

In re: Proposal of the City of Bella Villa

The area proposed for annexation is a rectangular piece of property containing thirty-four residences. The City of Bella Villa is adjacent to the area on the west side, bounded by Bayless Road on the south and Fannie Avenue on the north. 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 property owners requested the City of Bella Villa annex the subject property. The City collected notarized petitions from 77% of the residential fee owners of record for the thirty- four parcels in the annexation area.

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>	8.83 acres
<i>Population (most recent census)</i>	70
<i>Dwelling Units</i>	34
<i>Dwelling Units per Three Acres</i>	11.60
<i>Total Assessed Valuation</i>	\$3,060,000

INFORMATION REGARDING ANNEXATION AREA AS AN UNINCORPORATED POCKET	
Criteria	Finding
Average residential density in excess of one dwelling per three acres	The area has an average residential density greater than one dwelling 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.

#### FACTOR 1

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

#### *City of Bella Villa declarations:*

The City of Bella Villa does not levy a 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%, the current rate in unincorporated St. Louis County. The proposed boundary change represents no increased cost to the residents in the subject area. As residents of Bella Villa, they will experience a lower monthly expense for refuse services because the City offers subsidized trash collection and has franchise contracts for yard waste and recycling.

The municipality stated the proposed annexation will have little, if any, impact on the City of Bella Villa because no additional personnel will be needed to provide the same level of services currently offered the residents in Bella Villa. The only direct measurable cost would be the provision of solid waste services which would equate to \$2400 per year for all 34 housing units.

The proposed annexation will have little impact, positive or negative, on the adjacent property owners. The occupancy permit ordinance and nuisance ordinance provided and enforced by the municipality should insure a higher level of property worth. The annexation will result in no measurable impact on the entire geographic area of St. Louis County.

*St. Louis County declarations:*

Residents will not experience any type of tax benefit if the annexation occurs, a homeowner would continue to pay the same established rate to St. Louis County.

**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 "Landor Area Legal Description."

**FACTOR 3**

(Ability to accommodate orderly incorporation in the County)

On the ability of the proposal to accommodate the orderly incorporation in the County, the City of Bella Villa represented that the annexation would constitute a move toward an orderly incorporation of the County by annexing into Bella Villa's corporate limits, thirty-four residences which are presently unincorporated but lie well within the geographic perimeter of the City. This simplified boundary change would not create any unique servicing arrangements or technical service delivery problems because the subject area is small and adjacent to the current service 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.

<b>Provision of Services</b>					
<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	No	Bella Villa <sup>1</sup>	No
Fire/EMS/ALS Service	No Change				
Water Service	No Change				
Sewer Service	No Change				
Street Maintenance		St. Louis County	No	Bella Villa	No
Utility Agreements		St. Louis County		Bella Villa	
Parks Service		St. Louis County	No	Bella Villa	No
Recreation Service		St. Louis County	No	Bella Villa	No
Refuse Service		Property Owner	Yes	Bella Villa <sup>2</sup>	No
Sidewalk Maintenance		St. Louis County	No	Property owner	Yes
Street Lighting		Property Owner	Yes	Bella Villa	No
Code Administration		St. Louis County	Yes	Bella Villa	Yes
Planning & Zoning		St. Louis County	No	Bella Villa	No
Municipal Court		St. Louis County	No	Bella Villa	No
Health Services	No Change				

The City stated that all services would be provided immediately upon the effective date of the proposed boundary change, except for solid waste services which would take effect on the first of the month following the simplified boundary change in order to allow for an orderly transition from their current waste hauler to BFI (the contracting agent of Bella Villa). 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 proposed property has only thirty-four homes, and therefore falls under this statutory section.

<sup>1</sup>The City of Bella Villa contracts for six patrols a day from the St. Louis County police department to supplement the City's police department.

<sup>2</sup>The City of Bella Villa subsidizes solid waste removal 100%, and residents receive special rates on yard waste and recycling due to franchise contracts with the primary solid waste hauler.

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

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

**Change in Tax Rates for Property and Utility Taxes after Annexation**

The City of Bella Villa has neither a real estate property tax nor a personal property tax, though the residents of this area will continue to pay the St. Louis County rate of \$.58/\$100 assessed valuation. The utility tax rate and the cable TV franchise rate will remain at 5% of gross receipts, but will be revenue received by the municipality and not the County.

**Revenue, Cost and Balance Estimates after Annexation**

Source of Revenue	Estimated New Revenue after Annexation
Real Estate Property Tax	\$0.00
Personal Property Tax	\$0.00
Utility Tax	\$3,876.00
Cable T.V. Franchise Tax	\$510.00
Pool Sales Tax	\$6,734.40
Capital Improvement Tax	\$1,822.20
Road Fund	\$2,374.20
Option Use Tax	\$93.00
County Road and Bridge Tax	\$472.20
Cigarette Tax	\$284.40
Estimated Total New Revenue from Annexation Area	\$16,166.40
Estimated Cost of Extending Service to Area (First year of a three year projection)	\$2,400.00
Estimated Net Surplus (Deficit)	\$13,766.40

### 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 Bella Villa Declarations:*

<b>Estimated Gross Revenue Loss To St. Louis County from Landor Area Annexation</b>	
<b>Revenue Source</b>	<b>Annual Decrease</b>
Utility Tax	\$3,876.00
Cable T.V. Tax	\$510.00
Pool Sales Tax	\$6,734.40
Road Fund	\$2,374.20
Cigarette Tax	\$284.40
County Bridge and Road Tax	\$472.20
<b>TOTAL</b>	<b>\$14,251.20</b>

*St. Louis County Declarations:*

The total annual revenue loss that County Government could experience as a result of the proposed annexation is estimated to be \$14,412.06.

### 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:

<b>Proposed Zoning - Landor Area Annexation</b>			
<b>County Zoning Classification</b>	<b>Proposed Bella Villa Zoning Classification</b>	<b>Proposed Zoning Classification New or Existing</b>	<b>Timing for Transition</b>
R-2 (Residential)	R-2 (Residential)	Existing	Upon Annexation

There are no projected zoning changes proposed for the area to be annexed to the City of Bella Villa. The zoning district will be accepted in the City of Bella Villa as it presently exists in St. Louis County. Future zoning decisions will be measured against the criteria established for the current County R-2 zoning district. The area is fully developed and presently no non-conforming zoning issues exist in the subject area.

*St. Louis County declarations:*

St. Louis County Zoning Ordinance classifies Landor Court and the homes along Bayless Avenue as R-5 Residence District.

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:

*The City of Bella Villa Declarations:*

There are no natural or man-made barriers to serve as obstacles to service delivery. The annexation area is 40% contiguous to the current city limits of Bella Villa, and the residents petitioned the City indicating the existence of a community of interest.

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 Bella Villa requested the proposal be approved without a vote for the following reasons:

- ▶ the property owners of the subject properties have signed petition documents requesting the City of Bella Villa annex the area, indicating the necessary support;
- ▶ the small size of the property will not create a financial burden on the resources of the City, and opposition by existing residents would be negligible, if any.

## **DECISION**

The City of Bella Villa, as a proposing agent (§72.400(4) of the Revised Statutes of the State of Missouri) submitted a proposal (BC9703) 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 November 18, 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) of the Commission's Rules 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 January 1, 1998.

ATTEST:

  
Chairperson

Date 12/2/97

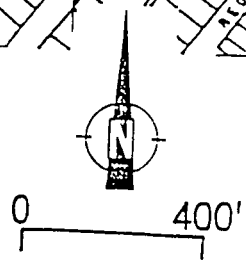


## **EXHIBIT A**

### **LANDOR AREA**



LANDOR AREA



## **EXHIBIT B**

### **LANDOR AREA LEGAL DESCRIPTION**

## **PARCEL TO BE ANNEXED**

### **CITY OF BELLA VILLA**

Beginning at a point being the intersection of the North Right-of-Way line of Bayless Avenue (60 feet wide) and the former center line of Zeiss Avenue (60 feet wide) vacated by deed recorded in Book 2737, Page 339 of the St. Louis County Records, said point also being the Southeast corner of Lot 1 of Bellavilla Annex Subdivision as recorded in Plat Book 51, Page 6; thence Northeasterly along the said former center line of Zeiss Avenue a distance of 10 feet to a point on the North Right-of-Way line of Bayless Avenue (70 feet wide), as established by the 10 foot wide dedication as recorded in Deed Book 6510, Page 106 of said St. Louis County Records, said point being the Principal Place of Beginning;

Thence Northeasterly along said former center line of Zeiss Avenue, (60 feet wide), said line also being the Eastern line of a 2.6 acre tract of land, annexed by the City of Bella Villa, effective October 24, 1994, a distance of  $\pm 972$  feet to a point on the South right-of-way line of Fannie Avenue (60 feet wide); thence Southeasterly along said South line of Fannie Avenue, 30.00 feet to a point being the Northwest corner of Lot 1 of Block Two of Orland Court Subdivision as Recorded in Plat Book 38, Page 4 of the St. Louis County Records; thence continuing along said South line of Fannie Avenue, a distance of 380 feet to a point being the Northeast corner of Lot 1 of Block One of said Orland Court Subdivision, and on the center line of vacated Baumann Avenue (50 feet wide), vacated by deed recorded in Deed Book 3873, Page 257; thence Southerly along said Baumann Avenue center line and also the new East line of Lots 1, 2, 3 and 4 of Block 1 of said Orland Court Subdivision, a distance of 214 feet to a point on the North right-of-way line of Risch Avenue (50 feet wide); thence around the Risch Avenue right-of-way, as follows: Northwest 25.0 feet, Southwest 50.0 feet and Southeast 25.0 feet to the said center line of vacated Baumann Avenue; thence along said center line, also being the new East line of Lots 5, 6 and 7 of block One of said

Orland Court Subdivision, a distance of 152 feet, to a point; said point being on the Southwest line of Lot 7 of Block One of said Orland Subdivision; thence along Southwest line of said Lot 7, a distance of 25.0 feet; thence Southwest along the Southeast line of Lot 8 of said Block 1 of Orland Subdivision, a distance of 57 feet, to a point being the Northeast corner of a 40 foot right-of-way of Baumann Drive, as set in Bayless Place Addition Subdivision, as recorded in Plat Book 107, Page 53 of the St. Louis County Records; thence along the Western right-of-way line of said Baumann Drive (40 feet wide) a distance of 126 feet to a point of curvature; thence along said West line of Baumann Drive, along a curve to the left with a radius of 125 feet an arc length of 60 feet to a point being on the South line of Lot 12 of Block 1 of said Orland Court Subdivision; thence along said South line of Lots 12, 13, 14 and 15 a distance of  $\pm 299$  feet to a point on the North right-of-way line of Bayless Avenue (70 feet wide), as established by a 10 foot wide dedication to the St. Louis County for roadway use by Deed Book 6516, Page 368; thence along said North right-of-way line of Bayless Avenue (70 feet wide)  $\pm 384$  feet to the Principal Place of Beginning containing 8.83 Acres.

**Note:** This includes all of Block 1 of Bayless Place Subdivision and Blocks 1, 2 and 3 of Orland Court Subdivision.

August 8, 1997



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

December 3, 1997

Mr. Arthur T. Gordon, Mayor  
City of Bella Villa  
3989 Bayless Avenue  
Bella Villa, Missouri 63125-1441

Dear Mayor Gordon:

Enclosed is an executed final copy of the **Summary and Decision of the Boundary Commission, St. Louis County** on BC9703, the City of Bella Villa's proposal to annex the unincorporated territory described as Landor Area. As discussed previously, the effective date for the annexation is January 1, 1998. 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,

Libby Rohlifing  
Administrative Assistant

encl.



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## BOUNDARY COMMISSION ST. LOUIS COUNTY, MISSOURI

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December 3, 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 Bella Villa for a boundary change in St. Louis County. Enclosed is a copy of the document, **Summary and Decision**, approved and executed by the Commission on December 2. 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 January 1, 1998.

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,

Libby Rohlfig  
Administrative Assistant

encl.



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## BOUNDARY COMMISSION ST. LOUIS COUNTY, MISSOURI

December 3, 1997

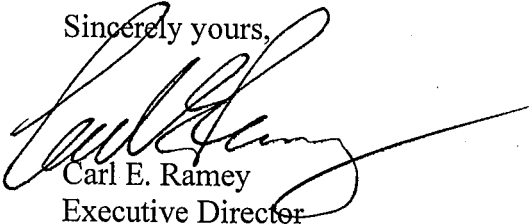
Mr. Bill Holder  
St. Louis County Board of Election Commissioners  
12 Sunnen Drive  
St. Louis, Missouri 63143

Dear Bill:

Enclosed is a copy of the Summary and Decision of the Boundary Commission regarding the annexation by the City of Bella Villa of approximately 9 acres of unincorporated St. Louis County. The City of Bella Villa submitted the proposal to the Commission as a "Simplified Boundary Change," for which the Commission determined they would not require an election. The effective date of the annexation is January 1, 1998.

Please share this information with whomever. If you should have any further questions, please do not hesitate to contact me.

Sincerely yours,

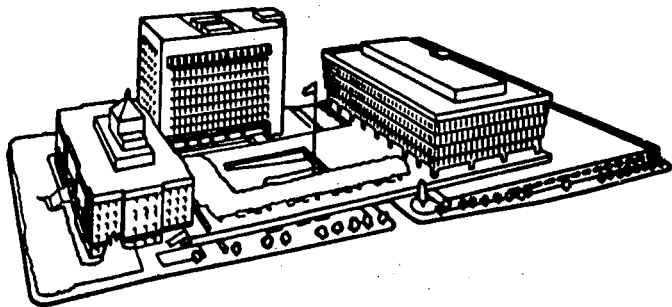


Carl E. Ramey  
Executive Director

encl.



DEC 17 1997



ST. LOUIS COUNTY, MISSOURI  
BUZZ WESTFALL, COUNTY EXECUTIVE  
JOHN A. ROSS  
COUNTY COUNSELOR

December 15, 1997

TO: ALL DEPARTMENTS

FROM: ANDREW J. MINARDI  
SENIOR ASSOCIATE COUNTY COUNSELOR

RE: ANNEXATIONS BY THE CITY OF BELLA VILLA -- Landor Area (DL  
6-226B)

The Boundary Commission approved the above simplified annexation which is to be effective January 1, 1998.

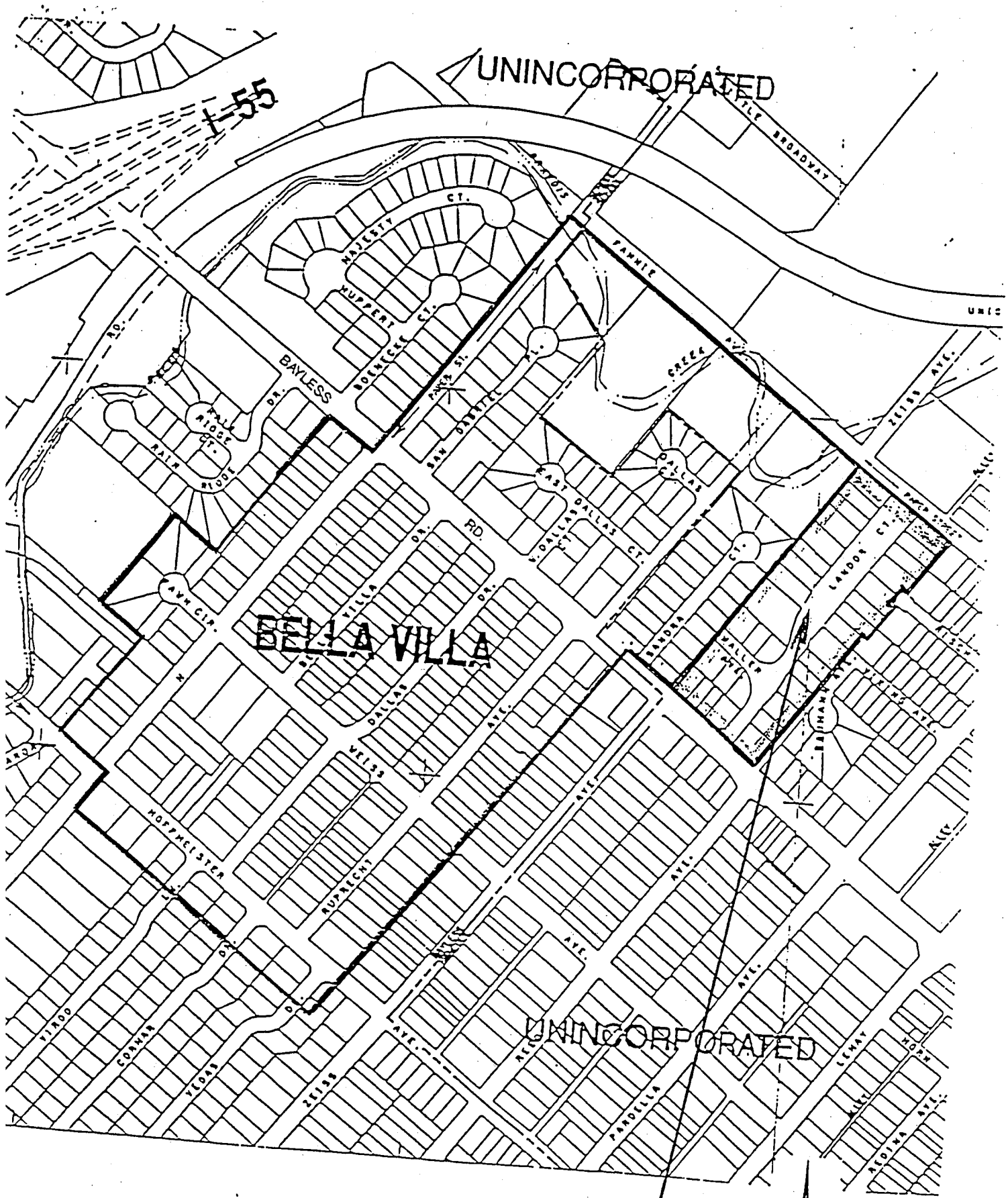
The Commission's summary and findings are dated December 2, 1997 and are referenced as BC9703.

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

You should treat the annexed area as part of the City of Bella Villa as of January 1, 1998.

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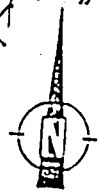
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BELLA VILLA

UNINCORPORATED

LANDOR AREA



0 400'

## PARCEL TO BE ANNEXED

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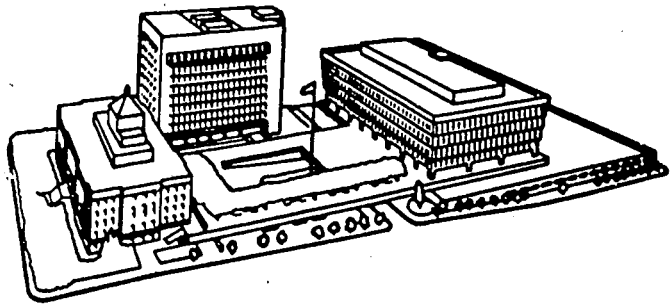
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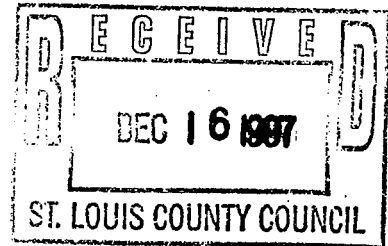
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August 8, 1997

Added on 3. 013  
12.18 12-18-97



ST. LOUIS COUNTY, MISSOURI  
BUZZ WESTFALL, COUNTY EXECUTIVE  
JOHN A. ROSS  
COUNTY COUNSELOR



December 15, 1997

TO: ALL DEPARTMENTS

FROM: ANDREW J. MINARDI  
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RE: ANNEXATIONS BY THE CITY OF BELLA VILLA -- Landor Area (DL 6-226B)

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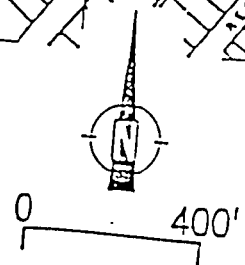
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LANDOR AREA



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