

October 6, 2016

Mr. Shannon Copas  
8320 Union Camp Road  
Red Boiling Springs, Tennessee 37150

VIA ELECTRONIC MAIL

Dear Mr. Copas:

You have asked if there any legal opinions on corridor annexations since the "new" annexation laws went into effect. Your question was posed with the backdrop of a possible annexation of a right-of-way connecting the corporate limits to a larger piece of property outside the city, with no other property to be annexed along the right of way. For purposes of this response, we have assumed that the subject property is located outside Williamson County, which county has a special exception in law regarding a non-contiguous annexation. In responding to your question, the advice of Legal Consultant Elisha Hodge was consulted.

As you are aware, 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 changed 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 either (1) a referendum process (Resolution for Annexation by Referendum) or (2) with the owner's consent (Resolution for Annexation by Owner Consent). The changes are codified in Title 6, Chapter 51, Part 1 and Title 6, Chapter 58, Part 1. A summary of the annexation process in Tennessee is enclosed.

It is our assessment that the Resolution for Annexation by Referendum process is the only method to proceed on the proposed annexation. The logic behind that opinion is that the only way the road can be annexed to reach the property is by a vote of the owner to annex his/her property, which consequently will also include the road to make the property contiguous (and thus legal). Conversely, the Resolution for Annexation by Owner Consent process will not work since no party can "consent" to the road coming into the city limits. Hence the parcel will not be contiguous.

Please be aware that as was true before the law was amended, corridor annexations must be approached with caution. In State ex rel. Collier v City of Pigeon Forge, 599 S.W.2d 545 (Tenn. 1980), the Tennessee Supreme Court distinguished between "corridor," "strip," and "shoestring" annexations on one hand, and "long and lean" annexations on the other. In that case, the city annexed an area contiguous to the city about one-mile long, the width of the main highway through the city. The territory annexed had a population of 47 people. In upholding the annexation as reasonable, the court said:

*We should emphasize that this is not, as appellants insist, merely a "strip" or "shoestring" or "corridor" annexation, although it is long and lean. Such annexations, so long as they take in people, private property, or commercial activity, and rest on some reasonable and rationale basis, is not per se to be condemned. We do not deal with an annexation wherein a city attempts*

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*to run its corporate limits down the right-of-way of an established road without taking in a single citizen or a single piece of private property. Such an annexation is perhaps questionable and is not here involved. As in any annexation, and more particularly one where a geometrically irregular parcel of land is annexed, the Court must scrutinize the stated and ostensible purpose of the annexation. [at 547.]*

There are two substantive points in Collier:

- First, by whatever name they are called, annexations that run down rights of way or other artificial or natural features of land and that take in no other territory or people are “perhaps questionable”; and
- Second, in any annexation, particularly those involving geometrically irregular parcels of land, the court must scrutinize the stated and ostensible purpose of the annexation. In a broad sense, most annexations are geometrically irregular, but Collier applied that description to annexations that are not reasonably consistent with the planned and orderly growth of the city. [*Also see Hart v. City of Johnson City*, 801 S.W.2d 512 (Tenn. 1990).]

Finally, you have not asked, but will also be interested in knowing, that it is our assessment that an annexation involving only a road right-of-way (i.e., no private property is involved) is not allowed as there is no person to consent as owner to the annexation (Resolution for Annexation by Owner Consent process), nor is there any person to vote on the annexation in a referendum (Resolution for Annexation by Referendum process).

In closing, please be mindful that since there has been no litigation on this issue since the annexation law was amended, it is possible that a court might decide otherwise.

Please let me know if you have further questions regarding this matter.

Very truly yours,



Jeffrey J. Broughton  
Municipal Management Consultant

Cc: Elisha Hodge



# Municipal Technical Advisory Service

Published on *MTAS MORE* (<http://mtasresource.mtas.tennessee.edu>)

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Dear Reader:

The following document was created from the MTAS electronic library known as MORE. This online library is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MORE material.

Sincerely,

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# Annexation

**Reference Number:** MTAS-222

## 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 ser-

vices; 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 bet-

- ter 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:

1. Receive written letter seeking annexation signed by all legal owners of record.

2. If the municipality is interested in pursuing annexation, prepare annexation report and 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 plan of services with governing body and attain approval to proceed.
4. If approval is received, submit plan of services to the planning commission, if there is one, for review and recommendation.
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 owner consent' resolution (Resolution D). This resolution sets forth the territory proposed to be annexed and includes the plan of services.
6. Following adoption, post the 'proposed annexation by owner consent' resolution 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 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.
8. Publish a public hearing notice on 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. 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. 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).
10. Mail to property owners in the area being proposed for annexation a copy of the 'proposed annexation by owner consent' resolution, including the plan of services, a minimum of fourteen (14) calendar days prior to the public hearing on the proposed annexation.
11. Conduct public hearings on the annexation and plan of services as advertised.
12. Following the public hearings, adopt an 'annexation by owner consent' resolution (Resolution E) approving the annexation and plan of services.
13. The territory is immediately annexed upon adoption of the 'annexation by owner consent' resolution.
14. Commence the ordinance process to zone the territory newly annexed into the corporate limits. (BP).
15. Commence the process to place the territory in the appropriate 'districts' as may be required by charter or code (i.e., council wards, school district wards, package liquor store areas, etc.).
16. 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).
17. Record the adopted 'annexation by owner consent' resolution with the county register of deeds.
18. Send the adopted 'annexation by owner consent' resolution to the Tennessee Comptroller's Office and to the property assessor in each affected county.
19. Send the adopted plan of services to the mayor of the county where the annexed property lies.

- 20. Forward a copy of the adopted '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.
- 21. 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.
- 22. Commence the process of satisfying the plan of service requirements and commitments that will take longer to complete (sewer extension, street lighting, etc.).
- 23. As appropriate, complete census of annexed area.
- 24. The annexed property is placed on the municipality's tax roll on January 1 after the effective date of the annexation.

## Resolution A - Exploratory Annexation by Referendum

Reference Number: MTAS-2109

Resolution A

### A Resolution Requesting the Planning Commission to Review a Plan of Services for Territory under Consideration to be Annexed into the City of \_\_\_\_\_ by Referendum

*(insert brief address etc. of property)*

**WHEREAS**, the City of \_\_\_\_\_, upon its own initiative, is examining the extension of its corporate limits by the potential annexation of certain territory adjoining its existing boundaries and within its urban growth boundaries by referendum, to wit:

*(Describe territory in general or insert legal description)*

; and

**WHEREAS**, a Plan of Services addressing the services and timing of services as required in Tennessee Code Annotated § 6-51-102, has been drafted and requires review and recommendation by the planning commission; and

**NOW, THEREFORE, BE IT RESOLVED** by the City of \_\_\_\_\_ Tennessee that the \_\_\_\_\_ Planning Commission is hereby requested to review the Plan of Services for the subject territory, and return a recommendation to the governing body, following completion of its study and review.

**WHEREUPON**, the Mayor declared the Resolution adopted, affixed a signature and the date thereto, and directed that the same be recorded.

Mayor \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
City Recorder

Approved as to Form and Legality this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
City Attorney

## Resolution B - Proposed Annexation by Referendum

Reference Number: MTAS-2110

Resolution B

**A Resolution Calling for a Public Hearing on the Proposed Annexation of Territory into the City of \_\_\_\_\_ by Referendum and a Plan of Services**

(insert brief address etc. of property)

**WHEREAS**, the City of \_\_\_\_\_, upon its own initiative, proposes the extension of its corporate limits by the annexation of certain territory adjoining its existing boundaries and within its urban growth boundaries by referendum; and

**WHEREAS**, a Plan of Services for the territory proposed for annexation by referendum has been reviewed by the \_\_\_\_\_ Planning Commission; and

**WHEREAS**, the governing body desires to conduct a public hearing on the proposed annexation and plan of services;

**NOW THEREFORE BE IT RESOLVED** by the City of \_\_\_\_\_ Tennessee as follows:

A. That a public hearing is hereby scheduled for \_\_\_\_:00 *am/pm* on [ *month and day* ], 20\_\_ at [ *location* ], on the proposed annexation of territory by referendum, and Plan of Services, to wit:

[ *Insert General Description of Legal Description* ]

B. That a copy of this Resolution, describing the territory proposed for annexation, along with the Plan of Services, shall be promptly sent to the last known address listed in the office of the property assessor for each property owner of record within the territory proposed for annexation, with such being sent by first class mail and mailed no later than fourteen (14) calendar days prior to the scheduled date of the hearing on the proposed annexation.

C. That a copy of this Resolution shall also be published by posting copies of it in at least three (3) public places in the territory proposed for annexation and in a like number of public places in the City of \_\_\_\_\_, and by publishing notice of the Resolution at or about the same time in the \_\_\_\_\_, a newspaper of general circulation in such territory and the City of \_\_\_\_\_.

D. That notice of the time, place and purpose of a public hearing on the proposed annexation by referendum and the Plan of Services shall be published in a newspaper of general circulation in the City of \_\_\_\_\_ not less than fifteen (15) days before the hearing, which notice included the locations of a minimum of three (3) copies of the Plan of Services for public inspection during all business hours from the date of notice until the public hearing.

E. **APPLICABLE TO MUNICIPALITIES NOT MAINTAINING ITS OWN SCHOOL SYSTEM** – That written notice of the proposed annexation by referendum shall be sent to the affected school system as soon as possible, but in no event less than thirty (30) days before the public hearing.

**WHEREUPON**, the Mayor declared the Resolution adopted, affixed a signature and the date thereto, and directed that the same be recorded.

Mayor \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
City Recorder

Approved as to Form and Legality this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Attorney

## Resolution C - Annexation by Referendum

Reference Number: MTAS-2111

### Resolution C

#### A Resolution Calling for a Referendum to Annex Certain Territory and to

#### Incorporate the same within the Boundaries of the City of \_\_\_\_\_ Tennessee, and to Approve a Plan of Services

*(insert brief address etc. of property)*

**WHEREAS**, the City of \_\_\_\_\_, upon its own initiative, proposes the extension of its corporate limits by the annexation of certain territory adjoining its existing boundaries and within its urban growth boundaries by referendum; and

**WHEREAS**, the statutory posting and publication requirements for the proposed annexation of territory by referendum and the Plan of Services, including review and recommendation by the \_\_\_\_\_ Planning Commission, have been fully met; and

**WHEREAS**, a public hearing on the proposed annexation and Plan of Services was held by this governing body on \_\_\_\_\_, 20\_\_; and

**WHEREAS**, a Plan of Services for the area proposed for annexation is attached as *Exhibit A* hereto, which Plan of Services addresses the same services and timing of services as required in Tennessee Code Annotated § 6-51-102; and

**NOW, THEREFORE, BE IT RESOLVED** by the City of \_\_\_\_\_ Tennessee as follows:

A. That the \_\_\_\_\_ County Election Commission is hereby requested to conduct a referendum election for the annexation of territory into the boundaries of the City of \_\_\_\_\_, for qualified voters within the subject territory, to wit:

[Legal description of property]

B. *OPTIONAL* – That the \_\_\_\_\_ County Election Commission is also requested to conduct a second election regarding the annexation for qualified voters of the City of \_\_\_\_\_.

C. That the Plan of Services for this territory which is attached as *Exhibit A* hereto is approved and the same is hereby adopted, becoming operative thirty (30) days following certification by the election commission that the annexation was approved.

D. (NOT APPLICABLE TO ALL MUNICIPALITIES) That this territory shall be included in the \_\_\_\_\_ District, becoming operative thirty (30) days following certification by the election commission that the annexation was approved.

E. That the *Mayor/City Manager/Recorder* shall cause a copy of the election certification and the adopted Plan of Services to be forwarded to the Mayor of \_\_\_\_\_ County, upon certification by the election commission that the annexation was approved.

F. That a copy of this Resolution shall be recorded with the \_\_\_\_\_ County Register of Deeds, and a copy shall also be sent to the Tennessee Comptroller of the Treasury and the \_\_\_\_\_ County Assessor of Property, following certification by the election commission that the annexation was approved.

G. That a copy of this Resolution, as well as the portion of the Plan of Services related to emergency services and a detailed map of the annexed area, shall be sent to any affected emergency communication district, following certification by the election commission that the annexation was approved.

**WHEREUPON**, the Mayor declared the Resolution adopted, affixed a signature and the date thereto, and directed that the same be recorded.

Mayor \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
City Recorder

Approved as to Form and Legality this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Attorney

## Resolution D - Proposed Annexation By Owner Consent

Reference Number: MTAS-2112

Resolution D

### A Resolution Calling for a Public Hearing on the Proposed Annexation of Territory into the City of \_\_\_\_\_ by Owner Consent and Approving a Plan of Services

*(insert brief address etc. of property)*

**WHEREAS**, the City of \_\_\_\_\_, having been petitioned by interested persons, proposes the extension of its corporate limits by the annexation of certain territory adjoining its existing boundaries and within its urban growth boundaries by owner consent; and

**WHEREAS**, a Plan of Services for the territory proposed for annexation by owner consent has been reviewed by the \_\_\_\_\_ Planning Commission; and

**WHEREAS**, the governing body desires to conduct a public hearing on the proposed annexation and plan of services;

**NOW THEREFORE BE IT RESOLVED** by the City of \_\_\_\_\_ Tennessee as follows:

A. That a public hearing is hereby scheduled for \_\_\_\_:00 *am/pm* on [ month and day ], 20\_\_ at [ location ], on the proposed annexation of territory by owner consent, and Plan of Services, to wit:

[ *Insert General Description of Legal Description* ]

B. That a copy of this Resolution, describing the territory proposed for annexation by owner consent, along with the Plan of Services, shall be promptly sent to the last known address listed in the office of the \_\_\_\_\_ property assessor for each property owner of record within the territory proposed for annexation, with such being sent by first class mail

and mailed no later than fourteen (14) calendar days prior to the \_\_\_\_\_ scheduled date of the hearing on the proposed annexation.

C. That a copy of this Resolution shall also be published by posting copies of it in at least three (3) public places in the territory proposed for annexation and in a like number of public places in the City of \_\_\_\_\_, and by publishing notice of the Resolution at or about the same time in the \_\_\_\_\_, a newspaper of general circulation in such territory and the City of \_\_\_\_\_.

D. That notice of the time, place and purpose of a public hearing on the proposed annexation by owner consent and the Plan of Services shall be published in a newspaper of general circulation in the City of \_\_\_\_\_ not less than fifteen (15) days before the hearing, which notice included the locations of a minimum of three (3) copies of the Plan of Services for public inspection during all business hours from \_\_\_\_\_ the date of notice until the public hearing.

E. APPLICABLE TO MUNICIPALITIES NOT MAINTAINING ITS OWN SCHOOL SYSTEM – That written notice of the proposed annexation shall be sent to the affected school system as soon as possible, but in \_\_\_\_\_ no event less than thirty (30) days before the public hearing.

**WHEREUPON**, the Mayor declared the Resolution adopted, affixed a signature and the date thereto, and directed that the same be recorded.

Mayor \_\_\_\_\_

Date:

\_\_\_\_\_

\_\_\_\_\_  
City Recorder

Approved as to Form and Legality this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
City Attorney

## Resolution E - Annexation By Owner Consent

**Reference Number:** MTAS-2113

Resolution E

**A Resolution to Annex Certain Territory Upon Written Consent of the Owners and to Incorporate the Same within the Boundaries of the City of \_\_\_\_\_ Tennessee**  
*(insert brief address etc. of property)*

**WHEREAS**, the City of \_\_\_\_\_, having been petitioned by interested persons, proposes the extension of its corporate limits by the annexation of certain territory adjoining its existing boundaries and within its urban growth boundaries; and

**WHEREAS**, the owners of all property within the territory proposed for annexation have given their written consent by notarized petition so that a referendum is not required; and

**WHEREAS**, a copy of this Resolution, describing the territory proposed for annexation, was promptly sent by the City of \_\_\_\_\_ to the last known address listed in the office of the property assessor for each property owner of record within the territory proposed for annexation, with such being sent by first class mail and mailed no later than fourteen (14) calendar days prior to the scheduled date of the hearing on the proposed annexation by owner consent; and

**WHEREAS**, this Resolution was also published by posting copies of it in at least three (3) public places in the territory proposed for annexation and in a like number of public places in the City of \_\_\_\_\_, and by publishing notice of the Resolution at or about the same time in the \_\_\_\_\_, a newspaper of general circulation in such territory and the City of \_\_\_\_\_; and

**WHEREAS**, a Plan of Services for the area proposed for annexation is attached as *Exhibit A* hereto, which Plan of Services addresses the same services and timing of services as required in Tennessee Code Annotated § 6-51-102; and

**WHEREAS**, the proposed annexation and Plan of Services were submitted to the \_\_\_\_\_ Planning Commission for study, and it has recommended the same; and

**WHEREAS**, notice of the time, place and purpose of a public hearing on the proposed annexation and the Plan of Services was published in a newspaper of general circulation in the City of \_\_\_\_\_ not less than fifteen (15) days before the hearing, which notice included the locations of a minimum of three (3) copies of the Plan of Services for public inspection during all business hours from the date of notice until the public hearing; and

**WHEREAS**, a public hearing on the proposed annexation and Plan of Services was held by the governing body on \_\_\_\_\_, 20\_\_.

**NOW, THEREFORE, BE IT RESOLVED** by the City of \_\_\_\_\_ Tennessee as follows:

A. That the following territory is hereby annexed and incorporated into boundaries of the City of \_\_\_\_\_, to be effective as of \_\_\_\_\_, 20\_\_, to wit:

[Legal description of property]

B. That the Plan of Services for this territory which is attached as *Exhibit A* hereto is approved and the same is hereby adopted.

C. That this territory shall be included in the \_\_\_\_\_ Ward/District (NOT APPLICABLE TO ALL MUNICIPALITIES).

D. That the *Mayor/City Manager/Recorder* will cause a copy of this Resolution to be forwarded to the Mayor of \_\_\_\_\_ County including the Plan of Services.

E. That a copy of this Resolution shall be recorded with the \_\_\_\_\_ County Register of Deeds, and a copy shall also be sent to the Tennessee Comptroller of the Treasury and the \_\_\_\_\_ County Assessor of Property.

F. That a copy of this Resolution, as well as the portion of the Plan of Services related to emergency services and a detailed map of the annexed area, shall be sent to any affected emergency communication district following certification by the election commission that the annexation was approved.

**WHEREUPON**, the Mayor declared the Resolution adopted, affixed a signature and the date thereto, and directed that the same be recorded.

Mayor \_\_\_\_\_

Date:

\_\_\_\_\_

\_\_\_\_\_



City Recorder

Approved as to Form and Legality this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
City Attorney

**Source URL (retrieved on 08/09/2016 - 15:51):** <http://mtasresource.mtas.tennessee.edu/reference/annexation>

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