

**RESOLUTION 2007-10, A RESOLUTION ADOPTING A PLAN OF SERVICE FOR THE ANNEXATION OF CERTAIN AREAS (MONTICELLO SUBDIVISION EAST AREA) BY THE CITY OF FRANKLIN, TENNESSEE.**

**STAFF REPORT  
MAY 24, 2007**

**PLANNING DEPARTMENT COMMENTS**

**Overview**

This item was deferred from the February FMPC meeting to the May meeting. See the attached resolution.

**FMPC MINUTES FROM FEBRUARY 22, 2007, ITEM 25**

Mr. Jay Johnson, City Administrator, asked that items 25 through 30 be deferred for 90 days. Tuesday, February 20, 2007, the Public Enterprise Advisory Committee, which was over water and waste water, received a report regarding the sewer service to this area. That report had been shared with the neighborhood association president. It was taken under advisement by the committee. Pending their review and recommendations, he requested deferral.

Chairman Hathaway asked for citizen comments.

Mr. Steve Kuhn, president of the Monticello Homeowners Association (HOA) represented Resolution 2007-10. In February 2006, via a public forum with his neighborhood, Mayor Miller, Alderman Dana McLendon, and City Administrator Jay Johnson, he asked to understand the process of potential annexation. They were not looking to pursue it but were looking to get good information so that the residents could make an informed decision should something come up in the future. They had a public forum with 80 residents in attendance. A month later, in February 2006, his HOA submitted a letter to Mr. Johnson requesting that an annexation feasibility study be done. They were told that it would take until June 2006 for a feasibility study to be completed. In June nothing happened, and they had continuous communication in asking what was going on. They did not have any feedback until Mr. Johnson sent him a copy of the sewer study in January 2007, but they still had not received any information about the feasibility study. They found out that the feasibility study was completed in November 2006, but they were not made aware of it until they stumbled upon it on the website and with this meeting as well. They were not provided with a copy of the feasibility study and the intent of their reaching out to the City to pursue an understanding of an annexation process was to get the residents on the same page in understanding exactly what was needed to annex their neighborhood if they were going to pursue that. He did not understand how they had gotten to this point. They had not received answers to their questions, and they were not provided the opportunity to gather as a community, access the information that was provided to them. One of the major concerns of the neighborhood was that two-thirds of the homes were on septic and had been that way for years. One-third was on sewers. Most of the residents on septic had lived there for years and were on fixed income. They had already paid off their homes and were not looking for another cost. The difficulty that they were having was that they initiated the process. They received numerous



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assurances from Mayor Miller, Mr. Johnson and Mr. McLendon that the City was not out to annex Monticello, but were there to answer questions. They had not been given the opportunity to vote or talk about this as a community. They needed to have the opportunity to come to the City and conclude what they started over a year ago with some good information. He welcomed the deferral because they needed more time to talk about this.

Mr. Dan McCormick stated that he had lived in Monticello since 1967 and really liked the subdivision. He wanted to reinforce Mr. Kuhn's comments and talk about the fact that the City was going to defer the Monticello Subdivision but move forward on the Eatherly property. He did not know if that was in the best interest of Monticello or the City of Franklin. He was quite upset and surprised that this annexation had appeared in the Sunday Williamson AM. Monticello should be part of the City, based on the development and the UGB. However, back in September 1998, there was a surprise attempt to annex the Eatherly property and ignore the Monticello Subdivision. Although this had been split into three parcels, it was all one contiguous piece of property with the same characteristics and heritage, and he thought it should be considered as such. He came before the Board at that time and talked about the fact that it was stripped annexation. They would end up as residents of that property and have no say in the determination of what happened to that property and what happened in the value and quality of life that they had always enjoyed. A developer had come to them and discussed building a senior living center there, and they began discussions with him. This was part of the reason that they wanted to do this feasibility study with the City. He asked that the City consider deferring the annexation of the Eatherly property because it was part of Monticello. They would like to have the 90 days to come back and say that they would like to be annexed. If the Monticello Subdivision could not come to a consensus on that, he thought the vast majority would be in total support of the annexation of all three of the parcels.

This ended citizen comments.

Mr. Johnson stated that there had been a dialogue with the neighborhood, and he hoped to continue it. There was a communication breakdown in the annexation feasibility study information. The Board of Mayor and Aldermen authorized the expenditure of City water and sewer funds for the feasibility study of the sewer system. As soon as he received the report, he sent a copy to the Monticello HOA. The City was not trying to rush anything. The reason for the three annexation phases was that the Eatherly property was vacant, and if development were to occur on that property it should occur according to City standards. The reason Monticello Subdivision was put into two phases was because there was a distinct difference in the sewer system between what the City referred to as Monticello East and Monticello West. The older part, which has 109 homes, is on septic. Thirty-eight of those homes have had septic problems reported to the Williamson County Health Department. The forty-three homes closer to Spencer Creek have City sewer. At the time the sewer was extended by the Board of Mayor and Aldermen, the condition was that it was subject to annexation when the City moved into that area.

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Mr. Harrison moved to defer items 25 through 30 for 90 days, the motion was seconded, and it passed unanimously.

**CONTACTS**

	<b>Applicant</b>	<b>Planning Department Contact</b>
<b>Contact:</b>	Jay Johnson	Kelly Dannenfelser
<b>Organization:</b>	Franklin Administration	Franklin Planning
<b>Address:</b>	109 Third Avenue S. Franklin, TN 37064	109 Third Avenue S. Franklin, TN 37064
<b>Phone:</b>	615.791.3217	615.550.6735
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## RESOLUTION 2007-10

### A RESOLUTION ADOPTING A PLAN OF SERVICE FOR THE ANNEXATION OF CERTAIN AREAS BY THE CITY OF FRANKLIN, TENNESSEE.

**WHEREAS**, Tennessee Code Annotated (TCA), Section 6-51-102, as amended, requires that a Plan of Service be adopted by the governing body of a city prior to the passage of an annexation Ordinance; and

**WHEREAS**, the City of Franklin, Tennessee, may exceed these minimum conditions:

#### MONTICELLO SUBDIVISION AREA East Portion

Approximately 28.74 Acres located near Spencer Creek Road on Hillsboro Road; Area as depicted in Exhibit "A" of this Resolution. This area includes 43 single family residences.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FRANKLIN, TENNESSEE, HEREINAFTER TO BE REFERRED TO AS THE CITY, AS FOLLOWS:**

SECTION 1. Pursuant to the provisions of TCA, Section 6-51-102, there is hereby adopted, for the area bounded as described above, the following Plan of Service:

A. Water

The area lies within the City of Franklin service area, and water extensions would be in accordance with City policy and procedures. All lots are presently served.

B. Wastewater

The homes are presently served by City of Franklin sanitary sewer.

C. Streets

The City would assume routine maintenance of streets upon annexation. Approximately 2590 feet of street Right of Way is included in this area.



D. Planning and Zoning

The planning and zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City planning will thereafter encompass the annexed area.

E. Street Lighting

Street lighting within the subdivision along existing overhead power lines will be required as part of this annexation, and shall be installed within twelve (12) months of annexation.

F. Recreation

Residents of the annexed area may use all City parks on and after the effective date of annexation.

G. Street Name Signs

Street signs, if needed and where warranted will be installed within one year as part of this annexation.

H. Fire Protection

Fire protection by the present personnel and equipment of the Franklin Fire Department will be provided on and after the effective date of annexation. The Franklin Fire Department has a Class 3 ISO rating. The proposed annexation area is adjacent to the Fire Station No. 4 response area. No additional resources will be needed to service this area.

I. Police Protection

Police patrol and response to calls by the Franklin Police Department will be provided on and after the effective date of annexation. Police services will be provided with existing personnel. No additional resources would be required to service this area. The Franklin Police Department is an accredited agency through CELEA.

J. Traffic Control

Traffic signals, traffic signs, street markings and other traffic control devices will be installed as the need is established by appropriate study and traffic standards.

K. Refuse Collection

The same regular residential refuse collection services and rates provided the residential locations within the City will be extended to the annexed area effective September 1, 2007.

A one time container fee of \$75.00 per residence will be assessed prior to the start of service.

L. Building and Code Inspection Services

Any Building and Code inspection services now provided by the City will begin in the annexed area on the effective date of annexation.

M. Schools

The existing residences are currently served by the Williamson County School System.

N. Wireless Communications

No additional Access Points will be required.

SECTION 2. This Resolution shall be effective July 1, 2007.

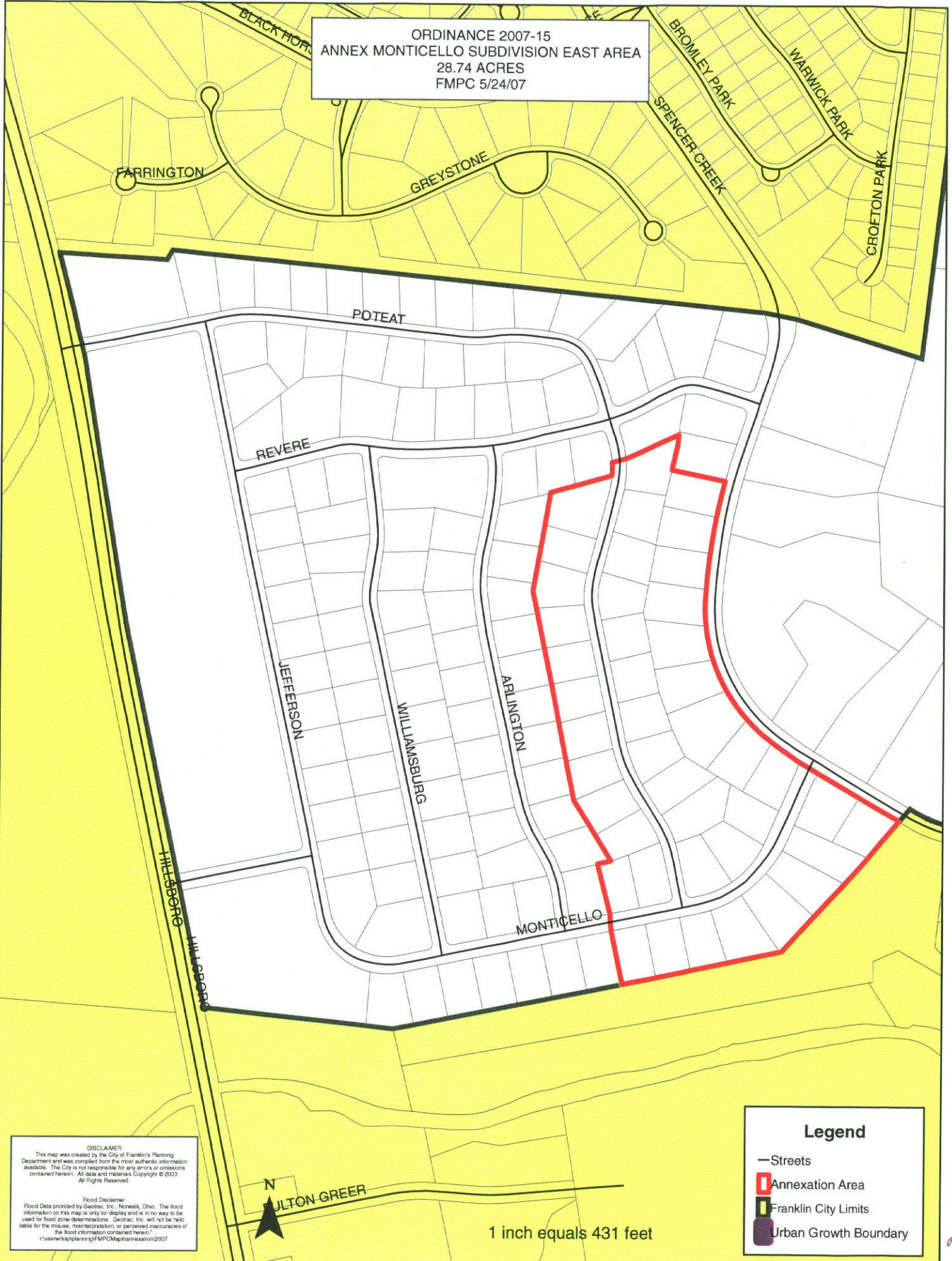
ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

\_\_\_\_\_  
THOMAS R. MILLER, MAYOR

\_\_\_\_\_  
JAMES R. JOHNSON, CITY ADMINISTRATOR



ORDINANCE 2007-15  
 ANNEX MONTICELLO SUBDIVISION EAST AREA  
 28.74 ACRES  
 FMPC 5/24/07



**DISCLAIMER**  
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1 inch equals 431 feet

**Legend**

- Streets
- Annexation Area
- Franklin City Limits
- Urban Growth Boundary

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