



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2022-1532, **Version:** 1

An ordinance extending the boundaries of the Urban Services District within the jurisdiction of the Metropolitan Government of Nashville and Davidson County to include certain properties located in Council District 13 and approving the Plan of Services, as more particularly described herein.

WHEREAS, Section 1.04 of the Charter of the Metropolitan Government provides that: The area of the urban services district may be expanded and its territorial limits extended by annexation whenever particular areas of the general services district come to need urban services, and the metropolitan government becomes able to provide such service within a reasonable period, which shall not be greater than one (1) year after ad valorem taxes in the annexed area become due; and

WHEREAS, Tennessee Code Annotated, Section 6-51-123, provides that expansion of the Urban Services District may be accomplished using the method applicable at the time the Metro Charter was adopted; and

WHEREAS, the Public Acts of 1955, Chapter 113 (the "1955 Act") and the Public Acts of 1961, Chapter 320 (the "1961 Act") provide for the methodology to expand the Urban Services District, including the requirement that a Plan of Services be adopted prior to the annexation of any territory; and

WHEREAS, the 1955 Act provides that when it appears that the prosperity of a municipality and territory will be materially impeded and the safety and welfare of the inhabitants and property endangered, after notice and public hearing, by ordinance, such municipality 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...; and

WHEREAS, pursuant to requirements of the 1961 Act, the Metropolitan Planning Commission considered and approved on _____, 2022, a Plan of Services, attached hereto and incorporated herein as Exhibit B, for that portion of Davidson County which is outside the existing Urban Services District Boundary and which is hereinafter described and which is on file with the Metropolitan Clerk; and

WHEREAS, it is in the best interest of the residents and property owners of The Metropolitan Government of Nashville and Davidson County to approve the Plan of Services and to include the areas described below within the Urban Services District at this time.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the present boundaries of the Urban Services District shall be extended so as to include the hereinafter described property:

The lots and lands located in Council District 13 described and depicted on the maps and property list in Collective Exhibit A, attached hereto and incorporated herein. All parcel and map numbers used in this description refer to parcels as shown the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County.

Section 2. That the Plan of Services recommended by the Planning Commission is hereby approved.

Section 3. That notice of this Ordinance shall be published in a newspaper of general circulation in Nashville and Davidson County at least fifteen (15) days prior to a public hearing upon the same. Such notice shall include the locations of a minimum of three (3) copies of the plan of services and a link to the website location for the map depicted in Collective Exhibit A.

Section 4. That this ordinance shall take effect thirty (30) days after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance approves the extension of the boundaries of the Urban Services District (“USD”) to include 12 parcels in Council District 13 located on Ortega Road, and adopts a plan of services associated with the USD annexation. Section 1.04 of the Metropolitan Charter provides that General Services District (“GSD”) property may be annexed into the USD, in accordance with state law annexation procedures, whenever such areas come to need urban services. Tennessee Code Annotated § 6-51-102, *et seq.* prescribes the various requirements for implementing annexations, including the adoption of a plan of services. However, § 6-51-123, enacted in 2014, allows any county having a metropolitan form of government to expand the USD using the method applicable at the time the Metro Charter was adopted. State law requires that a plan of services be considered by the Planning Commission and then be adopted by the Council before an ordinance to extend the boundaries of the Urban Services District can be approved on final reading.

These parcels of property already receive additional police protection, fire protection, water, sanitary sewers, storm sewers and street cleaning services at the same level as all other properties within the USD. The only additional services that would be provided through the proposed annexation would be street lighting and refuse collection. These additional services would be required to be provided not later than one year after the ad valorem taxes in the annexed area become due.

According to the plan of services estimation included as part of the ordinance, the first-year costs to provide these additional services are estimated to be \$3,800. After that, the annual costs would be an estimated \$2,100. The additional annual revenue estimated to be generated by the additional ad valorem taxes would be \$1,781 per year. A deficit in the first year of approximately \$2,019 would be generated and a deficit of \$319 would be generated in each subsequent year. However, this would bring the end of a cul-de-sac into the USD along with the rest of the street.

State law requires the Council to hold a public hearing of the plan of services and annexation ordinance prior to adoption on third and final reading. The public hearing is scheduled for the December 6 meeting.

The plan of services has been approved by the Planning Commission.