

## MEMORANDUM

**TO:** KINGSFORT REGIONAL PLANNING COMMISSION  
**FROM:** Ken Weems, Planner  
**DATE:** 21 November 2011  
**SUBJECT:** Plan of Services Amendment for the McKee Annexation

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### **PRESENTATION**

Upon approval by the majority of property owners, a municipality may amend a plan of services document. The McKee Annexation (file: 06-301-00002) provides for the City to request that AEP install additional streetlights on collector-class and lower streets in accordance with the policy on roadway lighting within three (3) years of the effective date of annexation.

TCA 6-51-108(c) states that a municipality may amend a plan of services by resolution of the governing body only after a public hearing for which the notice has been published at least fifteen (15) days in advance in a newspaper of general circulation. Additionally TCA 6-51-108(3)(C) states that the amendment must receive the approval in writing of a majority of the property owners by parcel of the annexed territory.

For this request, Mr. Jeff McKee, who made the original request for annexation, is still the majority owner of the annexation area by parcel. Attached is Mr. McKee's written request to amend the plan of services for street lights on Eden's View Road and Eagle Pointe Drive until the area surrounding each street is annexed.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AMENDING RESOLUTION NO. 2006-115  
BY AMENDING THAT PORTION OF THE PLAN OF  
SERVICES FOR THE MCKEE ANNEXATION OF THE CITY  
OF KINGSPORT, TENNESSEE PERTAINING TO THE  
PROVISION OF STREET LIGHTS

WHEREAS, the Plan of Services for the McKee Annexation approved by the board in Resolution No. 2006-115 provides for street lights in the annex territory; and

WHEREAS, the majority of the property owners by parcel of the annexed territory have requested in writing that the City amend the Plan of Services approved in Resolution No. 2006-115 to eliminate the installation of street lights on Edens View Road and Eagle Pointe Drive; and

WHEREAS, prior to the adoption of this amendment to the Plan of Services the city held a public hearing on December 20, 2011 regarding the same in accordance with a notice of the time and place of a public hearing published in the Kingsport Times-News on December 5, 2011, more than fifteen (15) days prior to the hearing; and

WHEREAS, the board has determined that it is desirable to amend the resolution so that the Plan of Services eliminates the installation of street lights from both Edens View Road and Eagle Pointe Drive until the territory surrounding each is annexed. Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSPORT, TENNESSEE, as follows:

SECTION I. That the Plan of Services contained in Resolution No. 2006-115 for the McKee Annexation of the City of Kingsport, Tennessee is amended by adding the following sentence to section 9 Street Lighting:

Pursuant to the written request provided to the City a majority of the property owners by parcel of the annexed territory street lights will not be installed for the McKee Annexation until the territory surrounding both Edens View Road and Eagle Pointe Drive is annexed.

SECTION II. That except as amended herein the provisions of Resolution No. 2006-115 adopting the Plan of Services for the McKee Annexation previously adopted by the board is hereby ratified and confirmed and shall remain in effect.

SECTION III. This resolution shall be effective from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of December 2011.

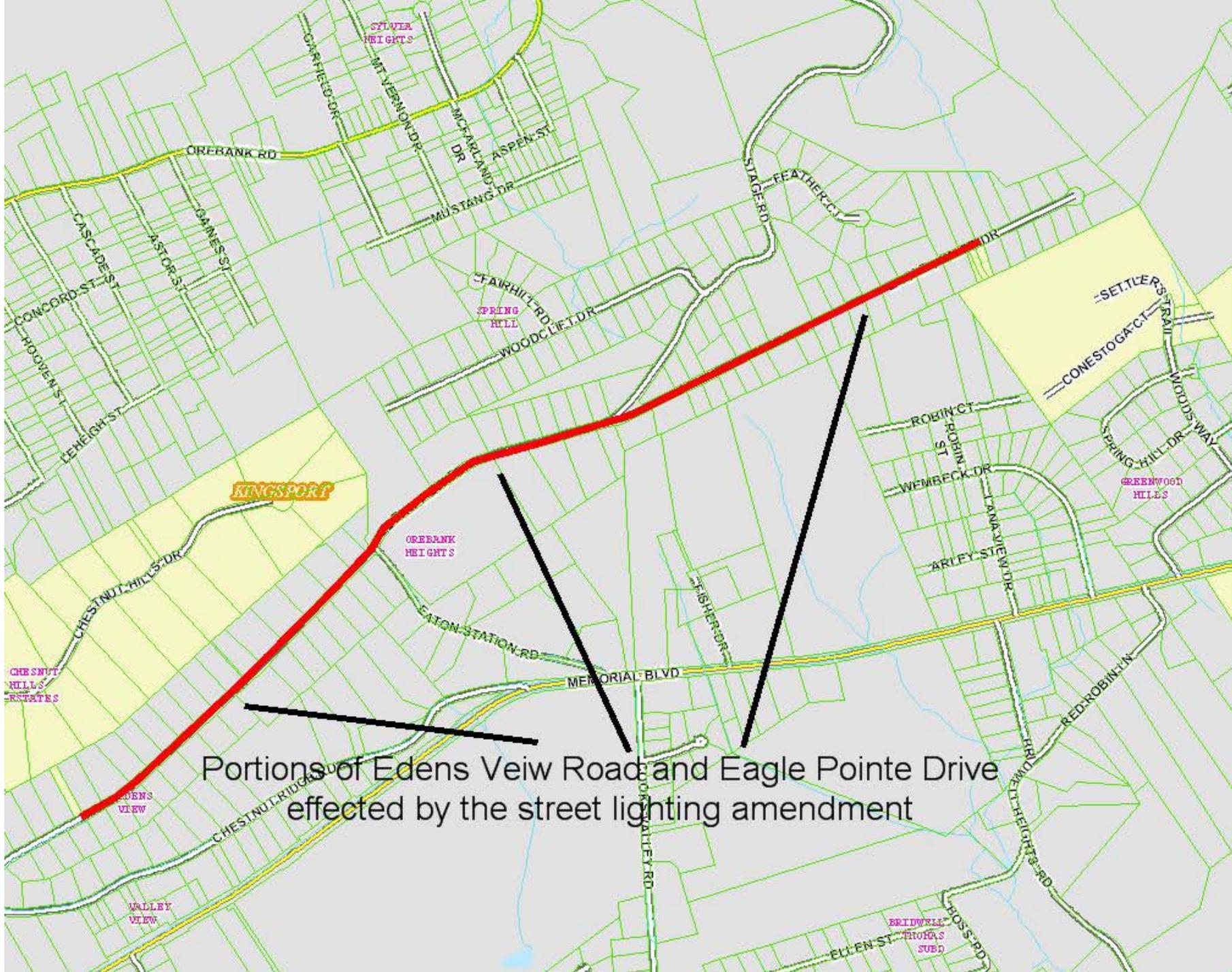
\_\_\_\_\_  
DENNIS R. PHILLIPS  
Mayor

ATTEST:

\_\_\_\_\_  
JAMES H. DEMMING  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
J. MICHAEL BILLINGSLEY  
City Attorney



Portions of Edens View Road and Eagle Pointe Drive  
effected by the street lighting amendment



## CITY OF KINGSPORT, TENNESSEE

Mr. Jeff McKee  
305 Spearhead Circle  
Kingsport, TN 37664

October 29, 2011

Dear Mr. McKee:

On June 2, 2006 your property was annexed into the corporate limits of the City of Kingsport. As part of the annexation process mandated by State law, more specifically Tennessee Code Annotated 6-51-102(b) 1, a plan of services was prepared and adopted by the Board of Mayor and Alderman. Those services mandated by State law include water, sewer and street lights among others and those services must be installed within a reasonable timeframe unless the plan of services is amended. Typically the City utilizes a five-year (5) timeframe for installation of the above services if not sooner to viable developments.

Since the recession, many of the potential subdivisions that have been annexed have not come to fruition and have been delayed indefinitely. The purpose of this letter is to request permission to extend the plan of services for street lighting along Edens View and Eagle Pointe Drive until the surrounding territory is annexed into the City. This in no way affects street lighting within Settler's Ridge Subdivision. Your agreement to extend the plan of services would then be presented by Planning Division staff to the Board of Mayor and Alderman for adoption.

Please sign the area indicated on this letter acknowledging your agreement to the extension of the Plan of Services for street lighting and return to our office at your convenience. Enclosed is a self-addressed envelope for your convenience. Two copies are provided for your signature so you may have one for your records. We can be reached at 423-229-9486 should you have any questions.

Sincerely,

Forrest Koder  
Principal Planner

Mr. Jeff McKee

Date: 10-17-11



## **RESOLUTION NO. 2006-115**

### **A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE McKEE ANNEXATION AREA OF THE CITY OF KINGSPORT, TENNESSEE**

WHEREAS, before any territories may be annexed under Tennessee Code Annotated §6-51-102, the governing body shall have previously adopted a plan of services setting forth the identification and timing of municipal services; and

WHEREAS, before any such plan of services shall have been adopted, it must have been submitted to the local planning commission for study and a written report; and

WHEREAS, a plan of services for the proposed annexation of the McKee Property was submitted to the Kingsport Regional Planning Commission on March 16, 2006, for its consideration and a written report; and

WHEREAS, prior to the adoption of a plan of services, the City shall hold a public hearing; and

WHEREAS, a public hearing was held April 18, 2006; and

WHEREAS, notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the municipality a minimum of seven (7) days prior to the hearing; and

WHEREAS, notice of the time and place of the public hearing was published in the Kingsport Times-News on April 2, 2006; and

WHEREAS, the City of Kingsport, pursuant to the provisions of Tennessee Code Annotated, §6-51-102 has endeavored to annex a portion of the 7th Civil District of Sullivan County, Tennessee, commonly known as the McKee Property Annexation, said area being bounded and further described as follows:

BEGINNING at a point, said point being the northeast corner of parcel 10.00 and the western right-of-way of an unnamed street on the April 2005 Sullivan County tax map 48 and identified as the current corporate limits of Kingsport; thence in a southeasterly direction following the western right-of-way of the unnamed street approximately 300 feet to a point, said point being the southeast corner of parcel 10.00; thence in a southeasterly direction approximately 50 feet crossing the right-of-way of Edens View Road to a point, said point being on the northern property line of parcel 16.55 and on the southern right-of-way of Edens View Road; thence in a northeasterly direction following the southern right-of-way of Edens View Road approximately 6,067 feet to a point, said point being the northwest corner of parcel 9.00, group E, tax map 48G; thence in a southeasterly direction approximately 183.16 feet to a point, said point being the southwest corner of parcel 9 and the north property line of parcel

95; thence in a southwesterly direction approximately 125 feet to a point, said point being the northwest corner of parcel 95 and the northeast corner of parcel 6; thence in a southeasterly direction approximately 910 feet to a point, said point being the southwest corner of parcel 95 and the northwest corner of parcel 16; thence in a northeasterly direction approximately 663 feet to a point, said point being on the north property line of parcel 29 and the southern property line of parcel 95; thence in a northeasterly direction approximately 449.14 feet to a point, said point being the southwest corner of parcel 95 and the northeast corner of parcel 20; thence in a northwesterly direction approximately 880 feet to a point, said point being the northeast corner of parcel 95 and the southeast corner of parcel 16; thence in a southwesterly direction approximately 848.46 feet to a point, said point being the southwest corner of parcel 9 and on the north property line of parcel 95; thence in a northwesterly direction approximately 183.19 feet to a point, said point being the northeast corner of parcel 9 and on the southern right-of-way of Edens View Road; thence in a northwesterly direction approximately 50 feet crossing the right-of-way of Edens View Road to a point, said point being on the property line of parcel 22; thence in a southwesterly direction following the north side of Edens View right-of-way approximately 6,124 feet to a point, said point being the southeast corner of parcel 9 and the intersection of Edens View Road and the unnamed street; thence in a northwesterly direction approximately 300 feet to a point, said point being the northwest corner of parcel 9; thence in a southwesterly direction approximately 50 feet across the unnamed street right-of-way to the point of BEGINNING, and being all of parcels 9.00 and 95.00 and that portion of unnamed street and Edens View Road from the current corporate limits to the eastern most boundary of parcel 9, tax map 48B and as indicated on Sullivan County tax maps 48B, 48C, 48F, 48G, 48H and 48I.

AND WHEREAS, the City of Kingsport deems it advisable to adopt a Plan of Services for the proposed annexation area. Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSPORT, TENNESSEE, as follows:

SECTION I. That a Plan of Services for the McKee Property Annexation as bounded and described above is hereby adopted, subject to an enactment of an annexation ordinance for the annexation area, the said Plan of Services to be as follows:

**McKee Annexation  
Plan of Services**

1. **Police Protection**

All routine police services will be provided on the effective date of annexation.

2. **Fire Protection**

A. Fire suppression and prevention services will be provided on the effective date of annexation. Free fire safety inspections will be available upon

request on the effective date of annexation. Water lines will be upgraded and a 300,000 gallon water tank will be installed to increase fire flow capabilities to the property.

- B. On the effective date of annexation, the Tennessee Insurance Services Office will be requested to rate the annexed area as "Class 3" for insurance purposes. This should result in savings on fire insurance premiums. Residents and property owners should contact their insurance agent for more information.
- C. All structures must be brought into compliance with the City-wide smoke detector ordinance within thirty (30) days of the effective date of annexation. This is strictly to provide residents with the best fire protection service available.

3. **Water**

- A. Water will be billed at in-City rates.
- B. Water line upgrades for adequate fire protection will be completed within five years after the effective date of annexation.

4. **Electricity**

Electricity will continue to be provided by the current electric utility.

5. **Sanitary Sewer**

City of Kingsport sanitary sewer will be extended to the property within five (5) years after the effective date of annexation.

6. **Solid Waste Disposal**

Sanitation garbage (routine household refuse) and trash (grass clippings, tree trimmings, bulky items) collection will be provided to the annexed area on the same basis as that received by properties located within the existing City Limits. Collection will begin within one (1) month following the effective date of annexation.

7. **Road/Street Construction & Repair**

- A. Emergency and routine maintenance of streets will begin on the effective date of annexation.
- B. Cleaning of streets and snow clearing will begin on the effective date of annexation on the same basis as now provided within the present City limits.

- C. All streets affected by utility construction will be paved as soon as possible after the utility construction is completed.

8. **Recreational Facilities**

- A. Residents of the annexed area may use all existing City recreational facilities, programs, parks, etc. on the effective date of annexation with no non-residential fee.
- B. Residents of the annexed area may use all existing library facilities and will be exempt from the non-residential fee on the effective date of annexation.
- C. Residents of the annexed area (50 years or older) will be eligible to use the Senior Citizens Center with no non-residential fees and with transportation provided on the effective date of annexation.

9. **Street Lighting**

Within 90 days of the effective date of annexation the City will take over responsibility (including payment) for dusk-to-dawn lights presently in place that meet City standards. The City will request that AEP install additional streetlights on collector-class and lower streets in accordance with the policy on roadway lighting within three (3) years of the effective date of annexation. Lighting on minor and major arterials will be installed per prevailing city policy.

10. **Zoning Services**

The area will be zoned PD, Planned Development District, as requested by the petitioner for annexation (Jeff McKee).

11. **Schools**

Presently, the area is vacant and undeveloped with a population of zero. However, if school-aged children were present:

- A. Upon annexation, children currently attending County schools will be allowed to attend City of Kingsport schools.
- B. Tuition paid by non-city residents now attending City schools will cease upon the effective date of annexation and those students may continue to attend City schools without charge until graduation.
- C. Children at all grade levels may attend City schools tuition-free. Transportation will be provided for students, whose homes are more than 1.5

miles from their designated school, beginning with the school year following annexation.

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The previous sections are titled and listed in the order prescribed by Tennessee Code Annotated 6-51-102(b)(2). The following sections are provided by the City of Kingsport in addition to the minimum requirements.

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12. **Traffic Control**

The City will verify all street name signs and traffic control devices in accordance with the Manual on Uniform Traffic Control Devices .

13. **Inspection Services**

All inspection services now provided by the City on a fee basis (building, electrical, plumbing, gas, housing, sanitation, etc.) will begin in the annexed area on the effective date of annexation. A free safety inspection of plumbing vents will be required at the time sewer connections are made to make sure that proper protection is available to prevent sewer gas from entering houses.

14. **Animal Control**

Animal control service equivalent to that presently provided within the City will be extended to the annexed area on the effective date of annexation.

15. **Storm Sewers**

The installation of any needed storm sewers will be accomplished in accordance with existing standards and engineering principles provided for by present City policies.

16. **Leaf Removal**

The City's will collect loose leaves with the vacuum truck between October 1 and January 15, and it will be provided to the annexation area on the same basis as it is currently provided to other City residents beginning on the effective date of annexation. Bagged leaves are collected year round.

17. **Litter Control**

The City's litter control program will be extended to the area on the effective date of annexation. It is provided biweekly along major commercial routes and on an "as needed/on call" basis in other areas.

18. **Graffiti Control**

The City's graffiti control program, which is aimed at eliminating graffiti on public rights-of-way such as bridge abutments, street signs, railroad underpasses, and the like, will be extended to the area on the effective date of annexation. It is provided on an "as needed/on call" basis.

19. **Other Services**

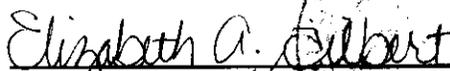
All other services not classified under the foregoing headings such as Executive, Judicial, Legal, Personnel, Risk Management, Fleet Maintenance, Finance and Administration and other support services will be available upon the effective date of annexation.

SECTION II. This Resolution shall be effective from and after its adoption, the public welfare requiring it.

ADOPTED this the 18th day of April, 2006.

  
DENNIS PHILLIPS, Mayor

ATTEST:

  
ELIZABETH A. GILBERT  
Deputy City Recorder

APPROVED AS TO FORM:

  
J. MICHAEL BILLINGSLEY, City Attorney