angle point therein; thence North 60 degrees 38 minutes 06 seconds West, 48.48 feet to the Northwest corner of Tebo; thence along the West line of Tebo and the West line of Barton, as aforementioned, South 3 degrees 37 minutes 25 seconds West, 974.96 feet to the Southwest corner of Barton; thence along the South line of Barton and the South line of property conveyed to Willard King ^{and Elizabeth King} by Deed recorded in Book 4754, page 428 of the St. Louis County Records and property conveyed to Eldon and Patricia Lohman by Deed recorded in Book 7472, page 903 of the St. Louis County Records, South 34 degrees 25 minutes 59 seconds East, 805.38 feet to the point of beginning and containing 31.255 acres according to survey by The Clayton Engineering Company January, 1997.

PETITION FOR SIMPLIFIED BOUNDARY CHANGE

The undersigned, being the owners of all fee interest of record in property located at:

8 Frede Drive, Unincorporated St. Louis County, Missouri 63026

Book 7472, Page 903 of the St. Louis County Recorder of Deeds, Legal Description attached hereto as Exhibit A.

St. Louis County Locator Number: 280220088

hereby request annexation of our property into the City of Fenton. In support of this petition, being of lawful age and duly sworn upon our oaths, further state as follows:

- 1. The undersigned are the owners of all fee interest of record of the tract of land described above and proposed to be annexed to the City of Fenton.
2. That the real property is situated entirely within an unincorporated portion of St. Louis County, Missouri.
3. That the real property is either contiguous to property being proposed for annexation, which is contiguous to the existing corporate limits of the City of Fenton or is contiguous to the corporate limits of City of Fenton. A legal description of the entire annexation area being made part of this petition and attached hereto as Appendix A.

IN WITNESS WHEREOF, We have set our hands this 3 day of March, 1997.

Eldon Lohman signature and name

Patricia Lohman signature and name

State of Missouri)
) ss
County of St. Louis)

On this 3 day of March, 1997, before me personally appeared Eldon Lohman and Patricia Lohman, to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

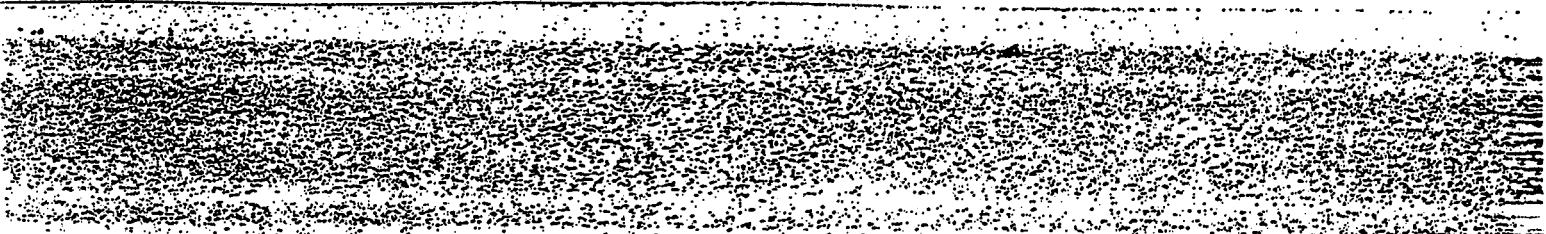
Commission Expires:

Fred W. Schmidt signature and Notary Public title

FRED W. SCHMIDT, III
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES 3/17/2000
ST. LOUIS COUNTY

Lohman Parcel

A tract of land being part of U.S. Survey 373, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows: Beginning at a point on the Southwestern line of a tract of land conveyed to Herman S. Barton by deed recorded in Book 226, page 174 of the St. Louis County Records, said point being South 34 degrees 25 minutes 59 seconds East, 564.04 feet from the Southwest corner of Barton; thence departing the Southwestern line of Barton, North 55 degrees 34 minutes 01 seconds East, 150.00 feet; thence South 34 degrees 25 minutes 59 seconds West, 189.90 feet; South 55 degrees 34 minutes 01 seconds West, 150.00 feet to a point on the Southwestern line of Barton, as aforementioned; thence along said Southwestern line of Barton, North 34 degrees 25 minutes 59 seconds West, 189.90 feet to the point of beginning and containing 28,485 square feet (0.654 acres) according to survey by The Clayton Engineering Company January, 1997.



LEGAL DESCRIPTION
(overall tract)

A tract of land being part of Section 27, Section 34 and U.S. Survey 373, Township 44 North, Range 5 East, St. Louis County Missouri and being further described as follows:

Beginning at the intersection of the Southwestern line of a tract of land conveyed to David J. and Barbara L. Barton by deed recorded in Book 6674, page 2483 of the St. Louis County Records with the Northwestern line of State highway Route 30 as condemned by the State of Missouri by Cause No. 299274 of the Circuit Court of St. Louis County and Report of Commissioners recorded in Book 6420, page 1431 of the St. Louis County Records; thence along said Northwestern line of Route 30, North 56 degrees 19 minutes 52 seconds East, 139.68 feet to a point being 145.00 feet perpendicular Northwesterly of center line station 482+37, North 42 degrees 58 minutes 00 seconds East, 503.72 feet to a point being 152.00 feet perpendicular Northwesterly of center line station 477+51.85, North 44 degrees 00 minutes 00 seconds East, 217.61 feet, North 23 degrees 54 minutes 10 seconds East, 69.29 feet, South 34 degrees 34 minutes 50 seconds East, 24.29 feet, North 44 degrees 00 minutes 00 seconds East, 43.97 feet to a point being 184.00 feet perpendicular Northwesterly of center line station 474+45, North 45 degrees 53 minutes 50 seconds East, 158.87 feet to a point being 204.00 feet perpendicular Northwesterly of center line station 472+95, North 56 degrees 17 minutes 26 seconds East, 76.90 feet to a point being 202.00 feet perpendicular Northwesterly of center line station 472+22, North 39 degrees 15 minutes 23 seconds East, 110.44 feet to a point being 234.00 feet perpendicular Northwesterly of center line station 471+22, and North 2 degrees 41 minutes 50 seconds West, 39.43 feet to a point on the Southern line of Relocated Route 141, said point being 85 feet radial distant from center line station 6+95; thence along the Southern line of route 141, North 47 degrees 40 minutes 17 seconds West, 234.99 feet to a point being 60 feet perpendicular Southwesterly of center line station 4+57, and North 54 degrees 06 minutes 27 seconds West, 455.88 feet to a point on the Northeast line of Barton, as aforementioned, said point being 60 feet perpendicular Southwesterly of center line of Route 141; thence along Bartons Northeastern line North 23 degrees 54 minutes 10 seconds East, 20.44 feet to a point on the Southwestern line of State Route 141, said point being 40 feet perpendicular Southwesterly of center line of Route 141, thence along said Southwestern line of State Route 141, North 54 degrees 14 minutes 50 seconds West, 241.03 feet to the intersection of the Southern line of Old Smizer Mill Road, 40 feet wide; thence along said Southern line of Old Smizer Mill Road, North 74 degrees 51 minutes 12

APPENDIX - I

1st Reading: 5/19/97
2nd Reading: 5/19/97
* 3rd Reading: 5/19/97

SPONSOR: PRESLAR

ORDINANCE NO. 2068

BILL NO. 97-56

**AN ORDINANCE APPROVING A PLAN OF INTENT FOR
SUBMISSION TO THE ST. LOUIS COUNTY BOUNDARY
COMMISSION FOR ANNEXATION OF PROPERTY
LOCATED AT THE SOUTHWEST QUADRANT OF THE
INTERSECTION OF STATE HIGHWAYS 30 AND 141.**

WHEREAS, at committee meetings held on April 30, 1997 the Board of Aldermen approved submitting a Plan of Intent to the St. Louis County Boundary Commission for annexation of property located at the southwest quadrant of the intersection of State Highways 30 and 141; and

WHEREAS, the Board of Aldermen believe the annexation of said property lends itself to future commercial and retail development.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, MISSOURI, AS FOLLOWS:

Section 1. The attached Plan of Intent for annexation of property located at the southwest quadrant of the intersection of State Highways 30 and 141, being Exhibit A and incorporated herein, is hereby approved in form and substance. The Mayor, City Attorney, and Assistant to the Mayor are hereby authorized and directed to act on behalf of the City of Fenton to present the Plan of Intent to the St. Louis County Boundary Commission.

Section 2. If any clause, word, paragraph, section or other part or portion of this ordinance is held to be invalid, illegal or unconstitutional for any reason, the Board of Aldermen hereby declares it would nevertheless have enacted the remaining portions thereof and such remaining portions shall remain in full force and effect.

* Motion to suspend the rules to allow a third reading was unanimously approved.

ORD. NO. 2068

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED this 19th day of May, 1997.


FRANCIS RUZICKA, MAYOR

APPROVED this 19th day of May, 1997.


FRANCIS RUZICKA, MAYOR

ATTEST:


CITY CLERK

Motion to approve. Roll Call vote:

Ayes: Steelman, Butler, Ball, Preslar, Trego, Lauer, Brightman
Nays: None
Absent: Schnorbus

ORD. NO. 2068

EXECUTIVE SUMMARY

Pursuant to RSMo 72.405(6), the City of Fenton is pleased to submit this "simplified boundary change" application to the St. Louis County Boundary Commission for annexation of the property located at the southwest quadrant of the intersection of State Highways 30 and 141 which is commonly known as the First Baptist Church property. In support of said application, the City of Fenton is pleased to submit all data, information, statistics and submission requirements in compliance with this Commission's Rules as amended and the dictates of the Missouri Revised Statutes.

The subject property consists of a triangular shaped tract of land of approximately 31.255 acres with State Highway 141 to the Northeast and State Highway 30 to the Southeast. The property is contiguous to the City of Fenton and is within three quarters of a mile of Fenton City Hall, major subdivisions and other major retail businesses located in the City's downtown area. This tract of land currently contains three (3) residences and a church. The remainder of the property is not devoted to any use.

Pursuant to Boundary Commission Rule IIIA.1 this executive summary will provide the Commission and staff a brief overview as to the purpose of the proposal and the rationale for the property owner's request to be come part of the City of Fenton.

Although situated at a major intersection in a significant growth corridor, this property has never been successfully developed. It is a difficult tract of land and presents extraordinary challenges such as major geologic and topographic problems, floodplain management and safe access.

The 31+ acres is close to major transportation corridors and residential areas. This proximity lends itself well to future commercial and retail development.

Summary Description of Annexation

Description	Church / Residential	Commercial Center
Area	31.255 acres	31.255 acres
Assessed Value	\$260,150	\$7,273,400
Number of Dwellings	3	0
Estimated Population	9	0

The owners-under-contract, ("Owners") goal is to successfully develop the site into a regional retail center. Over the past several years many residents and businesses located both within and outside the current City borders have been anxiously waiting for a retail center to be developed to service this area.

EXHIBIT "A" TO ORD. 2068

To accomplish this goal and render the property usable, the City of Fenton and the Owner respectfully submit this request for annexation, along with the verifying requests of the underlying fee owners. This submission includes all residential fee owners of the property. It should be noted that this Application and Plan of Intent are written to portray that the Owner will consummate the contract for the property and the residents will be removed at some point once the proposed development is underway. The Owner anticipates that this will take place sometime in late 1998 or early 1999.

Throughout this report, the tax and revenue projections as required by many of the Review Factors are presented by the City. The two main focuses are:

- ① The residential property as it currently exists, and
- ② The property as developed into a major retail center.

It should be noted, however, for purposes of Chapter 66 RSMo et. Seq., that this area will come into the City of Fenton as a "B" Pool City Area not as a "A" Point of Sale Area. This will have an insignificant impact upon the revenue stream for the property to St. Louis County.

This Plan of Intent and supporting documentation will provide the statutory reasonableness and necessity of annexing this tract of land into the City of Fenton's jurisdiction in terms of:

- ① Compactness/geographic location,
- ② Efficiency of service delivery,
- ③ Quality of services provided,
- ④ Community interest,
- ⑤ Public taxation and finance.

The City does not anticipate any complications with regards to political representation, zoning, taxation, service delivery or any other review criteria. Please note that while the City of Fenton will assume the responsibility immediately upon the effective date for all municipal services, this proposal will not require any changes in fire protection or emergency medical services. Fenton Fire District will continue to provide these services and currently does so regardless of jurisdiction.

One of the benefits that should be noted is that the City of Fenton currently contracts for full service police protection from St. Louis County. This transition will be effortless and seamless for both St. Louis County and the City of Fenton. In addition, the extension of any municipal services provided to this area will not create any undue burden to the current or projected financial condition of the City. All service levels will remain consistent with those services currently offered to others within the City's corporate borders. These findings of fact are supported with empirical data in quantifiable terms within this Plan of Intent. The financial viability of the boundary change proposal is advantageous to the City and will afford the Owners the opportunity to devote the property to the highest and best possible use.

But for this annexation being granted, this tract of land will remain effectively blighted to future use over the greater portion of the acreage. Once adopted by the Fenton Board of Aldermen, this Plan will be presented to the St. Louis County Clerk's Office in accordance with the Rules of the Commission. Further in conformity with those rules, as amended, the City will bear the costs of the Commission relating to any public notice publication costs, copies or any other costs contemplated by the Rules.

By submitting this petition and Plan of Intent, the City is honoring the wishes of all persons and entities seeking to bring this tract of land into the City of Fenton, as well as expanding the corporate boundaries as are reasonable and necessary to the geographical, transportation, service delivery and community interest needs of the area.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Fran Ruzicka', with a large, stylized initial 'F'.

Mayor Fran Ruzicka
City of Fenton

Plan of Intent

Proposed by:
THE CITY OF FENTON

Mandatory Review Factors

FACTOR 1. THE IMPACT, INCLUDING BUT NOT LIMITED TO THE IMPACT ON THE TAX BASE OR ON THE ABILITY TO RAISE REVENUE, OF SUCH PROPOSAL ON:

A. The area subject to the proposed boundary change and its residents;

The City of Fenton levies no residential or business property tax, no business license fees and has no residential utility tax. The business utility tax rate is 5% which is the same as St. Louis County. The 1% local sales tax that is collected from this tract of land will go to the "B" Pool City Area. In addition to this revenue, in 1996 the City passed the ½% sales tax for parks and storm water improvements. Because of these factors, it is important to point out that the development of the property included in this annexation would have a greater positive impact on all other taxing districts than it would have for the City of Fenton. (Table 1)

In the first scenario, looking at this area as it is right now, residents living in the unincorporated area pay for routine municipal services at an annual cost of \$166.00 per year. If this area is annexed into the City of Fenton these residents would be provided with numerous key municipal services such as:

- ✓ Solid Waste Pick-Up Twice a Week - No Charge
- ✓ Recycling Pick-Up Once a Week - No Charge
- ✓ Lawn Debris Removal Once a Week - No Charge
- ✓ \$10.00 Payment toward monthly residential MSD Bill
- ✓ City pays for Street Lights

The above listed services would equate to an approximate annual cost to the City of \$577.00 per household. This proposed annexation would result in providing equal, if not superior, subsidized municipal services to the residents in the proposed annexed area.

In the second scenario, development of the proposed area into a retail/commercial tract would also benefit the City and the population both within and outside the city's corporate limits. The City provides numerous services including, but not limited to police protection, street and infrastructure maintenance, storm water control and snow removal. These services are a benefit and will serve to offset the cost differential for the Owner.

<i>Financial Impact of Annexation</i>					
Tax Source	Current Unincorporated Scenario	Annexed as			
		Church / Residential		Retail/Commercial	
		St. L. Co. & Other tax Distrs	Fenton	St. L. Co. & Other tax Distrs	Fenton
Property Taxes	\$3,073	\$3,073	\$0	\$396,909	\$0
Local 1% Sales Tax	0	0	0	296,885	0
½ % Park & SW Sales Tax	0	0	0	0	148,443
5% Utility Tax	500	0	500	0	20,732
Total Revenue	\$3,573	\$3,073	\$500	\$693,794	\$169,175

TABLE 1

B. The existing municipality or municipalities, if any, proposing the boundary change and the residents thereof;

The property as it currently exists would be of minimal costs to the City of Fenton. As previously stated, Fenton provides all residents with free trash pickup, curbside recycling, municipal level police protection, public works, planning and zoning, administrative and recreational services. In addition the City subsidizes up to \$10 per month of monthly residential M.S.D. bills. The City will not need any additional personnel to provide these services to the three (3) residences.

If this tract develops into a retail/commercial center, the City of Fenton would not receive any of its largest source of revenue, which is the 1% local sales tax. However, the City would receive the funds from the ½% Park and Storm Water sales tax.

With this proposed annexation, the current City of Fenton residents and businesses will not see any changes in the City's ability to deliver the high level of municipal services after the annexation has been completed.

C. Adjoining areas not involved in the boundary changes and the residents thereof;

The subject property to be annexed and those properties surrounding it are located at the southwest quadrant of Missouri Highway 141 and Highway 30, the proposed annexation area includes an unincorporated tract of land which is approximately 31 acres. (Appendix A)

The immediate area in St. Louis County surrounding the proposed annexation area has a hilly terrain and is sparsely settled. Several newer subdivisions, including Summerset Parq, are being developed within proximity of the proposed area. Residential, institutional and retail uses exist predominately across Highway 141 within the City's current boundaries.

The highway location, with its excellent accessibility and visibility, is likely to attract commercial interests. With the eventual widening of Highway 141 to six lanes at Highway 30, the new highway will only add to the impetus for future commercial development at this quadrant of the interchange.

Because of highway and other infrastructure improvements, the added attention brought on by potential commercial success may focus development interest on the available vacant land in the immediate vicinity. Similarly, the hilly terrain, rocky soils and other physical features within the immediate area of the proposed annexation area add to create higher project development costs.

The City believes strongly that the proposed annexation will have a positive impact on the adjoining areas with respect to an increased tax base and the ability of the City and County to raise revenues. Commercial traffic from future development may increase but is likely to be offset by increased Highway 141 capacity currently under construction by Missouri Department of Transportation.

D. The entire geographic area of the county and its residents;

The proposed area is currently in unincorporated St. Louis County and is situated in close proximity to the retail/commercial center of Fenton. Retail and commercial development should be attracted to the proposed annexation area due to the access to the State Highway system, high visibility, physical improvements, and needed infrastructure. *Future commercial development is likely to have a positive impact to the entire area and St. Louis County.*

This proposal has briefly touched on the City of Fenton and how the City and the proposed annexed area will be affected by the St. Louis County sales tax redistribution plan. As you are aware the City of Fenton is currently an "A" Point of Sale City.

The proposed annexation area is a "B" pool area. All general sales tax generated in that area is placed into a single "pool" along with the general sales tax generated from other unincorporated areas of St. Louis County and "B" classified municipalities. This sales tax that is collected in this "pool" is then distributed to each "B" city and St. Louis County based on their respective populations.

Even though the City of Fenton is proposing to annex the subject area, this tract of land will remain a "B" pool classified area and thus any general sales tax generated by that area will be shared with other "B" classified cities and St. Louis County and not the City of Fenton. If this area is left as is, the City of Fenton will receive its portion of the general sales tax generated in the proposed annexation area based on the population of the area annexed. Thus, the proposed annexation will have a *positive impact* on St. Louis County residents.

FACTOR 2. A LEGAL DESCRIPTION OF THE AREA TO BE ANNEXED, INCORPORATED, CONSOLIDATED, DISINCORPORATED, OR SUBJECT TO THE TRANSFER OF JURISDICTION.

- A. All descriptions should be in a standard legal form by metes and bounds, prepared and signed and sealed by a registered surveyor or professional engineer:**

Refer to Appendix B for the detailed metes and bounds legal description.

- B. A standard format shall be used;**

Please refer to Appendix B for the legal description.

- C. All descriptions shall close and indicate the included area in miles or acres.**

Please refer to Appendix B for the legal description.

FACTOR 3. THE ABILITY TO ACCOMMODATE THE ORDERLY INCORPORATION IN THE COUNTY, INCLUDING ITS ABILITY TO MAKE ADDITIONS, DELETIONS AND MODIFICATIONS WHICH ADDRESS LEGAL BOUNDARIES, TECHNICAL OR SERVICE DELIVERY PROBLEMS OR BOUNDARIES WHICH OVERLAP THOSE OF OTHER PROPOSALS; HOWEVER, SUCH ADDITIONS, DELETIONS AND MODIFICATIONS SHALL NOT MAKE SUBSTANTIVE CHANGES TO ANY PROPOSED BOUNDARY PETITION.

A. Ability to make additions, deletions and modifications which address:

1. legal boundaries;

This tract of land is presently in unincorporated St. Louis County, yet lies well within the geographic perimeter and corporate boundaries of Fenton proper. This annexation constitutes a move toward an orderly incorporation in the County by annexing into Fenton's corporate limits. This annexation would not create any unique servicing requirements.

This proposal contains no overlapping features or conflicts involving another jurisdiction. The outcome of this annexation would result in greater jurisdictional order in the community and logical boundary lines.

2. technical or service delivery problems;

There are no technical or service delivery problems inherent in this proposal because the subject area already geographically lies in close proximity to the City corporate boundaries. Additional servicing costs are negligible and can easily be absorbed through current operations.

3. boundaries which overlap those of other proposals;

There are no boundary disputes or overlapping proposals associated with this proposed annexation property.

4. Such additions, deletion and modifications shall not make substantive changes to any proposed boundary petition.

It is not anticipated that any substantive changes will be necessary in order to accommodate this proposal and this land is not being proposed for annexation by any other jurisdiction.

FACTOR 4. THE PRESENT LEVEL OF MAJOR SERVICES PROVIDED BY THE MUNICIPALITY OR OTHER PROVIDER, PROVIDED TO THE UNINCORPORATED AREA BY THE COUNTY, AND PROPOSED TO BE PROVIDED BY THE ANNEXING MUNICIPALITY OR MUNICIPALITY TO BE INCORPORATED OR CONSOLIDATED, INCLUDING, BUT NOT LIMITED TO POLICE PROTECTION, FIRE PROTECTION, WATER AND SEWER SYSTEMS, STREET MAINTENANCE, UTILITY AGREEMENTS, PARKS, RECREATION AND REFUSE COLLECTIONS;

- A. If one or more municipalities are included in the proposed boundary change, itemize the following:**
- 1. A full inventory of typical municipal services extended by any included municipality(ies);**

The City provides municipal services for it's residents and businesses. An inventory of the services provided by City of Fenton and St. Louis County can be found on Appendix C.

- 2. A description of each service;**

A description of each service is provided in Appendix C.

- 3. Any municipal services provided by a source other than included municipality(ies) together with a description of agreements or special arrangements;**

In addition, Appendix C discusses any municipal services which are provided by contract or agreement through another provider or public agency.

- B. If unincorporated areas are included in the proposed boundary change, itemize the full inventory of municipal type services provided by the County; other cities or private parties.**

The full range of services provided by the City of Fenton, St. Louis County, and other agencies can be found on Appendix C.

FACTOR 5. A PROPOSED TIME SCHEDULE WHEREBY THE MUNICIPALITY OR PROPOSED MUNICIPALITY PLANS TO PROVIDE SUCH SERVICES TO THE RESIDENTS OF THE AREA TO BE ANNEXED, INCORPORATED OR CONSOLIDATE WITHIN THREE YEARS FROM THE DATE OF THE MUNICIPAL BOUNDARY CHANGES IS TO BECOME EFFECTIVE.

A. Give the date(s) at which each service proposed to be extended would be initiated;

All services would be provided immediately upon the effective date of the proposed boundary change.

B. A description of agreements and arrangements required to attain the scheduled change.

No agreements or other arrangements would be required, other than to formally notify St. Louis County of final approval by the Boundary Commission.

FACTOR 6. THE CURRENT TAX RATES OF THE AREAS SUBJECT TO THE PROPOSAL.

A. Provide current listing of tax rates for area affected by boundary change.

Tax/Levy	St. Louis County	Fenton
Real Estate Prop. Tax Levy	\$0.58/\$100 AV	\$0.00/\$100AV
Personal Prop. Tax Levy	\$0.58/\$100 AV	\$0.00/\$100 AV
Utility Tax Rate-Commercial	5% of Gross Rec	5% of Gross Rec.
Utility Tax Rate-Residential	5% of Gross Rec.	0% of Gross Rec.
Cable TV Franchise Tax	5% of Gross Rec.	3% of Gross Rec.

B. Provide current listing of licenses and fees for the area affected by boundary change.

<u>LICENSE/FEE</u>	<u>COUNTY</u>	<u>FENTON</u>
Residential Bldg. Permits	Based on Estimate Construction Costs and Sq. Ft.	Approx. Cost of Construction
Residential Occupancy Permit	\$25.00	\$5.00
Comm. Municipal Zoning Approval	Value of Construction	Value of Construction
Comm. Occupancy	\$45.00	\$25.00
Comm. Re-Occupancy	\$45.00	\$25.00
Sign/Banner	\$90 up to 100sq. \$145 > 100 sq. ft.	\$1.00 per sq. ft. Minimum \$10.00
Electrical	Contract with St. Louis Co.	Contract with St. Louis Co.
Plumbing	Contract with St. Louis County	Contract with St. Louis Co.
Excavation	\$5.00 permit \$5.00 inspection \$10.00 Total	\$10.00 Refundable deposit \$500 boring \$1,000 cutting street
Demolition	\$45.00 permit \$25.00 inspection	Refundable deposit \$500.00

The City of Fenton Fee Schedule is attached as Appendix D. Both the City of Fenton and St. Louis County utilize the issuance of permits, inspections and code enforcement to control and oversee development within their jurisdictions. Both units of government have appropriate fee schedules for permits and inspection services.

The City of Fenton contracts with St. Louis County Department of Public Works to perform the permitting and inspections for residential and commercial development within the City of Fenton. The City of Fenton gives the project municipal zoning approval before the project is started and final occupancy permits after it is completed. With or without annexation there will be no change in inspection service and fees.

FACTOR 7. WHAT SOURCES OF REVENUE OTHER THAN PROPERTY TAX ARE COLLECTED OR ARE PROPOSED TO BE COLLECTED BY THE MUNICIPALITY OR PROPOSED MUNICIPALITY.

A. List all current sources of revenue, including rates and projected revenue realized for:

1. All municipal taxes and fees.

If the proposed area is left as is, the City will realize revenues, including sales tax and intergovernmental revenues of approximately \$1,578 in 1998, \$1,825 in 1999 and \$1,674 in the year 2000. Once the proposed area is fully developed the City will collect approximately \$176,812 per year. (Table 2)

2. All investment income.

The City's general fund investment income will be appropriated annually by the Mayor and Board of Aldermen for general fund operating expenses and capital improvement purposes, just as any other general revenue source would be treated. The City does not anticipate any significant increase in interest income relating to this annexation.

Investment income from the park and storm water sales tax will be appropriated annually by the Mayor and Board of Aldermen for appropriate operating expenses and capital improvements.

3. Fire district rates, if applicable.

The proposed area will remain in the Fenton Fire Protection District which currently has a property tax rate of \$.74 per \$100 assessed valuation.

<i>Annexation Impact - City of Fenton Revenues</i>			
Taxes and Fees	Rate	REVENUE INCREASE	
		Church / Residential	Commercial Center
Utility Tax	5%	\$500	\$20,732
Cable TV Franchise Tax	3%	13	0
Pool Sales Tax	\$115	690	0
Gas Tax	\$25.42	153	0
Cigarette Tax	\$4.40	26	0
Co. Road & Bridge Tax	.105 /\$100AV	136	7,637
Motor Vehicle Fee	\$4.45	27	0
Motor Vehicle Sales Tax	\$5.45	33	0
Park & Storm Water Sales Tax	½ %	0	148,443
Total Revenue Increase		\$1,578	\$176,812

TABLE 2

4. All reserves, fund balances, enterprise funds.

The City of Fenton has an approved fund balance policy which demonstrates the City of Fenton's commitment to maintaining a strong fund balance. A copy of this policy is attached as Appendix E. Revenues from the annexation area will be used to help fund general services such as law enforcement, street maintenance, code enforcement, and administration services. The City of Fenton does not operate any enterprise funds.

5. Traffic Generated Assessments.

Traffic generated assessments are generally used as a reference or a guide for determining the extent of roadway improvement requirements related to a new development. In theory, a developer pays a specific traffic generated assessment ("TGA") which is generally calculated as a dollar amount per parking or loading space. The TGA is used for financing the costs relating to roadway improvements, lane widening, installation of traffic signals, bridge construction and other applicable

improvements. In unincorporated St. Louis County the contribution is negotiated and established in the final zoning ordinance approved by the St. Louis County Council. The developer's total obligation for specified road improvements shall not exceed the TGA contribution, except if the improvements are considered mandatory for the safety of the public. The developer's contribution is used for roadway improvements associated with their development and for improvements located within the established TGA district.

Within incorporated St. Louis County, the need for traffic generated assessments fall within the jurisdiction of the municipality. This proposed area currently falls within the St. Louis County established TGA district. (Appendix F)

The City embraces the theory of traffic generated assessments. If this proposed area is developed, the City will require the developer to uphold the spirit and intent of the TGA. The City will require that the developer be responsible for the TGA contribution which will be collected by the City for roadway improvements related directly to the new development. The City and the County have come to a tentative agreement that as long as the developer is required to contribute funds that are equal to a TGA, the City may collect and distribute these funds to improve the roadways.

6. Any proposed changes to the revenue structure.

At this time, the City of Fenton is not proposing any changes to the revenue structure:

- B. In addition to those existing city revenue instruments that may be extended to the unincorporated area proposed to be annexed, indicate all proposed new sources or revenue (including new tax rates and new fees), their proportion of the proposed budget, whether or not new revenues are earmarked for a specific source, and a three year projection.**

No new sources of revenue are anticipated.

C. Summary of current and projected expenditures.

The City of Fenton has a five year projection for general fund revenue and expenditures. The expenditures are divided into reoccurring operating expenses and non-reoccurring capital and grant projects. The City of Fenton reserves 15% of general fund budgeted revenue for non-reoccurring projects. Operating expenditures are categorized into several categories.

The first two are for payments to employees and employee benefits. The third category is the City of Fenton's municipal police service contract with the St. Louis County Police Department. The fourth category is for payments made for residential citizens, including trash pickup, curbside recycling, street lights, and up to \$10 per month of

sewer bills.

Over the next twenty-four months, the City of Fenton will be building and operating a new Recreational Complex and a City Government Center. The Recreation Complex is designed to serve the needs not only of Fenton residents, but also the residents located in the Fenton area. The City Center will provide the needed space, technology and accessibility necessary to provide modern open municipal government.

The increase in capital and operating expenditures for these two new buildings will come from several sources. The capital

expenditures will be covered by the proceeds from a bond issue, from the general fund, and from a new parks and storm water tax. The increased operating expenses will be covered by recreational program fees, the general fund and the ½ cent parks and storm water tax. The general fund, and the ½ cent parks and storm water improvements tax will also be utilized for payments on the bond issue.

D. Cost of extending services to annexation area(s) if applicable.

Although the City's service extension costs will be minimal, they must be examined separately under (1) the present scenario and (2) the redevelopment scenario.

1. CHURCH/RESIDENTIAL SCENARIO

The City's service extension costs to the area will be minimal, if any, for the existing church. Servicing the 3 homes includes paying for the full cost of trash service and recycling, \$10/month off their monthly sewer costs, brush and leaf collection, snow removal of Old Smizer Mill Road and the end of Country Home

<i>Three-Year Summary Projection</i>			
CATEGORY OF EXPENDITURES	1998 PROJECTIONS	1999 PROJECTIONS	2000 PROJECTIONS
OPERATING EXPENDITURES			
Personnel	\$1,220,000	\$1,281,000	\$1,345,000
Employee Benefits	329,000	346,000	363,000
Police Contract	1,191,000	1,250,000	1,313,000
Direct Residential Payments	579,000	649,000	725,000
Other	1,193,000	1,252,000	1,315,000
New Center Operations	769,000	1,015,000	1,066,000
TOTAL OPERATING EXP.	\$5,281,000	\$5,793,000	\$6,127,000
CAPITAL & GRANT PROJECTS	\$11,704,000	\$4,665,000	\$2,076,000
BOND PAYMENTS	1,522,000	1,518,000	1,516,000
TOTAL EXPENDITURES	\$18,507,000	\$11,976,000	\$9,719,000

TABLE 3

Drive. Other municipal services such as full service police protection, planning and zoning and parks and recreation will be available. The additional cost of providing services to the annexed area is estimated at \$1,700.

Servicing existing residential from both New and Old Smizer Mill is easily facilitated because the residences are adjacent to the existing city limits. The other two properties at the end of Country Home Drive can be accessed by proceeding south on Highway 30 and returning on Country Home Drive mostly through unincorporated St. Louis County. This does not cause a problem because most of the services provided are by contract. The only other services that the City would be actually providing to these three (3) residences are once a week leaf/ brush collection and snow removal.

Country Home Drive is currently a St. Louis County road. This road is now, and will continue to be maintained by St. Louis County. This annexation will not in any way hinder St. Louis County in providing maintenance to this road.

2. REDEVELOPMENT SCENARIO

If the property is developed for retail and commercial purposes the City will provide the municipal services it regularly provides to current retail and commercial areas within the city limits. The City currently provides superior snow removal and street maintenance to publicly owned streets. The proposed area will be serviced by full police protection which now and in the future will be provided by the St. Louis County Police Department. The additional cost of providing services to the annexed area is estimated at \$2,000.

Services can be provided at minimal cost due to the compactness of the subject area relative to the existing City of Fenton boundaries. To provide the regular municipal services, the City can absorb the impact of the new area and provide public services to these residents at negligible costs. It should be noted that this scenario is based upon the St. Louis County Police Department's estimates that the cost to provide services to the annexed area will be negligible. However, if calls for service increase above expected levels, the City's contract with St. Louis County will be adjust accordingly.

As described before, the proposed annexation area is currently a part of the St. Louis County sales tax distribution pool. Though the City of Fenton is an "A" point-of-sale city for purposes of sales tax distribution, the sales tax dollars generated from the proposed annexation area would remain in the St. Louis County sales tax distribution "B" pool.

FACTOR 8. THE EXTRAORDINARY EFFECT THE BOUNDARY CHANGE WILL HAVE ON THE DISTRIBUTION OF TAX RESOURCES IN THE COUNTY.

This annexation would produce a minimal impact on the tax resources of St. Louis County. Because the area will become part of the corporate boundaries of the City of Fenton, some taxes previously paid to the County will now be paid to the City. In addition, net tax resources could increase with the possible development of a commercial/retail center.

Currently, the sales tax pool receives *nothing annually* from proposed area. The City estimates that St. Louis County receives:

- ✓ \$500.00 per year in utility tax revenue,
- ✓ \$21.00 per year in cable television tax,
- ✓ \$136.00 per year in Road and Bridge tax, and
- ✓ \$239.00 in other per capita intergovernmental taxes.

<i>Annexation Impact - St. Louis Co. Revenues</i>				
Taxes and Fees	Rate	Current Status	REVENUE CHANGE	
			Church/ Residential	Commercial Center
Property Taxes	.58 /\$100AV	\$327	\$327	\$42,186
Utility Tax	5%	500	0	0
Cable TV Tax	5%	21	0	0
Gasoline Tax	\$25.42	153	0	0
Motor Vehicle Sales Tax	\$5.45	33	0	0
Motor Vehicle Fee	\$4.45	27	0	0
Cigarette Tax	\$4.40	26	0	0
Local Sales Tax Group "B" Pool	1%	0	0	296,885
Total Revenue Increase		\$1,087	\$327	\$339,071

TABLE 4

If the annexation area is developed under the commercial/retail scenario the impact on the sales tax "B" pool will be significant and positive.

The redevelopment will generate an estimated \$29,688,500 per year in sales. As shown in Table 4, if this area is developed it will generate \$296,885 in new sales taxes for the "B" pool cities and the County. The County will lose an estimated \$760 from all other taxes. *This still comes out as a net gain for St. Louis County.*

FACTOR 9. HOW THE MUNICIPALITY OR PROPOSED MUNICIPALITY PROPOSES TO ZONE ANY AREA NOT PRESENTLY INCORPORATED.

A. The existing zoning maps plus an accurate and complete description of zoning regulations which apply to existing categories;

The proposed annexation area is presently zoned under the St. Louis County's zoning ordinance. The properties are zoned R-2 and R-3 Single Family Residential with the Flood Plain District overlaying these two zones (FPR2 and FPR3) along the northern portion of the area. A zoning map of the subject area is shown on Appendix G. A description of these zone districts from the County's existing zoning ordinance is provided below.

"FP" Flood Plain District

The "FP" zoning district is an overlay district designed to provide additional regulations for those areas of St. Louis County located in the 100-year flood plain and floodway. Property zoned "FP" is also zoned under another applicable zoning district governed by the St. Louis County Zoning Ordinance. In case of any conflict between the "FP" zoning regulations and the regulations otherwise applicable to any property by virtue of its underlying zoning, the "FP" regulations govern.

"R-2" Residence District

The purpose of the "R-2" zoning district is to provide areas for single-family residences on lots with a minimum area of 15,000 square feet. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences.

"R-3" Residence District

The purpose of the "R-3" zoning district is to provide areas for single-family residences on lots with a minimum area of 10,000 square feet. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences.

- B. The projected zoning of unincorporated areas should be mapped and identified by existing zoning districts. Any transition of land use character should be indicated and described;**

The current St. Louis County zoning for the subject area is R-2 and R-3 Residential with a Flood Plain overlay over the northern part of the subject area. The proposed zoning for all areas currently zoned "R-2" and "R-3" with the "FP" Overlay is the City of Fenton zone district, "OT-2" - Commercial Zone District which includes retail shopping centers as a permitted use.

The City's "OT-2" zoning district exists adjacent to the proposed annexation area separated only by the adjacent highway interchange. The "OT-2" zone district currently holds large-scale commercial, retail uses such as grocery stores, fast-food restaurants, and clothing stores. If development proceeds, these are the similar types of commercial uses that will be developed on the area to be annexed. No non-conforming uses will be created as a result of the proposed zoning changes.

Any request to change zoning should be submitted by the property owner. The request would be referred to the Fenton Planning and Zoning Commission for recommendation and then submitted to the Board of Aldermen for approval or denial.

- C. Other regulations such as subdivision, flood plain management ordinances; special districts such as historic preservation; or any other relevant regulations should be included with zoning information if any significant effects are likely to result from their extension into the unincorporated area.**

The City of Fenton has adopted Ordinance #1872 to enforce its Flood Plain Management regulations. These regulations ensure that every development built within the City of Fenton is built at or above the 100-year flood plain as identified on the Flood Insurance Rate Map (FIRM) as determined by the Federal Emergency Management Agency.

It should be pointed out that the City's flood plain management regulations differ from St. Louis County. In fact, St. Louis County's flood plain regulations would not allow the Owner to develop the property at any time. The City of Fenton's flood plain regulations are realistic and require strict compliance to all FEMA regulations.

D. Zoning and land use regulation;

1. Description of projected zoning changes which would affect residents and/or other property owners.

As discussed earlier, the proposed zoning for the annexed area will include rezoning the property to the City of Fenton's "OT-2" Commercial District. All proposed uses by the Owner will be permitted in this city zone district. Adjacent to the property on the south side is land currently zoned by St. Louis County as "C-8" Planned Commercial District.

The "C-8" district encompasses areas where development and uses permitted in any other commercial districts may be located. It is the purpose of this district to facilitate the establishment of combinations of development and uses for which no provision is made in any other commercial district.

St. Louis County zoning, allowing a broad range of commercial possibilities exists adjacent to the subject property. Residents and property owners would expect zoning changes on non-commercial zoned property in the immediate vicinity given the commercial attraction of this highway interchange and the established commercial zoning.

2. Identification of non-conforming setbacks, lot sizes, land uses, etc. which would result from zoning and remedies being instituted or intended;

No non-conforming uses will be created as a result of the proposed zoning changes. New lots will be created and are expected to conform to the proposed zone district's regulations. Building setbacks and height limits will also be observed.

It is not anticipated that any lot or building that may be rendered nonconforming by the proposed zoning will create an undue hardship on any owner or user of such a lot or building. The City of Fenton zoning ordinance specifically protects nonconforming lots of record with the following provision:

Section 420.010 (f):

Transfer of Ownership. If, as the result of enactment of this Code, existing uses and/or structures may continue under the category of prior non-conforming uses. The property may be sold or transferred by its owner or any future owner or owners, and such new and future owner and owners shall be entitled to continue the non-conforming use or a similar non-conforming use, or may initiate any use permitted within the new zoning district, and any structures on the property may continue in their non-conforming status after such sale or sales.

If there are any undue hardships created by the imposition of the Fenton zoning regulations, an aggrieved owner, resident, or applicant would have grounds to seek a variance from the strict interpretation of the zoning ordinance.

3. Identification of ongoing development projects and indication of provision for transition of jurisdiction.

At this time, the developer has submitted a request for a simple annexation. The developer has under contract obtained all interest in real property and has submitted to the City a concept plan for the site. The annexation proposal was requested by the proposed developer in anticipation of the commercial development project. The developer seeks the appropriate zoning for the proposed retail/commercial uses. These have been identified to be similar to those permitted in the OT-2 Commercial Zone District.

FACTOR 10. THE COMPACTNESS OF THE AREA SUBJECT TO SUCH PROPOSAL

- A. Service delivery/access...the use of roads within the proposed city for safe and efficient delivery of services and access to properties within city. It implies that properties shall not be left stranded, or unable to be accessed by the jurisdiction that contains them.**

The subject area at the southwest quadrant of Highway 141 and Highway 30. It is accessed by State Highway 141 or locally known as New Smizer Mill Road. With the new highway expansion and alignment, the proposed area will have direct frontage on State Highway 141.

A second access point is provided from the south by Country Home Drive. This road does not currently connect to State Hwy. 141. If this proposed area is developed the City will require roadway improvements of Country Home Drive so that it provides safe and adequate access through the development. These improvements will meet St. Louis County Standards.

- B. Community of interest...A geographic area within which one property owner or resident will be significantly affected by municipal decisions concerning another property within that area (either public or private); also, a geographic area within which the residents use many of the same public and private facilities, e.g. churches, parks, elementary schools, grocery stores, etc.**

There is a strong community interest between the City of Fenton and the proposed area. The proposed area is directly across the street from St. Paul's Church and elementary

school, established Fenton subdivisions, and less than a quarter mile from Fenton City Hall, Fenton Community Center, and Bud Weil Park. Should the retail/commercial development be built, the residents of Fenton and the surrounding area would benefit by having more opportunities to shop and dine.

- C. Natural and/or man-made barriers may serve as boundaries as they are obstacles to safe and efficient service delivery/access. Examples include discernible features such as rivers/creeks and other bodies of water; rail systems that block access.**

If the area remains undeveloped, access to the south side of the proposed area can be obtained by traveling a short distance on Highway 30. If this area is developed, access should be noticeably improved since it is planned to have Country Home Drive connect directly with the development through to State Highway 141. With development, bridges will also be constructed to traverse across Fenton Creek.

The boundaries of the annexation area follow existing streets (highways) and property demarcation lines keeping properties intact.

FACTOR 11. WHEN THE PROPOSED BOUNDARY CHANGE SHALL BECOME EFFECTIVE.

- A. Provide the proposed effective date for the boundary changes as proposed.**

The changes will become effective as soon as is legally permitted under the Boundary Commission rules and regulations and State Statutes. Currently the Boundary Commission has set a period of no more than four months for review and decision of a "simplified boundary change". The Commission may choose to require a vote; however, the City of Fenton asks that the proposal be approved without a vote for the following reasons:

1. The property owners of the subject property have signed a petition document requesting that the City of Fenton adjust its boundaries to incorporate the subject property into Fenton, which, in our opinion, indicates the necessary support from the subject area of annexation, and
2. The subject area will have no adverse impact on the financial resources of the existing City, as was previously established. As a result, opposition to this proposal by existing residents would be negligible, if any.

We request that, due to the reasons stated immediately above, the Boundary Commission waive the requirement for a costly election. A copy of the petition is included in Appendix H. The final appendix of this document, contains the certified and approved

Board of Aldermen Council ordinance adopting this Plan of Intent.

- B. No simplified boundary change involving territory already described in an annexation resolution or incorporation petition filed with the Commission shall occur unless the annexation or incorporation proposal first filed has been disapproved by the Commission or defeated by the voters.**

This proposal does not involve territory already described in an annexation resolution or incorporation petition filed with the Commission.