

Before the Boundary Commission, St. Louis County, Missouri

)
)
)
) File No. BC0701
In re: Proposal of the City of Ellisville)
) Old State Road Area
)
)

**SUMMARY OF DECISION
PROPOSAL FOR ANNEXATION OF OLD STATE ROAD AREA
CITY OF ELLISVILLE, MISSOURI**

INTRODUCTION

On the 16th day of April, 2007, the City of Ellisville (the "City") deposited its Official Submittal (the "Proposal") with the St. Louis County Boundary Commission (the "Commission") in which the City proposed to annex an area of property currently within the boundaries of St. Louis County, Missouri, and which was not within the jurisdiction of any municipality, township, village or other incorporated entity. The area is located between Pierside Road and Ridge Road and includes approximately 42 acres. The City refers to the area as the Old State Road Annexation Area (the "Area") and the Commission has adopted this designation. In response to the completeness review performed by the Commission staff, the City submitted a Plan of Intent on April 16, 2007. The Commission deemed the Proposal complete.

On May 22, 2007, pursuant to Order of the Commission and statutory public notice, the Commission held a public hearing on the Proposal at the Ellisville City Hall at One Weis Avenue, Ellisville, Missouri 63011. At the public hearing, the City was permitted to present evidence in addition to the Proposal and representatives of the St. Louis County government were permitted to present evidence in response to the Proposal. Public comment was received from anyone in attendance wishing to speak. During the public hearing, members of the public were also notified by the Commission Chairman that they, as well as others not in attendance at the public hearing, could submit written comments to the Commission within 21 days following the date of the public hearing. No written comments from the public were received during the 21 day comment period following the hearing.

The Commission makes the following findings based upon: (1) the Official Submittal by the City; (2) information provided by the City at the public hearing; (3) information presented by St. Louis County government at the public hearing; (4) the public comment received by the Commission at the hearing; and (5) the written comments received within 21 days after the hearing.

GEOGRAPHIC

The City submits that the Area contains approximately 42 acres and that the City can meet the needs of the Area in terms of efficiency, effectiveness and comprehensiveness of services. The Area is not an unincorporated pocket and is located on either side of Old State Road, between Pierside Road and Ridge Road, and has a significant contiguous boundary with the City. The service needs for the Area are similar to existing property within the City.

The services to be provided to the Area will include all services currently provided to existing City residents and property located within the existing boundaries of the City. A legal description of the Area was included at page 10 of the Supporting Documents section of the Proposal and is attached to this Summary of Decision as Exhibit A. A map of the proposed annexation area was attached at page 12 of the Supporting Documents section of the Proposal, and a copy of the map is attached to this Summary of Decision as Exhibit B.

The Area is completely surrounded by Ellisville, and includes only one subdivision, The Kerryton Place Villas, and there will be no difficulty accessing the area or providing services to the residents. The City submits that the proposed boundaries, including property on both sides of Old State Road will enable the City to provide services to the entire annexation area without requiring the entities providing services to leave the city limits of the City.

The Area consists of forty-three (43) total properties. The City submits, and the Commission so finds, that the present request does not affect existing or natural neighborhoods. The annexation of the Area will preserve the existing or natural neighborhoods and the only subdivision in the area, The Kerryton Place Villas, is not split.

Pursuant to information contained within the Proposal, and not disputed by St. Louis County, the Area has a population of 7 according to the 2000 Census and a land area of 42 acres. There are 43 dwelling units within the Area. There are .329 miles of public streets and .230 miles of private streets within the Area. The City as a whole has 2,636.8 acres and 72.329 miles of public streets and 4.230 miles of private streets. The City is 100% contiguous to the Area. The Commission finds the Area is compact to the existing City boundaries and that there are no natural or man-made barriers to provision of service to the Area by the City.

FINANCIAL

The City presented evidence of the financial impacts and benefits the proposed transfer would have to determine the impact of the proposed annexation. The City established there will be an additional \$.15 per \$100 of assessed valuation for property tax, which equates to \$28.50 more per each home valued at \$100,000. Evidence presented by the City demonstrates that sales tax paid on retail purchases will have no impact as there are no commercial retail businesses in the area; tax on the purchase of an automobile will increase tax revenue to Ellisville at a cost of \$150 on the purchase of a \$20,000 vehicle. The Report presents there will be very little increase in the amount of utility tax; about \$43.67 more per person per year.

The City calculates that the County will lose approximately \$22,000 from the Area, which represents an insignificant reduction of the county budget and the County agrees this annexation is appropriate. Based on the foregoing, the Commission concurs in the City's conclusion that the proposed annexation will not have an effect on the distribution of tax revenues for St. Louis County.

Based on existing agreements with St. Louis County with regard to managing subdivision escrows, the City does not believe there will be any impact on existing escrows currently being held by St. Louis County. St. Louis County records do not reflect that there are any current escrow accounts in the Area.

The City contends, and the Commission so finds, that in light of the formula for distribution of taxes, particularly sales taxes, the impact on the respective areas in terms of their tax bases and the ability to raise revenue will be minimal.

SERVICES

The City has concluded, and the Commission so finds, that there are no barriers to providing effective delivery of services to the Area. The City has agreed that it will accept all responsibilities associated with the proposed annexation of the Area within six (6) months following the date of the election, or at any earlier date as allowed by law.

With regard to zoning and land use, the City proposes to change the industrial zoning designations of the properties along the west side of Old State Road to the City's M-1 Light Industrial Zoning District, which is consistent with the County's Industrial zoning designation. Additionally, the City proposes to change the Non-Urban zoning designation of the properties along the east side of Old State Road, just north of the Kerryton Place Villas to the City's R-1 single family Residential Zoning District which is less restrictive in lot size than the Non-Urban Designation. The City proposed to change the zoning designation of the Kerryton Place Villas from R-3 Residence Zoning District to R-2 Planned Residential Development. The new designation will be customized to allow the existing development pattern and uses within the subdivision. The City will go through all required rezoning procedures for these proposed changes in zoning.

The City does not anticipate any non-conformities being created in the Area by a change in jurisdiction.

Once annexed the properties within the Old State Road Annexation Area would be required to secure approval from the City of Ellisville for any proposed subdivisions. No prospective development will be affected directly or indirectly by the proposed boundary change and there are no on-going development projects in the area to be annexed.

If the annexation is approved, the City does not believe significant growth will occur in the Area within a three-year time following approval of the annexation.

DECISION


At a public meeting of the Commission on June 26, 2007, with required statutory notice having been given, the Commission reviewed and discussed the Proposal, and the additional information presented by all interested parties. Following discussion of the foregoing, and after each Commissioner had been provided the opportunity to express their respective thoughts concerning the Proposal, a motion was made to approve the Proposal as a Boundary Change—Annexation, with details of the motion, seconding of the motion, and vote of the Commissioners set forth in the approved minutes of the Commission from that meeting. The vote of the Commissioners was seven (7) in the affirmative, and zero (0) in the negative, with four (4) Commissioner(s) having been absent. Pursuant to the Rules of the Commission, the motion carried and the Proposal was approved.

Pursuant to the foregoing vote, the Commission determines that it is in the best interest of the City, the Area, and unincorporated territories affected by the Proposal, and of those areas of St. Louis County next to the Area. In consideration of the best interest test required by applicable statutes and the rules adopted by the Commission, it is the opinion of the majority of the Commission members that the Proposal should be approved as a Boundary Change—Annexation. An election shall be held, based on the request of the City, at the General municipal election to be held on the date designated by the City of Ellisville and subsequently established by the Commissioner. Based on all of the circumstances, including the Proposal and the evidence presented to the Commission, the Commission has determined that approval of the Proposal is appropriate and justified by all of the factors available to the Commission for its consideration.

NOW THEREFORE, as of June 26, 2007, the Proposal shall be, and hereby is APPROVED, as a Boundary Change—Annexation. The Commission finds that the annexation proposed by Proposal BC0701 shall be submitted for approval and the annexation of the territory set forth in the legal description of the Proposal shall take effect only after approval by a separate majority of the voters in the City and the Area at the General municipal election to be held on the date designated by the City of Ellisville and subsequently established by the Commission. If approved by the voters, the annexation will be effective six months after approved.

ATTEST:

BOUNDARY COMMISSION,
ST. LOUIS COUNTY, MISSOURI


Matthew Armstrong, Chairman

July 26, 2007
Date