

ORDINANCE OF ANNEXATION BY THE CITY OF GALLATIN, TENNESSEE
ANNEXATION OF PROPERTY LOCATED NORTH OF COMMERCE WAY – CITY OF
GALLATIN OWNER(S) – 8.73 (+/-) ACRES – S.B.E. TAX MAP #105//046.01

WHEREAS, the property owners of the affected area have petitioned the City of Gallatin for annexation; and,

WHEREAS, it appears that the prosperity of the City of Gallatin of the territory herein described may be materially retarded and the safety and welfare of the inhabitants and property thereof endangered if such territory is not annexed; and,

WHEREAS, the annexation of such territory may be deemed necessary for the welfare of the residents and property owners of the said affected territory and the City of Gallatin as a whole; and,

WHEREAS, a plan of service for this area will be adopted concurrently by ordinance as required by Tennessee Code Annotated Section 6-51-102; and,

WHEREAS, the proper notice and public hearing will have been accomplished prior to final passage;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that in accordance with Tennessee Code Annotated Sections 6-51-101 to 6-51-118, the territory described in Exhibit A, Exhibit B, and Exhibit C, attached hereto, is hereby annexed and incorporated within the corporate boundaries of the City of Gallatin, Tennessee.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that the territory described in Exhibit A, Exhibit B, and Exhibit C, attached hereto, shall become part of City Council District 1.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect thirty (30) days after final passage, the public welfare requiring such.

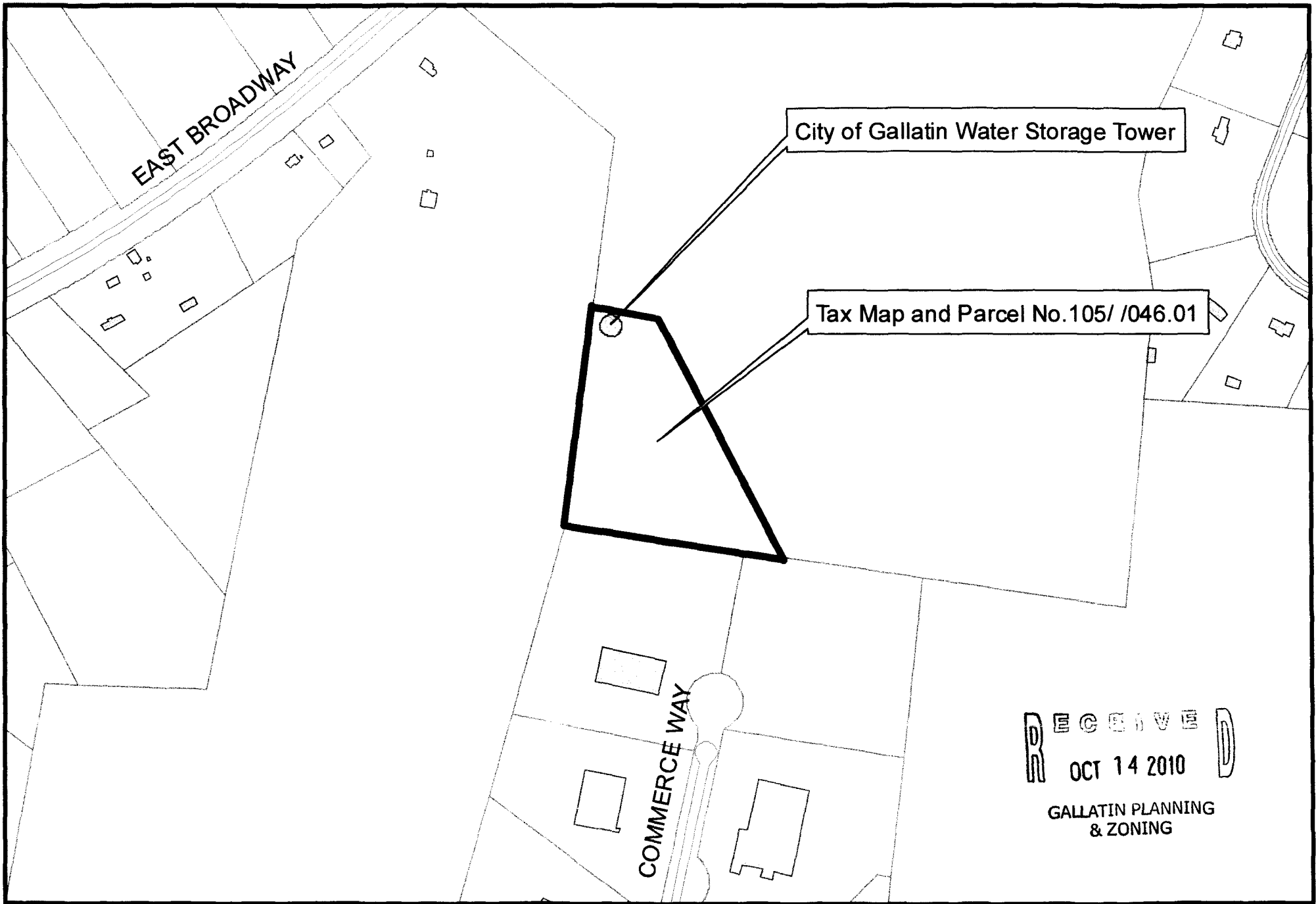
PASSED FIRST READING: November 16, 2010.

PASSED SECOND READING: January 4, 2011.


MAYOR JO ANN GRAVES

ATTEST:


CONNIE KITTRELL
CITY RECORDER



RECEIVED
OCT 14 2010
GALLATIN PLANNING
& ZONING



Prepared By: Codes/Planning
Prepared On: 09/20/2010

Exhibit A

Annexation Area 1 - 2010⁰

6-4-10

550

1,100
Feet



APPROVED

ORDINANCE NO. 092-827

ORDINANCE TO PURCHASE REAL PROPERTY (8.75 ACRES,
MORE OR LESS), WATER TANK SITE INDUSTRIAL PARK -
LOVELL PROPERTY

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the offer of compromise and sale of approximately 8.75 acres, more or less, as shown on attached Exhibit "A", from Mary Ellen Lovell, et al, to the City of Gallatin, Tennessee, for TWO THOUSAND SEVEN HUNDRED FIFTY AND NO/100 (\$2,750.00) DOLLARS per acre is hereby approved and accepted, with the funds to be paid out of Ordinance No. 092-816, Water Facilities, Gallatin Industrial Park.

BE IT FURTHER ORDAINED by the City of Gallatin, Tennessee, that the access road from the Gallatin Industrial Park to the water tank site shall include the installation of a gate at its entrance from the Industrial Park.

BE IT FURTHER ORDAINED by the City of Gallatin, Tennessee, that the Mayor shall be authorized to sign all necessary documents to accomplish such conveyance and compromise.

BE IT FURTHER ORDAINED by the City of Gallatin, Tennessee, that this ordinance shall take effect upon its final passage, the public welfare requiring it.

PASSED FIRST READING: Dec 15, 1992.

PASSED SECOND READING: Jan 5, 1993.


MAYOR TOM GARROTT

ATTEST:

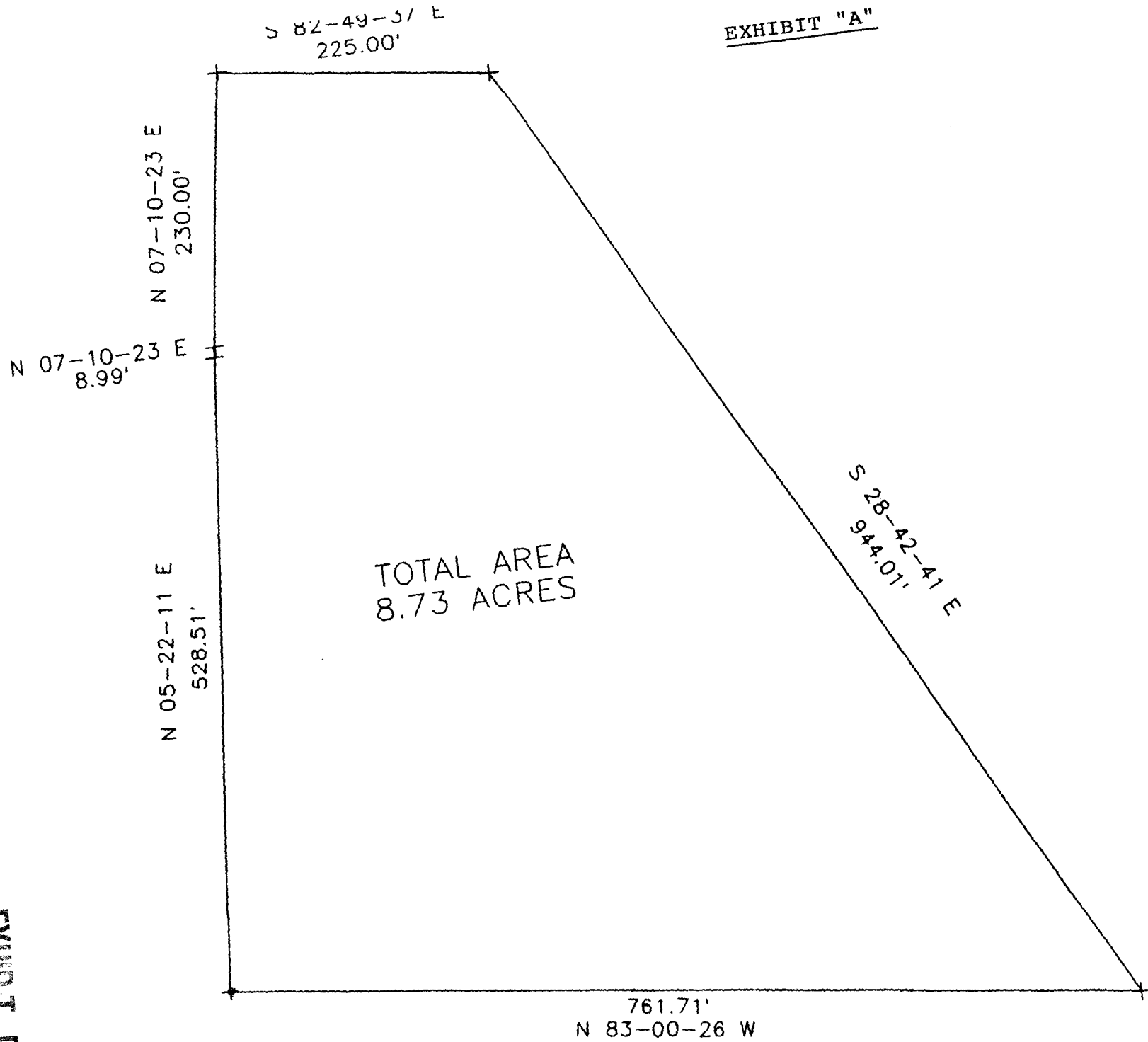

ROBERT W. LANKFORD,
CITY RECORDER

EXHIBIT B

6-4-10

6-4-10

EXHIBIT B



KATHRYN BROWN, REG.
SUMNER COUNTY, TENN.

ENTERED
THOMAS C. MARLIN
TAX ASSESSOR

SEND TAX BILLS TO:

RECORDING

1600

124900

ADDRESS OF NEW OWNERS:

JAN 14 1993

NONE ON THIS PARCEL
CITY OF GALLATIN

1600

CITY OF GALLATIN

131553

132 W. MAIN ST

132 W. MAIN ST

GALLATIN, TN. 37066

Map 105 Parcel 46.00

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 consideration, the receipt of which is hereby acknowledged, We, MARY ELLEN WEMYSS LOVELL, HARRIETT HATCH WEMYSS, W. H. WEMYSS, III and JESSIE WEMYSS RUCKER, have this day bargained and sold and by these presents do hereby transfer and convey unto the CITY OF GALLATIN, TENNESSEE, its successors and assigns, the following described tract or parcel of land situated in the Tenth Civil District of Sumner County, Tennessee:

SEE EXHIBIT "A" ATTACHED HERETO FOR A FULL AND COMPLETE DESCRIPTION OF SAID PROPERTY.

TO HAVE AND TO HOLD the above described tract or parcel of land together with all the improvements thereon and the appurtenances thereunto belonging unto the said CITY OF GALLATIN, TENNESSEE, its successors and assigns, in fee simple and forever.

WE COVENANT with the said Grantee that we are lawfully seized and possessed of said tract or parcel of land, that we have a good right to convey same, that the same is unencumbered, that all taxes of every kind have been paid in full and no tax liens exist, and that no hazardous waste exists upon the property and no claims of such have been made by any regulatory agency or authority. Grantors further agree to pay any and all taxes due for 1992 and prior and any Greenbelt recapture or payment due for such.

AND WE DO FURTHER COVENANT and bind ourselves, our heirs, assigns and representatives, to warrant and forever defend the title to said tract or parcel of land, unto the said CITY OF GALLATIN, TENNESSEE, its successors and assigns against the lawful claims of all persons whomsoever.

WITNESS OUR HANDS, this the 11 day of January, 1993.

REC'D JAN 14 1993 AT 2:59 P.M. RECORD BOOK 304 PAGE 308
KATHRYN BROWN, REGISTER SUMNER COUNTY, TENN.

EXHIBIT C

6-4-10

PARCEL 46 P/100
CONT. MAP 105
GROUP -
MAP 105
10th

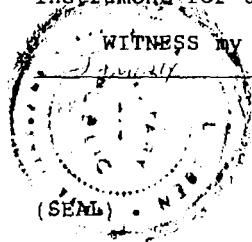
Mary Ellen Wemyss Lovell Harriett Hatch Wemyss
MARY ELLEN WEMYSS LOVELL HARRIETT HATCH WEMYSS

W. H. Wemyss, III Jessie Wemyss Rucker
W. H. WEMYSS, III JESSIE WEMYSS RUCKER

STATE OF TENNESSEE

COUNTY OF ~~SUMNER~~ Davidson

PERSONALLY appeared before me, the undersigned, a Notary Public in and for said County and State, the within named MARY ELLEN WEMYSS LOVELL, the bargainor, with whom I am personally acquainted and who acknowledged that she executed the within instrument for the purposes therein contained.



WITNESS my hand and official seal, this the 11 day of January, 1993.

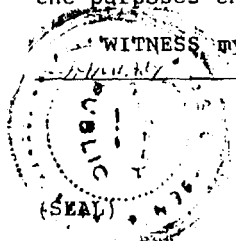
James L. Rucker
NOTARY PUBLIC

My Commission Expires: 5-22-93

STATE OF TENNESSEE

COUNTY OF ~~SUMNER~~ Davidson

PERSONALLY appeared before me, the undersigned, a Notary Public in and for said County and State, the within named HARRIETT HATCH WEMYSS, the bargainor, with whom I am personally acquainted and who acknowledged that she executed the within instrument for the purposes therein contained.



WITNESS my hand and official seal, this the 11 day of January, 1993.

James L. Rucker
NOTARY PUBLIC

My Commission Expires: 5-22-93

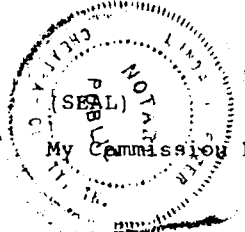
STATE OF TENNESSEE

COUNTY OF SUMNER

PERSONALLY appeared before me, the undersigned, a Notary Public in and for said County and State, the within named W. H. WEMYSS, III, the bargainor, with whom I am personally acquainted and who acknowledged that he executed the within instrument for the purposes therein contained.

310

WITNESS my hand and official seal, this the 12th day of January, 1993.



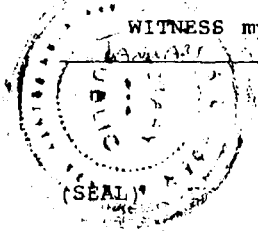
Linda S. Fizer
NOTARY PUBLIC

My Commission Expires: 10/31/95

STATE OF TENNESSEE

COUNTY OF SUMNER

PERSONALLY appeared before me, the undersigned, a Notary Public in and for said County and State, the within named JESSIE WEMYSS RUCKER, the bargainor, with whom I am personally acquainted and who acknowledged that she executed the within instrument for the purposes therein contained.



WITNESS my hand and official seal, this the 11 day of January, 1993.

Linda S. Fizer
NOTARY PUBLIC

My Commission Expires: 10/31/95

STATE OF TENNESSEE

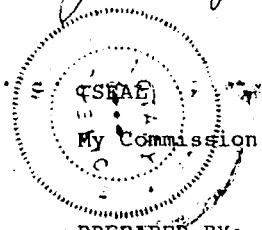
COUNTY OF SUMNER

O A T H

I, OR WE, hereby swear or affirm that the actual consideration for this transfer or value of this property transferred, whichever is greater, is \$ 24007⁵⁰, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

[Signature]
AFFIANT

SUBSCRIBED AND SWORN to before me, this the 13th day of January, 1993.



[Signature]
NOTARY PUBLIC

My Commission Expires: 6/3/96

PREPARED BY: ROGERS & MOORE
119 COURT SQUARE
GALLATIN, TENNESSEE 37066

Return to: Rogers & Moore

EXHIBIT C

6-4-10

EXHIBIT "A"

Beginning at an existing iron pin, said pin being the most South Westerly point of the herein described tract and being the most North Westerly point of the City of Gallatin property Parcel 16 Map 112 conveyed by Record Book 231 Page 451 and being on the Eastern Boundary Line of August Lovemark property Parcel 45 Map 105 conveyed by Record Book 60 Page 590, said tract lying in the 10th Civil District of Sumner County, Tennessee and being a portion of Mary Ellen Wemyss Lovell ETAL property, Parcel 46 Map 105, conveyed by Deed Book 466 Page 219 at the register office of Sumner County, Tennessee, thence with the Western Boundary Line of said property the next three calls N 05 degrees 22' 11" E 528.51 feet to an existing iron pin, thence N 07 degrees 10' 23" E 8.99 feet to an iron pin, thence N 07 degrees 10' 23" E 230.00 feet to an iron pin, thence leaving the Western Boundary Line with a new line the next two calls S 82 degrees 49' 37" E 225.00 feet to an iron pin, thence S 28 degrees 42' 41" E 944.01 feet to an iron pin on the Southern Boundary Line of said property, thence N 83 degrees 00' 26" W 761.71 feet to the point of beginning. Said tract of land containing 8.73 Acres more or less.

Being a portion of the property conveyed to or received by the Grantors as described in Deeds of record in Deed Book 458, Page 587, Deed Book 466, Page 219, and Deed Book 481, Page 250, Register's Office of Sumner County, Tennessee.

ITEM 2
10/25/10 GMRPC MEETING

The City of Gallatin requests the Planning Commission to provide a recommendation to the Gallatin City Council on the Ordinance adopting a Plan of Service for property containing 8.73 (+/-) acres located north of Commerce Way. (6-4-10)

Attachment 2-1 POS Ordinance No. 01010-75
Attachment 2-2 Annexation Ordinance No. 01010-76
Attachment 2-3 GMRPC Resolution No. 2010-35

ANALYSIS

The City of Gallatin is requesting the Planning Commission to provide a recommendation to the Gallatin City Council on the Ordinance adopting a Plan of Service for property containing 8.73 (+/-) acres located north of Commerce Way. The City of Gallatin's water storage tower is located on this property. No portion of this property is located in a flood hazard area.

This property is currently located outside the Gallatin Planning Region; therefore, the City must annex this property in order to bring it into the Gallatin City Limits. The subject property is located within the City of Gallatin's Urban Growth Boundary and is contiguous to the existing City Limits.

The rezoning request for this property is the next item on the agenda. The Planning Commission is required to review the Plan of Service Ordinance and provide a recommendation to the Gallatin City Council. Please refer to Attachment 2-1 for a detailed description of the proposed Plan of Service for this property.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the Annexation Plan of Service request to the Gallatin City Council.

EXHIBIT D

STAFF REPORT

Printed: 20-Oct-2010

@ 10:37 am

File No:

6-4-10

Meeting Date: 10/25/2010
Project: AREA 1 - 2010 - P.O.S/ANNEXATION
Applicant: CITY OF GALLATIN
Requested Action: ANNEXATION

Purpose:

GMRPC Resolution No. 2010-35

Public Comment

The City of Gallatin requests the Planning Commission to provide a recommendation to the Gallatin City Council on the Ordinance adopting a Plan of Service for property containing 8.73 (+/-) acres located north of Commerce Way.

TaxMap # 105 / /046.01

Additional Parcels:

None

Use Classification: COMMUNITY FACILITY
INTERMEDIATE IMPACT
Existing Zoning: COUNTY R1A
Location: NORTH OF COMMERCE WAY (WATER STORAGE SITE)
Parcel Size: 8.73 (+/-) ACRES
Existing Use: WATER STORAGE TANK
PUD: No

Surrounding Land Use & Zoning:

North: PBP
South: IR
East: PBP
West: R15

EXHIBIT D

Departmental Comments & Other Special Information:**Dept of Public Utilities**

9/24/10: No problems

Planning Office

Codes/Planning Department Project Manager: Robert Kalisz/Katherine Schoch

PLANNING: 09/27/10 No comments

This project will be considered at the following City Council Meetings:

- Council Committee: November 9, 2010
- 1st Reading at City Council: November 16, 2010

Ad run for Public Hearing on Thursday, October 28, 2010 (15 days before PH) by Codes/Planning Department.

Public Hearing at City Council: December 7, 2010

2nd Reading at City Council: December 21, 2010

Annexation takes effect on January 21, 2011, 30 days following 2nd Reading on December 21, 2010

The rezoning file traveling with this case will take effect on January 21, 2011, 30 days following 2nd Reading on December 21, 2010

This schedule is subject to change.

CODES: 9/27/10

No comments

Engineering

10/07/10:

No Comments

Fire Dept

10/8/10: No comments

Police Dept

9/27/10

Reviewed: no comments

Analysis

See separate staff analysis

Analysis

Recommendations

See separate staff recommendation

EXHIBIT D



City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: October 26, 2010

TO: Tony Allers, CBO, MCP
Director of Codes/Planning
City of Gallatin
132 W. Main St.
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: October 25, 2010: Gallatin Municipal-Regional Planning Commission Meeting
2010 – Area 1, POS/Annexation: PC File #6-4-10

At the above referenced meeting, the Plan of Service and Annexation was:

- ☒ RECOMMENDED
- ☐ RECOMMENDED WITH CONDITIONS
- ☐ NOT RECOMMENDED
- ☐ DEFERRED

Approval contains the following requirements:

- ☒ CITY COUNCIL APPROVAL
 - Council Committee: 11/9/10
 - 1st Reading at City Council: 11/16/10
 - Ad run for Public Hearing by Codes/Planning Department: 11/18/10
 - Public Hearing at City Council: 12/7/10
 - 2nd Reading at City Council: 12/21/10

This schedule is subject to change.

Annexation takes effect on January 21, 2011, thirty (30) days following 2nd Reading on December 21, 2010

The rezoning file traveling with this case will take effect on January 21, 2011, thirty (30) days following 2nd Reading on December 21, 2010

EXHIBIT **D**



City of Gallatin, Tennessee

Codes/Planning Department

cc: Mayor Jo Ann Graves
Mr. Joe H. Thompson, City Attorney
PC File #6-4-10

EXHIBIT D

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

NOVEMBER 9, 2010

DEPARTMENT: CODES/PLANNING

AGENDA # 5

SUBJECT:

Ordinances #O1010-75, O1010-76, and O1010-74 the Plan of Services, Annexation and rezoning of property containing 8.73 (+/-) acres located north of Commerce Way. PC Files 6-4-10 and 3-20-10

SUMMARY:

The City of Gallatin is requesting the plan of service, annexation and rezoning of 8.73 (+/-) acres located in the Gallatin Planning Region north of Commerce Way. Property to be rezoned from Sumner County R-1A to Industrial Restrictive (IR).

RECOMMENDATION:

After discussion, forward to City Council

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☒
Rejected ☐
Deferred ☐

Notes:

CITY OF GALLATIN
NOV 10 2010 **D**



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

Long Range Planning Division
GIS Mapping & Facilities Data Office
SUITE 1000, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0344
Phone (615)741-3214 and Fax: (615)532-0353
E-Mail: Brian.Terrell@tn.gov

February 11, 2011

Ms. Connie Kittrell
City Recorder
132 West Main Street
Gallatin, TN 37066-3244

RE: New Annexation in the City of Gallatin, Tennessee
Ordinance No. O1010-76

Dear Ms. Kittrell:

This letter is to acknowledge your correspondence pertaining to the referenced project. I have forwarded this information to the GIS Mapping staff along with the Ordinances you provided us with. These modifications to the City Boundary will be shown on the next updated map of Gallatin.

Thank you for keeping us informed of these changes. If there is anything I can assist you with, please contact me at the address listed above.

Sincerely,

A handwritten signature in black ink that reads "Brian Terrell". The signature is fluid and cursive, with the first name "Brian" and last name "Terrell" clearly distinguishable.

Brian Terrell
GIS Tech Manager 2

cc: File