

RESOLUTION 16-126

A RESOLUTION TO ANNEX PROPERTY LOCATED AT 4957 AND 4965 LOVELL LANE, BEING MAURY COUNTY TAX MAP 027, PARCEL 002.02 AND PARCEL 002.05, RESPECTIVELY

WHEREAS, the City of Spring Hill will benefit by the annexation of the subject properties to the corporate limits of the City of Spring Hill by promoting orderly growth and development; and

WHEREAS, the subject properties are contiguous on all sides by the corporate limits of the City of Spring Hill; and

WHEREAS, the subject properties are located within the growth boundary of the City of Spring Hill; and

WHEREAS, the property owners have requested annexation in order to ensure the value and availability of this property for future uses; and

WHEREAS, city utility and emergency response services are currently available in the surrounding area; and

WHEREAS, this Resolution was recommended by the Spring Hill Municipal Planning Commission on August 8, 2016; and

WHEREAS, all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SPRING HILL, TENNESSEE, BOARD OF MAYOR AND ALDERMEN, that pursuant to Tennessee Code Annotated Title 6, Chapter 51, properties shown as Maury County Tax Map 027, Parcel 002.02 and Parcel 002.05, located at 4957 Lovell Lane and 4965 Lovell Lane, respectively, are hereby annexed to the corporate limits of the City of Spring Hill, Tennessee, and made part thereof.

BE IT FURTHER RESOLVED, that the Board of Mayor and Aldermen of the City of Spring Hill, approves the following Plan of Services:

Police protection: The parcel shall be subject to and benefit from City police protection upon the effective date of annexation. These services should include, but not necessarily limited to, patrolling, response calls for assistance, crime prevention services, traffic control and other accident prevention services. Radio operations are normal and uninhibited within the area. The impact of annexation on police personnel requirements is minimal.

Fire protection: Fire protection will be provided by the City of Spring Hill immediately upon the effective date of annexation. The water system in the area is operated by the City of Spring Hill and a fire hydrant currently exists on this property.

Additionally, fire protection services such as those made available through the City's Fire Marshal and Fire Investigation offices will be made on the effective date of annexation.

Public water service: The water service for the proposed annexation is provided by the City of Spring Hill Water System.

Public sewer service: Currently sewer service is not available on the property; however a manhole is located in the vicinity of the north property line that a force main can connect to. Extending sewer service will be at the owner's/developer's expense.

Solid waste collection: Spring Hill currently provides its businesses and residents refuse collection services via a city wide contract with a private solid waste collection company. These services will be extended to the annexed area within 90 days of the effective date of annexation.

Recreational facilities and programs: There are two existing residents within the proposed annexation area. All of the recreational areas and programs, current or future, provided for the present City residents will be made available upon the effective date of annexation to all future residents of the annexed area in the same manner as current citizens of the City of Spring Hill.

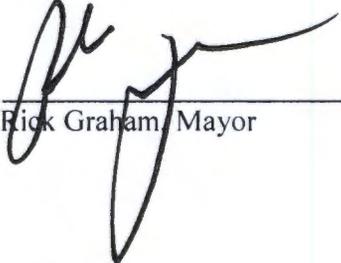
Planning and zoning services: The owner has requested the parcel to be annexed for the purpose of future development. The City's planning and zoning jurisdiction will be extended to the annexed area upon the effective date of annexation. When a property is annexed into the city, it is automatically zoned as AG -Agricultural, the most restrictive land use. The Future Land Use Designation of the property is Residential Neighborhood Area.

Road and Street Constructions and Repair: Signs and Lighting: Lovell Lane is a private driveway at this location and will remain a private driveway until such time as it is improved and accepted as a public street. Any new public streets constructed street being constructed. After any newly constructed streets have been constructed and appropriately dedicated, the City will provide standard and routine maintenance on the same basis as other streets within the jurisdiction of the City. Additionally, as new streets are developed, signage and lighting will be required in the same manner as is required throughout the City of Spring Hill.

Storm Water and Drainage: The City of Spring Hill operates a Storm Water program requiring the management of all storm water discharge. The requirements of the Storm Water program will be applicable to the annexed area immediately upon the effective date of annexation. All erosion control programs and inspection services will be applicable immediately upon the effective date of annexation.

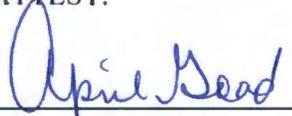
Inspection/Code Enforcement: The City of Spring Hill Codes Department provides plans review services, inspection and code enforcement services (i.e. building, plumbing, gas and unsafe building services, land use (zoning) and development, including flood plain NFIP/FEMA requirements, neighborhood services for housing, litter, overgrowth, illegal dumping) to all areas of the City of Spring Hill. These same services will be provided to the newly annexed area immediately upon its effective date of annexation.

Animal Control: The City of Spring Hill does not provide Animal Control, but relies on Maury County for this service.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

Passed on First Reading: *September 19, 2016*

Passed on Second Reading: *N/A*

SUBJECT: RES 16-126 (Lovell Lane Annexation)

DATE: September 6, 2016

ATTENTION: Board of Mayor and Aldermen (BOMA)

DEPARTMENT HEAD: Dara Sanders, Planning Director



STAFF MEMORANDUM

Property description: The project boundary is located at the end of Lovell Lane, east of Port Royal Road and northeast of the Kroger Shopping Center. It consists of two properties, containing approximately three (3) acres, that are developed for two single-family residences.

The properties to the north and west of the subject properties are zoned and developed for single-family residences, and the properties to the east and south are undeveloped and zoned M-1, Light Industrial. Should the subject properties be annexed into the city limits, they would present an opportunity for a needed transition in land use between the existing residences to the north and permitted industrial uses to the south.

Request: The applicant requests annexation approval. On August 8, 2016, the Planning Commission voted unanimously to forward this application to the Board of Mayor and Aldermen with a recommendation for approval.

The City has historically considered annexation via ordinance; however, due to changes in State law and pursuant to discussion with the City Attorney, annexations are now required to be processed via resolution. Staff has included additional information relative to this requirement in the packet.

City Services: Public utilities are currently available and provided to the surrounding properties. Upgrades to or extension of public utilities may be required in the future should the property be redeveloped. Spring Hill Fire and Police currently respond to calls for service for all surrounding properties and would respond to an emergency on the subject property due to its location. Annexation will not significantly impact levels of service. Future rezoning and change in use could impact the levels of service.

Streets: Lovell Lane has been improved and dedicated to the City at its intersection with Port Royal Road. This improved stretch of Lovell Lane ends approximately 600 feet east of Port Royal, where it transitions into a private driveway. On-site and off-site improvements to Lovell Lane will be required at the time of redevelopment of the subject property.

Spring Hill Rising: 2040: The City's comprehensive plan, Spring Hill Rising: 2040, provides considerations for future zoning and development requests. Among those considerations are opportunities for enhancing existing or emerging neighborhoods with sensitive new development, allowing for a variety of quality housing options for all stages of life, and encouraging higher density residential development in new activity centers. Staff has provided excerpts from the plan as they relate to this property.

The future land use designation of the property is **Residential Neighborhood Area**, which represents a transition between natural and rural settings and more intense environments, such as mixed use areas, city neighborhood areas, and community commerce areas. The intent of this category is to preserve natural features in the built environment, enhance the access to housing options and urban amenities such as jobs, retail services, and public services, and to create new opportunities to enhance the quality of life.

SAWYER LAND SURVEYING, LLC

SLS File 016-033
July 13, 2016

Mrs. Dara Sanders
City Planner-City of Spring Hill
199 Town Center Parkway
Spring Hill, TN 37174

**RE: Annexation Request
Anderson Property, Lovell Lane
Maury County Tax Map 027, Parcels 002.02 & 002.05**

Dear Mrs. Sanders:

On behalf of my client, Loyd T. Anderson, I am submitting this application for Annexation and respectfully request your favorable recommendation to the Planning Commission at their August 08, 2016 regular meeting. The property is generally located on the north side of Lovell Lane at its easterly terminus with Parkway Business Center. The property itself, Lovell Lane and Overton Cemetery adjacent to the southeast corner of the property are outside of the City Limits of Spring Hill. Mr. Anderson is requesting that his property be Annexed into the City of Spring Hill. The anticipated land use will be Residential. The property was subdivided in 2001 and the Legal Description is: Lots 1 & 2, Minor Subdivision Plat of James R. Lovell, as of record in Plat Book 13, Page 193, R.O.M.C.

Enclosed please find:

1. Executed Planning Commission Application
2. 4 copies of Property Exhibit Map.
3. 1 copy of vicinity map of project area.
4. Check in the amount of \$100.00 from the developer for application fee.
5. Copies of current deed for the property.
6. One cd containing pdf files of the Property Exhibit Map and Vicinity Map.
7. Copy of Spring Hill Rising 2040 Future Land Use Plan with site location in red.

Should you have any questions or require any additional information, please not hesitate to call.

Sincerely,



Mark E. Sawyer, RLS
Sawyer Land Surveying, LLC



VICINITY MAP
(NOT TO SCALE)

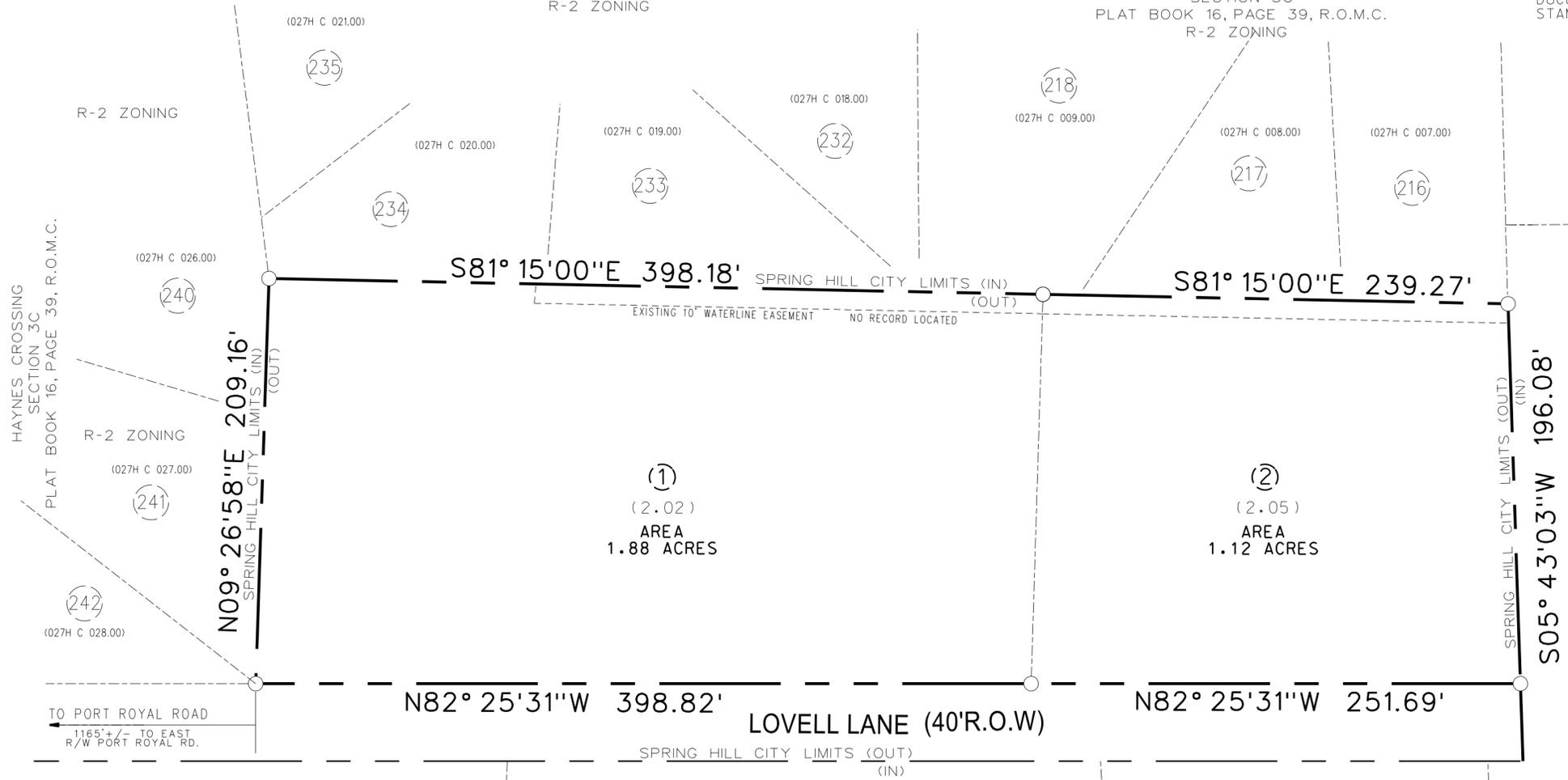
HAYNES CROSSING
SECTION 3C
PLAT BOOK 16, PAGE 39, R.O.M.C.
R-2 ZONING

HAYNES CROSSING
SECTION 3C
PLAT BOOK 16, PAGE 39, R.O.M.C.
R-2 ZONING

NOTES:

1. THE LOCATIONS OF THE UNDERGROUND UTILITIES ARE BASED ON ABOVE GROUND STRUCTURES AND LOCATION BY THE RESPECTIVE UTILITY COMPANIES. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM THE LOCATION SHOWN, AND THERE MAY BE ADDITIONAL UNDERGROUND UTILITIES NOT SHOWN ON THIS SURVEY. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE UNDERGROUND UTILITIES/STRUCTURES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND OR INDIVIDUAL DIGGING IN THIS AREA TO FIELD VERIFY THE LOCATIONS OF THE UTILITIES SHOWN HEREON WITH THE RESPECTIVE UTILITY OWNERS.
2. NO TITLE REPORT WAS FURNISHED TO THIS SURVEYOR AND THIS PROPERTY MAY BE SUBJECT TO SUCH FACTS AN ACCURATE AND DETAILED TITLE REPORT WOULD DISCLOSE.
3. ACCORDING TO RULE 0820-03-.06 PARAGRAPH (5) OF THE STANDARDS OF PRACTICE, TENNESSEE LAND SURVEYOR'S LAWS AND REGULATIONS, EFFECTIVE DATE OF MARCH 17, 2011 "ELECTRONIC SURVEY DOCUMENTS SUCH AS CAD FILES, PDF COPIES, AND WORD PROCESSOR DOCUMENTS OR OTHER EMAILED OR DIGITALLY COPIED AND/OR ELECTRONICALLY FORWARDED INFORMATION AND DOCUMENTS ARE CONSIDERED "PRELIMINARY" OR "DRAFT" DOCUMENTS." ORIGINAL STAMPED AND SIGNED DOCUMENT IS ON FILE AT THIS SURVEYOR'S OFFICE AND ADDITIONAL STAMPED AND SIGNED PLOTS MAY BE PROVIDED UPON REQUEST.

BEARING BASIS
PB13, PG 193, R.O.M.C.



MAP 27 PARCEL 6.11
CURTIS BORNTRAGER AND WIFE HOLLY
Deed Book R2260,
Page 1120, R.O.M.C.
PARKWAY BUSINESS CENTER
PLAT BOOK 16, PAGE 131, R.O.M.C.
(8)
M-1 ZONING

THIS DRAWING WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126 AND IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0820-3-07. NO FIELD WORK WAS PERFORMED FOR THE PREPARATION OF THIS DRAWING. PROPERTY LINES SHOWN WERE TAKEN FROM PLAT BOOK 13, PAGE 193, R.O.M.C. NO CORNERS WERE SET OR RESET AS A RESULT OF THIS DRAWING.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AND IN MY PROFESSIONAL OPINION BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE, THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT. MARK E. SAWYER, RLS, TENNESSEE LICENSE 1649.

SAWYER LAND SURVEYING, LLC

P.O. BOX 215
SPRING HILL, TENNESSEE 37174
TEL. (931) 486-1580
FAX. (931) 451-3663
e-mail mark@sawyerlandsurveying.com
webb www.sawyerlandsurveying.com
SLS FILE 016-033
DATE: 07-13-2016



PROPERTY EXHIBIT

ANDERSON PROPERTY
4957 & 4965 LOVELL LANE
THIRD CIVIL DISTRICT
MAURY COUNTY, TENNESSEE

EXISTING ZONING: A-2, RURAL RESIDENTIAL
PLAT REFERENCE: MINOR PLAT, JAMES R. LOVELL
PLAT BOOK 13, PAGE 193, R.O.M.C.
DEED REFERENCE: LOT 1-LOYD T. ANDERSON,
BOOK R1876, PAGE 221, R.O.M.C.
LOT 2- LOYD T. ANDERSON, BOOK R1862, PAGE 896, R.O.M.C.
PROPERTY MAP REFERENCE: 027
LOT 1- PARCEL 002.02
LOT 2- PARCEL 002.05

TOTAL AREA 3.00 ACRES



- LEGEND**
- (027 002.02) MAURY COUNTY TAX MAP & PARCEL NUMBER
 - ⊙ (S) 3/4" REBAR SET WITH CAP MES 1649
 - ⊙ (F) IRON PIN (FOUND)
 - ⊙ (S) MONUMENT (SET)
 - ⊙ (F) MONUMENT (FOUND)
 - ⊙ PTP POWER TELEPHONE POLE
 - GW GUY WIRE
 - UTB UNDERGROUND TELEPHONE BOX
 - ⊙ FH FIRE HYDRANT
 - ⊙ WV WATER VALVE
 - ⊙ WM WATER METER
 - ⊙ GV GAS VALVE
 - — — — — PROPERTY LINE
 - - - - - EASEMENT LINE
 - X - X - X - FENCE LINE
 - SA - SAN. SEWER LINE
 - W - WATER LINE
 - OE - OVERHEAD ELECTRIC
 - OET - OVERHEAD ELECTRIC/TELEPHONE
 - UT - UNDERGROUND TELEPHONE
 - UE - UNDERGROUND POWER
 - G - GAS LINE

Municipal Technical Advisory Service

...in cooperation with the Tennessee Municipal League

Airports
Alcohol and Beer Regulations
Business Regulations
Code Enforcement
Courts
Economic Development
Education
Finance
Governing Structure
Human Resources
Information Technology
Open Government
Parks and Recreation
Planning and Zoning
Public Safety
Public Works
Risk Management

Administration

[Subscribe to RSS Feed](#)
[Return to MTAS](#)

Home » Planning and Zoning » Annexation

Search Terms or reference number	Topics	
<input type="text"/>	- Any -	<input type="button" value="Search"/>

Annexation

Reference Number: MTAS-222
 Tennessee Code Annotated
 Reviewed Date: January 11, 2016

[Printer-friendly version](#) [Send by email](#) [View PDF of Section](#)

Summary

Public Chapter No. 512 of the Public Acts of 2015 became effective May 16, 2015. It, along with Public Chapter No. 707 of the Public Acts of 2014, significantly changes the means through which annexation can now be accomplished in Tennessee. Municipalities are no longer permitted to annex territory, with or without an owner's consent, through the passage of an ordinance. Now, in order for property to be annexed, it must be done by resolution through referendum or with the owner's consent. The changes are codified in Title 6, Chapter 51, Part 1 and Title 6, Chapter 58, Part 1.

Substantive Changes

Substantive changes to the annexation process with the passage of Public Chapter No. 512 (2015) and Public Chapter No. 707 (2014) are:

- Annexation by ordinance is prohibited effective May 16, 2015. Now the notification requirements are identical to those required when proceeding under the referendum process.
- Property used primarily for agricultural purposes may not be annexed except with written consent of the owner.
- A referendum election is required for any annexation without written consent of the owner.
- Annexation of property with owner consent is immediately effective upon adoption by the governing body of an annexation resolution.
- A municipality is now authorized to expand its urban growth boundaries to annex a tract of land without reconvening the county coordinating committee or approval from the county or any other municipality provided (1) the tract is continuous to a tract of land that has the same owner and has already been annexed, (2) the tract is being provided water and sewer services, and (3) the owner consents, by notarized petition, to inclusion within the municipality's urban growth boundary.
- A county with a metropolitan form of government is authorized to expand its urban services district using any method authorized by its charter, or by any method identified by charter reference to general annexation law applicable at the time the charter or amendment was approved by referendum.
- The annexation of territory in a different time zone is now permitted.
- Smaller municipalities are no longer permitted to annex territory in larger municipalities, even when the territory is contiguous to the smaller municipality, is less than 75 acres, is not populated, is separated from the larger municipality by certain highways or roads and is not the site of industrial plant development.
- In Williamson County only, a non-contiguous annexation is permissible with written consent of the owner provided the territory is entirely within the urban growth boundary and is either (1) to be used for industrial or commercial purpose or future residential development; or (2) owned by one or more governmental entities. The plan of services must be prepared by the municipality with county cooperation and an interlocal agreement must be executed to provide emergency services for any interceding properties and to maintain roads and bridges comprising the primary route to the area being annexed.

Annexation Options

Two options are available to annex territory, known as (1) Resolution for Annexation by Referendum and (2) Resolution for Annexation by Owner Consent. With either option, two threshold requirements must be satisfied:

- The territory must be contiguous to the municipality's corporate limits (an exception is made in Williamson County as discussed herein); and

- The territory must be within the municipality's urban growth boundaries, unless all three of the following are met: (1) the tract is contiguous to a tract of land that has the same owner and has already been annexed by the municipality; (2) the tract is being provided water and sewer services; and (3) the owner, by notarized petition, consents to being included in the municipality's urban growth boundaries.

Public Notification Requirements Prior to Annexation

Three separate notification steps are required for any annexation:

1. *U.S. Mail* - A resolution describing the territory proposed for annexation, including the plan of services, must be "promptly" sent by first class mail to the last known address listed in the office of the property assessor for each property owner of record a minimum of fourteen (14) calendar days before a public hearing on the proposed annexation.
2. *Posting* - Three (3) copies of the resolution must be posted both in the territory that is proposed for annexation and in a like number of places within the municipality proposing the annexation.
3. *Published Newspaper Notice* - Notice of the proposed annexation must be published "at about the same time" that it is posted in a newspaper of general circulation, if there is one, in such territory and municipality. In no event shall the notice be published less than seven (7) days in advance of the public hearing. The notice must include a map that includes a general delineation of the area to be annexed by use of official road names or numbers, or both, and other identifiable landmarks, as appropriate.

In addition, a published notice is required in advance of a public hearing on the plan of services for the territory to be annexed:

- **Published Newspaper Notice for Plan of Services** - A notice of a public hearing on the plan of services for the territory under consideration must be published in a newspaper of general circulation not less than fifteen (15) days before the hearing date and time. The notice must indicate the time, place, and purpose of the hearing; as well as the location(s) where the proposed plan of services is available for public viewing (three copies must be available for public inspection during normal business hours).

The newspaper publication requirements set forth above may be incorporated into a single notice provided the timing requirements of each are satisfied.

Property Used Primarily for Agricultural Purposes

Property used primarily for agricultural purposes can only be annexed by owner consent.

T.C.A. 1-3-105(2)(A) defines "agriculture" to mean:

- (i) The land, buildings and machinery used in the commercial production of farm products and nursery stock;
- (ii) The activity carried on in connection with the commercial production of farm products and nursery stock;
- (iii) Recreational and educational activities on land used for the commercial production of farm products and nursery stock; and
- (iv) Entertainment activities conducted in conjunction with, but secondary to, commercial production of farm products and nursery stock, when such activities occur on land used for the commercial production of farm products and nursery stock.

As used in this definition, "farm products" means forage and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; forestry products; fish and other aquatic animals used for food; bees; equine; and all other plants and animals that produce food, feed, fiber or fur. "Nursery stock" means all trees, shrubs, or other plants, or parts of such trees, shrubs or other plants, grown or kept for, or capable of, propagation, distribution or sale on a commercial basis.

However, there is no specific definition provided for "agriculture" in Title 6, Chapter 51, part 1. So while the definition above is a good starting point for land that could be considered as agricultural, a court could otherwise interpret the word.

Additionally, the word *primarily* is not defined anywhere in the Tennessee Code. It is however, used in statutes, and the standard dictionary definition of *indicating the main purpose of something or for the most part* would likely be applied by a court, but that is not guaranteed. Property with greenbelt status would meet this requirement, but the definition most certainly goes further than that. When determining territory to be included in a referendum, the municipality must use its best judgment, on a parcel-by-parcel basis, as to whether a parcel is used primarily for agricultural purposes. If determined so, then that parcel can only be annexed by owner consent.

Annexation Option A: Resolution for Annexation by Referendum

A municipality may, upon its own initiative, pass a resolution proposing annexation via referendum. Since land used primarily for agricultural purposes cannot be annexed except with written consent of the owner, a referendum to consider annexing territory which includes land being used primarily for agricultural purposes is not an option.

This process calls for the adoption of a minimum of two resolutions by the governing body. The adoption of a third resolution is recommended as a best practice as discussed below.

The first resolution (which is the optional, but the recommended best practice) indicates an intent of the governing body to seriously explore the annexation and to initiate the review and decision process. This is used herein as 'exploratory annexation by referendum' resolution (Resolution A). The second resolution, which is used herein as 'proposed annexation by referendum' resolution (Resolution B), calls for a public hearing on the proposed annexation and plan of services. The adoption of such a resolution by the governing body is mandatory. The third resolution, used herein as 'annexation by referendum' resolution (Resolution C), formally calls for a referendum election to be held, describing therein the territory to be annexed and the plan of services to support it. The adoption of such a resolution is also required of the governing body.

Election Process

Between 30 and 60 days after the 'annexation by referendum' resolution (Resolution C) describing the territory to be annexed, approving the plan of services, and calling for a referendum is posted and published, a referendum of the voters who live in the area proposed for annexation is held by the county election commission. Only qualified registered voters residing in the territory proposed for annexation are entitled to vote in the annexation referendum. The ballot questions are 'for annexation' and 'against annexation.' A simple majority of votes decides the question.

At its own option, the municipality may also have the referendum include all voters within the existing city. If two elections are held, a majority of voters in both the area proposed for annexation and the municipality proposing it must vote to approve the annexation. If only one of the election votes passes, the measure fails and the annexation is unsuccessful. A successful annexation becomes effective thirty (30) days following certification of the election(s). Elections are held at city cost and the referendum process can be abandoned by the municipality at any time.

Actions Required Following a Successful Referendum

When a referendum on annexation is successful, the statute requires several actions to be taken by the municipality annexing the land:

1. The 'annexation by referendum' resolution (Resolution C) must be recorded with the register of deeds.
2. The election certification must be sent to the mayor of the county where the territory to be annexed lies. The certification should be sent irrespective of the outcome of the election.
3. The approved plan of services must be sent to the mayor of the county where the territory to be annexed lies.
4. The 'annexation by referendum' resolution must be sent to the Tennessee Comptroller of the Treasury, as well as to the property assessor in each county affected.
5. The 'annexation by referendum' resolution, as well as the portion of the plan of services related to emergency services and a detailed map of the annexed territory must be sent to any affected emergency communication district.

Resolution for Annexation by Referendum: Step-by-Step Including Best Practices (BP)

The following procedural steps, including best practices, should be followed when proceeding with an annexation by referendum:

1. Identify the territory to be annexed (tax parcels, property legal descriptions, or both).
2. Prepare an annexation report and a proposed plan of services. While the statute does not require an annexation report be prepared, by doing a cost-benefit study, the municipality will better understand the impact of the annexation on existing city services and funding. This will assist the governing body in determining if the annexation is warranted. (BP).
3. Review the annexation report and proposed plan of services with the governing body.
4. Adopt an 'exploratory annexation by referendum' resolution (Resolution A) indicating governing body support to further investigate the annexation prospect, and directing the planning commission, if there is one, to review and make recommendation on the proposed plan of services. (BP). Alternatively, this can be accomplished by simple majority vote of the governing body without the formal use of a resolution.
5. Following return of a recommendation from the planning commission (which must be rendered within ninety days after submission unless by resolution a longer period is allowed), adopt a 'proposed annexation by referendum' resolution (Resolution B). This resolution sets forth the territory proposed to be annexed and includes the plan of services.
6. Following adoption of the 'proposed annexation by referendum' resolution, post it in three (3) public places in the territory proposed to be annexed and in three (3) public places within the municipality.
7. Publish a public hearing notice of the proposed annexation in a newspaper of general circulation, if there is one, in such territory and municipality "at about the same time" that the resolution is posted (see step 6), but in no event, less than seven (7) days in advance of the public hearing. The notice must include a map that includes a general delineation of the area to be annexed by use of official road names or numbers, or both, and other identifiable landmarks, as appropriate.
8. Publish a public hearing notice on the plan of services in a newspaper of general circulation a minimum of fifteen (15) days prior to the hearing. The notice must indicate the time, place, and purpose of the hearing; as well as the location(s) where the proposed plan of services is available for public viewing. The publication requirements in step 7 and step 8 can be combined into a single notice provided both are published a minimum of fifteen (15) days in advance of the public hearings.
9. Mail to property owners in the territory proposed for annexation a copy of the 'proposed annexation by referendum' resolution, including the plan of services, a minimum of fourteen (14) calendar days prior to the public hearing on the proposed annexation.

10. If the municipality does not maintain a separate municipal school system, provide written notice to the affected county school systems as soon as practicable, but in no event less than thirty (30) days before the public hearing. This is mandatory. If the municipality maintains a municipal school system, send notice as soon as practicable. (BP).
11. Conduct public hearings on the annexation and plan of services as advertised.
12. Adopt an 'annexation by referendum' resolution (Resolution C) describing the territory to be annexed, approving the plan of services, and calling for a referendum election. If the governing body decides to hold a second election for city voters, this should also be included in the same resolution. (BP).
13. The county election commission conducts election(s) within 30 to 60 days.
14. With a successful referendum vote, the territory becomes annexed thirty (30) days following certification of the election.
15. Commence the ordinance process to zone the territory newly annexed into the corporate limits. (BP).
16. Commence the process to place the territory in the appropriate 'districts' (if any), as may be required (i.e., council wards, school district wards, package liquor store areas, etc.).
17. Send a welcome letter to annexed property owners with other general information about municipal services. Although not statutorily required, this is a best practice in reaching out to your new property owners. (BP).
18. Forward the election certification and the adopted plan of services to the mayor of the county where the annexed property lies.
19. Record the 'annexation by referendum' resolution in the register of deeds office.
20. Send the 'annexation by referendum' resolution to the Comptroller of the Treasury and the property assessor in each affected county.
21. Send a copy of the 'annexation by referendum' resolution, as well as the portion of the plan of services related to emergency services and a detailed map of the annexed area, to any affected emergency communication district.
22. Commence the provision of day-to-day city services (police, fire, code enforcement, etc.) to the annexed area immediately following the 30th day following the election certification.
23. Commence the process of satisfying the plan of service requirements and commitments that will take longer to complete (sewer extension, street lighting, etc.).
24. As appropriate, complete census of annexed area.
25. The annexed property is placed on the municipality's tax roll on January 1 after the effective date of the annexation.

Annexation Option B - Resolution for Annexation by Owner Consent

The annexation of property with owner consent follows a similar process as one requiring a referendum election, with the major exception, of course, that the question to annex is not placed on a ballot.

As indicated in its name, this process requires written consent of each property owner in the territory proposed to be annexed.

Two resolutions are adopted by the governing body using this process. The first calls for a public hearing on the proposed annexation and plan of services, used herein as 'proposed annexation by owner consent' resolution (Resolution D). The second resolution formally annexes the territory and adopts the plan of services, referred to herein as 'annexation by owner consent' resolution (Resolution E). The annexation becomes immediately effective with passage of the second resolution.

Non-contiguous Annexation (Williamson County Only)

Municipalities in Williamson County are authorized to annex territory that is not contiguous to the corporate limits of each respective municipality. Owner consent is required and the territory to be annexed must be located entirely within the urban growth boundary of the municipality. Additionally, the territory must either have an intended use for industrial, commercial, or future residential development or be owned by a governmental entity. The ownership requirement can be any governmental entity, and is not limited to the municipality proposing annexation.

A plan of services must be prepared (as is required for every annexation), but for a non-contiguous annexation only, the plan must be prepared by the municipality in cooperation with the county. An interlocal agreement is also required to be executed but is only required to address the provision of emergency services to interceding properties (between the municipality and the territory to be annexed) and road and bridge maintenance from the municipality to the territory being annexed.

Actions Required following Annexation by Owner Consent

Once annexation by owner consent becomes effective, the statute requires several actions to be taken by the municipality annexing the land. These actions and additional best practice (BP) are recommended below:

1. The approved plan of services must be sent to the mayor of the county where the territory to be annexed lies.
2. Send a copy of the 'annexation by owner consent' resolution, as well as the portion of the plan of services related to emergency services and a detailed map of the annexed area, to any affected emergency communication district.
3. The 'annexation by owner consent' resolution should be recorded with the register of deeds (BP).
4. The 'annexation by owner consent' resolution should be sent to the Tennessee Comptroller of the Treasury, as well as to the property assessor in each county affected (BP).

Resolution for Annexation by Owner Consent: Step-by-Step including Best Practices (BP)

The following procedural steps, including best practices, should be followed when proceeding with an annexation by owner consent:



University of Tennessee Municipal Technical Advisory Service (MTAS)
1610 University Avenue | Knoxville, Tennessee 37921-6741
Phone: 865.974.0411 | Fax: 865.974.0423
Email MTAS [Login]

State of Tennessee

PUBLIC CHAPTER NO. 512

HOUSE BILL NO. 608

By Representatives Carter, Van Huss, McManus

Substituted for: Senate Bill No. 755

By Senators Watson, Kelsey, Gardenhire, Norris

AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 51 and Title 6, Chapter 58, relative to assisting the implementation of Chapter 707 of the Public Acts of 2014 to abolish annexation by ordinance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-51-101(3), is amended by deleting the subdivision in its entirety and by substituting instead:

(3) "Notice" means publication in a newspaper of general circulation in the municipality at least seven (7) days in advance of a hearing. The notice shall be satisfied by inclusion of a map that includes a general delineation of the area or areas to be annexed by use of official road names or numbers, or both, names of lakes and waterways, or other identifiable landmarks, as appropriate.

SECTION 2. Tennessee Code Annotated, Section 6-51-102(b)(1), is amended by deleting the language "under this section" and by substituting instead "under this part".

SECTION 3. Tennessee Code Annotated, Section 6-51-104(b)(1)(A), is amended by deleting the language "The plan of services shall address the same services and timing of services as required in § 6-51-102." and by substituting instead "The plan of services shall comply with the requirements of § 6-51-102, including the public hearing and notice requirements, prior to the adoption of the resolution."

SECTION 4. Tennessee Code Annotated, Section 6-51-105(f), is amended by deleting the subsection in its entirety.

SECTION 5. Tennessee Code Annotated, Section 6-51-106, is amended by deleting the language "§ 6-51-102 or".

SECTION 6. Tennessee Code Annotated, Section 6-51-110, is amended by deleting subsections (e) and (g).

SECTION 7. Tennessee Code Annotated, Section 6-51-111(a), is amended by deleting the language "Upon adoption of an annexation ordinance or upon," and by substituting instead "Upon".

SECTION 8. Tennessee Code Annotated, Section 6-51-116, is amended by deleting the section in its entirety.

SECTION 9. Tennessee Code Annotated, Section 6-51-121, is amended by deleting the section in its entirety and by substituting instead:

Upon referendum approval of an annexation resolution as provided in this part, an annexing municipality shall record the resolution with the register of deeds in the county or counties where the annexation was adopted or approved. The resolution shall describe the territory that was annexed by the municipality. A copy of the resolution shall also be sent to the comptroller of the treasury and the assessor of property for each county affected by the annexation.

SECTION 11 Tennessee Code Annotated, Section 6-51-104, is amended by adding the following new subsection:

() A resolution proposing annexation by written consent of the property owner or owners shall become effective only upon adoption of such resolution by the municipality.

SECTION 12. Tennessee Code Annotated, Section 6-51-108(e), is amended by deleting the language "by ordinance".

SECTION 13. Tennessee Code Annotated, Section 6-51-109(a), is amended by deleting the language "by ordinance".

SECTION 14. Tennessee Code Annotated, Section 6-51-109(c), is amended by deleting the language "adoption of the ordinance by the larger municipality" and by substituting instead "certification of the election results".

SECTION 15. Tennessee Code Annotated, Section 6-51-119(a), is amended by deleting the language "annexation ordinance" and replacing it with "resolution for annexation", by deleting the language "annexation ordinances" and replacing it with "resolutions for annexation", and by deleting the language "upon final passage of the ordinance" and replacing it with "upon ratification of a resolution to annex".

SECTION 16. Tennessee Code Annotated, Section 6-51-104, is amended by adding the following language as a new subsection:

()

(1) A municipality may by resolution propose annexation of territory that does not adjoin the boundary of the main part of the municipality, without extending the corporate limits of that territory, if the territory proposed for annexation is entirely contained within the municipality's urban growth boundary and is either:

(A) To be used for industrial or commercial purpose or future residential development; or

(B) Owned by one (1) or more governmental entities.

(2) A resolution under this subsection shall be ratified only with the written consent of the property owner or owners.

(3) For purposes of this subsection, the boundary of the main part of the municipality is defined as the corporate limits of the territory containing its town seat or city hall. Territory that does not adjoin that boundary before a proposal to annex it is introduced cannot be annexed except as provided in this subsection.

(4) The resolution shall include the plan of services adopted under § 6-51-102. The plan shall be prepared by the municipality in cooperation with the county in which the territory is located. The municipality and county shall enter into an interlocal agreement pursuant to § 5-1-113 to provide emergency services for any interceding properties and to maintain roads and bridges comprising the primary route to the area thus annexed as the municipality and county deem necessary.

(5) This subsection shall only apply in any county having a population according to the most recent decennial census that is greater than forty-four and one-half percent (44.5%) and fifty thousand (50,000) of its population in the preceding decennial census.

SECTION 17. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that

HOUSE BILL NO. 608

PASSED: April 22, 2015

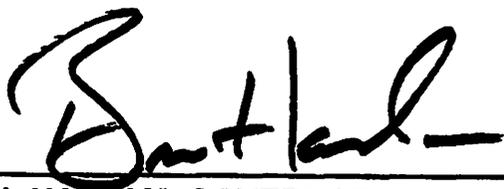


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 20th day of May 2015



BILL HASLAM, GOVERNOR

.....
State of Tennessee

PUBLIC CHAPTER NO. 707

SENATE BILL NO. 2464

**By Watson, Crowe, Norris, Kelsey, McNally, Tate, Campfield, Massey, Gardenhire, Beavers,
Bowling, Ketron, Tracy**

Substituted for: House Bill No. 2371

By Carter, Joe Carr, Casada, Rogers, Van Huss, Spivey, Shipley, Hall, Matheny, Lynn, Timothy Hill,
Butt, Matlock, Calfee, Mark White, Doss, Faison, Rich, Keisling, Holt, Dunn, Sanderson, Pody,
Durham, Kent Williams, Todd, Sparks, Haynes, Ragan, Shepard, Dean, McCormick, Sexton, Bailey,
Coley, Travis, Kane, Forgety, Alexander, Lollar, Weaver, Matthew Hill, Halford, Hawk, Watson,
Littleton, McManus, Floyd, Lamberth, Odom, Love, Dawn White, Moody, Dennis, Harry Brooks,
John DeBerry, Powers, Kevin Brooks, Farmer, Womick, Evans, Towns, Sargent

AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 51 and Title 6, Chapter 58, relative
to annexation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-51-122, is amended by deleting the
section in its entirety and by substituting instead the following:

(a) Notwithstanding any provision of this part or any other law to the contrary:

(1)(A) From April 15, 2013, through the effective date of Section 1 of this act,
no municipality shall extend its corporate limits by means of annexation by
ordinance upon the municipality's own initiative, pursuant to § 6-51-102, in
order to annex territory being used primarily for residential or agricultural
purposes; and no such ordinance to annex such territory shall become
operative during such period, except as otherwise permitted pursuant to
subdivision (a)(1)(B);

(B) If, prior to April 15, 2013, a municipality formally initiated an
annexation ordinance restricted by subdivision (a)(1)(A); and if the
municipality would suffer substantial and demonstrable financial injury if such
ordinance does not become operative prior to the effective date of Section 1 of
this act; then, upon petition by the municipality submitted prior to the effective
date of Section 1 of this act, the county legislative body may, by a majority
vote of its membership, waive the restrictions imposed on such ordinance by
subdivision (a)(1)(A); and

(2)(A) From the effective date of Section 1 of this act through May 15, 2015,
no municipality shall extend its corporate limits by means of annexation by
ordinance, pursuant to § 6-51-102, or by resolution, pursuant to §§ 6-51-104
and 6-51-105; and no annexation shall become operative during such period,
unless otherwise permitted pursuant to subdivision (a)(1)(B), (a)(2)(B), or
Section 6, or unless the owner or owners of the property give written consent
for the annexation;

(B) If, prior to the effective date of Section 1 of this act, a municipality
formally acted upon an annexation ordinance or resolution restricted by
subdivision (a)(2)(A); and if the municipality would suffer substantial and
demonstrable financial injury if such ordinance or resolution does not become
operative prior to May 15, 2015; then, upon petition by the municipality
submitted prior to May 15, 2015, the county legislative body may, by a
majority vote of its membership, waive the restrictions imposed on such

SECTION 2. (a) Tennessee Code Annotated, Section 6-51-102, is amended by deleting subsections (a), (c), and (d).

(b) Subsection (a) of this section prohibits any annexation by ordinance that is not both operative and effective prior to May 16, 2015.

SECTION 3. Tennessee Code Annotated, Section 6-51-102(e), is amended by deleting the language "(a)(1) or".

SECTION 4. Tennessee Code Annotated, Section 6-51-104(a), is amended by deleting the period "." and by substituting instead the following:

; provided, however, no such resolution shall propose annexation of any property being used primarily for agricultural purposes. Notwithstanding any provision of this part or any other law to the contrary, property being used primarily for agricultural purposes shall be annexed only with the written consent of the property owner or owners. A resolution to effectuate annexation of any property, with written consent of the property owner or owners, shall not require a referendum.

SECTION 5. Tennessee Code Annotated, Title 6, Chapter 51, Part 1, is amended by adding the following language as a new, appropriately designated section:

Notwithstanding any provision of this act, this part, or any other law to the contrary, any county having a metropolitan form of government may expand the area of its urban services district using any method authorized by its charter. Such expansion may also be accomplished using any method, identified by charter reference to general annexation law, that was applicable at the time the charter or amendment was approved by referendum held pursuant to Article XI, § 9 of the Tennessee Constitution and Tennessee Code Annotated, § 7-2-106(c) or § 7-2-108(a)(20).

SECTION 6. Tennessee Code Annotated, Title 6, Chapter 58, Part 1, is amended by adding the following language as a new, appropriately designated section:

A municipality may expand its urban growth boundaries to annex a tract of land without reconvening the coordinating committee or approval from the county or any other municipality if:

(1) The tract is contiguous to a tract of land that has the same owner and has already been annexed by the municipality;

(2) The tract is being provided water and sewer services; and

(3) The owner of the tract, by notarized petition, consents to being included within the urban growth boundaries of the municipality.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. Sections 2, 3 and 4 of this act shall take effect on May 16, 2015; and all other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 2464

PASSED: April 2, 2014



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of April 2014



BILL HASLAM, GOVERNOR