

BEFORE THE ST. LOUIS COUNTY BOUNDARY COMMISSION

IN RE: BC2202

CITY OF BALLWIN AND CASCADES SUBDIVISION ANNEXATION

SUMMARY OF DECISION

INTRODUCTION

The City of Ballwin submitted its official Proposal for the annexation of the area referred to as the Cascades Subdivision Annexation Area consisting of the Cascades Subdivision on June 28, 2022. In accordance with the statutes and rules then in effect, the City of Ballwin submitted to the Commission the Proposal utilizing a Simplified Boundary Change procedure pursuant to Mo. Rev. Stat. 72.405 through a Petition signed by more than 75% of the registered voters in the annexation area. The Proposal states there were 145 registered voters in the annexation area on the date of submission. 113 verified signatures were submitted on signed and verified petitions with the proposal, meeting the requirement of 75% of the registered voters in the annexation area to request the annexation through verified petition. There has been no challenge to the petitions, any signatures thereon or the number of registered voters in the annexation area. Thus, the Proposal may be considered as a Simplified Boundary Change as permitted under Mo. Rev. Stat. 72.405.6(1).

A Completeness Review was properly done and the Proposal was accepted by the Boundary Commission. The Notice of the Proposal was duly published and served as required by law.

A Public Hearing on the Proposal was held on August 24, 2022. The Public Hearing was conducted in accordance with the Rules of the Boundary Commission at the Ballwin Golf Course and Events Center, 333 Holloway Drive, Ballwin, Missouri. Presentations were made by the City of Ballwin and St. Louis County. The presentations were then available for viewing after the meeting on the Boundary Commission's website. Members of the public who submitted a standard comment request form were allowed to make public comments.

After the hearing, any person or entity was allowed to submit written comments or materials to the Boundary Commission for a 21-day period by US Mail, delivery service, personally or electronically. The City of Ballwin submitted a clarification of its presentation. All materials submitted were publicly available on the Boundary Commission website and distributed to all Commissioners.

Saint Louis County had objections to the legal description provided by the City of Ballwin. The objections were that the legal description included part of a parcel of land that was part of the original subdivision, but was then deeded to the local school district; and, only one half of Reis Road was included in the legal description. Ballwin and Saint Louis County conferred, and Ballwin provided an amended legal description, which was acceptable to Saint Louis County. The amended legal description was accepted by the Boundary Commission at its

meeting on October 25, 2022 to replace the legal description submitted with the Proposal. The Amended legal description deleted the property owned by the school district from this annexation proposal and revised the description so that the entirety (both sides) of Ries Road was included, thereby preventing jurisdictional issues and maintenance issues. The material in this Summary of Decision is based upon the amended legal description.

The area to be annexed is legally described on Exhibit 1 hereto. The area to be annexed comprises the entirety of what is commonly known as the Cascades Subdivision and no other areas. For ease of reference, the annexation area will be referred to as the Cascades Subdivision or Cascades Annexation Area in this Summary of Decision. The Cascades Annexation Area includes the part of Reis Road adjacent to the Cascades Annexation Area. This road will be conveyed to the City of Ballwin by the approval of the Proposal. There are no public roads in the subdivision.

Trustees of the Cascades Subdivision stated at the public hearing that they sought annexation into Ballwin as the access to Ballwin was direct, and the Cascades Subdivision is located closer to Ballwin facilities and municipal buildings than Cascades Subdivision is to the municipal facilities of other nearby municipalities. The municipal facilities of Ballwin are therefore easier to access and use. The Trustees stated they were aware of the increase in sales tax, utility tax and the possible increase in trash service cost, and still favored annexation, as did most of the residents of the Cascades Subdivision. The Trustees also noted that the residents of the Cascades Subdivision will receive savings in fees paid for use of Ballwin facilities, such as the recreation center and pool, as they will be able to pay the residential charge instead of the non-resident charge. The Trustees understood that there was no plan or promise by Ballwin to accept the private roads in the Cascades Subdivision as public roads, so there would not be an expenditure of public funds for the repair, maintenance or replacement of the private roads, and the Trustees still desired to be annexed into Ballwin.

The Cascades Annexation Area is adjacent to the southeastern part of the City of Ballwin. This approximately 20.89 acre subdivision is bounded by the City limits of the City of Ballwin to the north and unincorporated St. Louis County to the east, west, and south. The annexation area has existed as a part of a large unincorporated area north of the Meramec River, which area exists between the Cities of Ballwin, Wildwood, Ellisville, Manchester, Valley Park and Twin Oaks.

The Cascades Subdivision contains 95 parcels that are developed for single-family housing units, either attached or detached. The development in Cascades Subdivision, as measured in dwelling units and people per acre, is comparable to what one would find in the nearby area of southern Ballwin. Currently, the land use in the Cascades Subdivision is zoned under St. Louis County's R4 single-family residential, and this general zoning is anticipated to continue for the foreseeable future.

Ballwin proposes to provide the same municipal services to this annexation area that is currently provided to all residents in the city. This includes policing, roadway maintenance of public roads, parks and recreation, planning and zoning, and general administrative services.

GEOGRAPHIC

The Cascades Subdivision is currently in unincorporated St. Louis County. The Cascades Subdivision has approximately 250 residents and 95 single family residences. The area is generally bounded by the City of Ballwin to the north, and unincorporated Saint Louis County to the south, west and east.

Cascades Subdivision is the only subdivision included in this Proposal and comprises the whole of the unincorporated area to be annexed. There will be no splitting of the subdivision as a result of this annexation proposal.

The street connections into Cascades Subdivision include access from Big Bend Road to the north, which is directly adjacent to Ballwin's current southern boundary, and Reis Road to the west. Big Bend Road has a large route through or adjacent to Ballwin and connects directly to the Ballwin without any barriers. Cascades Subdivision is easily accessible by Ballwin for municipal services. There are no natural or manmade barriers that would impede efficient delivery of services to this subdivision. Ries Road is a public road and the part of Ries Road adjacent to the Cascades Subdivision will be conveyed to Ballwin.

The annexation of the Cascades Subdivision is a logical and reasonable extension of the boundaries of the City of Ballwin. The area to be annexed is compact and leaves no unincorporated pockets caused by the annexation.

The Proposal for the Cascades Annexation Area complies with State Law requiring a minimum of 15% shared boundary between the proposed annexation and the municipality seeking said annexation.

Demographic and Geographic Information

	Population (2020)	Land Area (Acres)	Dwelling Units (2022)
Cascades Subdivision	250 residents	20.8907 acres	95
City of Ballwin	31,103 residents	5,775.87	12,625

The annexation of the Cascades Subdivision includes 43 parcels developed with single family attached residences and 52 developed with single family detached residences. In addition, there are six parcels reserved as common ground owned by the homeowners' association, one parcel that is not developable due to an adjacent creek, and the streets in the subdivision are private. There is no current plan to dedicate the streets to the public, and the representatives of the Cascades Subdivision understood this and stated they still wanted approval of the annexation. Thus, the developed land in the annexation is approximately 9.57 acres (46%) and the vacant areas are 11.32 acres (54%).

REVENUE, TAX RATES AND IMPACT

1. Tax Rate Changes:

Tax Type	St. Louis County (currently)	Ballwin (after annexation)
Real Estate	6.9391%	6.9391%
Sales	7.738%	8.738%
Personal Property	8.0439%	8.0439%
Utility Tax	5.00%	7.00%

There will be no change to current real estate tax as Ballwin does not charge property taxes. There will be a 1% higher sales tax in the Cascades Annexation Area, which will apply on the purchase of vehicles purchased by a resident. Saint Louis County collects a 7.738% sales tax; and Ballwin collects an 8.738% sales tax. There are no commercial establishments in the area to be annexed. Sales tax is assessed at the point of sale on purchases, outside of vehicles. Thus, there will be a minimal effect on the residents due to the increase in sales tax, and no merchants will be affected by an increase in sales taxes. Ballwin has no personal property tax, so there will be no change in the personal property tax on residents. Residents will see a 2% higher utility tax. St. Louis County collects a 5% utility tax, whereas Ballwin collects a 7% utility tax. Although the sewer lateral fee is the same (\$28 for both Saint Louis County and Ballwin), Ballwin does have a \$3,000 limitation on the amount of reimbursement and Saint Louis County has no limitation. The Trustees of the Cascades Subdivision stated they understood the tax increases and the difference in lateral sewer repair reimbursement limitations and accept it in order to become part of the City of Ballwin.

Ballwin estimates the following:

Table of Revenues and Expenditures anticipated from the Annex area:

Year	Revenues	Expenditures
2023	\$39,900	\$8,333
2024	\$39,980	\$8,583
2025	\$40,060	\$8,840

Table of Revenues, Expenditures and Fund Balance History:

Year	Revenues	Expenditures	Fund Balance
2020	\$20,318,207	\$17,466,174	\$16,073,560
2021	\$21,853,073	\$17,812,655	\$21,090,162
2022	\$22,993,482	\$20,753,253	\$15,232,503

Combined Table of Revenues and Expenditures Projections:

Year	Revenues	Expenditures
2023	\$21,590,935	\$21,146,539
2024	\$21,767,332	\$21,562,888
2025	\$21,937,253	\$22,043,416

The area has been generally well maintained. There are no capital improvements planned for the area. Ballwin does an annual survey of roads and sidewalks needing repair or maintenance, and then schedules the repair, maintenance or replacement of roads and sidewalks. The annexation area will be included in this annual survey and analysis and participate in road repairs or maintenance as any currently existing part of Ballwin does. However, the roads and sidewalks in the Cascades Subdivision are currently private. No public funds are currently anticipated to be expended on private road or private sidewalk repair in the Cascades Subdivision. The inclusion of roads and sidewalks in Ballwin's annual survey of roads and sidewalks needing repair or maintenance will be done only when the now private roads and private sidewalks in the subdivision become public roads or sidewalks.

There will be no extraordinary effect on the distribution of tax resources in St. Louis County arising from this annexation. There will be no effect on the ability to raise revenue in the area subject to the boundary change, the bordering areas, St. Louis County, or the City of Ballwin.

The expected sources of revenue to Ballwin due to an approved annexation are listed below. The taxes listed below are currently collected pursuant to laws not affected by this annexation and are paid to St. Louis County. These amounts will be paid to Ballwin if the annexation is approved. The loss of this revenue to St. Louis County will not have any material effect on St. Louis County's budget or its ability to provide services to the remainder of unincorporated St. Louis County.

TABLES OF ESTIMATED REDIRECTED REVENUE TO BALLWIN

The below Tables of Redirected Revenue Sources estimates were made should the annexation be in effect for the entire year of 2023:

Ballwin estimates its revenue gain as follows:

Tax Type	Amount
Public Safety tax	\$12,371
Utility tax	\$12,348
Vehicle sales tax	\$3,532
Motor Fuel tax	\$5,942

Motor Vehicle fees	\$1,048
Road/Bridge tax	\$4,159
Permits	\$ 500
TOTAL	\$39,900

St. Louis County estimates the revenue gain to the City of Ballwin, as follows:

Tax Type	Amount
Sales tax	\$12,371
Utility tax	\$16,625
Highway user tax	\$10,097
Cigarette tax	\$462
Cable tv tax	\$855
Gasoline tax	\$5,942
TOTAL	\$46,352

Saint Louis County estimates that the loss of revenue to it, from the same categories listed above, is \$39,256. The difference in revenue gain to Ballwin and revenue loss to Saint Louis County in large part is due to estimates in categories in which the City of Ballwin charges a higher tax, as sales tax and utilities tax, and an estimated higher Missouri Highway User (CART) revenue gain by Ballwin than loss to Saint Louis County.

It should be noted that the revenue loss to St. Louis County and the revenue gain to the City of Ballwin are based upon assumptions by each, including the amount of utility bills, and the anticipated sales tax revenue to Ballwin from things as the purchase of a vehicle by a resident in the Cascades Annexation Area. St. Louis County includes a sales tax estimate based upon an average per capita sales tax paid by a St. Louis County resident. There are no businesses in the Cascades Annexation Area that would charge sales tax, so there would be no difference in the sales tax paid or collected due to merchant or business sales of goods, services or merchandise arising from this annexation to the City of Ballwin. The differences in certain categories that may be noted are largely based upon good faith estimates by each and the differences for purposes of this annexation are not considered material. In addition, it is estimated that Ballwin will receive \$2,660 for the lateral sewer program, which will not be paid to Saint Louis County, as the program will be administered, and funded, by Ballwin for the annexation area.

St. Louis County will realize savings due to St. Louis County not being required to provide its full spectrum of municipal services to the Cascades Subdivision. Police protection will switch from St. Louis County Police to the City of Ballwin. The City of Ballwin police will be able to respond to any requests for assistance due to their proximity to the Cascades Subdivision and relieve St. Louis County Police of the need to patrol and respond to this area. St. Louis County will encounter savings in expenses for the services it provides to the Cascades Annexation Area. The revenue decline to St. Louis County is partially offset by savings in

expenses incurred by St. Louis County in providing services to this unincorporated area. The area adjacent to Cascades Subdivision may have an increase of police patrols as Saint Louis County will not be required to patrol Cascades Subdivision and the patrols can be re-routed to adjacent areas which will remain in unincorporated Saint Louis County, and public works projects can be directed solely to the unincorporated areas near the Cascades Annexation Area without having to provide services to Cascades Subdivision.

SERVICES

1. Barriers to Efficient Delivery of Services:

There are no barriers natural or man-made that will impede the efficient delivery of services to the area proposed for annexation.

2. Effective Date of Service Provision:

With the exception of trash removal services, which are otherwise regulated by state law, Ballwin will provide all services upon the effective date of the annexation. In the case of seasonal services, such as leaf removal and snowplowing, services will be provided as needed or according to the service schedule in effect across the City.

The following list of Municipal Services and Providers, and any change in the providing of the specified service is as follows.

Service	Present Provider	Post-Annexation Provider	Fee	In-House	Contract
Legislation	County	Ballwin	No	x	
Administration	County	Ballwin	No	x	
Police	County	Ballwin	No	x	
Parks & Rec.	County	Ballwin/County	Some	x	
Solid Waste	County (contract)	Ballwin (contract)	Yes		x
Recycling	County (contract)	Ballwin (contract)	See below		x
Leaf Pickup	None (yard waste)	Ballwin	See below	x	
Yard Waste	County (contract)	Ballwin (contract)			x
Code Enforcement	County	Ballwin	No	x	
Planning & Zoning	County	Ballwin	No	x	
Street Lighting	Subdivision	Ballwin	No		x
New Street Lights	Private	Ballwin	No		x
Street Maintenance and replacement	County	Ballwin	No	x	
Snowplowing	County	Ballwin	No	x	

Sidewalk Maintenance and replacement	County	Ballwin	No	x	
Municipal Court	County	Ballwin	No	x	
Fire Protection	Metro West District	Metro West District	N/A		N/A
Utilities					
Electric	Ameren UE	Ameren UE	N/A		N/A
Water	Missouri American Water Co.	Missouri American Water Co.	N/A		N/A
Sewer	MSD	MSD	N/A		N/A
Social Services	County/State	County/State	No		N/A
Public School	Rockwood School District	Rockwood School District	N/A	N/A	N/A
Library	County	County	N/A		N/A

There will be no change in the provider of services for fire protection; electric, water, sewer or natural gas utilities; social services; school district; or library.

Ballwin's current trash collection contract is through Republic Services, which contract ends on 12/31/2022. Under current regulation and law, residents in the annexation area have the option to continue with the current trash service for two years. Republic Services has indicated a willingness to work with the residents should they decide to opt out of the current contract. The Republic cost is dependent on the volume of the receptacle, with the median (65g) cost being \$22.90/mo. in 2021 and \$23.13/mo. in 2022. Ballwin's waste collection is comprised of weekly trash collection, weekly recycling, bulk item pickup (once a month by appointment), yard waste collection (once per week), and leaf pickup services provided in the fall. St. Louis County provides trash and yard waste pick up through Waste Connections. Annual price for minimum service (one trash pickup and recycling pick up per week and twice-yearly bulky trash pickup) is \$12.75 per month. Weekly yard waste pick up may be added at the option of the resident for an additional \$8.00 per month, with an option for quarterly opt-out. St. Louis County also provides a senior discount of 10%. Although the monthly charge for waste removal by the City of Ballwin is higher than St. Louis County, the City of Ballwin does provide additional services of monthly bulk item pick up and leaf removal.

Schedules and times of pickup are substantially similar to both St. Louis County (through contract providers) and Ballwin (through contract providers).

There was no evidence that the services to be provided by the City of Ballwin would be less in either quality or quantity than those provided by St. Louis County.

ZONING

1. Percentage of Land Use:

Land Use	Acres	Percentage
Commercial/Industrial	0.00	0.00%
Industrial	0.00	0.00%
Institutional/ Governmental	0.00	0.00%
Residential	9.57	46%
Vacant	11.32	54%
Total	23.30	100%

The Cascades Subdivision is 100% residential. The zoning anticipated by Ballwin is R-4, which has similar restrictions to the current zoning. The current zoning by Saint Louis County is R4. Although 10 parcels do not meet the current Ballwin zoning as the residences do not meet the required set back from the street, there would be no non-conforming uses requiring modification or changes as any current structures will be grandfathered in. Any change in requirements from the new Ballwin zoning may only apply if a current residence was removed and a new structure was built.

COMMUNITY OF INTEREST

The residents of the Cascades Subdivision have significant ties with Ballwin. They both are within the school boundaries of the Parkway School District, including Oak Brook Elementary School, which draws its students from both the City of Ballwin and Cascades Subdivision. Both Cascades Subdivision residents and Ballwin residents are within the boundaries of a local parochial elementary school, Holy Infant School. The residents receive mail from the Ballwin Post Office, located less than three miles from their subdivision. The residents of Cascades Subdivision routinely participate in youth athletic programs with City of Ballwin residents.

EFFECTIVE DATE

Ballwin stated it will start to provide its municipal services, and the annexed area will become part of the City of Ballwin, on January 1, 2023, if approved pursuant to law without a vote, or six months after a favorable vote if a vote is required.

DECISION

The City of Ballwin is the proposing agent as defined by Rev. Stat. 72.400(4) RSMo and the Boundary Commission of St. Louis County has jurisdiction over the proposal. The boundary change sought by the City of Ballwin is an annexation governed by Chapter 72 RSMo.

Based upon the entire record, the Boundary Commission of St. Louis County voted at an open public meeting by roll call vote on October 25, 2022, to **APPROVE** the proposal. The Boundary Commission as a whole determined that the proposal is in the best interest collectively, and the proposal is in the best interest individually of the City of Ballwin, the proposal is in the best interest of the area to be annexed, the proposal is in the best interest of St.

Louis County, and would have no material effect on the surrounding area or St. Louis County as a whole; and is in the best interest of the areas of the County next to the proposed boundary change.

The Commission therefore finds and determines that the annexation proposed by the Official Submittal BC2202 by the City of Ballwin is APPROVED as a Simplified Boundary Change.

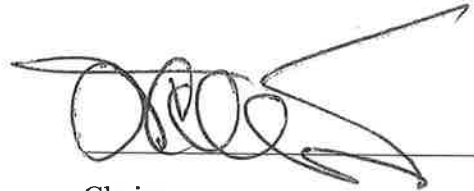
The area to be annexed is commonly called the Cascades Subdivision and is legally described on Exhibit 1 hereto.

The Commission as a whole and by roll call vote at its meeting on October 25, 2022 finds that the annexation proposed by the official submittal and designated as File No. BC2202 is approved without the requirement of a further public vote, as permitted by Mo. Rev. Stat. 72.405.6(1).

The annexation and transfer of jurisdiction shall be effective at 12:01 a.m. January 1, 2023. The public roads mentioned above and in the Proposal will be transferred to the City of Ballwin on January 1, 2023.

This Summary of Decision is approved by the Commission and issued this ~~22nd~~ ^{13th} day of ~~November~~ ^{ATT}, 2022.

~~ATT~~ DECEMBER,



Chairperson

Approved by the Boundary Commission and signed this ~~22nd~~ ^{13th} day of ~~November~~ ^{ATT}, 2022.

~~ATT~~ DECEMBER, 2022
~~ATT~~



October 14, 2022

CASCADES ANNEXATION DESCRIPTION

A tract of land in the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 11, Township 44 North, Range 4 East, St. Louis County, Missouri, being part of Ries Road, 70 feet wide and variable width, together with

All of the Boundary Adjustment Plat of Lots 22A, 22B, 22C, 22D, 23A, 23B, 23C, 23D, 24A, 24B, 24C, and 24D of the Resubdivision of The Amended Plat of the Cascades Plat One, as per plat thereof recorded in Plat Book 326 Page 62 in the Office of the Recorder of Deeds for St. Louis County, Missouri, together with

All of The Cascades Plat Four, as per plat thereof recorded in Plat Book 328 Page 9 of said County Records, together with

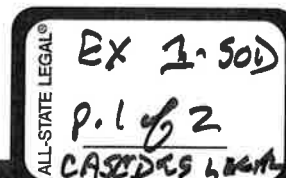
All of the Boundary Adjustment Plat Lots 5A, 5D, 6A, 6D, 7A, 7D, 8A, 8D, 9A, 9D, 13A, 13F, 14A, 14E, 15A, 15F, 19A, 19D, and the Common Ground of the Resubdivision of the Cascades Plat Two, as per plat thereof recorded in Plat Book 282 Page 78 of said County Records, together with

All of The Cascades Plat Five, as per plat thereof recorded in Plat Book 333 Page 9 of said County Records,

And said tract being more particularly described as follows:

Commencing at the northeasterly corner of Lot 14 of Charleston Oaks, as per plat thereof recorded in Plat Book 327 Page 40 of said County Records, on the southerly line of Big Bend Road (formerly Oak Street), distant 47 feet south of it's original centerline; thence along said southerly line of Big Bend Road, Easterly 319.78 ft, more or less, to a point of curvature, and said point being the true point of beginning of the tract of land herein described: thence continuing along said southerly line, along the arc of a curve concave to the southwest having a radius of 110 feet, Southeasterly 174.84 feet to a point of tangency on the westerly line of Ries Road, as widened in said plat of Charleston Oaks; thence along said westerly line of Ries Road, Southerly 1,215 feet, more or less, to the southerly line of said Charleston Oaks; thence leaving the westerly line of said Ries Road, Easterly 70 feet, more or less, to the intersection of the easterly line of said Ries Road with the southerly line of said The Cascades Plat Four; thence along said southerly line of said Plat Four, and along the southerly line of said Plat Book 282 Page 78, Easterly 750.22 feet, more or less, to the easterly line the Common Ground of said Plat Book 282 Page 78; thence along said Easterly line, Northeasterly 525.40 feet, more or less to

1 of 2



October 11, 2022

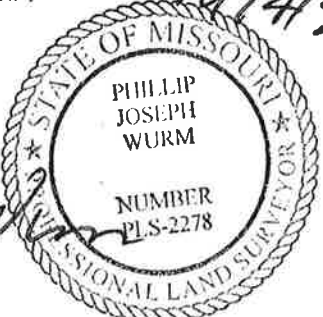
Cascades Annexation Description

2 of 2

the northeasterly corner of the southerly part of said Common Ground; thence along the northerly line of said southerly part of said Common Ground, Westerly 235.58 feet, more or less, to the easterly line of the easterly common ground of said Plat Book 282 Page 78; thence along said easterly line, and along the easterly line of the Common Ground shown in said The Cascades Plat Five, Northerly 249.26 feet, more or less, to an angle point in said easterly line of said Common Ground for The Cascades Plat Five; thence continuing along said easterly line of said Common Ground of The Cascades Plat Five, Northerly 249.77 feet, more or less, to an angle point in said easterly line; thence continuing along said Easterly line, Northerly 219 feet, more or less, to a point on the southerly line of said Big Bend Road, said point being distant 49 feet South of the centerline of said Big Bend Road (formerly Oak Street); thence along said southerly line of Big Bend Road, of various width, Westerly 907 feet, more or less, to the true point of beginning, according to research and calculations by Topos Surveying Corp. in October, 2022, for Order No. 1022-24.

TOPOS SURVEYING CORP.

10/14/2022



Phillip J. Wurm

Phillip J. Wurm

MO Professional Land Surveyor No. 2278

