

ORDINANCE NO. 2010-26

AN ORDINANCE AMENDING ORDINANCE NO. 2008-13 EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO CHANGE THE EFFECTIVE DATE OF ANNEXATION OF CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE TOWN, BEING CERTAIN PARCELS ON ANDERSON PIKE ADJACENT TO THE FOX RUN SUBDIVISION IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.

WHEREAS, the Town Council previously passed an annexation Ordinance No. 2008-13 extending the corporate limits of the Town of Signal Mountain to annex certain territory contiguous to the corporate limits of the Town, being certain parcels on Anderson Pike, adjacent to the Fox Run Subdivision which is shown by the attached ordinance and map; and

WHEREAS, the Plan of Services which was attached to Ordinance No. 2008-13 was submitted to the Signal Mountain Planning Commission on July 14, 2008, and a written report was prepared and approved unanimously by the Signal Mountain Planning Commission on September 4, 2008, as required by Tennessee law; and

WHEREAS, after approval and passage of Ordinance No. 2008-13 the Town of Signal Mountain was sued in a *quo warranto* action by certain residents of the Fox Run Subdivision in 2008 and following lengthy litigation of this matter all parties have agreed to compromise and dismiss this action if the Town of Signal Mountain agrees to amend the effective date of this annexation ordinance until December 31, 2012 and the named plaintiffs in this litigation agree to pay municipal taxes for services provided by the Town of Signal Mountain in tax year 2013 for municipal services of the Town set forth in Ordinance No. 2008-13 which shall begin on December 31, 2012; and

WHEREAS, this amendment to the effective date of Ordinance No. 2008-13 and the revised date for services by the Town under its plan of services adopted by Ordinance No. 2008-13 is adopted and the annexation of the hereinafter described territory is deemed necessary for the health, welfare and safety of the residents and property owners thereof, as well as of the Town of Signal Mountain as a whole;

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That under the authority conferred by Chapter 113, Public Acts of 1955, and the amendments thereto (T.C.A. § 6-51-101, et seq.), that Ordinance No. 2008-13 be and hereby is amended to annex to the Town of Signal Mountain, Tennessee, and included within the corporate boundaries of said Town certain parcels on Anderson Pike adjacent to the Fox Run Subdivision, in Hamilton County, contiguous to the corporate boundaries of said Town which is more fully described as follows with an effective date of annexation to be on December 31, 2012 by the agreement and approval of all named plaintiffs in the action styled *George M. McMillan, Jr., Joanne Denise, Marc S. Theisen, Delton Griffith, Bonnie R. Adams, Lester L. Wallace, Lois K. Wallace, Allen Upton, and Jayme Upton, individually and as Aggrieved Residents of the Fox Run and Windtree Subdivisions, and of the Town of Signal Mountain, Tennessee, et. al.,* Hamilton County Chancery Court, Case No. 08-0965, Part 1:

All roads and accepted right of ways in the Fox Run Subdivision shown on the attached map including streets named Bee Tree Lane, Blue Teal Lane, Bristlecone Lane, Bugle Call Way, Cloudcrest Trail, Fox Run Drive, Hobblebush Lane, Pintail Lane, Reynard Trail, Sly Fox Lane, Wingfield Court, Wood Sorrell Lane, and Woodlair Way, and all properties including all property within the following maps and parcels:

Hamilton County Tax Map # 089 013
Hamilton County Tax Map # 089.014.01
Hamilton County Tax Map # 089J A 010

Hamilton County Tax Map # 089 014
Hamilton County Tax Map # 089 015
Hamilton County Tax Map # 089J A 011

Section 2. BE IT FURTHER ORDAINED, That residents of and persons owning property in the above-described territory shall be entitled to all the rights and privileges of citizenship in accordance with the provisions of the Charter of the Town of Signal Mountain, Tennessee, immediately upon annexation on December 31, 2012 as though the above-described territory annexed has always been part of said Town of Signal Mountain, Tennessee and the Agreed Order of Compromise and Dismissal entered October 11, 2010 in the case styled styled *George M. McMillan, Jr., Joanne Denise, Marc S. Theisen, Delton Griffith, Bonnie R. Adams, Lester L. Wallace, Lois K. Wallace, Allen Upton, and Jayme Upton, individually and as Aggrieved Residents of the Fox Run and Windtree Subdivisions, and of the Town of Signal Mountain, Tennessee, et. al.*, Hamilton County Chancery Court, Case No. 08-0965, Part 1 is ratified and adopted by the Town Council as part of this annexation ordinance.

Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto which was submitted to the Signal Mountain Planning Commission and the written report which was approved by the Signal Mountain Planning Commission on September 4, 2008, is adopted as the Plan of Services for this annexation area and shall be implemented in accordance with the terms and methods of services contained therein and the agreement of the named parties in the above styled litigation on or before December 31, 2012.

Section 4. BE IT FURTHER ORDAINED, That this Ordinance shall become operative thirty (30) days from and after its passage, or as otherwise provided by the provisions of T.C.A. § 6-51-102(a).

Section 5. BE IT FURTHER ORDAINED that this Ordinance shall take effect as distinguished from becoming operative, on December 31, 2012, the public welfare requiring it.

Passed First Reading 10/11, 2010

Passed Second Reading 11/11, 2010



Mayor



Town Recorder