

Ordinance #183

An ordinance to annex certain territory and to incorporate same within the corporate boundaries of the Town of Ashland City, Tennessee.

Whereas, the owner of the property described below petitioned the City Planning Commission, and the Commission recommends to the City Council that said property be annexed to the Town of Ashland City; and

Whereas, the annexation of such territory is deemed necessary for the welfare of future residents and property owners thereof and of this Town as a whole; and

Now, Therefore, Be It Ordained by the Mayor and City Council of the Town of Ashland City, Tennessee:

Section I. Pursuant to authority conferred by Tennessee Code Annotated, there is hereby annexed to the Town of Ashland City, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

DESCRIPTION OF 117.72 ACRES

Lying in the 1st Civil District of Cheatham County, TN and being a portion of a larger tract of land belonging to Edward S. Caldwell as described in (Tax Map #65, Parcel #48) Deed Book 274, Page 944 and also consisting of a tract of land belonging to Robert Lawrence as described in Deed Book 266, Page 966 (Tax Map #65, Parcel #48.01) at the Register's Office of Cheatham County, TN and being more particularly described as follows:

Beginning at a new iron rod in the North R.O.W. of State Route No. 12 and the Southeast corner of Baker and in the West line of the larger tract of which this is a part; thence from said point of beginning and with the East line of Baker North 16 degrees 27 minutes 08 seconds East 861.96 feet to an old iron rod; thence on lines with the Industrial Development Board of Cheatham County the following calls: North 18 degrees 39 minutes 55 seconds East 461.87 feet to a new iron rod, North 11 degrees 59 minutes 04 seconds East 368.83 feet to a new iron rod, North 06 degrees 46 minutes 41 seconds East 429.74 feet to a new iron rod, North 06 degrees 57 minutes 10 seconds East 536.66 feet to a new iron rod,


North 80 degrees 51 minutes 47 seconds West 161.67 feet,
North 50 degrees 39 minutes 10 seconds West 295.77 feet to
the point of beginning and containing 117.72 Acres.

Included in the above description is a Tennessee Gas
Pipeline Easement.

This Ordinance shall take effect 20 days after final passage, the public welfare requiring
it.

1st reading January 13, 1998

2nd reading February 10, 1998



Mary Grey Jenkins, Mayor

Attest 

Demetra O'Neal, City Recorder

ASHLAND CITY, TENNESSEE

APPLICATION FOR ANNEXATION

INTO ASHLAND CITY

Application is hereby made to the Mayor and City Council, which first must be reviewed by the City Planning Commission, to annex the below described property, now in Cheatham County, into the City as a Residential A (R-1) District.

General Description of Property: 117.72 acres along the north margin of Caldwell Road to Ross Hollow Road toward a line with the Industrial Development Board, to land owned by Dwyer, to Curtis, Krantz, and then Ross and Ross Hollow Road.

The reason for requesting such annexation is to properly accommodate proposed construction of a single family subdivision within the City and with City Water and Wastewater service.

All property owners within this boundary (Hickory Hills Joint Venture and Robert Lawrence) request this annexation..

An administrative processing fee of \$25.00 has been paid in order that this request be officially considered.

Respectfully submitted this 19th day of December, 1997.



John Rankin
The Ashland Company and
Hickory Hills Joint Venture
269-9050 804-5041

Address: The Ashland Company
3377 Golf Club Lane
Nashville, TN 37215

THE REASONS COMPANY

December 9, 1997

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Lying in the 1st Civil District of Cheatham County, TN and being a portion of a larger tract of land belonging to Edward S. Caldwell as described in (Tax Map #65, Parcel #48) Deed Book 274, Page 944 and also consisting of a tract of land belonging to Robert Lawrence as described in Deed Book 266, Page 966 (Tax Map #65, Parcel #48.01) at the Register's Office of Cheatham County, TN and being more particularly described as follows:

Beginning at a new iron rod in the North R.O.W. of State Route No. 12 and the Southeast corner of Baker and in the West line of the larger tract of which this is a part; thence from said point of beginning and with the East line of Baker North 16 degrees 27 minutes 08 seconds East 861.96 feet to an old iron rod; thence on lines with the Industrial Development Board of Cheatham County the following calls:

North 18 degrees 39 minutes 55 seconds East 461.87 feet to a new iron rod,

North 11 degrees 59 minutes 04 seconds East 368.83 feet to a new iron rod,

North 06 degrees 46 minutes 41 seconds East 429.74 feet to a new iron rod,

North 06 degrees 57 minutes 10 seconds East 536.66 feet to a new iron rod,

North 06 degrees 48 minutes 54 seconds East 923.13 feet to an old fence corner post in the South line of Dwyer; thence with Dwyer and then Curtis South 77 degrees 09 minutes 08 seconds East 706.97 feet to a new iron rod at the Northwest corner of Krantz; thence with the West line of Krantz and then Ross South 04 degrees 17 minutes 00 second East 667.60 feet to a new iron rod; thence continuing with Ross the following calls:

South 16 degrees 05 minutes 38 seconds East 181.90 feet to an 18 inch Beech Tree,

South 23 degrees 47 minutes 07 seconds East 155.89 feet to a point in the centerline of a creek; thence with the centerline of said creek and continuing with Ross the following calls:

South 40 degrees 31 minutes 04 seconds East 231.31 feet,

THE REASONS COMPANY

South 09 degrees 20 minutes 24 seconds East 47.16 feet,
South 41 degrees 39 minutes 36 seconds East 184.11 feet,
South 47 degrees 10 minutes 55 seconds East 73.12 feet,
South 10 degrees 04 minutes 12 seconds East 49.66 feet,
South 38 degrees 07 minutes 00 second East 194.96 feet to a
point in the centerline of said creek; thence leaving creek
South 17 degrees 36 minutes 34 seconds East 100.89 feet to a
12 inch Maple Tree at the Northwest corner of Howard Ross;
thence on lines with Howard Ross the following calls:

South 11 degrees 53 minutes 45 seconds East 295.40 feet to a
12 inch Cherry Tree,

South 10 degrees 27 minutes 53 seconds East 164.15 feet to a
12 inch Maple Tree,

North 88 degrees 33 minutes 31 seconds East 67.22 feet to a
point in the centerline of Ross Hollow Road; thence with
said centerline the following calls:

South 01 degree 27 minutes 39 seconds West 25.48 feet,

South 03 degrees 37 minutes 55 seconds East 55.96 feet,

South 06 degrees 43 minutes 22 seconds East 149.29 feet,

South 03 degrees 49 minutes 47 seconds East 147.31 feet,

South 06 degrees 31 minutes 39 seconds West 58.40 feet,

South 13 degrees 05 minutes 40 seconds West 105.12 feet,

South 20 degrees 06 minutes 16 seconds West 88.93 feet,

South 27 degrees 04 minutes 08 seconds West 61.99 feet,

South 32 degrees 45 minutes 50 seconds West 102.54 feet,

South 35 degrees 47 minutes 52 seconds West 104.66 feet,

South 40 degrees 43 minutes 44 seconds West 72.01 feet,

South 40 degrees 58 minutes 37 seconds West 258.78 feet,

South 39 degrees 14 minutes 29 seconds West 183.84 feet,

South 51 degrees 29 minutes 26 seconds West 56.34 feet to a
point in the intersection of the centerline of Ross Hollow
Road with the centerline of Caldwell Road; thence with the
centerline of Caldwell Road the following calls:

South 70 degrees 59 minutes 59 seconds West 45.67 feet,

South 74 degrees 47 minutes 18 seconds West 345.58 feet,

South 76 degrees 01 minute 04 seconds West 366.00 feet,

South 86 degrees 22 minutes 06 seconds West 64.91 feet,

North 85 degrees 59 minutes 16 seconds West 139.84 feet to a
point in said centerline; thence leaving road North 03

degrees 23 minutes 49 seconds East 21.22 feet to a new iron
rod in the margin of Caldwell Road and in the R.O.W. of

State Route No. 12 and in the South line of Lawrence; thence
with the South line of Lawrence and said R.O.W. North 85

degrees 39 minutes 27 seconds West 322.67 feet to an old
iron rod at the Southwest corner of Lawrence; thence

continuing with said R.O.W. of State Route No. 12 the
following calls:

North 80 degrees 51 minutes 47 seconds West 161.67 feet,

North 50 degrees 39 minutes 10 seconds West 295.77 feet to
the point of beginning and containing 117.72 Acres.

Included in the above description is a Tennessee Gas
Pipeline Easement.

T.C.A.

Misc. Code Ann. § 21-1-27 et seq.
Mo. Rev. Stat. § 71.011 et seq.
N.C. Gen. Stat. § 160A-21 et seq.
Va. Code § 15.1-1032 et seq.
Cited: *Nailling v. State* ex rel. Lynn, 208 Tenn. 372, 346 S.W.2d 247 (1961); Consolidated Gray-Fordtown-Colonial Heights Util.

Dist. v. O'Neill, 209 Tenn. 342, 354 S.W.2d 63 (1962); *State* ex rel. Maury County Farmers Coop. Corp. v. City of Columbia, 210 Tenn. 657, 362 S.W.2d 219 (1962); *Fitts & Co. v. City of Memphis*, 569 S.W.2d 448 (Tenn. Ct. App. 1977).

NOTES TO DECISIONS

ANALYSIS

1. Constitutionality.
 2. Notice.
 3. Judicial review.
1. Constitutionality.
Every provision of Acts 1955, ch. 113 (§§ 6-51-101 - 6-51-111, 6-51-201 and 6-51-301) was germane to the object expressed in its caption. *Witt v. McCannless*, 200 Tenn. 360, 292 S.W.2d 392 (1956).
 2. Notice.
Advertisement by city council in newspaper

of general circulation five days before hearing on annexation ordinance together with extended front page article in such newspaper seven days prior to hearing constituted substantial compliance with provisions of this section as to notice. *State* ex rel. Robbins v. Jackson, 218 Tenn. 322, 403 S.W.2d 304 (1966).

3. Judicial Review.
Sections 6-51-101 - 6-51-112 and 6-51-301 contain the entire jurisdiction and authority of the courts to review the actions of municipalities in enacting annexation ordinances. *City of Oak Ridge v. Roane County*, 563 S.W.2d 895 (Tenn. 1978).

Collateral References. 56 Am. Jur. 2d Municipal Corporations, Counties and Other Political Subdivisions § 50 et seq.
62 C.J.S. Municipal Corporations § 41 et seq.

6-51-102. Annexation by ordinance. — (a)(1) A municipality, when petitioned by a majority of the residents and property owners of the affected territory, or upon its own initiative when it appears that the prosperity of such municipality and territory will be materially retarded and the safety and welfare of the inhabitants and property endangered, after notice and public hearing, by ordinance, may extend its corporate limits by annexation of such territory adjoining its existing boundaries as may be deemed necessary for the welfare of the residents and property owners of the affected territory as well as the municipality as a whole; provided, that the ordinance shall not become operative until thirty (30) days after final passage thereof.
(2)(A)-(J)(i)-(iv) [Unconstitutional.]

(v) The provisions of subsection (a) which are in conflict with this subsection (a)(2)(J)(v) do not apply to any county having a population of not less than three hundred nineteen thousand six hundred twenty-five (319,625) nor more than three hundred nineteen thousand seven hundred twenty-five (319,725) according to the 1980 federal census or any subsequent federal census. In such county, if the proposal to extend the corporate limits by the annexation of territory adjoining the existing boundaries of a municipality is proposed by the municipality upon its own initiative by ordinance, the ordinance shall not become operative until an election is held at the expense of the proposing municipality for approval or disapproval of such annexation by the qualified voters who reside in the territory proposed for annexation. The operation of the ordinance shall be subject to approval of the

voters who reside in such territory. The county election commission shall hold an election thereon, providing options to vote "For" or "Against" the ordinance, not less than forty-five (45) days nor more than sixty (60) days after the receipt of a certified copy of such ordinance, and a majority vote of those voting in the election shall determine whether the ordinance is to be operative. A vote "For" the ordinance shall be a vote "For Annexation" and a vote "Against" the ordinance shall be a vote "Against Annexation." If the vote is for the ordinance, the ordinance shall become operative thirty (30) days after the date that the county election commission makes its official canvass of the election returns; such ordinance shall not become operative before the expiration of one hundred twenty (120) days following the final passage of the annexation ordinance. If the ordinance is rejected, all relevant provisions in this chapter shall apply to the question of annexation in such county.

(K) [Unconstitutional.]

(3)(A) No municipality having a population greater than ten thousand (10,000), according to the 1970 federal census or any subsequent federal census shall, by means of annexation by ordinance upon its own initiative, increase the land area contained within its boundaries by more than twenty-five percent (25%) during any twenty-four-month period.

(B)(i) The provisions of subdivision (a)(3)(A) shall not apply to any municipality having a population of less than twelve thousand (12,000) according to the 1980 federal census or any subsequent federal census, and the charter of which is provided for by a private act of the general assembly, and not under the general law of this title.

(ii) The provisions of this subdivision (a)(3)(B) shall not apply to any municipality located in any county having a population of not less than thirty-four thousand one hundred (34,100) nor greater than thirty-four thousand two hundred (34,200), or located in any county having a population of not less than thirty-seven thousand (37,000) nor greater than thirty-seven thousand one hundred (37,100), or located in any county having a population of not less than forty-nine thousand four hundred (49,400) nor greater than forty-nine thousand five hundred (49,500), each according to the 1980 federal census or any subsequent federal census.

(b) Before any territory or territories totaling more than one-fourth square mile (1/4 sq. mi.) in area or having a population of more than five hundred (500) persons may be annexed under this section by a municipality within any twelve-month period, the governing body of the municipality shall have previously adopted a plan of service setting forth at a minimum the identification and projected timing of municipal services proposed to be extended into the territory or territories to be so annexed. Except in counties having a population of not less than sixty-five thousand (65,000) nor more than sixty-six thousand (66,000) and counties having a population of four hundred thousand (400,000) or more according to the federal census of 1970 or any subsequent federal census and except in counties having a metropolitan form of government, the plan of services, to be identified, shall include, but be not limited to: police protection, fire protection, water service, electrical service, sanitary sewage system, solid waste disposal, road and street construction and repair,