

ORDINANCE NO. 4292

AN ORDINANCE TO AMEND SECTION 33-62, CODE OF ORDINANCES CITY OF MEMPHIS, RELATING TO SEWERS AND SEWAGE DISPOSAL SO AS TO REQUIRE ANNEXATION OF AREAS PRIOR TO THE EXTENSION OF CITY SEWER SERVICE THERETO.

WHEREAS, the City of Memphis has throughout its history maintained its orderly and continuous growth through the annexation of surrounding areas; and

WHEREAS, it is in the best interest of the citizens of the City of Memphis and its reserve areas that this policy continue in the future; and

WHEREAS, it has been determined by the Administration and Council of the City of Memphis that the best way to ensure orderly future annexation is to tie it in with the provision of City sewer service,

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That Chapter 33, Section 33-62, Code of Ordinances, City of Memphis, be and the same is hereby amended by adding a new subsection (e), which shall read as follows:

(e) Within the City of Memphis reserve area, the owner(s) of property who petition for connection to the City's sanitary sewer system to serve their property shall at that time consent to, petition and request the annexation of such property by the City of Memphis, with said annexation to take place at such time as the City may deem appropriate pursuant to state law. Until such time as annexation occurs, the owner(s) shall agree not to seek either incorporation as a separate entity nor annexation to any other incorporated area.

The consent to annexation shall be incorporated as a part of the City of Memphis Land Development and/or Sewer Contract(s). At the time the Sewer/Land Development Contract is entered into, the property owner shall submit his petition for annexation to the City.

The above-described consent to annexation by the City of Memphis shall be made a restrictive covenant imposed by the property owner(s) upon the property, which shall run with the land and shall be binding upon all heirs, successors and assigns. Such covenant shall be recorded in the Office of the Shelby County Register, and it shall be the duty of

*OPD  
Bot of City  
Rich. G. Jones*

the original property owner and all subsequent property owners to disclose the existence of said covenant to any parties to whom the property or a portion thereof is conveyed. Reference to such recorded covenant shall be evidenced on any final plat or plan of development prior to the recordation of said plat or plan in the Office of the Shelby County Register. It shall be the responsibility of the Division of Planning and Development to ensure that the signed petition for annexation is submitted by the property owner and that the covenant appears on the plat or plan prior to signing and recordation of said final plat or plan.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

FLORENCE LEFFLER  
Chairman of Council

Attest:  
Danny N. Wray  
Comptroller

THE FOREGOING ORDINANCE  
# 4292 PASSED  
1st Reading 11-1-94  
2nd Reading 11-15-94  
3rd Reading 11-22-94  
Approved Florence D. Leffler  
Chairman of Council

Date Signed: \_\_\_\_\_

APPROVED:  
[Signature]  
Mayor, City of Memphis

Date Signed: 12/13/94

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

[Signature]  
Comptroller



# Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET MEMPHIS, TENNESSEE 38103 - 2084 (901) 576 - 6601

## MEMORANDUM

TO: Jim Kincaide, Jerry Sexton, Terry Emerick

FROM: Cindy Buchanan *CAB*

DATE: March 10, 1995

SUBJECT: Implementation of Petition for Annexation

As of February 15, 1995, all final plats or plans without Letters of Conformance, that are in the Memphis Reserve Area, will need to complete the Petition for Annexation and make it a part of the recorded document.

The actual language to be placed on the plans/plats is attached.

*cc: Land Use Controls Staff*

**PETITION FOR ANNEXATION BY THE CITY OF MEMPHIS**

I \_\_\_\_\_ (*owner's name*) owner of the property shown on this plan of development, request that the City of Memphis annex the land contained within this plan of development at the time the City deems appropriate. I further covenant that this request shall be binding on all successors, their heirs or assigns and shall be a covenant running with the land, in accordance with the terms of the restrictive covenant to be made a part of the plat of subdivision, final plan or deed. I hereby grant the City the right to enforce the provisions of this petition.

\_\_\_\_\_  
*SIGNATURE*

\_\_\_\_\_  
*DATE*

State of Tennessee, County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared \_\_\_\_\_, with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be (vice-president, owner, etc.) of the (property, company, etc.), the within named bargainer, and he executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

**RESTRICTIVE COVENANT**

WHEREAS, \_\_\_\_\_ (*owner's name*) the owner of this plan of development wishes to obtain sanitary sewer service for this plan of development from the City of Memphis.

NOW, THEREFORE, the owner of this plan of development hereby petitions the City of Memphis to annex the land contained within this plan of development when and in the manner deemed necessary by the City of Memphis and grants the City the right to enforce the provisions of this covenant.

This covenant is binding on the owners, their heirs or successors and assigns and is a covenant running with the land and is binding until fulfilled on all successors in title to the above described property when recorded with the Shelby County Register's Office.

The following statement shall be placed on all deeds or transfers, either in whole or in part, of this property:

"This property is located in the Memphis Annexation Reserve Area. The owner has petitioned the City of Memphis to annex the property at such time as the City deems appropriate and grants the City the right to enforce the provisions contained in the plat of record. This covenant shall be binding on all successors, their heirs or assigns."

\_\_\_\_\_  
*SIGNATURE*

\_\_\_\_\_  
*DATE*

State of Tennessee, County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared \_\_\_\_\_ with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be (vice-president, owner, etc.) of the (property, company, etc.), the within named bargainer, and he executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_



# Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

April 19, 1995

## Development Industry Representative:


In November, 1994 the City Council passed an ordinance that will affect some owners of property located in the Memphis Annexation Reserve Area of the County. The ordinance requires any owner who requests connection to the Memphis sanitary sewer system to petition for annexation of the property when deemed appropriate by the city of Memphis. We are sending this letter in order to provide you with information on how this ordinance will be implemented.

To meet the intent of the ordinance when a final plan requesting city of Memphis sewer service comes forward, a Petition for Annexation and a Restrictive Covenant will be signed by the owner and placed on the plat and recorded. I have enclosed a copy of the Petition and the Covenant to be placed on the plan, and a map showing the Memphis Annexation Reserve Area.

As the ordinance went into effect December 13, 1994, implementation has already begun and any final plan for a Subdivision or Planned Development currently in review that requests sewer service will need to meet this ordinance. In addition, any request for sewer connection or extension through the Public Works Department will need to have the Petition and Covenant executed.

If you have any questions concerning this matter, please feel free to call the Land Use Control staff at 576-6619.

Sincerely,

  
Cynthia Buchanan  
Director, Office of Planning  
and Development

  
Wade Morgan

CB/paw

Attachment

5727U

## RESTRICTIVE COVENANT

WHEREAS, \_\_\_\_\_ (*owner's name*) the owner of this plan of development wishes to obtain sanitary sewer service for this plan of development from the City of Memphis.

NOW, THEREFORE, the owner of this plan of development hereby petitions the City of Memphis to annex the land contained within this plan of development when and in the manner deemed necessary by the City of Memphis and grants the City the right to enforce the provisions of this covenant.

This covenant is binding on the owners, their heirs or successors and assigns and is a covenant running with the land and is binding until fulfilled on all successors in title to the above described property when recorded with the Shelby County Register's Office.

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\_\_\_\_\_  
*SIGNATURE*

\_\_\_\_\_  
*DATE*

State of Tennessee, County of Shelby

Before me, the undersigned, a notary public in and for said State and County at Memphis duly commissioned and qualified, personally appeared \_\_\_\_\_, with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be the (vice-president, owner etc.) of the (property, company, etc.) the within named bargainer, and he executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office this \_\_\_\_\_ day of \_\_\_\_\_.

NOTARY  
PUBLIC

MY COMMISSION  
EXPIRES

# PETITION FOR ANNEXATION BY THE CITY OF MEMPHIS

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\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

State of Tennessee, County of Shelby

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NOTARY  
PUBLIC

MY COMMISSION  
EXPIRES