

Before the Boundary Commission, St. Louis County, Missouri

In re: Proposal of the City of Fenton

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File No. BC9702
First Baptist Church Annexation Area

Summary and Finding of the Boundary Commission, St. Louis County

Summary of Facts:

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

On May 20, 1997 a proposal requesting a simplified boundary change (hereinafter referred to as the "official submittal") by the City of Fenton (hereinafter referred to as the "municipality") was submitted to the Boundary Commission (hereinafter referred to as the "Commission") at its office, pursuant to the Rules of the Commission in effect as of December 3, 1996. The official submittal contained the information required of all proposals as found in Article III(A) of the Rules. Additionally, the official submittal contained the following information required under the Rules for boundary change requests involving the annexation of unincorporated territory to a municipality through a simplified boundary change.

- A. Article III B(1a) - Verified petition
- B. Article III B(1b) - Signature list of fee owners not signing the petition
- C. Article III B(1c) - Legal opinion for simplified boundary change proposals
- D. Article III C(1) - Certification of 15% Adjacent
- E. Article III C(2) - Ordinance providing for Annexation
- F. Article IV C - Copy of Budget and Audit Report
- G. Article IV D - Statement regarding Fire Service

On June 17, 1997 a public hearing was conducted by the Commission based upon the official submittal.

The primary area proposed for annexation is a triangular shaped tract of land located at the southwest quadrant of the intersection of State Highways 30 and 141. A map showing the location of the area is attached as Exhibit "A" and is the same map presented in the proposal by the municipality.

The following information, basic to the area, was either provided to the Commission by the municipality in their official submittal or concluded from that information.

BASIC ANNEXATION INFORMATION DATA	
<i>Area</i>	31.255 acres
<i>Population (most recent census)</i>	9
<i>Dwelling Units</i>	3
<i>Dwelling Units per Three Acres</i>	0.29
<i>Total Assessed Valuation</i>	\$260,150
<i>Assessed Valuation per Capita</i>	\$28,906

INFORMATION REGARDING ANNEXATION AREA AS AN UNINCORPORATED POCKET	
Criteria	Finding
Average residential density in excess of one dwelling per three acres	The area has an average residential density less than one dwelling per three acres.
Population of less than five thousand (5,000) people	The area has a population less than 5,000 people.
Accessible by public or private roadways only from incorporated jurisdictions and/or another county	The area is accessible from unincorporated St. Louis County.

Through the owners-under-contract, the residential fee owners of the property approached the City of Fenton to annex the subject properties. The property owners of all fee interests in the area signed the required petitions for a simplified boundary change. The City filed their request because it is consistent with their future annexation plans. Although currently occupied by a church and several homes, the area is situated at a major intersection in a significant growth corridor. It is a difficult tract of land to develop. The owners-under-contract plan to build a regional retail center on this property. In their proposal, the City's financial analysis was based upon either the scenario where the property remained as is, underdeveloped, or where the property would be developed as a regional retail center. The City stated it was their desire to annex this area regardless of whether the property redevelops immediately. Unified planning and control of development at this location was important to the City. The City felt it was in the best interest of the City and surrounding area to have this area annexed into Fenton.

FACTOR 1

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

City of Fenton declarations:

The City of Fenton levies no real estate or personal property tax in addition to the St. Louis County property tax of \$.58 per \$100. The utility tax will remain at 5% after annexation for commercial property, however there is no utility tax levied on residential property in the City of Fenton. The cable TV franchise tax will also decrease to 3% from the 5% of gross receipts. The City also fully subsidizes trash collection, hauling, recycling, and disposal services. The City estimated the additional cost of providing services to the annexed area is \$1,700 if the area remains residential and \$2,000 if the area were to be developed.

St. Louis County declarations:

The County stated that the combined savings for a typical homeowner in the area is estimated at \$390 per year if the annexation is successful. If the area is developed commercially, the projected savings to the three homeowners would not materialize or be short-lived; the City would receive an additional \$176,812 in yearly revenue from the area if it were to develop commercially.

FACTOR 2

(Legal Description of Area)

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

FACTOR 3

(Ability to accommodate orderly incorporation in the County)

City of Fenton declarations:

The City of Fenton represented that the annexation will constitute a move toward orderly incorporation in the County by annexing a tract of land that lies on the geographic perimeter of Fenton. The annexation will not create any unique servicing requirements, and does not overlap any other proposals or create conflicts with another jurisdiction.

St. Louis County declarations:

The County stated that while the area is situated in proximity of the Fenton "old town" it is in fact outside of the geographic perimeter of the City, and State highways 141 and 30 are significant roadways effectively separating the existing City from the area.

FACTORS 4 and 5

(Present level of major services and proposed time schedule for delivery of services)

On the present level of major services and the proposed time schedule to provide those services, the Boundary Commission received the following evidence.

Provision of Services					
<i>Service</i>	<i>Service Unchanged</i>	<i>Service Changed</i>			
		<i>Present Provider</i>	<i>Fee</i>	<i>New Provider</i>	<i>Fee</i>
Police Services		St. Louis County		Fenton ¹	
Fire/EMS/ALS Service	No Change				
Water Service	No Change				
Sewer Service	No Change		Yes		No ²
Street Maintenance		St. Louis County	No	Fenton	No
Utility Agreements		St. Louis County		Fenton	
Parks Service		St. Louis County	No	Fenton	No
Recreation Service		St. Louis County	No	Fenton	No
Refuse Service		Property Owner	Yes	Fenton	No
Sidewalk Maintenance		St. Louis County	No	Fenton	No
Street Lighting		Property Owner	Yes	Fenton	No
Code Administration		St. Louis County	Yes	Fenton	Yes
Planning & Zoning		St. Louis County	Yes	Fenton	Yes
Municipal Court		St. Louis County	No	Fenton	No
Health Services	No Change				

The City stated that all services would be provided immediately upon the effective date of the proposed boundary change, including solid waste services. Ordinarily RSMO 260.247 would prohibit the City from providing refuse services to newly annexed residents for a period of two years following annexation, however the statute does not apply to areas with lower than the requisite population density of fifty (50) residential customers. The property involved has only three dwelling units, and any future development is proposed to be commercial property.

¹City of Fenton has a full service contract for police services with St. Louis County

²City of Fenton subsidizes the MSD charges to its residents

FACTORS 6 and 7
 (Current tax rates of area and sources of revenue)

On the current tax rate of the area subject to the proposal and the sources of revenue of the area subject to the proposal, the Boundary Commission received the following evidence:

City of Fenton Declarations:

Change in Tax Rates for Property and Utility Taxes after Annexation

Source of Tax	Change in Tax Rate
Real Estate Property Tax	No change
Personal Property Tax	No change
Utility Tax	Commercial - No change (remains 5%) Residential - Decrease from 5% to 3%

Revenue, Cost and Balance Estimates after Annexation³

Source of Revenue	Estimated New Revenue after Annexation		
	Current without development	Retail Development without T.I.F.	Retail Development with T.I.F.
Utility Tax	\$0.00	\$20,732.00	\$10,366.00
Cable T.V. Franchise Tax	\$13.00	\$0.00	\$0.00
Pool Sales Tax	\$690.00	\$0.00	\$0.00
Missouri Gasoline Tax	\$153.00	\$0.00	\$0.00
Motor Vehicle Sales Tax and Fees	\$60.00	\$0.00	\$0.00
County Road and Bridge Tax	\$273.00	\$7,637.00	\$273.00
Cigarette Tax	\$26.00	\$0.00	\$0.00
Park and Storm Water Sales Tax	\$0.00	\$148,443.00	\$74,222.00
Estimated Total New Revenue from Annexation Area	\$1,078.00	\$176,812.00	\$84,861.00
Estimated Cost of Extending Service to Area (First year of a three year projection)	\$1,700.00	\$2,000.00	\$2,000.00
Estimated Net Surplus (Deficit)	(\$122.00)	\$174,812.00	\$82,861.00

³Tax Increment Financing (T.I.F.) is currently being considered as an economic development incentive for the site. A legal commitment has yet to be made by the City to enact this financing.

The estimated net surplus or deficit has a different impact on the City's General Fund Reserve depending upon whether the area remains in its current developed state, develops as retail, or develops as retail with the economic incentives of T.I.F. The following is the estimated impact on the City's General Fund Reserve⁴:

Scenario	% Increase or (Decrease)
Current without development	(0.001%)
Retail without T.I.F.	2.0%
Retail with T.I.F.	1.0%

St. Louis County declarations:

The County noted that \$.105 of the \$.58 per \$100 assessed valuation County tax rate is for the County Road and Bridge tax which would be transferred to the City if the annexation is successful.

⁴Current General Fund Reserve as of the most recent Financial Report, December 31, 1995 is \$8,673,030.

FACTOR 8

(Extraordinary effect of the boundary change on distribution of tax resources)

Regarding the extraordinary effect the boundary change will have on the distribution of tax resources in the county, the Boundary Commission received the following evidence:

City of Fenton declarations:

Estimated Financial Impact on St. Louis County Revenues from First Baptist Church Annexation Area			
Revenue Source	Annexed as		
	Current without Development	Retail Development without T.I.F.	Retail Development with T.I.F.
Property Tax	\$0.00	\$33,313.00	\$0.00
Utility Tax	(\$500.00)	(\$500.00)	(\$500.00)
Cable T.V. Tax	(\$21.00)	(\$21.00)	(\$21.00)
Pool Sales Tax	(\$690.00)	\$151,411.00 ⁵	\$75,705.00
Missouri Gas Tax	(\$153.00)	(\$153.00)	(\$153.00)
Motor Vehicle Sales Tax	(\$33.00)	(\$33.00)	(\$33.00)
Motor Vehicle Fees	(\$27.00)	(\$27.00)	(\$27.00)
State Bridge and Road Tax	(\$273.00)	(\$273.00)	(\$273.00)
TOTAL SURPLUS (DEFICIT)	(\$1,697.00)	\$183,717.00	\$74,698.00

The City of Fenton stated the annexation would have a minimal impact on the tax resources of other taxing jurisdictions if it remained in its present underdeveloped state. It is estimated that if the site is not redeveloped, the County would lose \$1,697 in direct taxes if the area is annexed. However, if the area redevelops as a commercial/retail center there would be a positive impact on the tax resources of other taxing jurisdictions. Specifically, it is estimated that the County will recognize an increase in revenue ranging from \$74,698 to \$183,717, depending on whether the City employs economic development incentives on the site. For other taxing jurisdictions assigned to the "B" pool cities for purposes of sales tax distribution, there would be a positive impact of new shared sales tax revenues ranging from \$75,705 to \$157,411. Again the range is affected by whether economic development incentives are utilized.

No other party submitted evidence or made any opposing declarations regarding this factor.

⁵51% of Pool Sales Tax to County

FACTOR 9
 (Current and Proposed Zoning)

As to how the municipality proposes to zone the area proposed for annexation, the following evidence was submitted to the Boundary Commission:

City of Fenton declarations:

Proposed Zoning - First Baptist Church Annexation Area			
County Zoning Classification	Proposed Fenton Zoning Classification	Proposed Zoning Classification New or Existing	Timing for Transition
R-2 (Residential)	OT-2 (Commercial)	Existing	Upon Annexation
R-3 (Residential)	OT-2 (Commercial)	Existing	Upon Annexation
FPR2 (Flood Plain)	OT-2 (Commercial)	Existing	Upon Annexation
FPR3 (Flood Plain)	OT-2 (Commercial)	Existing	Upon Annexation

If development proceeds, the property owner would be required to submit a request to change the zoning of this area which would then be referred to the Fenton Planning and Zoning Commission for recommendation, and the Board of Alderman for approval or denial.

The City's OT-2 zoning district allows for retail shopping centers as a permitted use, and if development proceeds, the uses will be similar to commercial areas adjacent to the area. No non-conforming uses will be created.

The County Flood Plain districts that overlay the northern part of the subject area will be enforced by Ordinance #1872, the City of Fenton's Flood Plain Management regulations which ensure that development is built at or above the 100-year flood plain identified on the Flood Insurance Rate Map determined by the Federal Emergency Management Agency. Though there is a difference between the City and County regulations, the City of Fenton requires strict compliance to all FEMA regulations.

The Clayton Engineering Company issued a report on their flood study of Fenton Creek for review by the St. Louis Metropolitan Sewer District and FEMA. The report stated that channel realignment of Fenton Creek is required to develop Fenton Commercial Center and has been designed to more efficiently convey the water through the property and prevent flooding of planned improvements. They concluded that flood elevations will not be increased as a result of the proposed project, but will in fact decrease significantly due to the improved channel geometry.

St. Louis County declarations:

The County stated that the City of Fenton uses less stringent requirements for building in the flood plain which would allow for more intense development of the site. The St. Louis County Department of Highways and Traffic has indicated a concern regarding potential flooding not only on the site itself but on existing and proposed adjacent roadways if the development in question is not built in accord with St. Louis County standards.

FACTOR 10
 (Compactness of area)

As to how the proposal addresses the compactness of the area subject to proposal, the following evidence was provided the Boundary Commission:

City of Fenton declarations:

Compactness of Area	
Service delivery/access	The property is accessible by State Highway 141, New Smizer Mill Road. Due to highway expansion and realignment, the area will have direct frontage on Highway 141. A second access point is Country Home Drive which would require improvements, made in compliance with St. Louis County standards, in order to provide safe and adequate access through the area.
Community of Interest	The area lies directly across the street from Fenton churches, schools, established subdivisions, and less than a quarter mile from Fenton City Hall and Community Center. Residents of both Fenton and the surrounding area of unincorporated County would benefit from more retail shopping and services if the development is built.
Natural and/or Man-Made Barriers	If the development is built, the improvements to Country Home Drive and the construction of bridges to traverse Fenton Creek would serve to lessen barriers in the area.
Shared or Common Boundaries	The boundaries of the annexation area follow existing roads and property lines keeping the area intact.

St. Louis County declarations:

The County stated that the proposed annexation would not round off the City's boundaries and would in fact create an irregular boundary. State Highway 141 is a logical boundary between existing city limits and unincorporated St. Louis County. The properties in the northern portion of the annexation area are only accessible from State Highway 141, and Fenton Creek imposes a significant barrier between the portions of the area to the north of the creek and those to the south. The southern portion can only be accessed indirectly from State highway 30 via Country Home Drive. While future proposed road improvements could improve access to the site, a substantial portion of the area would only be accessible via a very circuitous route.

FACTOR 11

(When boundary change to become effective)

Regarding the effective date of the proposed boundary change, the following evidence was presented to the Commission:

The change will become effective as soon as it is legally permitted under the Boundary Commission rules and regulations and State Statutes. The City of Fenton requested the proposal be approved without a vote for the following reasons:

- ▶ the property owners signed a petition document requesting the subject property be incorporated into the City of Fenton, indicating the necessary support from the annexation area.
- ▶ the subject area will not adversely impact the financial resources of the City, and opposition by existing residents would be negligible, if any.

DECISION

The City of Fenton, as a proposing agent (§72.400(4) of the Revised Statutes of the State of Missouri) submitted a proposal for a boundary change over which the Boundary Commission has jurisdiction.

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

After reviewing the entire record, the Boundary Commission, St. Louis County, voted on September 2, 1997 at an open public meeting by a roll call vote, and the proposal was **APPROVED**. Those members voting for the boundary change believed the information in the proposal to be most credible, and therefore found:

- A. The proposal is in the best interest of the municipality.
- B. The proposal is in the best interest of the unincorporated territories affected by the proposal.
- C. The proposal is in the best interest of the areas of the County next to such proposed boundary change.

The Commission determined pursuant to Article X E(1) that the proposal is approved as a simplified boundary change, and further, that no election is required. The effective date of the change will be September 17, 1997.

ATTEST:



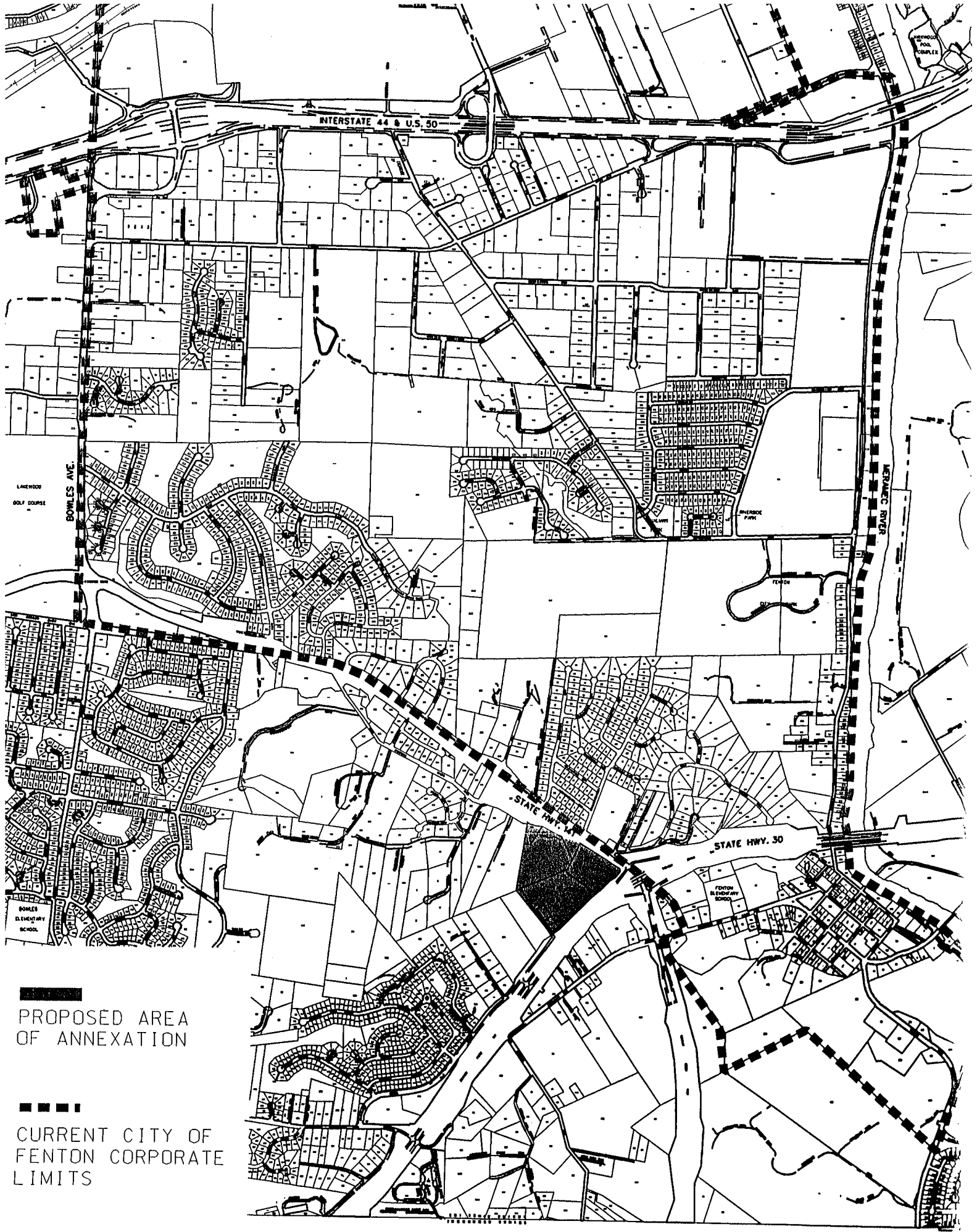
Chairperson

Date _____

EXHIBIT A

MAP OF FIRST BAPTIST CHURCH ANNEXATION AREA

CITY OF FENTON



PROPOSED AREA
OF ANNEXATION

CURRENT CITY OF
FENTON CORPORATE
LIMITS

EXHIBIT B

LEGAL DESCRIPTION OF FIRST BAPTIST CHURCH ANNEXATION AREA

CITY OF FENTON

LEGAL DESCRIPTION

NEW

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, North 34 degrees 34 minutes 50 seconds West, 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 (chord of North 52 degrees 43 minutes 17 seconds West, 76.28 feet) to the point of tangent; thence North 54 degrees 14 minutes 50 seconds West, 880.89 feet to an angle point therein and North 54 degrees 59 minutes 50 seconds West, 278.05 feet to a point; thence departing said center line, South 30 degrees 45 minutes 11 seconds West, 178.64 feet to a point on the center line of Old Smizer Mill Road; thence along the center line of Old Smizer Mill Road, North 88 degrees 36 minutes 02 seconds West, 66.51 feet to an angle point therein; thence 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 33.1 acres. .

June 16, 1997

NEW



**BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI**

September 23, 1997

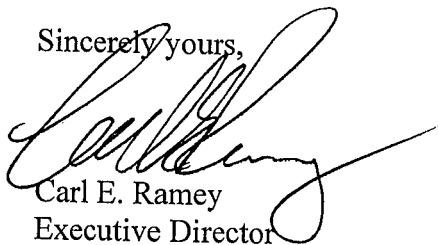
Ms. Valerie Adams
Assistant to the Mayor
City of Fenton
625 New Smizer Mill Road
Fenton, MO 63026-3597

Dear Valerie:

Enclosed is an executed final copy of the **Summary and Finding of the Boundary Commission, St. Louis County** on BC9702, the City of Fenton's proposal to annex the unincorporated territory described as First Baptist Church Annexation Area. As discussed previously, the effective date for the annexation was Wednesday September 17, 1997. This copy is for your official records.

If you should have any questions regarding this document, please feel free to call me at 961-7877.

Sincerely yours,



Carl E. Ramey
Executive Director

encl.



**BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI**

September 22, 1997

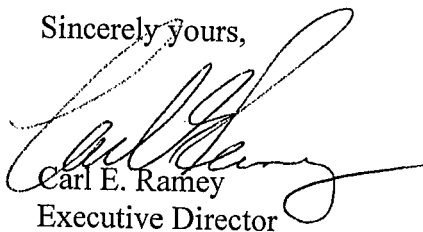
Ms. Jeanette W. Hook, County Clerk
St. Louis County Government Center
41 S. Central Avenue
Clayton, MO 63105

Dear Ms. Hook:

The Boundary Commission, St. Louis County, Missouri has acted to approve the proposal from the City of Fenton for a boundary change in St. Louis County. Enclosed is a copy of the document, Summary and Finding, approved and executed by the Commission on September 16. You will note, the Boundary Commission determined pursuant to Article X E(1) that the proposal is approved as a simplified boundary change, and further, no election is required. The effective date of the change is September 17, 1997.

This is being provided to you for informational purposes. If you should have any questions regarding this document, please feel free to call me at 961-7877.

Sincerely yours,



Carl E. Ramey
Executive Director

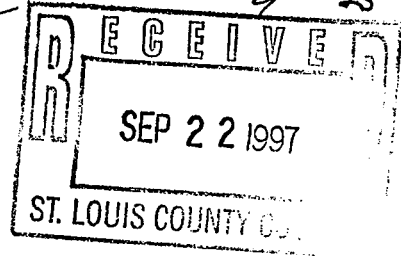
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FENTON
CITY OF PARKS

Udd On J
9-25

CKS
9-25-97



CERTIFIED MAIL/RETURN RECEIPT

September 17, 1997

MAYOR:
FRAN RUZICKA

ALDERMEN:
Wayne Berry
Larry Steelman
Terry Ball
David Schnorbus
Charles Preslar
Tim Trego
Steven Brightman
Jack Lauer

Richard P. Moore
County Clerk
St. Louis County
41 South Central
Clayton, Missouri 63105

Dear Mr. Moore:

Enclosed are three certified copies of Ordinance No. 2091 approved by the Fenton Board of Aldermen on September 15, 1997 annexing 33 acres at the intersection of State Highways 30 and 141 effective September 17, 1997.

This simplified annexation proposal was approved by the Boundary Commission on September 16, 1997.

An additional certified copy has been sent to the Assessor, St. Louis County.

If you have any questions or require further information, please let me know.

Very truly yours,

CITY OF FENTON

Claire Pyne
Claire Pyne/CMC
City Clerk

Enc. (3)
cc: Mayor Fran Ruzicka
Board of Aldermen
City Administrator

CITY OF FENTON
625 NEW SMIZER MILL ROAD
FENTON, MO 63026

CERTIFICATION OF RECORDS

I, Claire A. Pyne, Clerk of the City of Fenton, Missouri, do certify the attached copy of:

Ordinance No. 2091

is a true and correct copy as the same appears of record of the City of Fenton; was validly enacted pursuant to Fenton law; and, in full force and effect unmodified as of this date.

Given under my hand and the seal of the City of Fenton, Missouri, this 17th day of September, 1997.

Claire A. Pyne

CLAIRE A. PYNE, CMC
CITY CLERK
CITY OF FENTON

SEAL:

1st Reading: 9/15/97
2nd Reading: 9/15/97
3rd Reading: 9/15/97

SPONSOR: PRESLAR

ORDINANCE NO. 2091

BILL NO. 97-78

AN ORDINANCE APPROVING THE SUMMARY AND DECISION OF THE BOUNDARY COMMISSION, ST. LOUIS COUNTY, EFFECTIVELY APPROVING ANNEXATION BY THE CITY OF FENTON OF 33± ACRES LOCATED AT THE INTERSECTION OF STATE HIGHWAYS 30 AND 141 COMMONLY KNOWN AS THE BAPTIST CHURCH PROPERTY.

WHEREAS, on May 19, 1997, the Board of Aldermen approved Ordinance 2068 to submit a Plan of Intent to the Boundary Commission, St. Louis County, for the annexation of property located at the southwest quadrant of the intersection of State Highways 30 and 141; and

WHEREAS, on Tuesday, September 2, 1997, the Boundary Commission, St. Louis County, voted to approve the City of Fenton's Simplified Annexation proposal known as BC9702 - First Baptist Church Annexation Area; and

WHEREAS, in the Summary and Decision of the Boundary Commission, St. Louis County, the date of annexation of the proposed annexed area is September 17, 1997; and

WHEREAS, on September 17, 1997, the City of Fenton will become responsible for providing all municipal services to the proposed area of incorporation.

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

Section 1. The City of Fenton hereby adopts the Summary and Decision of the Boundary Commission, St. Louis County, for the First Baptist Church Annexation Area, more precisely identified in the legal description attached hereto as Exhibit A and incorporated herein, thereby effectively annexing said 33± acres.

Section 2. The City of Fenton hereby assumes responsibility to provide all municipal services to the annexed area conditional upon approval of the Summary and Decision by the Boundary Commission, St. Louis County, on September 17, 1997.

ORD. NO. 2091

Section 3. The City Clerk and the City Administrator of the City of Fenton are hereby directed to fulfill any and all obligations to the St. Louis County Government Center and the Board of Election Commissioners for St. Louis County regarding the recording of documents pertaining to said annexed area.

Section 4. 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 5. This ordinance shall be in full force and effect on September 17, 1997.

PASSED this 15th day of September, 1997.


FRANCIS RUZICKA, MAYOR

APPROVED this 15th day of September, 1997.


FRANCIS RUZICKA, MAYOR

ATTEST:


CITY CLERK

Motion to approve. Roll Call vote:

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

ORD. NO. 2091

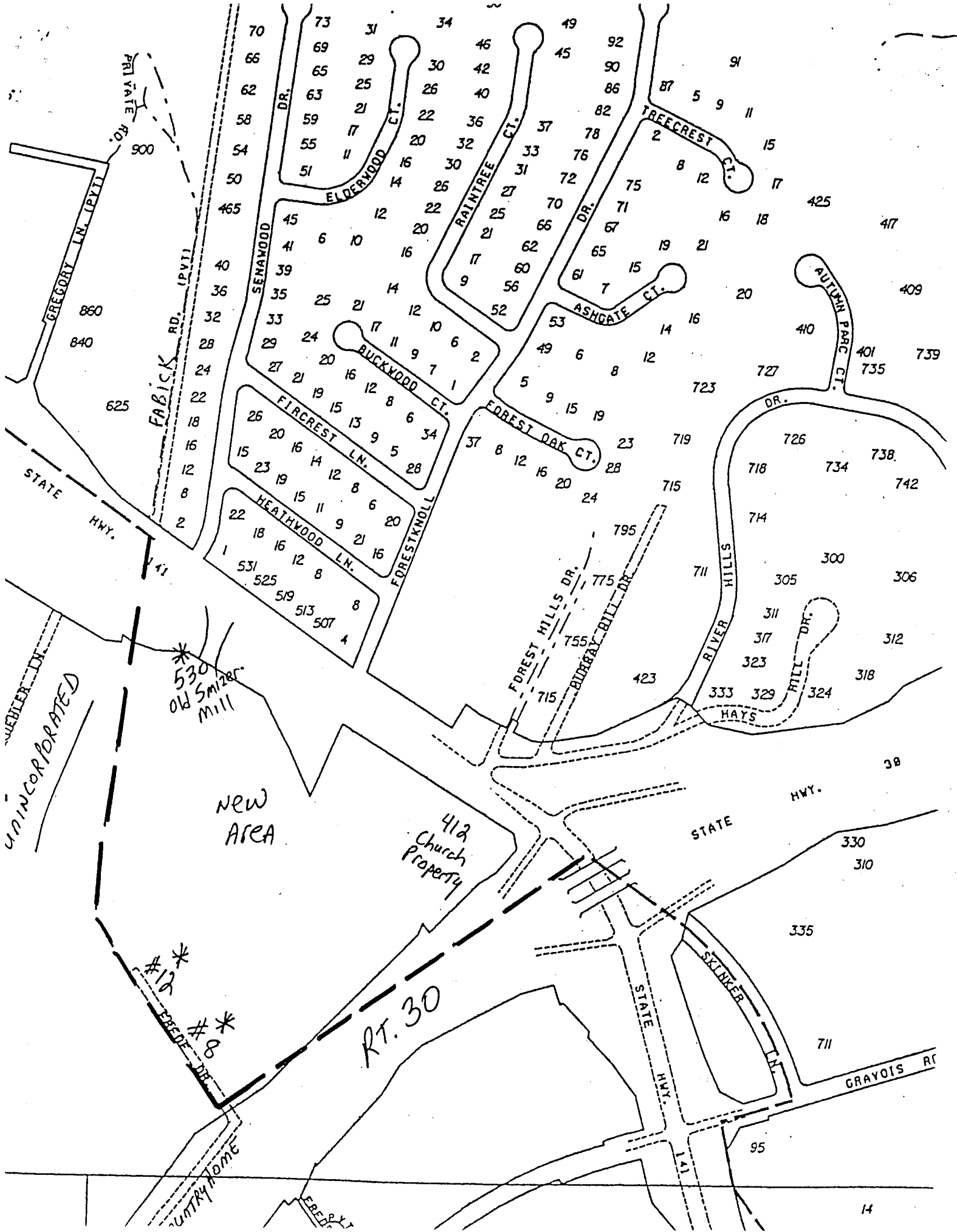
LEGAL DESCRIPTION

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, North 34 degrees 34 minutes 50 seconds West, 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 (chord of North 52 degrees 43 minutes 17 seconds West, 76.28 feet) to the point of tangent; thence North 54 degrees 14 minutes 50 seconds West, 880.89 feet to an angle point therein and North 54 degrees 59 minutes 50 seconds West, 278.05 feet to a point; thence departing said center line, South 30 degrees 45 minutes 11 seconds West, 178.64 feet to a point on the center line of Old Smizer Mill Road; thence along the center line of Old Smizer Mill Road, North 88 degrees 36 minutes 02 seconds West, 66.51 feet to an angle point therein; thence 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 33.1 acres.

June 16, 1997



UNINCORPORATED

* 530
* 525
* 519
* 507
Mill

new
AREA

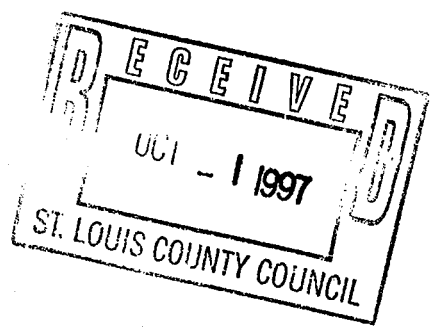
412
Church
Property

RT. 30

* #12
* #8
* #6
BERRY DR.
COUNTRY HOME

OC 8
10.9

CLB
10-9-97



September 30, 1997

TO: ALL DEPARTMENTS

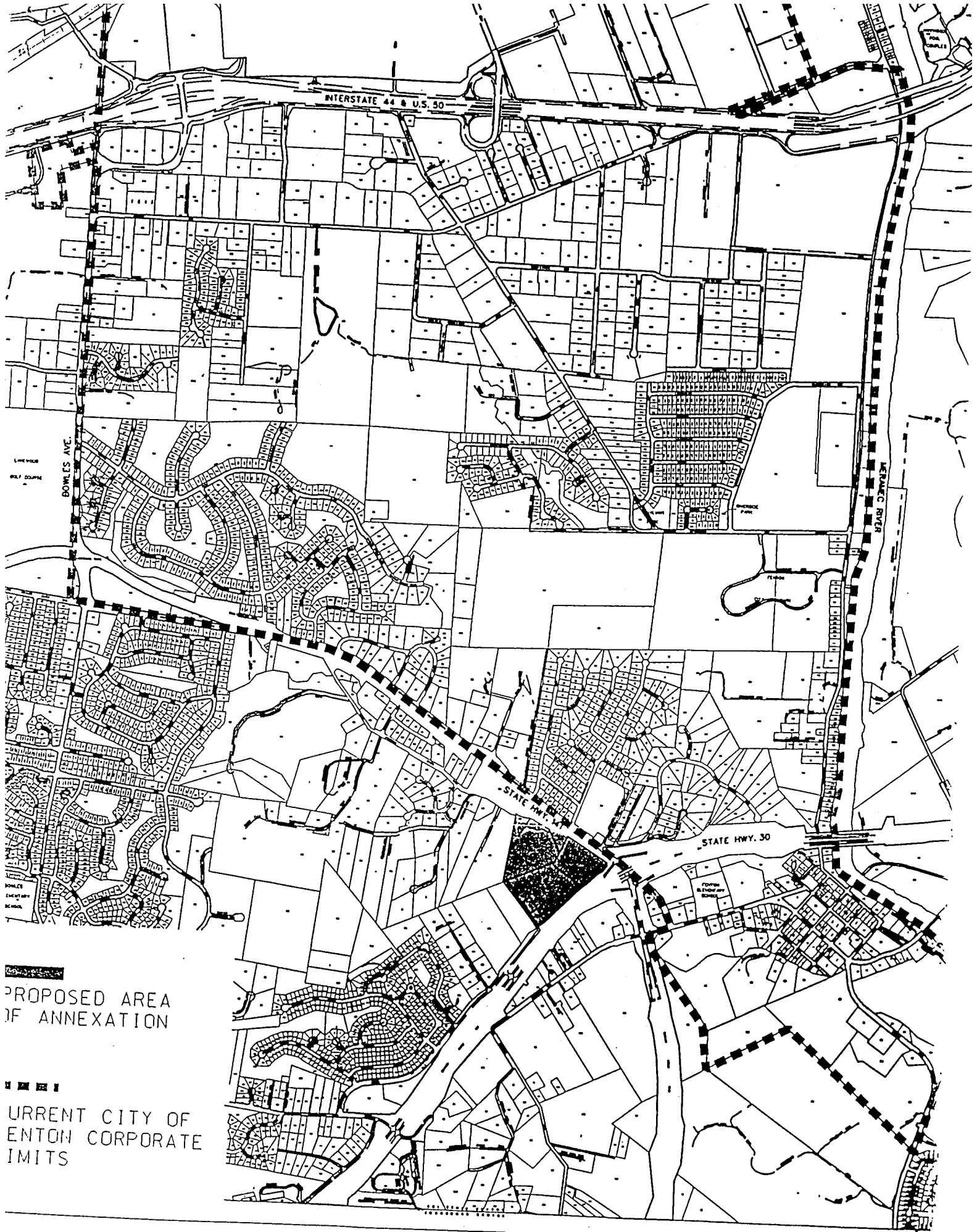
FROM: ANDREW J. MINARDI
SENIOR ASSOCIATE COUNTY COUNSELOR

RE: ANNEXATIONS BY THE CITY OF FENTON -- First Baptist
Annexation Area (DL 6-107A)

The Boundary Commission approved the above simplified annexation effective September 17, 1997. The County was notified of the Commission's approval by letter dated September 22, 1997. The letter had attached a copy of the Commission's summary and findings (BC9702).

Attached are a map and a legal description of the annexation area.

You should treat the annexed area as part of the City of Fenton as of September 17, 1997.



INTERSTATE 44 & U.S. 50

BOWLES AVE.

MCRAIG RIVER

STATE HWY. 30

STATE HWY. 30

PROPOSED AREA
OF ANNEXATION

CURRENT CITY OF
ENTON CORPORATE
LIMITS

PLAT NO. 1000000000

10677

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June 16, 1997

JEW