

Annexation

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website 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 MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

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Annexation

Reference Number: MTAS-222

Annexation Options

Tennessee Code Annotated, Title 6, Chapter 51, Part 1 sets forth two approaches to annex territory. Municipalities can annex territory using either a (1) “Resolution for Annexation by Referendum” or a (2) “Resolution for Annexation by Owner Consent.” Municipalities are no longer permitted to annex territory, with or without an owner’s consent, through the passage of an ordinance. With either of the two resolution options, two threshold requirements must be satisfied:

- The territory must be contiguous to the municipality’s corporate limits (an exception is made as discussed below in *Non-contiguous Annexations*); and
- The territory must be within the municipality’s urban growth boundaries, unless a referendum is held pursuant to T.C.A. § 6-58-111(c)(2) or 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. T.C.A. § 6-58-118.

Non-contiguous Annexations

Municipalities are authorized to annex territory that is not contiguous to the corporate limits. In order to do so, consent of the owner 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, the plan must be prepared by the municipality in cooperation with the county. An interlocal agreement is 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. T.C.A. § 6-51-104.

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 within the territory proposed for annexation 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. T.C.A. § 6-51-104.

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). T.C.A. § 6-51-102.

The plan of services is also required to be sent to the county mayor upon adoption. T.C.A. § 6-51-102.

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. § 6-51-104. However, there is no definition provided for *agriculture* in Tennessee Code Annotated, Title 6, Chapter 51, Part 1. 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.

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 going forward.

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.

Actions Required Following Annexation

Following any annexation, several notifications are required of the municipality:

1. A revised map of the voting precincts must be sent to the Office of Local Government in the Comptroller's office. T.C.A. § 2-3-102.
2. The election certification must be sent to the county mayor. The certification should be sent irrespective of the outcome of the election. T.C.A. § 6-51-105.
3. The annexation resolution should be sent to the utility district or municipal utility board serving the area, if the municipality is desirous of purchasing the utility system in the annexed area. T.C.A. § 6-51-111.
4. The Tennessee Department of Revenue should be notified for the purpose of tax administration. T.C.A. § 6-51-115.
5. The annexation 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. T.C.A. § 6-51-119.
6. The annexation resolution must be recorded with the register of deeds. T.C.A. § 6-51-121.
7. The annexation resolution must be sent to the Tennessee Comptroller of the Treasury, as well as to the property assessor in each county affected. T.C.A. § 6-51-121.

Contested Annexations

A property owner or municipality is authorized to file a complaint with the Tennessee Secretary of State's office when there is a dispute whether property was annexed by the municipality, requesting the state to determine when the individual's property was properly annexed. The burden is placed on the municipality, by a preponderance of the evidence, to show that the property was properly annexed. An administrative law judge is required to be appointed within ten days of the complaint being filed, with the case to be heard within 90 days thereafter. The state is authorized to issue a final order, following the issuance of the initial order by the administrative law judge, for purposes of appeal. The municipality must file all annexation ordinances/resolutions, as well as the results of annexation referendums, specific to the contested annexation within 20 days of the complaint being filed. The municipality is required to reimburse any property taxes paid, with interest, if the final order includes a finding that the property was not annexed. Tennessee Code Annotated, Title 8, Chapter 3, Part 1.

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 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 resolution is referred to herein as 'exploratory annexation by referendum' resolution (Resolution A). The second resolution, which is referred to 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, referred to 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. T.C.A. § 6-51-105.

At its own option, the municipality may also have the referendum include all voters within the existing municipality. 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 the municipality's expense and the referendum process can be abandoned by the municipality at any time. T.C.A. § 6-51-105.

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.
13. Send the adopted 'annexation by referendum' resolution, as well as the plan of services, to the county mayor.
14. The county election commission conducts the election within 30 to 60 days.
15. With a successful referendum vote, the territory becomes annexed thirty (30) days following certification of the election.
16. Commence the ordinance process to zone the territory newly annexed into the corporate limits. (BP).
17. 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.).
18. 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 municipal residents. (BP).
19. Send the revised voting precinct maps to the Office of Local Government in the Comptroller's Office.
20. Send the election certification to the mayor of the county where the annexed territory lies. The certification should be sent irrespective of the outcome of the election.

21. Send the 'annexation by referendum' resolution, to the utility district or municipal utility board serving the area, if the municipality is desirous of purchasing the utility system in the annexed area.
22. Notify the Tennessee Department of Revenue for the purpose of tax administration.
23. Send 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, to any affected emergency communication district.
24. Record the 'annexation by referendum' resolution with the register of deeds.
25. Send the 'annexation by referendum' resolution to the Tennessee Comptroller of the Treasury, as well as to the property assessor in each county affected.
26. 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.
27. Commence the process of satisfying the plan of service requirements and commitments that will take longer to complete (sewer extension, street lighting, etc.).
28. As appropriate, complete census of annexed area.
29. 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 annexation 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 or written consent of 2/3 of the legal owners of record in the territory proposed to be annexed, when the property owned by those who consent totals more than ½ of the territory proposed for annexation, and 9 or fewer parcels are being proposed for annexation.

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, referred to 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.

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 a written letter seeking annexation signed by all legal owners of record or 2/3 of the legal owners of record in the territory proposed to be annexed, when the property owned by those who consent totals more than ½ of the territory proposed for annexation, and 9 or fewer parcels are being proposed for annexation.
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 municipal 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. Send the adopted 'annexation by owner consent' resolution, as well as the plan of services, to the county mayor.
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' as may be required by charter or code (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 municipal residents (BP).
18. Send the revised voting precinct maps to the Office of Local Government in the Comptroller's Office.
19. Send the election certification to the mayor of the county where the annexed territory lies. The certification should be sent irrespective of the outcome of the election.
20. Send the 'annexation by owner consent' resolution to the utility district or municipal utility board serving the area, if the municipality is desirous of purchasing the utility system in the annexed area.
21. Notify the Tennessee Department of Revenue for the purpose of tax administration.
22. Send 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 territory, to any affected emergency communication district.
23. Record the 'annexation by owner consent' resolution with the register of deeds.
24. Send the 'annexation by owner consent' resolution to the Tennessee Comptroller of the Treasury, as well as to the property assessor in each county affected.
25. Commence the process of satisfying the plan of service requirements and commitments that will take longer to complete (sewer extension, street lighting, etc.).

- 26. As appropriate, complete census of annexed area.
- 27. The annexed property is placed on the municipality's tax roll on January 1 after the effective date of the annexation.

An additional resource entitled "A Step-by-Step Animated Adventure Guide on How to Navigate Annexation" is available at https://kate.tennessee.edu/mtas/docs/courses_2018/annexation18/story_htm... [1].

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 this resolution, as well as the adopted plan of services, to be forwarded to the Mayor of _____ County.

F. That a copy of the election certification shall be sent to the mayor of _____ County upon receipt from the election commission.

G. 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.

H. 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.

I. That a revised map of the voting precincts shall be sent to the office of local government and to the office of management information services for the Tennessee General Assembly, following certification by the election commission that the annexation was approved.

J. That the Tennessee Department of Revenue shall be notified, for the purpose of tax administration, that the annexation took place.

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 _____ county 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 into the city limits; and

WHEREAS, [select the option that applies] 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 **or** 2/3 of the property owners in the territory consent to the annexation in writing, the total area of the property owned by the owners who consent is more than ½ of the territory proposed for annexation, and the annexation consists of 9 or fewer parcels; 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* shall cause a copy of this resolution, as well as the adopted plan or services, to be forwarded to the Mayor of ____ County.

E. That a copy of the election certification shall be sent to the mayor of ____ County upon receipt from the election commission.

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.

H. That a revised map of the voting precincts shall be sent to the office of local government and to the office of management information services for the Tennessee General Assembly, following certification by the election commission that the annexation was approved.

I. That the Tennessee Department of Revenue shall be notified, for the purpose of tax administration, that the annexation took place.

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

Links:

[1] https://kate.tennessee.edu/mtas/docs/courses_2018/annexation18/story_html5.html?lms=1

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