

BEFORE THE ST. LOUIS COUNTY BOUNDARY COMMISSION

IN RE: BC2203

CITY OF BALLWIN AND CHARLESTON OAKS ANNEXATION AREA

SUMMARY OF DECISION

INTRODUCTION

The City of Ballwin submitted its official Proposal for the annexation of the area referred to as the Charleston Oaks Annexation Area consisting of the Charleston Oaks 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 261 registered voters in the annexation area on the date of submission, of which 2 registered voters were deceased at the time of submission. 196 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 or 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.

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 Charleston Oaks Subdivision and no other areas. For ease of reference, the annexation area will be referred to as the Charleston Oaks Subdivision or Charleston Oaks Annexation Area in this Summary of Decision. The Charleston Oaks Annexation Area includes the public roads in the Charleston Oaks Subdivision. These

roads will be conveyed to the City of Ballwin by approval of the Proposal. (Ries Road borders Charleston Oaks to the east of the annex area, but it does not provide access to Charleston Oaks Subdivision. Ries Road is subject to a different annexation proposal submitted at the same time as this proposal and is not part of this annexation proposal.)

Trustees of the Charleston Oaks Subdivision stated at the public hearing that they sought annexation into Ballwin as the access to Ballwin was direct, and the Charleston Oaks Subdivision is located closer to Ballwin facilities and municipal buildings than Charleston Oaks 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 Charleston Oaks Subdivision. The Trustees also noted that the residents of Charleston Oaks 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 Charleston Oaks Annexation Area is adjacent to the southeastern part of the City of Ballwin. This approximately 40 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 is mostly developed at this time and 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 Charleston Oaks Subdivision contains 105 parcels, of which 103 are developed for single-family housing units. The development in Charleston Oaks Subdivision, as measured in dwelling units and people per acre, is comparable to what one would find in southern Ballwin. Currently, the land use in the Charleston Oaks is zoned under St. Louis County's R3 single-family residential, and this 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 Charleston Oaks Subdivision is currently in unincorporated St. Louis County. The Charleston Oaks Subdivision has approximately 271 residents and 103 single family residences. It is fully developed; any vacant lots are common areas. The area is generally bounded by the City of Ballwin to the north, and unincorporated Saint Louis County to the south, west and east.

Charleston Oaks 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.

There is only one (1) street connection into Charleston Oaks Subdivision: Charleston Oaks Drive to Big Bend Road, which is directly adjacent to Ballwin's current boundaries. Big Bend Road has a large route through Ballwin and connects directly to the City Limit without any

barriers. Charleston Oaks 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.

The annexation of the Charleston Oaks 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 Charleston Oaks 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)
Charleston Oaks Subdivision	≈ 271 residents	40	103
City of Ballwin	31,103 residents	5,775.87	12,625

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 Charleston Oaks 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 or (possible) internet purchases (if applicable and authorized taxes approved by the municipality and the voters). Thus, there will be a minimal effect on the residents due to the increase in sales tax, and no merchants will be affected. 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 the County has no limitation. The Trustees of the Charleston Oaks 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.

2. Table of Revenues and Expenditures anticipated from the Annex area:

Year	Revenues	Expenditures
2023	\$63,757	\$10,215
2024	\$63,885	\$10,521
2025	\$64,012	\$10,837

3. 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

4. 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.

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. The below Table of Redirected Revenue Sources estimate was provided by Ballwin should the annexation have been in effect for the entire year of 2022:

Tax Type	Amount
Public Safety tax	\$15,906
Utility tax	\$25,959
Vehicle sales tax	\$4,415
Motor Fuel tax	\$7,639
Motor Vehicle fees	\$1,348
Road/Bridge tax	\$7,868
Permits	\$ 625
TOTAL	\$63,760

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

Tax Type	Amount
Sales tax	\$15,906
Utility tax	\$18,025
Highway user tax	\$10,945
Cigarette tax	\$501
Cable tv tax	\$927
Gasoline tax	\$7,639
TOTAL	\$53,943

Saint Louis County estimates that the loss of revenue to it, from the same categories listed above, is \$45,363. 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.

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 Charleston Oaks 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 Charleston Oaks 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 the 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 Charleston Oaks 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 Charleston Oaks 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 Charleston Oaks Annexation Area, principally from road and sidewalk maintenance, snow removal, and police protection. 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 Charleston Oaks may have an increase of police patrols as Saint Louis County will not be required to patrol Charleston Oaks Subdivision and the patrols can be re-routed to adjacent areas, and public works projects can be directed solely to the unincorporated areas near Charleston Oaks subdivision without having to provide services to Charleston Oaks Subdivision.

SERVICES

1. Barriers to Efficient Delivery of Services:

There are no barriers 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)			
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 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	0.00	0.00%
Industrial	0.00	0.00%
Institutional/ Governmental	0.00	0.00%
Single-Family Residential	33.27	83.18%
Multi-Family Residential	0.00	0.00%
Vacant	6.73	16.82%
Total	40.00	100.00%

The Charleston Oaks Subdivision is 94.76% residential and the remainder is common areas owned by the Trustees of the Charleston Oaks Subdivision. The entire annexed area is zoned for single family residences. The Charleston Oaks Subdivision is fully developed. The zoning anticipated by Ballwin is R-3, which has similar restrictions to the current zoning. The current zoning by Saint Louis County is R3 There would be no non-conforming uses requiring modification or changes. 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 Charleston Oaks Subdivision have significant ties with Ballwin. They are both 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 Charleston Oaks subdivision. Both Charleston Oaks 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 Charleston Oaks 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 September 27, 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 BC2203 by the City of Ballwin is **APPROVED** as a Simplified Boundary Change.

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

The Commission as a whole and by roll call vote at its meeting on September 27, 2022 finds that the annexation proposed by the official submittal and designated as File No. BC2203 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 25th day of October, 2022.



Chairperson

Approved by the Boundary Commission and signed this 25th day of October, 2022.

BC2203 - City of Ballwin Annexation of Charleston Oaks Subdivision

LEGAL DESCRIPTION

A digital inscription of the metes and bounds legal description of the proposed annexation area,

"A tract of land in the Southwest One-Quarter of Section 11, Township 44 North - Range 4 East, St. Louis County, Missouri, and being more particularly described as:

Beginning at the Northwest corner of "Arbor Glen Plat Two", a subdivision according to the plat thereof recorded in Plat Book 282, Page 91 of the St. Louis County Records, said point being a point on the West line of said Section 11 and on the East line of "Arbor Oaks Plat One", a subdivision according to the plat thereof recorded in Plat Book 292, Pages 61 through 63 of the St. Louis County Records; thence North 00 degrees 08 minutes 43 seconds West 1359.44 feet along said West line of Section 11 and said East line of "Arbor Oaks Plat One" to the South line of Oak Street, being 15 feet South of the original centerline; thence North 88 degrees 52 minutes 59 seconds East 1298.63 feet along said South line of Oak Street to the West line of Ries Road, being 15 feet West of the original centerline; thence South 00 degrees 02 minutes 44 seconds East 1358.88 feet along said West line of Ries Road to the Eastwardly prolongation of a North line of "Arbor Glen Plat One", a subdivision according to the plat thereof recorded in Plat Book 279, Page 57 of the St. Louis County Records; thence South 88 degrees 51 minutes 23 seconds West 1296.27 feet along said prolongation, along said North line of "Arbor Glen Plat One", and along the North line of aforesaid "Arbor Glen Plat Two" to the point of beginning and containing 40.476 acres according to a survey by Volz Engineering & Surveying, Inc. on April 20, 1993."

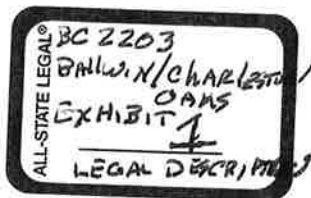


EXHIBIT A
LEGAL DESCRIPTION

VOLZ

Engineers
Land Planners
Land Surveyors

10849 Indian Head Industrial Boulevard
St. Louis, Missouri 63132-1166
314-426-6212
314-426-3884 FAX

April 21, 1993

TWO

RE: Oak and Ries
Outboundary
93-4302

A tract of land in the Southwest One-Quarter of Section 11, Township 44 North - Range 4 East, St. Louis County, Missouri, and being more particularly described as:

Beginning at the Northwest corner of "Arbor Glen Plat Two", a subdivision according to the plat thereof recorded in Plat Book 282, Page 91 of the St. Louis County Records, said point being a point on the West line of said Section 11 and on the East line of "Arbor Oaks Plat One", a subdivision according to the plat thereof recorded in Plat Book 292, Pages 61 through 63 of the St. Louis County Records; thence North 00 degrees 08 minutes 43 seconds West 1359.44 feet along said West line of Section 11 and said East line of "Arbor Oaks Plat One" to the South line of Oak Street, being 15 feet South of the original centerline; thence North 88 degrees 52 minutes 59 seconds East 1298.63 feet along said South line of Oak Street to the West line of Ries Road, being 15 feet West of the original centerline; thence South 00 degrees 02 minutes 44 seconds East 1358.88 feet along said West line of Ries Road to the Eastwardly prolongation of a North line of "Arbor Glen Plat One", a subdivision according to the plat thereof recorded in Plat Book 279, Page 57 of the St. Louis County Records; thence South 88 degrees 51 minutes 23 seconds West 1296.27 feet along said prolongation, along said North line of "Arbor Glen Plat One", and along the North line of aforesaid "Arbor Glen Plat Two" to the point of beginning and containing 40.476 acres according to a survey by Volz Engineering & Surveying, Inc. on April 20, 1993.