

RESOLUTION 17-116

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR AND ANNEXING A PORTION OF MAURY COUNTY (3451 MAHLON MOORE ROAD) KNOWN AS TAX MAP 050, PARCEL 3.00, (WHICH CONTAINS A TOTAL OF 241.45 ACRES) INTO THE CORPORATE LIMITS OF THE CITY OF SPRING HILL, TENNESSEE.

(ANX 407-2017, 3451 MAHLON MOORE ROAD ANNEXATION, MAURY COUNTY BOARD OF EDUCATION)

WHEREAS, Tennessee Code Annotated Section 6-51-102, as amended, requires that a Plan of Services be adopted by a municipal governing body prior to the passage of an annexation resolution; and

WHEREAS, the property owner has requested annexation in order to ensure the value and availability of this property for future uses; and

WHEREAS, the subject property is contiguous to the corporate limits of the City of Spring Hill; and

WHEREAS, the subject property is located within the Urban Growth Boundary of the City of Spring Hill; and

WHEREAS, the property currently contains a single family residence and will be zoned Agricultural (AG) upon annexation; and

WHEREAS, this resolution shall bind the Owners and subsequent Owners of the Property; and

WHEREAS, the City of Spring Hill has prepared a Plan of Services for the property that describes how and when municipal services will be provided to the property and identifies the property owner/developer responsibilities for extending public infrastructure to the site; and

WHEREAS, the Spring Hill Planning Commission has reviewed and forwarded a recommendation on the Plan of Services and annexation to the Board of Mayor and Aldermen on October 9, 2017; and

WHEREAS, the City of Spring Hill contemplates annexation of the property known as Maury County Tax Map 050, Parcel 3.00 as described herein; and

WHEREAS, all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SPRING HILL, TENNESSEE, BOARD OF MAYOR AND ALDERMEN, that pursuant to Tennessee Code Annotated Title 6, Chapter 51, Section 102, approves the Plan of Services contained herein.

BE IT FURTHER RESOLVED BY THE CITY OF SPRING HILL, TENNESSEE, BOARD OF MAYOR AND ALDERMEN, that pursuant to Tennessee Code Annotated Title 6, Chapter 51, the property shown as part of Maury County Tax Map 050, Parcel 3.00, consisting of 241.45 acres, as shown and described in Exhibit A, is hereby annexed to the corporate limits of the City of Spring Hill, Tennessee, and made a part thereof, excepting areas as described below herein.

SECTION 1: PLAN OF SERVICES

Police Protection: The parcel(s) shall be subject to and benefit from City police protection upon the effective date of annexation. These services include, but are not limited to, patrolling, response calls for service, crime prevention services, traffic control and other routine police services. Radio operations are normal and uninhibited within the area. Based on the current use of the property (a single family residence) services will be provided using existing personnel and equipment.

Fire Protection: The City of Spring Hill will assume primary responsibility for Fire Protection immediately upon the effective date of annexation, with mutual assistance provided by Maury County Fire Department. Development of the property or a change of use on the property may require that the property owner/developer extend and provide appropriately sized water mains and/or fire hydrants to serve the site according to City of Spring Hill standards. Emergency Medical Services (EMS) is provided by contract through the City of Spring Hill and will be available to the property upon the effective date of annexation.

Additionally, fire protection services such as those made available through the City's Fire Marshal and Fire Investigation offices will be available on the effective date of annexation.

Electrical Service: For domestic and commercial use electrical service is already and will continue to be provided by Duck River EMC.

Public Water Service: Public water service in the vicinity will be provided by the City of Spring Hill Water System. Spring Hill water is not currently available to the property. The property owner/developer shall be solely responsible for extending water service to the property and any required extension shall be in compliance with City of Spring Hill standards. All water inside city user rates and charges shall be applicable to the area inside the annexation area.

Public Sanitary Sewer Service: Public sanitary sewer service is not currently available to the property. The property owner/developer shall be solely responsible for extending sanitary sewer service to the property and any required extension shall be in compliance with City of Spring Hill standards. All sanitary sewer inside city user rates and charges shall be applicable to the area inside the annexation area.

Solid Waste Collection: Spring Hill currently provides its businesses and residents refuse collection services via a city-wide contract with a private solid waste collection company. These services will be extended to the annexed area within 90 days of the effective date of annexation.

Road and Street Construction and Repair: After any newly constructed streets have been constructed and appropriately dedicated, the City will provide ongoing and routine maintenance similar to other streets within the jurisdiction of the City.

Signs and Lighting: Additionally, as new streets are developed, signage and lighting will be furnished and installed by the property owner/developer according to established city policy or regulations.

Recreational Facilities and Programs: The property owner/developer plans to donate lands within the annexation for the placement of publicly owned recreational facilities. The City of Spring Hill plans to construct these facilities as finances and use increase the need for these improvements.

Planning and Zoning Services: The City's planning and zoning jurisdiction will be extended to the annexed area upon the effective date of annexation. When a property is annexed into the city, it is

automatically zoned as AG, Agricultural. The Future Land Use Designation of the property on the 2040 Spring Hill Rising plan is Residential Neighborhood Area.

Storm Water and Drainage: The City of Spring Hill operates a Storm Water program in accordance with Tennessee Department of Environment and Conservation (TDEC) requiring the management of all storm water discharge within its jurisdiction. Annexation of the area expands the program into the annexed area thus making it subject to the current rules and regulations of TDEC pertaining to storm water runoff and discharge. All storm water user rates and charges inside city shall be applicable to the area inside the annexation area.

Inspection/Code Enforcement: The City of Spring Hill Codes Department provides plan review services, inspection and code enforcement services (i.e. building, plumbing, gas and unsafe building services, land use (zoning) and development, including flood plain NFIP/FEMA requirements, neighborhood services for housing, litter, overgrowth, illegal dumping) to all areas of the City of Spring Hill. These same services will be provided to the newly annexed area immediately upon its effective date of annexation.

Animal Control: The City of Spring Hill does not provide Animal Control. For the subject property Spring Hill relies on Maury County for this service.

Schools: The entire annexation area is served by Maury County Schools.

Library: The City of Spring Hill public library will be available to residents of the property upon the effective date of annexation.

SECTION 2: ANNEXATION. The property described herein below and as shown and further described on Exhibit A attached hereto, is hereby annexed into the City of Spring Hill. The annexed land will be subject to the provisions and requirements of Ordinance 86-47 as amended, the same being the Spring Hill Zoning Ordinance, and all other applicable ordinances, rules, and regulations of the City of Spring Hill.

SECTION 3: ZONING. Ordinance No. 86-47 (Zoning Map), adopted May 20, 2013, be and is hereby amended and altered by changing the zoning classification of those certain parcels of real property described below and on Exhibit A (attached), from Maury County A2 to City of Spring Hill AG (Agricultural). In the State of Tennessee, County of Maury, and City of Spring Hill, Maury County Tax Map 050, Parcel 3.00 and being more particularly described in Exhibit A, attached hereto:

Exhibit A (attached)

SECTION 4: In case conflict between this resolution or any part hereof, and the whole or part of any existing resolution of the City, the conflicting resolution is repealed to the extent of the conflict but no further. If any section, clause, provision or portion of the resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of the resolution.

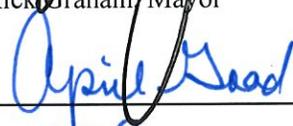
Passed and adopted by the City of Spring Hill, this 20th day of November, 2017.

This resolution shall take effect on the earliest date allowed by the law.



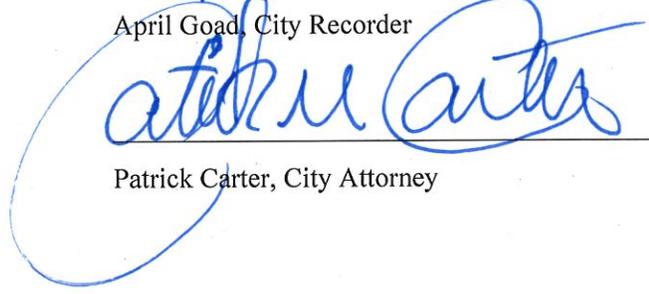
Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

file Tishan

NAME AND ADDRESS OF NEW OWNER:

Maury County Board of Education
with: Stan Breeden
501 W. 8th Street
Columbia, TN 38401

THIS INSTRUMENT PREPARED BY:

White & Polk, P.C.
Attorneys at Law
107 West College Street
Murfreesboro, Tennessee 37130

SEND TAX NOTICES TO:

Owner

Map No. 050

Parcel 00300

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of TEN AND NO/100 (\$10.00) DOLLARS, cash in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, **Katherine S. Martin, Suellen S. Brandon, Janie S. Murphy, Mary Lou S. Hood and Margaret S. Cathey**, have this day bargained and sold and do hereby transfer and convey unto **Maury County Board of Education**, its successors and assigns, forever, that certain parcel of real estate situated and located in the 3rd Civil District of Maury County, Tennessee, and being more particularly described as follows, to-wit:

Being all of the "Heirs of Jane Patton Simmons Property" (241.45 acres), according to survey and plat of same appearing of record in Plat Book 21, page 151, of the Register's Office of Maury County, Tennessee, to which plat reference is hereby made for more complete details of location and description of said lot.

Being a portion of the same property conveyed to J.B. Simmons, Jr. and wife, Jane Patton Simmons by deed dated November 24, 1959, from Chesley Cheek and wife, Maggie Lou Cheek, of record in Book 363, page 311, of record in the Register's Office for Maury County, Tennessee. The said J.B. Simmons, Jr. died September 28, 1991, leaving his wife, Jane Patton Simmons as the surviving tenant by entirety. The said Jane Patton Simmons died testate on October 6, 2007, and by her Last Will and Testament filed as Probate File P-163-07 in the Clerk & Master's Office of Maury County, Tennessee, and recorded in Book R2071, page 886, in said Register's Office, devised the subject property to her five daughters, Katherine S. Martin, Suellen S. Brandon, Janie S. Murphy, Mary Lou S. Hood and Margaret S. Cathey.

Being the same property conveyed to Jane Patton Simmons (a one-half undivided interest) and Kay S. Martin, Suellen Brandon, Janie S. Murphy, Mary Lou Hood and Margaret S. Cathey (a one-half undivided interest) by Trustee's Deed dated April 30, 1992 from Jerry C. Colley, Trustee, of record in Book 1147, page 656, of said Register's Office. The said Jane Patton Simmons died testate on October 6, 2007, and by her Last Will and Testament filed as Probate File P-163-07 in said

16424

Exhibit A

Clerk & Master's Office and recorded in Book R2071, page 886, of said Register's Office, devised her one-half interest the subject property to her five daughters Katherine S. Martin, Suellen S. Brandon, Janie S. Murphy, Mary Lou S. Hood and Margaret S. Cathey.

Kay S. Martin, Katherine S. Martin and Kay Simmons Martin are one and the same person. Suellen Brandon, Suellen S. Brandon and Suellen Simmons Brandon are one and the same person. Mary Lou Hood, Mary Lou S. Hood and Mary Simmons Hood are one and the same person. Margaret S. Cathey is one and the same person as Margaret Simmons Cathey. Janie S. Murphy and Janie Simmons Murphy are one and the same person.

This conveyance is subject to an Application For Greenbelt Assessment of record in Book R2107, page 577, and Green Belt Book 3, page 10, of said Register's Office; to an Easement in favor of DREMC for the purpose of electric transmission lines of record in Book 851, page 494, of said Register's Office; to an Easement in favor of Maury County, Tennessee for the purpose of right of way for road purposes of record in Book 727, page 539, of said Register's Office; to Title to that portion of the property within the bounds of Moore Lane (n/k/a Mahlon Moore Road); to the flow of any creeks, streams or branches across subject property; to the minimum building setback lines, public utility and drainage easements, plat notes and all other matters shown on the aforesaid subdivision plat; and to the zoning regulations of the appropriate governmental body.

This property has an address of 3451 Mahlon Moore Road, Spring Hill, Tennessee 37174.

TO HAVE AND TO HOLD said real estate together with all of the appurtenances, estate and title thereunto belonging unto the said grantee, its successors and assigns, forever.

The undersigned covenant with the said grantee that they are lawfully seized and possessed of said real estate; that they have a good right to convey the same, and that it is unencumbered except as setforth above and by lien of the 2017 real property taxes, which taxes are being prorated between the parties herein, with the grantee to pay said taxes when due. Grantor paid their prorated share to grantee at closing.

The undersigned further covenant and bind themselves, their heirs and assigns, to forever warrant and defend the title to the said real estate unto the said grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

Grantors warrant that no other individual or entity holds any other interest in the above-described property, whether marital or otherwise. This property has not been utilized as a personal residence by any of the listed Grantors since the property was inherited by the Grantors.

WITNESS MY HAND on this 13th day of February, 2017.

Katherine S. Martin
Katherine S. Martin

Suellen S. Brandon
Suellen S. Brandon

Janie S. Murphy
Janie S. Murphy

Mary Lou Hood
Mary Lou Hood

Margaret S. Cathey
Margaret S. Cathey

STATE OF TENNESSEE)
 ss.
COUNTY OF RUTHERFORD)

On this the 10th day of February, 2017, before me personally appeared Katherine S. Martin to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument (Warranty Deed), and acknowledged that she executed the same as her free act and deed.

10th WITNESS MY HAND and official seal, at office in Murfreesboro, Tennessee, on the day of February, 2017.

My commission expires: 10/29/17 Angie H. White
Notary Public



STATE OF TENNESSEE)
)
) ss.
)
COUNTY OF RUTHERFORD)

On this the 13th day of February, 2017, before me personally appeared Suellen S. Brandon, to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument (Warranty Deed), and acknowledged that she executed the same as her free act and deed.

13th WITNESS MY HAND and official seal at office in Murfreesboro, Tennessee, on the day of February, 2017.

My commission expires: 10/24/17 George H. White
Notary Public

STATE OF TENNESSEE)
)
) ss.
)
COUNTY OF RUTHERFORD)

On this the 9th day of February, 2017, before me personally appeared Janie S. Murphy, to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument, (Warranty Deed) and acknowledged that she executed the same as her free act and deed.

9th WITNESS MY HAND and official seal at office in Murfreesboro, Tennessee, on the day of February, 2017.

My commission expires: 10/24/17 George H. White
Notary Public

STATE OF TENNESSEE)
)
) ss.
)
COUNTY OF RUTHERFORD)

On this the 13th day of February, 2017, before me personally appeared Mary Lou S. Hood, to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument, (Warranty Deed) and acknowledged that she executed the same as her free act and deed.

13th WITNESS MY HAND and official seal at office in Murfreesboro, Tennessee, on the day of February, 2017.

My commission expires: 10/24/17 George H. White
Notary Public

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STATE OF TENNESSEE)
)
) ss.
)
COUNTY OF RUTHERFORD)

On this the 9th day of February, 2017, before me personally appeared Margaret S. Cathey, to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument, (Warranty Deed) and acknowledged that she executed the same as her free act and deed.

WITNESS MY HAND and official seal at office in Murfreesboro, Tennessee, on the 9th day of February, 2017.



Aenge H. White
Notary Public

My commission expires: 10/24/19

AFFIDAVIT

I hereby swear or affirm that the actual consideration for this transfer, or the value of the property transferred, whichever is greater, is **\$2,750,000.00**, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

[Signature]
Affiant



Sworn and subscribed before me on this 14 day of February, 2017.

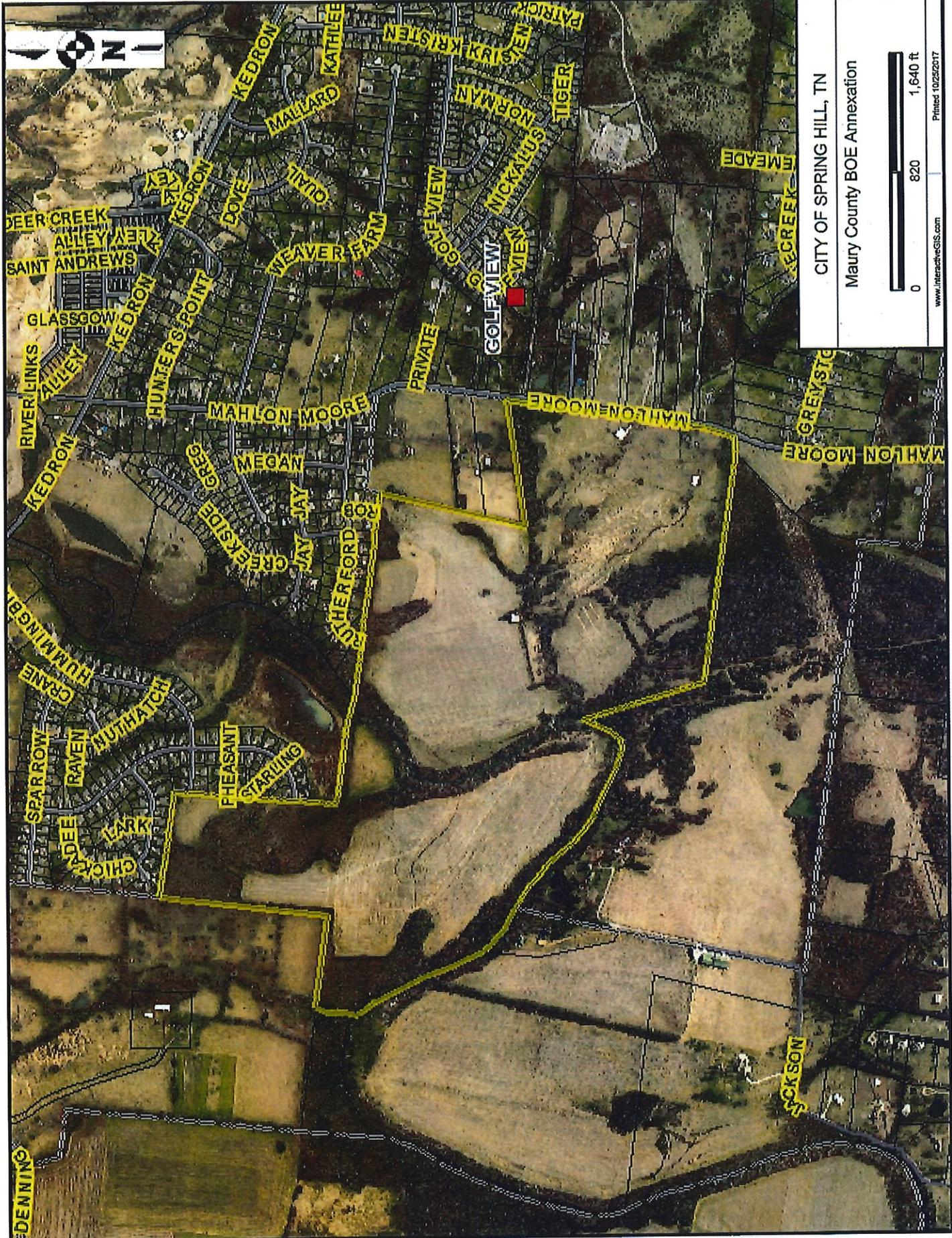
[Signature]
Notary Public

My commission expires: 10/27/18

BK/PG: R2417/31-36
17002252

5 PGS-AL-WARRANTY DEED	
JANE BATCH: 1BZ94	02/14/2017 - 02:50 PM
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	25.00
ARCHIVE FEE	0.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	27.00

STATE OF TENNESSEE, MAURY COUNTY
JOHN FLEMING
REGISTER OF DEEDS



CITY OF SPRING HILL, TN

Maury County BOE Annexation



www.interactiveGIS.com

Printed 10/25/2017

MEMORANDUM



DATE: November 6, 2017
TO: Board of Mayor and Aldermen (BOMA)
FROM: Steve Foote, Planning Director
Jon Baughman, Associate Planner
SUBJECT: RES 17-116 (Mahlon Moore Road Annexation)

ANX 407-2017: Submitted by Wolaver, Carter & Heffington for property located at 3451 Mahlon Moore Rd, for the Maury County School Board. The property is zoned Maury County A-2, rural residential, and contains 241.45 acres. The applicant requests annexation into the City.

Property Description and History: This property is located west of Mahlon Moore road near the southern end of the City's growth boundary. This annexation request is from the Maury County School Board and, ultimately, the site will contain an elementary school, middle school and high school. Staff has prepared a resolution to establish a plan of services and to annex the property into the corporate limits of the City. The City of Spring Hill Planning Commission provided a favorable recommendation to the Board of Mayor and Aldermen at the October 9, 2017 voting meeting. An excerpt of the minutes follows:

***ANX 407-2017:** Submitted by Wolaver, Carter & Heffington for property located at 3451 Mahlon Moore Rd, Maury County Elementary School. The property is zoned Maury County A-2, rural residential and contains 241.45 acres. The applicant requests annexation for this property.*

*Alderman Fitterer made a motion to forward **ANX 407-2017** to the Board of Mayor and Alderman. Motion seconded by Mayor Graham. Motion passed 5/0.*

Land Use and Zoning: Upon annexation, the zoning classification will be designated as AG, Agricultural, until Planning Commission consideration and Board of Mayor and Aldermen approval of a rezoning request, should one be requested.

Spring Hill Rising: 2040: The Spring Hill Rising: 2040 comprehensive plan classifies the area as a Residential Neighborhood Area.

Plan of Services: The draft plan of services for the property is attached for your review.

Recommendation: Staff supports the recommendation of the Planning Commission for approval of the plan of services and annexation of the subject property.

City of Spring Hill, Tennessee
Planning Commission Agenda Application

199 Town Center Parkway, Spring Hill TN 37174
 (931) 486-2252 Fax: (931) 486-3596

FOR STAFF USE ONLY	
Date Application submitted: _____	Fee: _____
Date Accepted as complete: _____	Case number: _____
Map/Parcel: _____	Public hearing date: _____

Date: 8/16/17 Project Name: Maury County Board of Education

Property Address/Location: 3451 Mahlon Moore Road
Spring Hill, TN 37174

Current Zoning District(s): A-2, rural residential Property Size: 241.45 acres

Type of request being made —

- Annexation
- Rezoning
- Major Modification
- Minor Modification
- Easement/Right-of-way Vacation
- Sketch Plan
- Neighborhood Concept Plan
- Lot Split
- Property Line Adjustment
- Preliminary Plat
- Concurrent Plat
- Final Plat
- Site Plan
- Master Development Plan (PUD) Preliminary/Final
- Traditional Neighborhood Development
- Other _____

Materials required to be submitted with application

- Letter of request
- Proof of ownership
- Two (2) **folded** hard copies of the proposal, Three (3) copies of Construction Drawings and Two (2) sets of 11 x 17 drawings including all required information as outlined in the applicable checklist.
 Including a vicinity map with an aerial image, the project boundaries outlined in yellow, names of all adjacent streets. Must show a minimum of 1/2 mile radius.
- A CD containing a copy of all required submittal items in PDF format.

Note to the applicant:

- * Applications and all required submittals must be filed with the Planning Department by the established deadline.
- * Both the applicant/representative and property owner must sign the application. Applications not signed by the property owner will not be accepted.
- * All applications must be accompanied by completed checklist.

APPLICANT OR REPRESENTATIVE:

I have read the attached checklist and have complied with all requirements listed and understand that this application may be deemed incomplete if the submittal misses any of the information listed. I also understand that other information may be requested by staff, Planning Commission and Aldermen during review relevant to the request.

Name (printed): T. Jake Wolaver, Esq.

Date: 8/16/17

Address: 809 S. Main Street
Columbia, TN 38401

Phone number: 931-548-0818

Email: jwolaver@mtlawgroup.net

Signature: 

Attorney for Maury County Board of Education

PROPERTY OWNER(S) OR AUTHORIZED AGENT:

I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on her/his behalf.)*

Name (printed): T. Jake Wolaver, Esq.

Date: 8/16/17

Address: 809 S. Main Street
Columbia, TN 38401

Phone number: 931-548-0818

Email: jwolaver@mtlawgroup.net

Signature: 

Attorney for Maury County Board of Education

Name (printed): _____

Date: _____

Address: _____

Phone number: _____

Email: _____

Signature: _____



- WALKING TRAIL
- ROADWAY
- SCHOOL CAMPUS
- SPORTS FIELD PARKING
- FEMA FLOODWAY
- FEMA 100 YR FLOODPLAIN
- POTENTIAL CITY PROPERTY

POTENTIAL CITY PROPERTY	FLOODPLAIN REMAINING	TOTAL
AREA 1	± 0.0	± 14.2
AREA 2	± 22.7	± 7.2
AREA 3	± 23.5	± 17.5
TOTAL	± 46.2	± 38.9
		± 85.1

SITE AREA: 241.48 ACRES
 MAHON MOORE ROAD
 ZONING: R-1 (RESIDENTIAL, SINGLE-FAMILY)

PROPERTY EXHIBIT

3451 MAHLON MOORE ROAD
 Nairy County, Tennessee



Annexation
Planning Commission
9/25/17 and 10/9/17
BOMA 11/6/17 and 11/20/17