



HISTORIC  
FRANKLIN  
TENNESSEE

ITEM #13  
WRKS  
10/08/13

## MEMORANDUM

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October 2, 2013

**To:** Board of Mayor and Alderman

**From:** Eric Stuckey, City Administrator *ES*  
Vernon Gerth, ACA-Community & Economic Development

**Subject:** Review and Discussion of the City of Franklin Annexation Process

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### Purpose

The purpose of this memorandum is to provide information to the Board of Mayor and Aldermen (BOMA) to review and discuss the City of Franklin's annexation process for larger tracts of land.

### Background

The Pulte Group has recently submitted a request to annex roughly 400 hundred acres of the property known as the Rogers Property. Since it has been several years since the City has entertained an annexation request of this size, staff wanted to review with the Board of Mayor and Alderman the recommended procedure for annexation (attached) as published in the 2007 Municipal Technical Advisory Service (MTAS) Annexation Manual. Staff is confident that following this procedure provides ample opportunity for staff, the applicant, and citizens to offer input during the process but more importantly, with the Board and Mayor of Alderman providing needed direction early in the process.

When contemplating an annexation, the City is required to prepare a Plan of Service. Essentially, the Plan of Service identifies improvements to existing infrastructure or the installation of new infrastructure such as potable water, sanitary sewer, reclaimed water, stormwater, and roadways necessary to serve the property when fully developed. Additionally, the Plan of Service spells out other municipal services (police, fire, sanitation, street maintenance, etc.) the City will provide to ensure these services are similar to the services current residents receive. A Plan of Service is much more complex and involved for larger tracts of land than smaller parcels.

The Plan of Service is a critical document in the consideration of annexation that requires thoughtful review early in the annexation process. Our team has already commenced work on a draft Plan of Service for the Rogers Property. This Plan of Service will be completed within a few weeks and reviewed with the applicant. The next step will be to share and discuss the Plan of Service with the BOMA during a Worksession (perhaps November 12<sup>th</sup>). With limited time available to discuss items during the Worksession, staff will recommend a public hearing be scheduled at a future BOMA Meeting to allow for additional input from the applicant and interested citizens. Following the public hearing, it is anticipated that the BOMA will either refer the Plan of Service back to staff, with or without comments, to begin working with the applicant on the various annexation, rezoning, and development ordinances, plans, and agreements or the BOMA will vote not to proceed with annexing the property at this time. It should be noted that direction by the Board to refer the Plan of Service into the annexation process does not imply approval by the Board at other, later stages in the process. The referral simply



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moves the item for further work and review by staff, the Planning Commission and, ultimately, the Board.

This early guidance is important for staff and the applicant to begin investing the time and energy needed to produce these development ordinances, plans, and agreements.

### **Financial Impact**

The nature of the proposed infrastructure improvements, timing, financial obligations, and responsibility for installation will be the key topics of discussion when the Plan of Service is presented and discussed during the Worksession and Public Hearing. Receiving initial feedback and direction on the Plan of Service will reduce the amount of time the City and applicants teams will spend on preparing the various development ordinances, plans, and agreements.

### **Recommendation**

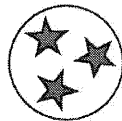
The review of the City's annexation process is informational.



**ENTER SUGGESTED OR  
REQUIRED DATES**

**ACTION**

- \_\_\_\_\_ Obtain appropriate property and topographic maps.
- \_\_\_\_\_ Tour annexation areas. Determine boundaries of annexation areas. Develop *accurate* maps of the areas.
- \_\_\_\_\_ Draft a plan of services.
- \_\_\_\_\_ Estimate the costs of serving the annexed area based on the plan of services.
- \_\_\_\_\_ Estimate any additional revenues from the annexed area.
- \_\_\_\_\_ Prepare an annexation study and report to the city council. Council reviews report, decides whether to proceed, determines the boundaries of the annexation, and modifies the plan of services as necessary.
- \_\_\_\_\_ City council refers plan of services to planning commission and passes a resolution authorizing placing a newspaper notice of public hearing on both the annexation ordinance and the plan of services. The notice for the plan of services must include three locations where the plan can be examined.
- \_\_\_\_\_ Publish the newspaper notice of public hearings on annexation and the plan of services. Notice for the annexation ordinance must be published at least seven days in advance of the hearing and must include a map that meets the requirements of T.C.A. § 6-51-101(3); notice for the plan of services must be published at least 15 days before the scheduled hearing. (Both notices can be published at the same time.)
- \_\_\_\_\_ Planning commission reports in writing to the city council on the plan of services (within 90 days of receipt of the plan of services, unless city council grants a longer time by resolution).
- \_\_\_\_\_ Hold public hearing on the annexation and the plan of services (may be held together or separately).
- \_\_\_\_\_ Council passes a resolution adopting the plan of services after making any changes.
- \_\_\_\_\_ First reading of the annexation ordinance.
- \_\_\_\_\_ Second and third readings of the annexation ordinance (if required by the city's charter).



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- \_\_\_\_\_ Start of the 30-day appeal period.
- \_\_\_\_\_ Notify the county mayor in the county in which the annexed property is located of the annexation. Include a copy of the annexation ordinance and a map of the area annexed.
- \_\_\_\_\_ Notify the emergency communications district of the portion of the plan of services dealing with emergency services, and include a map of the annexed area. The map must contain the information required in T.C.A. § 6-51-119. If the annexation is contested and the city plans to immediately begin providing emergency services in the annexed territory, the city must notify the emergency communications district when the annexation becomes final.
- \_\_\_\_\_ Last day of the 30-day appeal period. If a *quo warranto* suit is filed within the 30-day period, the annexation is suspended and the case is heard by the court according to the annexation law. (The city must also notify the county mayor of the city's appeal of a decision in a *quo warranto* suit and of the outcome of litigation in a *quo warranto* suit contesting a proposed annexation.)
- \_\_\_\_\_ Notify the state Department of Revenue before July 1 of the annexation and its boundaries so that the department can calculate the "annexation date revenue" due the county and reallocate local option sales tax collections accordingly after July 1.
- \_\_\_\_\_ Notify beer wholesalers selling beer in the annexed area of the name of each beer retailer in the annexed area to ensure payment of wholesale beer taxes to the city rather than the county, per T.C.A. § 57-6-106(i).
- \_\_\_\_\_ Notify franchise holders for city services and other users of formerly county roads that such roads are now municipal streets.
- \_\_\_\_\_ Take a census of the annexed area in accordance with the regulations of the State Planning Office and submit the results to that office before June 1.
- \_\_\_\_\_ State Planning Office checks the census figures and certifies the count to the state Department of Revenue for shared taxes purposes.
- January 1** Annexed property is placed on the city's tax roll on the January 1 assessment date following the annexation.
- July 1** Date of recalculation of total Tennessee municipal population for purposes of allocating taxes shared on a per capita basis.
- July 1** The city begins to receive its share of local option sales taxes and wholesale beer taxes generated in the annexed area.