

**Before the Boundary Commission, St. Louis County, Missouri**

In re: Proposal of the City of Des Peres

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)  
) File No. BC9902  
) Dougherty Oaks-Barrett Cove  
) Annexation Area  
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**Summary of Decision of the Boundary Commission, St. Louis County  
May 18, 1999**

**Summary of Facts:**

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

On February 1, 1999, the City of Des Peres (hereinafter referred to as the "City") submitted a proposal requesting a boundary change (hereinafter referred to as the "official submittal") to the Boundary Commission (hereinafter referred to as the "Commission") at its office. The City submitted the proposal according to the Rules of the Commission that were in effect as of August 28, 1998. 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 information required under the Rules for boundary change requests involving the annexation of unincorporated territory to a municipality through a simplified boundary change, as found in Article III.C.4.

On March 2, 1999, the Commission conducted a public hearing based upon and regarding the official submittal.

The area proposed to be annexed contains 31 detached, single family homes and one parcel of common ground. The area comprises the entire Barrett Cove Subdivision and the remaining portion of the Dougherty Oaks Subdivision that currently is not in the City. The area proposed to be annexed adjoins the City of Des Peres along the City's western boundary. It does not adjoin or abut any other municipality. A map showing the location of the area proposed to be annexed is attached as Exhibit "A" and is the same map as presented in the proposal by the City.

The proposal to annex this area to the City of Des Peres was initiated by the submission of notarized petitions from more than 75% of the residential property owners of all fee interest of record in that area. The City also offered that the annexation represented a natural and logical extension of the city. The area to be annexed already is perceived by the public to be apart of the City of Des Peres.

BASIC ANNEXATION AREA INFORMATION DATA	
<i>Area</i>	13.6 acres
<i>Population (1990 Census)</i>	63 <sup>1</sup>
<i>Dwelling Units</i>	31 <sup>2</sup>
<i>Dwelling Units per Three Acres</i>	6.80

INFORMATION REGARDING ANNEXATION AREA AS AN UNINCORPORATED POCKET	
Criteria	Finding
Average residential density in excess of one dwelling per three acres	The area has a residential density greater than one dwelling unit per three acres
Population of less than two thousand five hundred (2,500) people	The population of the area is less than 2,500 people.
Accessible by public or private roadways only from incorporated jurisdictions and/or another county	Accessible by public roadway through unincorporated St. Louis County.

GEOGRAPHIC

*City of Des Peres Declarations:*

The area proposed to be annexed adjoins the City on its western boundary and exclusively contains detached, single-family residential homes. The homes are of a similar style, character and value to those in the adjoining subdivision that is found next to and within the City. The public already perceives the area to be annexed to be apart of the adjoining subdivision and the City of Des Peres. Homes within the area face either one of two public streets in the affected subdivisions. Fairoyal Drive in the Dougherty Oaks subdivision is a connector street between the City and Barrett Station Road, which is a County arterial road. Fairoyal Drive is used to service other subdivisions within the City, as well as, serving as the primary means for ingress and egress for the subdivisions to the east of the Dougherty Oaks subdivision. Parkmoor Court, in the Barrett Cove Subdivision, connects only to Barrett Station Road. The annexation offers no technical or service delivery problems for the City of Des Peres.

<sup>1</sup>The current population estimate is 54. The Barrett Heights Plat I Subdivision was not built in 1990.

<sup>2</sup>Current number of dwelling units

Presently, the Dougherty Oaks subdivision is split between the City and unincorporated County. Some individual lots are also split between both jurisdictions. The subdivision shares common ground, trustees, etc. The City offered that uniting the subdivision under one governmental jurisdiction is logical.

The area to be annexed has a common boundary to the City of Des Peres that is 20.0% of the boundary of the area to be annexed. Its inclusion into the City will have a minimal impact on the city's size. It represents an increase in total land area of .0049%. For the legal description of the area subject to the boundary change proposal, the City submitted the document attached as Exhibit "B" and generally described as the "Dougherty Oaks-Barrett Cove Annexation Area."

### FINANCIAL

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:

The City of Des Peres suggested at the time of submittal, the following were the relevant tax rates before and after the boundary change.

Tax Rates		
Tax	Current	After Annexation
Real Estate and Personal Property:		
County (All Funds)	\$0.58/\$100 assessed valuation	\$0.58/\$100 assessed valuation
Fire District	\$0.62/\$100 assessed valuation	\$0.00/\$100 assessed valuation
Sales Tax (local)	1.00%	1.75%
Use Tax (local)	0.00%	1.75%
Utility Taxes:		
Electric	5.00%	3.61%
Natural Gas	5.00%	4.00%
Telephone	5.00%	5.00%
Water	5.00%	5.00%
Cable TV	3.00%	3.00%

The City said it estimated that the "average homeowner" in the area to be annexed would realize a projected savings at \$427.00 per household. Although the City currently does not levy a property tax, it does have the legal authorization to levy a \$0.35 property tax. If that were to happen, the savings would be reduced to \$280.00.

The City offered the following projection of revenues and expenditures derived from the cost of providing service to the area to be annexed for a period of three years after annexation.

<b>Revenues and Expenditures derived from Annexation Area</b>			
	<b>2000</b>	<b>2001</b>	<b>2002</b>
Revenues	\$15,467	\$21,311	\$21,951
Expenditures	\$12,314	\$16,411	\$16,903
Net Surplus (Deficit)	\$3,153	\$4,900	\$5,048

The City offered there would be some investment in infrastructure improvements. The City estimated that less than \$9,000 would be required to bring the streets and sidewalks along Fairroyal Drive up to standard. The city also indicated that due to the very small size of the area to be annexed, the annexation would have a negligible effect on the distribution of tax resources in the County.

The City offered that the annexation would have the following effect on the distribution of tax resources on St. Louis County. They stated the County would lose revenue from sales taxes, utility tax, road and bridge tax, etc. but these losses would be offset by savings in expenditures and will not be "extraordinary" as defined in the Boundary Commission Rules.

<b>Estimated Gross Revenue Loss To St. Louis County from Dougherty Ferry - Barrett Cove Annexation Area</b>	
<b>Revenue Source</b>	<b>Amount</b>
Sales Tax <sup>3</sup>	\$7,808
Utility Tax	3,200
County Road Funding (C.A.R.T.)	2,429
County Road and Bridge Tax	1,715
Cigarette Tax <sup>4</sup>	282
Cable T.V. Tax	288
<b>TOTAL</b>	<b>\$15,722</b>

The city offered that the annexation would have a negligible impact on the tax base or the ability to raise revenue by the City of Des Peres or St. Louis County. The relative size of area and its use as single-family residential properties dictate that the area to be annexed will offer little opportunity for substantial changes in the tax base or the ability to raise revenue. For the residents, the annexation

<sup>3</sup>Does not include annexation adjustment under HB618

<sup>4</sup>Revenues allocated on a per capita basis are based upon 1990 Census

would result in a financial gain through the reduction in taxes. As to the adjoining unincorporated area to the north, south and west, there is little in common with or physical connection to those areas.

**SERVICES**

Provision of Services to Annexation Area					
Service	Service Unchanged	Service Changed			
		Present Provider	Fee	New Provider	Fee
Police Services		St. Louis County	No	Des Peres	No
Fire/EMS/ALS Service	No Change				
Water Service	No Change				
Sewer Service	No Change				
Street Maintenance		St. Louis County	No	Des Peres	No
Utility Agreements		St. Louis County	No	Des Peres	No
Parks Service		St. Louis County	No	Des Peres	No
Recreation Service		St. Louis County	No	Des Peres	No
Refuse Service		Private Haulers	yes	Des Peres	No
Sidewalk Maintenance		St. Louis County	No	Des Peres	No
Street Lighting		Private	yes	Private	no
Code Administration		St. Louis County	Yes	Des Peres <sup>5</sup>	Yes
Planning & Zoning		St. Louis County	No	Des Peres	No
Municipal Court		St. Louis County	No	Des Peres	No
Health Services		St. Louis County	No	Des Peres/ St. Louis County	No

The City offered that the area to be annexed would receive a reduction in the fees associated with the use of the Des Peres Park and Recreation programs. The only change in a fee for service that might apply to a resident in this single-family district is a requirement to pay a \$25 annual license fee if a home occupation was being operated from one of the homes.

The City offered that services would be delivered using either Barrett Station Road to access the Barrett Cove subdivision or Fairoyal Drive to serve the Dougherty Oaks subdivision.

The City offered that services would be extended to the area effective upon the date of annexation. The exception is residential solid waste services. It is the City's policy to follow the statutory

<sup>5</sup>The City of Des Peres contracts with St. Louis County for inspection services for all codes, except single and two family buildings.

requirement of a two-year waiting period following annexation regardless of the size of the annexation.

**ZONING AND LAND USE**

The City offered the following description of land use for the area to be annexed:

<b>Land Use: Dougherty Oaks-Barrett Cove Annexation Area</b>		
Type of Use	Percentage	Area (in acres)
Commercial	0.0%	0
Industrial	0.0%	0
Institutional/Governmental	0.0%	0
Single Family Residential	100.0%	13.6
Multi-Family Residential	0.0%	0
Vacant/Common Ground	0.0%	0

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

<b>Proposed Zoning - Dougherty Oaks-Barrett Cove Annexation Area</b>			
County Zoning Classification	Proposed Des Peres Zoning Classification	Proposed Zoning Classification New or Existing	Timing for Transition
R-2	D-Alternative Density	Existing	120 days

Although the municipal code provides that all annexations be zoned "A" single family, to do so would be inconsistent with the current R2 zoning classification in the county. Within 120 days of annexation and in accordance with its municipal code, the City offered that it anticipates the area to be zoned "D-Alternative Density" residential. In changing the zoning the development would not meet the zoning setback requirements for the front yard. The City Code does provide for adjustments to the strict interpretation of the Code. Otherwise, non-conforming situations would require a variance to allow any expansion of the properties into that setback area.

The city indicated the area is not affected by other regulations such as flood plain, historic preservation, neighborhood improvement district, etc. The City does not anticipate the area will redevelop in the future, because it has only been recently developed as a single-family development of substantial value.

### EFFECTIVE DATE

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

The effective date of the annexation would be July 1, 1999 or on the 1<sup>st</sup> day of the month following final approval by the Boundary Commission.

### DECISION

The City of Des Peres 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.

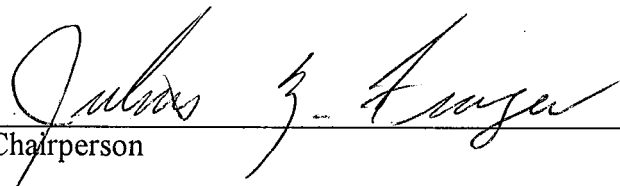
The boundary change sought by the municipality is an annexation governed by Chapter 72 RSMo.

Based upon the entire record, the Boundary Commission, St. Louis County, voted at an open public meeting on May 4, 1999 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.

The Commission determined pursuant to Article IX.B.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 July 1, 1999.

ATTEST:

  
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Chairperson

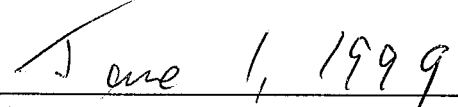
  
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Date

EXHIBIT "A"  
DOUGHERTY OAKS-  
BARRETT COVE  
ANNEXATION AREA





**EXHIBIT "B"**  
**DOUGHERTY OAKS-**  
**BARRETT COVE**  
**ANNEXATION AREA**

**LEGAL DESCRIPTION**

**Dougherty Oaks & Barrett Cove Annexation Area**

A tract of land being all of Dougherty Oaks Plat 1 as recorded in Book 208, Page 81 in the St. Louis County Recorder's office that lies outside the City Limits of Des Peres, Missouri and all of Barrett Cove (Formerly Barrett Place) as recorded in Book 308, Page 55 in the St. Louis County Recorder's office, and other land all being located in Section 4, Township 44 North, Range 5 East in St. Louis County, Missouri, more particularly described as follows:

Commencing at the most southerly corner of the property now or formerly owned by Orvel E. Hearing and wife as recorded in Book 6901, Page 501 of the St. Louis County Recorder's Office; thence N58°22'18"E, 5.37 feet to the Point of Beginning for this description, said point being on the north boundary of Dougherty Oaks Plat 1; thence along the boundary of the subdivision N58°22'18"E, 219.03 feet; thence N31°37'40"W, 188.43; thence N61°20'53"E, 29.29 feet; thence N45°08'53"E, 375.15 feet; thence N56°39'22"E, 250 feet more or less to the Section Line and present Des Peres city limits line; thence easterly along said city limit line 381 feet more or less; thence southerly along said city limit line 257 feet more or less to the most northerly corner of the subdivision common ground; thence S22°26'50"W along the southeast line of the subdivision 121.29 feet thence S22°14'30"W, 517.36 feet to the most easterly corner of Barrett Cove; thence S22°14'27"W along the southeast line of Barrett Cove 540.28 feet to the east line of Barrett Station Road; thence N31°37'42"W along the east line of Barrett Station Road 490 feet more or less to the north line of Barrett Cove; thence S47°30'W along said north line 16.39' to the east line of Barrett Station Road; thence N31°37'42"W along said east line of Barrett Station Road 265 feet more or less to the point of beginning. Containing in all 13.6 acres more or less.

The foregoing land description has been prepared from record information and does not represent an actual survey of the land.



*L.H. Attebery 1-21-99*  
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L. H. Attebery, MoRLS 1550

January 25, 1999