

Resolution E - Annexation By Owner Consent

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,

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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 1/2 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 sen 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

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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