

Before the Boundary Commission, St. Louis County, Missouri

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) File No. BC0801
In re: Proposal of the City of Florissant)
) Paddock Estates Subdivision
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**SUMMARY OF DECISION
PROPOSAL FOR ANNEXATION OF PADDOCK ESTATES AREA
CITY OF FLORISSANT, MISSOURI**

INTRODUCTION

On the 11th day of July 2008, the City of Florissant (the "City") delivered its Official Submittal (the "Proposal") to the St. Louis County Boundary Commission (the "Commission") wherein the City proposed to annex an area of land currently within the boundaries of St. Louis County, Missouri (the "County"), and which was not within the jurisdiction of any municipality, township, village or other incorporated entity. The City refers to the area as the Paddock Estates Subdivision Area (the "Area") and the Commission has adopted this designation. The Area is generally bounded by the City and its golf course to the north, by the City of Black Jack to the east and unincorporated St. Louis County and the City to the south. The Area includes approximately 87 acres. In response to the completeness review performed by the Commission staff, the City responded to the identified deficiencies. As revised, the Commission deemed the Proposal complete and accepted it as such on July 22, 2008.

On September 23, 2008, pursuant to Order of the Commission and statutory public notice, the Commission held a public hearing on the Proposal at the Cross Keys Middle School, Lecture Room, 14205 Cougar Drive, Florissant, Missouri. 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. Written comments from the public were received during the 21-day comment period following the hearing. The County also provided additional, detailed, written comments on the Proposal in the form of a written report dated October 14, 2008 (the "Report").

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 the County 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 87 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 generally bounded by the City and its golf course to the north, by the City of Black Jack to the east and unincorporated County and the City to the south, 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 in 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 as Attachment "A" (Small map – revised), and a copy of the map is attached to this Summary of Decision as **Exhibit B**.

The northern portion of the Area is completely surrounded by the City and its golf course. The Area includes Paddock Estates Plats 1, 3, 5, 6, and 7 in their entirety. Three (3) parcels from the Marietta Subdivision are included, two (2) of which are commercial lots located on New Halls Ferry Road and one (1) commercial lot located on Marietta Drive, adjacent to the commercial lots on New Halls Ferry Road. There are two (2) parcels on New Halls Ferry Road which are part of the St. Ferdinand subdivision. The bulk of the St. Ferdinand subdivision was brought into the City in 1965. The City's golf course was previously known as Tyler Estates Subdivision. One (1) parcel of the Tyler Estates Subdivision is included; this parcel was omitted when Tyler Estates Subdivision was transferred to the City from the County.

The Commission finds that there will be no difficulty accessing the area or providing services to the residents. The City submits that the proposed boundaries 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 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.

Pursuant to information contained within the Proposal, and not disputed by St. Louis County, the Area has a population of 588 according to the 2000 Census and a land area of 87 acres. There are 274 dwelling units within the Area. In addition, the Area includes an office building and a day care facility. There are 2.43 miles of public streets and 0.00 miles of private streets within the Area. The City as a whole has 8,140.67 acres and 165.02 miles of public streets and 25.05 miles of private streets. The City is 69% 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 and County presented evidence of the financial impact and benefits of the proposed annexation on the Area, the County and the City.

Impact on the Area

The City established that the Sales Tax rate will increase from 6.075% to 7.075% due to a ½ cent Capital Improvement Sales Tax and a ½ cent Park Improvement Sales Tax imposed by the City. The City established that the residents in the Areas will not realize an increase in Property Tax as a result of a successful annexation because the City does not impose a property tax. The City established that the Utility Tax will remain the same.

The City contends and the Commission finds that the proposed annexation will have minimal financial impact on the residents and property owners in the Area.

Impact on the County

The City estimates that the County will lose \$140,715.00 in revenue from the Area. The Proposal concludes that the County will lose \$130,353.00 in revenue from the Area. The Proposal explains that lost revenues can be attributed to a reduction in sales tax pool revenues based on lost population, loss of the Road and Bridge tax, loss of utility taxes, reduction of highway user tax (CART) funds because of the reduction of the assessed values and miles of roads maintained in the unincorporated area, as well as losses of cigarette taxes, cable TV franchise fees, and fines and court costs for traffic and other violations.

The Area is within the New Halls Ferry Road Corridor Traffic Generation Assessment Road Trust Fund (No. 707). The City does not have an ordinance or policy prohibiting participation in the trust fund and intends to require participation in the trust fund for any new development in the Area.

Based on the foregoing, the Commission finds that the loss of revenue that would result from the Proposal would not be insignificant to the County; however, the Commission concludes that the Proposal will not have an extraordinary effect on the distribution of tax resources for the County.

Impact on the City

The City estimates that the proposed annexation will generate \$209,764.00 in revenue per year for the three (3) years following annexation. The County estimates that the City will generate \$197,617.00 in annual revenue from the Area. Neither the City nor the County provided a detailed explanation for the discrepancy in the estimated annual revenue for the Area.

The City estimates that revenues received from the Area will be sufficient to provide City services to the Area in a first class manner. Based upon the City's calculations, it anticipates an annual expenditure of \$210,500.00 for the Area, a net loss of \$736.00. Based upon the County's

estimation that the Area will generate only \$197,617.00, the City will realize a net loss of \$12,883 per year.

The Proposal indicates three (3) three-year Capital Improvement Projects in the Area (collectively "Capital Improvement Projects"). The City anticipates expending \$56,000.00 in street repairs/improvements in the Area over three (3) years. The City anticipates expending \$7,000.00 for sidewalks and Americans with Disabilities Act accessible curb cuts over three (3) years. The City anticipates expending \$60,000.00 in new and additional street lighting over three (3) years. A portion of the funds required for the Capital Improvement Projects will be generated by the ½ cent Capital Improvement Sales Tax from the Area, estimated at \$36,897 annually. The Proposal indicates that the remainder of the funds required for the Capital Improvement Project will be drawn from other revenue sources.

The City contends and the Commission finds that the Proposal will have a minimal effect on the tax base or ability to raise revenue of the City, the County, or the Area.

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 intends to take over all municipal type services for the Area if annexation is approved. In addition, if the Proposal is approved by voters, the residents of the Area will be able to utilize the City's recreational and community oriented services. The City presented evidence that it will extend services to the Area immediately after certification of a favorable vote, if received.

The Area is presently serviced by the Black Jack Fire Protection District. Annexation will not affect this service. The Area receives sewer service through Metropolitan St. Louis Sewer District and water through Missouri American Water Company. Neither sewer service nor water service will be impacted by annexation. These services will continue to be provided by Metropolitan St. Louis Sewer District and Missouri American Water Company, respectively.

DECISION

At a public meeting of the Commission on February 3, 2009 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 eight (8) in the affirmative and zero (0) in the negative, with three (3) Commissioners 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 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, the Proposal hereby is APPROVED, effective as of February 3, 2009, as a Boundary Change-Annexation. The Commission finds that the annexation proposed by Proposal BC0801 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 and subsequently established by the Commissioner. If approved by the voters, the annexation will be effective six months after approved.

BOUNDARY COMMISSION,
ST. LOUIS COUNTY, MISSOURI

Christine Bredenkoetter, Chairman

Date

PADDOCK ESTATES
LEGAL DESCRIPTION

A tract of land located in U. S. Survey 104, fractional of Section 13 and Section 24, in Township 47N, Range 6 East, St. Louis County, Missouri. The primary subdivisions included are as follows: Paddock Estates Plat 1, Paddock Estates Plat 3, Paddock Estates Plat 5, Paddock Estates Plat 6, and Paddock Estates Plat 7.

Said tract of land is further described as follows:

Beginning at a point on the East right-of-way line of New Halls Ferry road and its intersection with the Northwest corner of John Knox Presbyterian Church subdivision;

Thence, continuing Westwardly along the prolongation of the North line of John Knox Presbyterian Church subdivision to its intersection with the West right-of-way line of New Halls Ferry road;

Thence, Northwestwardly along the West right-of-way line of New Halls Ferry road to its intersection with the Westerly prolongation of the Southwestern line of Paddock Estates Plat 6 subdivision;

Thence, continuing Northwestwardly along the West right-of-way line of New Halls Ferry road to its intersection with Westerly prolongation of the South line of Lot Pt. 1196 of Paddock Hills Plat 15 subdivision;

Thence, Eastwardly along the prolonged South line of Lot Pt. 1196 of Paddock Hills Plat 15 subdivision to its intersection with the West line of Lot No. 1250 of Paddock Hills Plat 15 subdivision;

Thence, Southwardly along the West line of Lot No. 1250 of Paddock Hills Plat 15 subdivision to the South line of Lot No. 1250 of Paddock Hills Plat 15 subdivision;

Thence, Eastwardly along the South line of Paddock Hills Plat 15 subdivision (also being the North line of Paddock Estates Plat 6 subdivision) to the South line of Paddock Hills Plat 16 subdivision;

Thence, continuing Eastwardly along the South line of Paddock Hills Plat 16 subdivision (also being the North line of Paddock Estates Plat 1 subdivision) to the Southeast corner of Lot No. 1267 of Paddock Hills Plat 16 subdivision;

Thence, Northwardly along the East line of Lot No. 1267 of Paddock Hills Plat 16 subdivision (also being the West line of Paddock Estates Plat 1 subdivision) to the Northwest corner of Lot No. 701 of Paddock Estates Plat 7 subdivision;

Thence, Southeastwardly along the Northeast line of Lot No. 701 of Paddock Estates Plat 7 subdivision to the Northernmost corner of Lot Pt. 3 of Tyler Estates subdivision;

Thence, Southeastwardly along the Northeast line of Lot Pt. 3 of Tyler Estates subdivision to its intersection with the Northwest right-of-way line of Club Grounds North road;

Thence, Northeastwardly along the Northwest right-of-way line of Club Grounds North road to its intersection with the Southernmost corner of Lot No. 129 of Paddock Estates Plat 1 subdivision;

Thence, Northwestwardly along the Southwest line of Lot No. 129 of Paddock Estates Plat 1 subdivision to its Westernmost corner;

Thence, Northeastwardly along the Northwest line of Lot No. 129 of Paddock Estates Plat 1 subdivision, and along its prolongation (also being the Northwest line of Paddock Estates Plat 1 subdivision) to the Northwest corner of Lot 147 of Paddock Estates Plat 1 subdivision;

Thence, Northeastwardly along the North line of Lot 147 of Paddock Estates Plat 1 subdivision to its intersection with the West right-of-way line of Club Grounds North road;

Thence, Northeastwardly along an arc of the West right-of-way line of Club Grounds North road to its intersection with the Southwest corner of Lot 148 of Paddock Estates Plat 1 subdivision;

Thence, Northwardly along the West line of Lot 148 of Paddock Estates Plat 1 subdivision to the Northwest corner of said Lot 148; then Eastwardly along the North line of said Lot 148 to its Northeast corner; then Southwardly along the East line of said Lot 148 to its Southeast corner; then Southwestwardly along the South line of said Lot 148 to its intersection with the East right-of-way line of Club Grounds North road;

Thence, Southwardly along the East right-of-way line of Club Grounds North road to its intersection with the Northwest corner of Lot 101 of Paddock Estates Plat 1 subdivision;

Thence, Eastwardly along the North line of Lot 101 of Paddock Estates Plat 1 subdivision to the Northeast corner of said Lot 101 (also being the East line of Paddock Estates Plat 1 subdivision);

Thence, Southwardly along the East line of Lot 101 of Paddock Estates Plat 1 subdivision, and its prolongation continuing along the East line of Paddock Estates Plat 1 subdivision to the South corner of Lot 119 of Paddock Estates Plat 1 subdivision;

Thence, Northwestwardly along the Southwest line of Lot 119 of Paddock Estates Plat 1 subdivision to its intersection with the East right-of-way line of Club Grounds North road;

Thence, Southwestwardly along the East right-of-way line of Club Grounds North road to the North corner of Lot 171 of Paddock Estates Plat 1 subdivision;

Thence, Southeastwardly along the Northeast line of Lot 171 of Paddock Estates Plat 1 subdivision and its prolongation continuing Eastwardly along the North line of Paddock Estates Plat 1 subdivision to the East corner of said Lot 171 which is also the Northwest corner of Lot 301 of Paddock Estates Plat 3 subdivision;

Thence, Southeastwardly along the Northeast line of Lot 301 of Paddock Estates Plat 3 subdivision (also being the North line of Paddock Estates Plat 3 subdivision), and continuing Eastwardly along the North line of Paddock Estates Plat 3 subdivision to the Northeast corner of Lot 380 of Paddock Estates Plat 3 subdivision;

Thence, Southwardly along the East line of Lot 380 of Paddock Estates Plat 3 subdivision (also being the East line of Paddock Estates Plat 3 subdivision) to the Southeast corner of Lot 375 of Paddock Estates Plat 3 subdivision;

Thence, West-Northwestwardly along the South line of Lot 375 of Paddock Estates Plat 3 subdivision and its prolongation along the South line of Paddock Estates Plat 3 subdivision to the Southwest corner of Lot 373 of Paddock Estates Plat 3 subdivision and its intersection with the East line of Lot 540 of Paddock Estates Plat 5 subdivision;

Thence, Southwardly along the East line of Lot 540 of Paddock Estates Plat 5 subdivision and its prolongation along the East line of Paddock Estates Plat 5 subdivision to the Southeast corner of Lot 537 of Paddock Estates Plat 5 subdivision (also being the Southeast corner of Paddock Estates Plat 5 subdivision);

Thence, Westwardly along the South line of Lot 537 of Paddock Estates Plat 5 subdivision (also being the South line of Paddock Estates Plat 5 subdivision) to the Southwest corner of said Lot 537 and its intersection with the East right-of-way line of Tina Drive;

Thence, continuing Westwardly along the South line of Paddock Estates Plat 5 subdivision to its intersection with the West right-of-way line of Tina Drive;

Thence, continuing Westwardly along the South line of Paddock Estates Plat 5 subdivision to the Southeast corner of Lot 520 of Paddock Estates Plat 5 subdivision;

Thence, continuing Westwardly and Northwestwardly along the Southwest line of Lot 520 of Paddock Estates Plat 5 subdivision to its intersection with the Southeast corner of Lot 182 of Paddock Estates Plat 1 subdivision;

Thence, Westwardly along the South line of Lot 182 of Paddock Estates Plat 1 subdivision to its Southwest corner and its intersection with the East right-of-way line of Lisa Drive;

Thence, continuing Westwardly along the prolongation of the South line of Lot 182 of Paddock Estates Plat 1 subdivision to its intersection with the West right-of-way line of Lisa Drive (also being the East line of Lot 183 of Paddock Estates Plat 1 subdivision);

Thence, Southwardly along the West right-of-way line of Lisa Drive and the East line of Lot 183 of Paddock Estates Plat 1 subdivision to the Southeast corner of Lot 183;

Thence, Southwestwardly along the South line of Lot 183 of Paddock Estates Plat 1 subdivision to its Southwest corner also being the Southeast corner of Lot 184 of Paddock Estates Plat 1 subdivision;

Thence, Southwestwardly along the South line of Lot 184 of Paddock Estates Plat 1 subdivision to its Southwest corner (also being a point on the South line of Paddock Estates Plat 1 subdivision);

Thence, Westwardly along the South line of Paddock Estates Plat 1 subdivision to the Southwest corner of Lot 193 of Paddock Estates Plat 1 subdivision, also being the Southeast corner of Lot 616 of Paddock Estates Plat 6 subdivision;

Thence, Westwardly along the South line of Lot 616 of Paddock Estates Plat 6 subdivision and the South line of Paddock Estates Plat 6 subdivision to its intersection with the Northwest corner of Lot 37 of Marietta Plat 3 subdivision;

Thence, Southwardly along the West line of Lot 37 of Marietta Plat 3 subdivision to its intersection with the North right-of-way line of Marietta Drive;

Thence, continuing Southwardly along the prolongation of the West line of Lot 37 of Marietta Plat 3 subdivision across Marietta Drive to a point on the South right-of-way line of Marietta Drive also being the Northwest corner of Lot 48 of Marietta Plat 3 subdivision;

Thence, continuing Southwardly along the West line of Lot 48 of Marietta Plat 3 subdivision to its intersection with the North line of John Knox Presbyterian Church subdivision;

Thence, Westwardly along the North line of John Knox Presbyterian Church subdivision to its intersection with the East right-of-way line of New Halls Ferry road (also being the point of beginning).

