

Before the Boundary Commission, St. Louis County, Missouri

In re: Proposal of the City of Sunset Hills

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File No. BC9607
Area IV

**Summary and Decision of the Boundary Commission, St. Louis County
January 14, 1997**

Summary of Facts:

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

On May 16, 1996 a proposal requesting a boundary change (hereinafter referred to as the “official submittal”) by the City of Sunset Hills (hereinafter referred to as the “municipality”) was submitted to the Boundary Commission (hereinafter referred to as the “Commission”) at its office, pursuant to the Rules of the Commission in effect as of March 12, 1996. The official submittal contained the information required of all proposals as found in Article III(A) of the Rules. Additionally, the official submittal contained the following information required under the Rules for boundary change requests involving the annexation of unincorporated territory to a municipality.

- A. Article III C(1) - Certification of 15% Adjacent
- B. Article III C(2) - Ordinance providing for Annexation
- C. Article IV C - Copy of Budget and Audit Report
- D. Article IV D - Statement regarding Fire Service

On July 16, 1996 a public hearing was conducted by the Commission based upon the official submittal.

The area proposed for annexation is located southeast of the City, generally bounded on the east by Sappington Road, Sappington Barracks Road on the north, on the west by Gravois Road, and Interstate 270 to the south. 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 annexation area is characterized as a predominantly residential community interspersed with some commercial uses.

BASIC ANNEXATION AREA INFORMATION DATA		
	<i>City of Sunset Hills Declarations:</i>	<i>St. Louis County Declarations:</i>
<i>Area</i>	421.5 acres	421.5 acres
<i>Population</i>	1,310	1,310
<i>Dwelling Units</i>	521	530
<i>Total Assessed Valuation</i>	\$14,019,794	\$20,252,667
<i>Assessed Valuation per Capita</i>	\$10,702	\$15,460

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

FACTOR 1

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

City of Sunset Hills Declarations:

The financial evidence presented by the municipality states the major change is the addition of an \$.08 per \$100 assessed valuation real property tax. The net cost to the City is estimated to be \$266,663, and revenues are projected to be \$275,199 from the annexed area.

The municipality stated there would be negligible cost increase or savings to St. Louis County because of the size of the annexation area.

St. Louis County Declarations:

The County estimates that the annexation will have a minimal financial impact on the area. Residents will experience a tax increase of approximately \$24 in real and personal property taxes, and businesses will experience an additional 2.5% in utility tax.

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 "Area IV Legal Description."

FACTOR 3

(Ability to accommodate orderly incorporation in the County)

City of Sunset Hills Declarations:

On the ability of the proposal to accommodate orderly incorporation in the County, the City of Sunset Hills represented that the increase in land area and population could be easily incorporated into the City.

FACTORS 4 and 5

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

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

Provision of Services to Annexation Area						
<i>Service</i>	<i>Service Unchanged</i>	<i>Service Changed</i>				
		<i>Present Provider</i>	<i>Fee</i>	<i>New Provider</i>	<i>Fee</i>	<i>Date</i>
Police Services		St. Louis County	No	Sunset Hills	No	6 mos.
Fire/EMS/ALS Service	No Change					
Water Service	No Change					
Sewer Service	No Change					
Street Maintenance		St. Louis County	No	Sunset Hills/St. Louis County	No	6 mos.
Utility Agreements	No Change					
Parks Service		St. Louis County	No	Sunset Hills	No	6 mos.
Recreation Service		St. Louis County	No	Sunset Hills	No	6 mos.
Refuse Service	No Change					
Sidewalk Maintenance		St. Louis County		Not Included		
Street Lighting		N/A		N/A		
Code Administration		St. Louis County	Yes	Sunset Hills/St. Louis County	Yes	6 mos.
Planning & Zoning		St. Louis County	No	Sunset Hills	No	6 mos.
Municipal Court		St. Louis County	No	Sunset Hills	No	6 mos.
Health Services		St. Louis County	No	St. Louis County	No	6 mos.

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

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

Change in Tax Rates for Property and Utility Taxes after Annexation

Source of Tax	Change in Tax Rate
Property Tax	Increase by \$.08/\$100 Assessed Valuation
Utility Tax	No change in Residential Rate Increase Commercial rate from 5 to 7.5%

Revenue, Cost and Balance Estimates after Annexation

Source of Revenue	New Revenue after Annexation Estimated	
	by Municipality	by County
Property Tax	\$13,477	\$12,309
Utility Tax	63,608	61,633
Sales Tax	134,930	134,865
Gasoline/Motor Vehicle Tax	35,370	49,244
County Road and Bridge Tax	14,721	21,265
Cigarette Tax	5,895	5,606
Cable T.V. Tax	4,698	3,816
Misc	2,500	2,500
Estimated Total New Revenue from Annexation Area	\$272,938	\$291,238
Estimated Cost of Extending Service to Area	\$266,663	\$266,663
Estimated Net Surplus (Deficit)	\$8,536	\$24,575

The estimated surplus by the City of Sunset Hills would represent a less than 1% increase in the current General Fund Reserve (\$1,070,191) of the City.

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 Sunset Hills Declarations:

The municipality did not quantify the effect the annexation would have on the distribution of tax resources in the County. They stated the effects of distribution include a loss of sales tax of \$103 per year per each of the 1,310 residents and a loss of 5% on gross receipts.

St. Louis County Declarations:

St. Louis County estimated the annual loss in gross revenue from the proposed annexation to be \$239,492. They offered the following analysis of gross revenue loss by funding source.

Estimated Gross Revenue Loss To St. Louis County from Area IV Annexation	
Revenue Source	Amount
Sales Tax	\$100,805
Utility Tax	38,755
County Road Funding (C.A.R.T.)	49,244
County Road and Bridge	21,265
Cigarette Tax	5,607
Cable T.V. Tax	3,816
TOTAL	\$239,492

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 Sunset Hills Declarations:

The City identified two County zoning classifications contained within the proposed annexation area:

Proposed Zoning - Area IV Annexation			
County Zoning Classification	Proposed Sunset Hills Zoning Classification	Proposed Zoning Classification New or Existing	Timing for Transition
R-2 (Residential)	C (Residential District)	Existing	6 mos.
C-2 (Shopping District)	E (Commercial District)	Existing	6 mos.

In general, the City of Sunset Hills stated the zoning changes would simply be technical as property is zoned according to the appropriate Sunset Hills' commercial or residential categories. There is only one non-conforming use which is the condominiums on Benbury Court.

St. Louis County Declarations:

The County agreed the zoning changes required would merely be technical with the only exception being the condominiums on Benbury Court. The City does have subdivision and flood plain management ordinances, but neither are anticipated to be applicable because the area is fully developed.

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 Sunset Hills Declarations:

Compactness of Area	
Criteria	Municipality
Service delivery/access	No effect on the delivery of services and access to the property.
Community of Interest	Residents of the area expressed a desire to come into Sunset Hills.
Natural and/or Man-Made Barriers	No natural or man-made barriers exist.
Shared or Common Boundaries	Three sides border the City and the other side is a definitive street (Sappington Road).

St. Louis County Declarations:

Regarding the delivery of services, the County stated that ample road access exists to facilitate the provision of services to the area.

The proposed annexation area is contiguous on three sides with Sunset Hills' present boundaries.

FACTOR 11

(When boundary change to become effective)

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

City of Sunset Hills Declarations:

The effective date of the annexation will be six months after the date of a successful election.

Decision

The City of Sunset Hills is a proposing agent as defined by §72.400(4) of the Revised Statutes of the State of Missouri and the Boundary Commission has jurisdiction over the proposal.

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

Based upon the entire record, the Boundary Commission, St. Louis County, voted at an open public meeting by a roll call vote, and the proposal was **APPROVED**. Those members voting for the proposal had the following reasons:

- 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.

In accordance with Section 72.407 RSMo, the Boundary Commission herewith sets a vote in the City of Sunset Hills and the area to be annexed to be held at an election on April 1, 1997. Such elections shall be held in accordance with Chapter 115 RSMo. The ballot for said separate elections shall read:

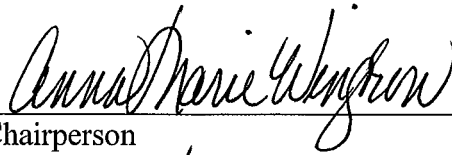
“Shall the City of Sunset Hills annex the unincorporated territory adjacent to it as described in the legal description and map contained in the Boundary Commission’s Summary and Decision, Commission Number BC9607(Area IV), of January 14, 1997?”

The annexation shall take effect six months following the certification of election results if a separate majority:

- A. of the votes cast on the question in Sunset Hills and
- B. of votes cast in each voting jurisdiction comprising the unincorporated area of the County

are in favor of the boundary change.

ATTEST:



Chairperson

Date

1/24/97

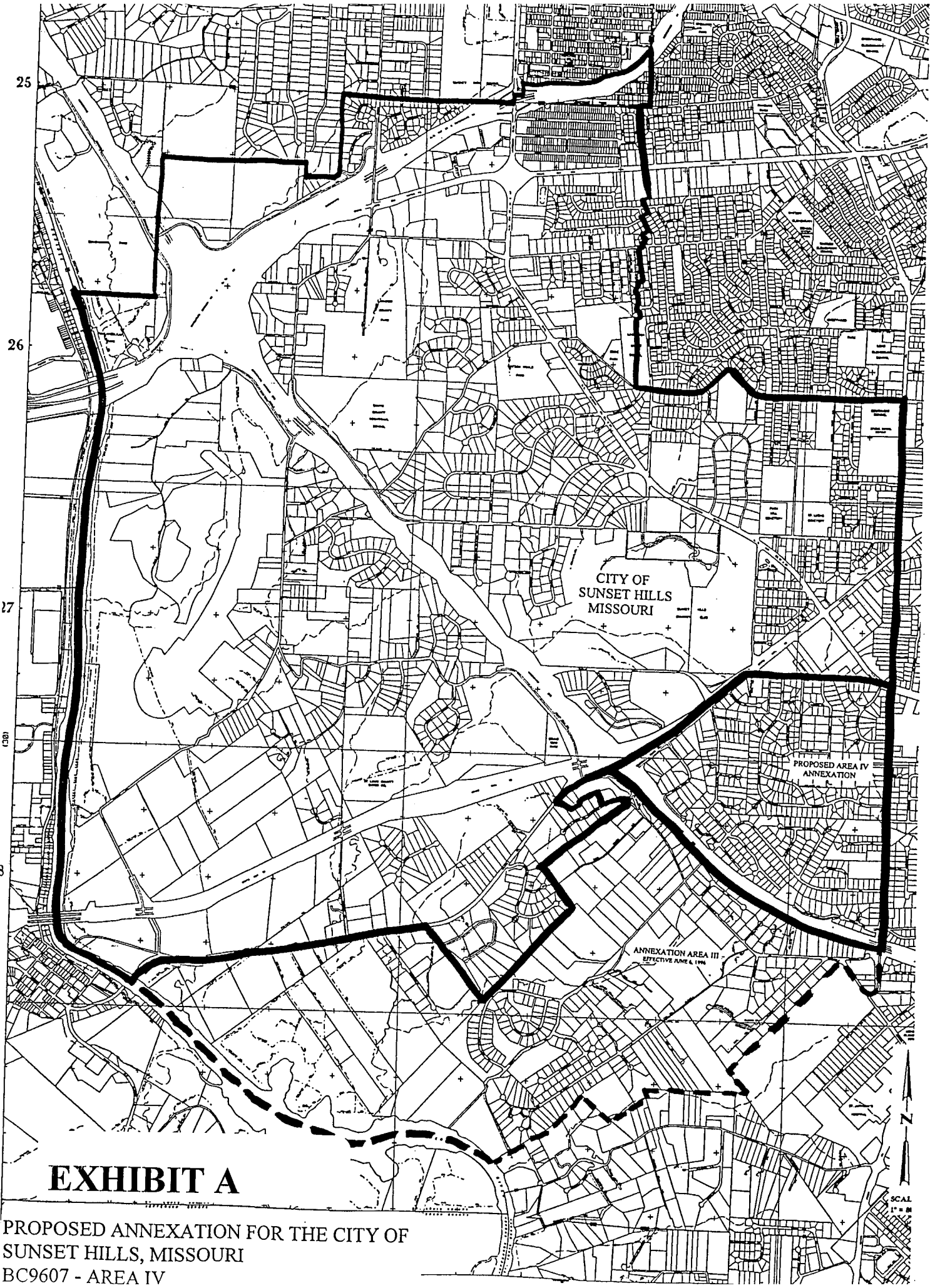


EXHIBIT A

PROPOSED ANNEXATION FOR THE CITY OF
SUNSET HILLS, MISSOURI
BC9607 - AREA IV

Sunset Hills - AREA IV
Annexation Description
421.5 Acres

A tract of land in Sections 29 and 30, Township 44 North, Range 6 East, and in U. S. Surveys 1197 and 3117, Township 44 North, Ranges 5 and 6 East, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at the intersection of the northwesterly line of Gravois (60 feet wide) Road, previous to widening, and the northerly line of Sappington Barracks (60 feet wide) Road; thence along said northerly line South 89 degrees 12 minutes 14 seconds East 2271.96 feet; thence continuing along said northerly line South 74 degrees 38 minutes 14 seconds East 104.53 feet to a point on a line 60 feet southwesterly of and radial to the centerline of Lindbergh Boulevard, as widened; thence crossing aforesaid Sappington Barracks Road South 18 degrees 17 minutes 39 seconds East 72.08 feet to a line 100 feet radial to the centerline of Lindbergh Boulevard, as widened; thence southeasterly on a curve to the left having a radius point which bears North 36 degrees 21 minutes 26 seconds East 1055.37 feet, an arc distance of 355.18 feet to a line 20 feet westerly of and parallel to the centerline of Sappington (40 feet wide) Road; thence along said parallel line South 00 degrees 42 minutes 46 seconds West 2419.67 feet; thence continuing along said parallel line and its southerly extension South 00 degrees 08 minutes 28 seconds West 2703.49 feet to the southwesterly line of Interstate 270; thence along said southwesterly line South 69 degrees 25 minutes 41 seconds West 78.33 feet; thence North 73 degrees 17 minutes 16 seconds West 222.49 feet; thence continuing along said southwesterly line North 19 degrees 04 minutes 00 seconds East 155.00 feet; thence continuing along said southwesterly line North 78 degrees 03 minutes 30 seconds West 443.42 feet; thence continuing along said southwesterly line North 60 degrees 29 minutes 45 seconds West 193.20 feet; thence continuing along said southwesterly line North 74 degrees 57 minutes 57 seconds West 639.90 feet; thence continuing along said southwesterly line on a tangent curve to the right having a radius point which bears North 19 degrees 04 minutes 00 seconds East 5924.65 feet, an arc distance of 140.59 feet; thence continuing along said southwesterly line North 10 degrees 08 minutes 00 seconds East 10.16 feet; thence continuing along said southwesterly line, northwesterly on a curve to the right having a radius point which bears North 20 degrees 26 minutes 38 seconds East 5914.65 feet, an arc distance of 509.94 feet; thence continuing along said southwesterly line North 53 degrees 54 minutes 31 seconds West 312.37 feet; thence continuing along said southwesterly line northwesterly on a curve to the right having a radius point which bears North 28 degrees 23 minutes 01 seconds East 5864.65 feet, an arc distance of 818.85 feet; thence continuing along said southwesterly line North 36 degrees 23 minutes 01 seconds East 10.00 feet; thence continuing along said

EXHIBIT B

SUNSET HILLS - AREA IV
ANNEXATION DESCRIPTION

southwesterly line northwesterly on a curve to the right having a radius point which bears North 36 degrees 23 minutes 01 seconds East 5854.65 feet, an arc distance of 849.79 feet; thence continuing along said southwesterly line North 45 degrees 18 minutes 00 seconds West 29.11 feet; thence continuing along said southwesterly line South 44 degrees 42 minutes 00 seconds West 5.00 feet; thence continuing along said southwesterly line North 45 degrees 18 minutes 00 seconds West 39.24 feet; thence continuing along said southwesterly line North 46 degrees 13 minutes 00 seconds West 625.08 feet; thence continuing along said southwesterly line North 45 degrees 18 minutes 00 seconds West 240.00 feet; thence continuing along said southwesterly line North 55 degrees 36 minutes 17 seconds West 279.51 feet; thence continuing along said southwesterly line North 45 degrees 18 minutes 00 seconds West 160.00 feet; thence continuing along said southwesterly line South 44 degrees 42 minutes 00 seconds West 40.00 feet; thence continuing along said southwesterly line South 58 degrees 44 minutes 10 seconds West 123.69 feet; thence continuing along said southwesterly line North 26 degrees 25 minutes 30 seconds West 275.70 feet to the intersection of said southwesterly line with the westerly line of Kennerly Road, as depicted on the "BOUNDARY ADJUSTMENT SURVEY" OF Grandview Park, as recorded in Plat Book 311, Page 37, St. Louis County records; thence along the northeasterly line of Tract C of said plat North 47 degrees 54 minutes 15 seconds West 79.44 feet; thence continuing along said northeasterly line North 60 degrees 38 minutes 00 seconds West 140.80 feet; thence continuing along said northeasterly line North 53 degrees 36 minutes 04 seconds West 313.63 feet; thence continuing along said northeasterly line North 85 degrees 51 minutes 45 seconds West 102.61 feet to the southeasterly line of aforesaid Gravois (60 feet wide) Road, previous to widening; thence crossing said Gravois Road North 16 degrees 38 minutes 00 seconds West 60.00 feet to the aforesaid northwesterly line of said Road; thence along said northwesterly line North 73 degrees 22 minutes 00 seconds East 555.39 feet; thence continuing along said northwesterly line on a tangent curve to the right having a radius point which bears North 16 degrees 38 minutes 00 seconds West 1030.82 feet, an arc distance of 430.89 feet; thence continuing along said northwesterly line North 49 degrees 25 minutes 00 seconds East 862.45 feet; thence continuing along said northwesterly line North 49 degrees 02 minutes 30 seconds East 595.46 feet; thence continuing along said northwesterly line North 49 degrees 05 minutes 00 seconds East 1016.19 feet; thence continuing along said northwesterly line North 48 degrees 49 minutes 00 seconds East 16.71 feet to the point of beginning of this description and containing 421.5 acres, more or less. This description is based upon available records, and is subject to the results of an accurate land survey.

JONES, KORUM, WALTRIP & JONES

ATTORNEYS AT LAW
SUITE 1400 CHROMALLOY PLAZA
120 SOUTH CENTRAL AVENUE
ST. LOUIS (CLAYTON), MISSOURI 63105-1705
(314) 727-7755
FACSIMILE: 726-2771

DEC 23 1996

ROBERT C. JONES
DAVID M. KORUM
DAVID G. WALTRIP*
ROBERT E. JONES

CATHERINE M. VALE*
DANIEL S. RORK

*ALSO LICENSED IN ILLINOIS

December 20, 1996

Mr. Carl E. Ramey, Administrator
Boundary Commission, St. Louis
County, Missouri
1516 S. Brentwood Boulevard
Suite 101
St. Louis, MO 63144

Re: BC9607-Area IV Sunset Hills Annexation

Dear Carl:

I enclose herewith draft of a bill to be placed on the Sunset Hills Board of Aldermen agenda for January 14, 1997 relative to the recent annexation approved by the Boundary Commission. If this is satisfactory, please let me know. On the other hand, if you desire any changes or additional language, the City will be glad to accommodate you.

I anticipate it will be passed on the night of the 14th of January and certified immediately to the St. Louis County Board of Election Commissioners. I have taken the proposition from R.S.Mo. §71.900 which is the ballot form that was used before the Boundary Commission was in existence. When we have had elections before in Sunset Hills, without the Boundary Commission being in existence, we have also provided a map to the Board of Election Commissioners which they can place up in the polling areas. I assume this will be done again, however, if you have any other requirements from the Board of Election Commissioners please advise.

Sincerely yours,


Robert C. Jones

RCJss
Enc.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE CALLING AN ELECTION FOR THE SUBMISSION OF THE PROPOSAL OF THE ANNEXATION OF AREA IV TO THE CITY OF SUNSET HILLS.

WHEREAS, the City has heretofore passed an ordinance, filed a proposal with the Boundary Commission, St. Louis County and received approval for annexation by the Boundary Commission on December 17, 1996 of an area styled Annexation Area IV; and

WHEREAS, the legal description of said Annexation Area IV is attached hereto as Appendix A; and

WHEREAS, it has been agreed by and between the Boundary Commission, St. Louis County and the City that the proposal of the annexation shall be submitted to the voters at the general municipal election to be held on April 1, 1997, with the annexation to be effective six months thereafter on October 1, 1997 if it is approved by the electorate in both the City of Sunset Hills and the Annexation Area;

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

Section 1: There is hereby called an election for Tuesday, April 1, 1997 for the purpose of submitting the question of the annexation of Annexation Area IV to the City.

Section 2: The question shall be submitted in substantially the following form:

"SHALL THE CITY OF SUNSET HILLS ANNEX UNINCORPORATED TERRITORY ADJACENT TO IT?"

< > Yes

< > No"

Section 3: This Ordinance shall take effect immediately upon its passage and approval.

PASSED THIS _____ DAY OF _____, 1997.

APPROVED THIS _____ DAY OF _____, 1997.

MAYOR

ATTEST:

CITY CLERK

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

January 24, 1997

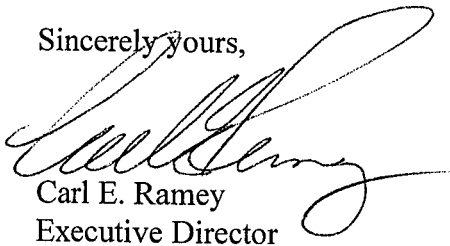
Mr. Robert C. Jones
Jones, Korum, Waltrip & Jones
Suite 1400 Chromolloy Plaza
St. Louis, Missouri 63105-1705

Dear Bob:

Enclosed is an executed final copy of the **Summary and Decision of the Boundary Commission, St. Louis County** on BC9607, the City of Sunset Hills' proposal to annex the unincorporated territory described as Area IV. 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.