

Loudon County, Tennessee v. City of Lenoir City, Tennessee

Served On: **City of Lenoir City, Tennessee**  
 c/o Hon. Tony Aikens, Mayor  
 530 Hwy. 321 N.  
 Lenoir City, TN 37771

ORIGINAL

You are hereby summoned to defend a civil action filed against you in Circuit Court, Loudon County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: February 14, 2023

Sabatha Spasser

Clerk / Deputy Clerk

Attorney for Plaintiff: **Kyle A. Baisley; W. Michael Baisley**  
 1111 N. Northshore Drive, Suite S-700, Knoxville, TN 37919

**NOTICE OF PERSONAL PROPERTY EXEMPTION**

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. Please state file number on list.

Mail list to **Hon. Steve Harrelson, Circuit Court Clerk, Loudon County**  
 P.O. Box 280, Loudon, TN 37774

FILED 11:12 AM/PM

**CERTIFICATION (IF APPLICABLE)**

I, \_\_\_\_\_, Clerk of \_\_\_\_\_ County do certify this to be a true and correct copy of the original summons issued in this case.

Date: \_\_\_\_\_  
 Clerk / Deputy Clerk

FEB 14 2023  
STEVE HARRELSON  
CIRCUIT COURT CLERK  
Spasser D.C.

**OFFICER'S RETURN:** Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

I certify that I have served this summons together with the complaint as follows: on Walter Johnson, City Attorney for the City of Lenoir City, Tennessee at City Hall Bldg.

Date: 2/14/23 @ 11:42 am. By: Kyle A. Baisley, Attorney

1111 N. Northshore Dr  
Long, Ragsdale & Waters PC, S-700  
Knoxville, TN 37919

KA Baisley

530 Hwy 321 Lenoir City TN 37771

**RETURN ON SERVICE OF SUMMONS BY MAIL:** I hereby certify and return that on \_\_\_\_\_, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant \_\_\_\_\_. On \_\_\_\_\_ I received the return receipt, which had been signed by \_\_\_\_\_ on \_\_\_\_\_. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: \_\_\_\_\_  
 Notary Public / Deputy Clerk (Comm. Expires \_\_\_\_\_)

Signature of Plaintiff \_\_\_\_\_  
 Plaintiff's Attorney (or Person Authorized to Serve Process)  
 (Attach return receipt on back)

ADA: If you need assistance or accommodations because of a disability, please call \_\_\_\_\_

IF YOU NEED ASSISTANCE OR ACCOMMODATIONS DUE TO A DISABILITY / HANDICAP, PLEASE CALL : AMERICAN DISABILITIES COORDINATOR AT (865) 458-4850

201 Alma Place  
Loudon, TN 37774  
(865)458-2042

No: 111817  
Receipt Date: 02/14/2023  
System Date: 02/14/2023

Received Of: Long, Ragsdale & Waters Total Amount Paid: \$324.50

Payment Method/No: Business Check 48056 \$324.50

Amount Tendered: \$324.50

Amount Returned: \$0.00

Case: 53CC1-2023-CV-15

Loudon County, Tennessee vs. City of Lenoir City, Tennessee;

Amount Paid: PAID IN FULL 324.50

Steve Harrelson

By:

Tabatha Loposser, Tabatha

IN THE CIRCUIT COURT FOR LOUDON COUNTY, TENNESSEE

LOUDON COUNTY, TENNESSEE )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CITY OF LENOIR CITY, TENNESSEE )  
 )  
 Defendant. )

Civil Action No. 2023-CV-15  
FILED  
TIME 11:12 AM/PM

FEB 14 2023

**COMPLAINT FOR DECLARATORY JUDGMENT**  
**AND BREACH OF CONTRACT**  
STEVE HARRELSON  
CIRCUIT COURT CLERK  
*[Signature]* D.C.

Comes the Plaintiff, Loudon County, Tennessee, by and through the undersigned counsel, and sues the City of Lenoir City, Tennessee, seeking the following from this Court: (1) declaratory relief pursuant to the Tennessee Declaratory Judgments Act codified in Tenn. Code Ann. § 29-14-101 *et seq.*, namely, declaration by this Court regarding the invalidity of certain Resolutions and Ordinances of the City of Lenoir City, acting by and through the City Council for Lenoir City, Tennessee (also known as the Board of Mayor and Aldermen for the City of Lenoir City, Tennessee), in which the City of Lenoir City attempted to annex certain real property located in Loudon County, Tennessee and designate zoning classifications and approve plans of services therefor, without complying with applicable Tennessee law which created annexation rights in the State of Tennessee and in violation of that certain Resolution and Interlocal Agreement dated as of April 11, 2005 by and between Loudon County, Tennessee and the City of Lenoir City, Tennessee; and (2) specific performance relating to the City of Lenoir City's breach of that certain Resolution and Interlocal Agreement dated as of April 11, 2005 by and between Loudon County, Tennessee and the City of Lenoir City, Tennessee. In support thereof, the Plaintiff, Loudon County, Tennessee states as follows:

## PARTIES

1. The Plaintiff Loudon County, Tennessee (“Loudon County”) is a County of the State of Tennessee and is located in Loudon County, Tennessee.

2. The Defendant the City of Lenoir City, Tennessee (“Lenoir City”) is a municipal corporation formed under the laws of the State of Tennessee and is located in Loudon County, Tennessee. The Defendant may be served with process by serving a copy of the Complaint and Summons upon the Lenoir City Mayor, Tony Aikens at 530 Hwy 321 N, Lenoir City, Tennessee 37771.

## JURISDICTION & VENUE

3. This is a suit in which Loudon County is seeking declaratory relief and breach of contract claims against Lenoir City. The events complained of by Loudon County occurred in Loudon County, Tennessee. The contract at issue is between Loudon County and Lenoir City, both of which are domiciled in Loudon County, Tennessee. As such, this Court has jurisdiction over the Parties and the subject matter pursuant to Tenn. Code Ann. § 16-10-101 and Tenn. Code Ann. § 29-14-102(a). This Court is also a proper venue pursuant to Tenn. Code Ann. § 20-4-101(a) and (b).

## FACTS

### **Loudon County, Tennessee Growth Plan**

4. Tenn. Code Ann. § 6-58-101 *et seq.*, which established the statutory framework for Tennessee’s “Comprehensive Growth Plan,” provides, in § 102 thereof, as follows: “With this chapter, the [Tennessee] general assembly intends to establish a comprehensive growth policy for this state that: ... 2. Establishes incentives to annex or incorporate *where appropriate*; 3. More closely *matches the timing of development and the provision of public services*; 4. *Stabilizes each county’s education funding base* and establishes an incentive for each county

legislative body to be more interested in education matters; and 5. *Minimizes urban sprawl.*” (emphasis added)

5. Tenn. Code Ann. § 6-58-104 established in each county throughout Tennessee a coordinating committee consisting of various representatives within the county who were charged with developing a comprehensive growth plan for their respective counties which would help to meet the aforementioned goals and purposes set forth by the Tennessee legislature in Tenn. Code Ann. § 6-58-102.

6. In June 2000, the coordinating committee for Loudon County agreed upon a proposed Loudon County Growth Plan pursuant to Tenn. Code Ann. § 6-58-101 *et seq.* that the coordinating committee believed would address the goals and purposes established by the Tennessee legislature as provided in Tenn. Code Ann. § 6-58-102, which was then adopted by Loudon County on June 5, 2000, adopted by Lenoir City on April 10, 2000 and then approved by the Tennessee State Planning Advisory Committee on June 28, 2000. A copy of the aforementioned Loudon County Growth Plan agreed upon by the Loudon County coordinating committee, adopted by Loudon County and Lenoir City, and approved by the State of Tennessee is attached hereto as **Exhibit A** (the “Loudon County Growth Plan”).

7. The area within the Urban Growth Boundaries of Loudon County, Tennessee consists of that area shaded in purple on the Loudon County Growth Plan (the “UGB”).

#### **Interlocal Agreement**

8. On January 23, 2004, Loudon County filed a Complaint in the Loudon County Chancery Court against Lenoir City, Court Civil Action No. 10456, in which Loudon County sought declaratory relief relating to Lenoir City’s attempted annexation of certain parcels of real property located in Loudon County, Tennessee (the “2003 Lawsuit”), which Loudon County alleged were in violation of applicable Tennessee law.

9. In connection with the settlement of the 2003 Lawsuit, Loudon County and Lenoir City entered into that “RESOLUTION AND INTERLOCAL AGREEMENT BETWEEN

LOUDON COUNTY, TENNESSEE AND LENOIR CITY, TENNESSEE REGARDING LENOIR CITY, TENNESSEE ANNEXATIONS,” which was adopted by Loudon County on April 4, 2005, as set forth in Loudon County Resolution No. 040405-A, and adopted by Lenoir City on April 11, 2005, as set forth in City of Lenoir City Resolution No. 2005-4-11-1678A, in which Loudon County agreed to dismiss the 2003 Lawsuit and abandon its efforts to obtain declaratory relief invalidating Lenoir City’s annexation of approximately forty (40) of the parcels of real property at issue in exchange for Lenoir City’s agreeing to certain restrictions relating to Lenoir City’s future annexation of real property located in Loudon County. A copy of the aforementioned Resolution and Interlocal Agreement is attached hereto as **Exhibit B** (the “Interlocal Agreement”).

10. Section 1 of the Interlocal Agreement provides as follows: “The Urban and Planned Growth Boundaries as agreed upon and approved by the Tennessee State Planning Advisory Committee on June 28, 2000 are hereby confirmed and ratified.”

11. Section 3 of the Interlocal Agreement provides as follows: “All future parcels of property to be included for annexation(s) by Lenoir City, Tennessee shall be located within the Urban and Planned Growth Boundaries referenced above and shall be annexed by request of the parcel property owner(s), or by their consent to annexation, without regard to subject property’s contiguous nature to the actual city limits of Lenoir City, Tennessee, then in effect at the time of the annexation. *In all other respects future annexations by Lenoir City shall comply with Tennessee Public Chapter 1101* [as codified in Tenn. Code Ann. § 6-58-101 *et seq.*].” (emphasis added)

12. In Section 5 of the Interlocal Agreement, Loudon County and Lenoir City agreed as follows: “Any property parcels requesting annexation by Lenoir City which are *located outside of the Urban and Planned Growth Boundaries* referenced [in the Loudon County Growth Plan] shall be written request [sic] to *be approved first by Loudon County Commission,*

and *then secondarily approved by Lenoir City Council in order to be annexed...*” (emphasis added)

13. Section 6 of the Interlocal Agreement provides as follows: “This resolution and interlocal agreement shall remain in effect for the duration of the Public Chapter 1101 Growth Plan approved by the state and local government planning advisory planning committee of June 28, 2000, and any subsequent amendments or modifications thereto, or *until such time as both parties hereto agree cooperatively to repeal, alter, amend or disregard this agreement...*” (emphasis added)

14. As of the date of the filing of this Complaint, the Loudon County Growth Plan is still in effect and has not been amended since its adoption and approval in June 2000.

15. As of the date of the filing of this Complaint, Loudon County has continued to recognize the approximately forty (40) parcels of real property that it allowed Lenoir City to annex in settling the 2003 Lawsuit as properly annexed property lying within Lenoir City’s municipal boundaries.

16. As of the date of the filing of this Complaint, Loudon County and Lenoir City have not both agreed, in any cooperative fashion, in writing or otherwise, to repeal, alter, amend or disregard the Interlocal Agreement.

17. Tenn. Code Ann. § 6-58-104(a)(6)(A) provides as follows: “*A municipality may make binding agreements* with other municipalities and *with counties to refrain from exercising any power or privilege granted to the municipality by this title* [Title 6 of Tennessee Code Annotated], **to any degree contained in the agreement including, but not limited to, the authority to annex.**” (emphasis added)

18. Accordingly, as of the date of the filing of this Complaint, the Interlocal Agreement remains a binding and enforceable agreement between Loudon County and Lenoir City per its terms.

## **Purported Annexation of Parcel No. 009 118.00**

19. On or about March 3, 2020, a document entitled “Agenda Application Form # 0098” was submitted to the Lenoir City Regional Planning Commission in the name of “JC Ross Family Trust,” in which “JC Ross Family Trust” purportedly requested annexation by Lenoir City of that certain real property consisting of approximately one hundred twenty-four (124) acres located at 5744 Hwy 321, Lenoir City, Tennessee 37771, also known as Parcel No. 009 118.00 (“Parcel 118”) into Lenoir City’s R-3 zoning district. A copy of the aforementioned Agenda Application Form # 0098 is attached hereto as **Exhibit C** (the “Parcel 118 Application”).

20. The record owners of Parcel 118 at the time that the Parcel 118 Application was submitted to Lenoir City consisted of the following five (5) tenants in common: (a) Gary C. Ross, as Trustee of the J.C. Ross Family Trust dated April 15, 2004; (b) Gary C. Ross, individually; (c) Kathy Ross Wilson, individually; (d) Robert S. Baumgardner Sr., as Devisee under the terms of the Last Will and Testament of Ernestine Ross Baumgardner; and (e) Carole Ross Harris (collectively, the “Parcel 118 Owners”).

21. The Parcel 118 Application is not signed by any of the Parcel 118 Owners or by anyone else.

22. The Parcel 118 Application does not contain any notary acknowledgments, and therefore was deficient per Tenn. Code Ann. § 6-58-118.

23. In response to a records request relating to all documents and information relating to the Parcel 118 Application that was submitted to Lenoir City, Walter Johnson, City Attorney for Lenoir City produced a letter dated February 13, 2020 from “Ross J C Family Trust” to the Lenoir City Planning Department which purportedly contains the signatures of Gary Ross, Ernestine Ross Baumgardner and Carole Ross Harris, in which the “Ross Family Trust” purportedly requested that Lenoir City annex Parcel 118, classify Parcel 118 in Lenoir City’s R-3 High Density Residential District and noting that Parcel 118 was in the process of being sold to

Belle Investment Company. A copy of that letter is attached hereto as **Exhibit D** (the “Ross Letter”).

24. The purported signature of Ernestine Ross Baumgardner on the Ross Letter is dated February 13, 2020.

25. Ernestine Ross Baumgardner died on January 2, 2020, some forty-two (42) days prior to the date of her purported signature on the Ross Letter. A copy of the obituary for Ernestine Ross Baumgardner as published on Bennett Funeral Homes website at [https://www.bennettfuneralhomes.com/obituaries/print?o\\_id=6828656](https://www.bennettfuneralhomes.com/obituaries/print?o_id=6828656) is attached hereto as **Exhibit E**.

26. Upon information and belief, Ernestine Ross Baumgardner did not sign the Ross Letter.

27. Upon information and belief, based on a statement made to the undersigned counsel by Michelle Fritz Harris, a member of the Ross family (through her late mother, Carole Ross Harris), the Parcel 118 Owners never intended to apply to Lenoir City for annexation and/or rezoning of Parcel 118 and never wanted Parcel 118 to be annexed or rezoned by Lenoir City. According to Michelle Fritz Harris, the Ross family had no idea that the Parcel 118 Application was submitted for annexation in the name of the “JC Ross Family Trust,” with or without the Ross Letter, which she claims, if signed, was signed in error by the three signatories thereto.

28. The Ross Letter was missing signatures from three (3) of the Parcel 118 Owners, namely, Gary C. Ross, as Trustee of the J.C. Ross Family Trust dated April 15, 2004, Kathy Ross Wilson, individually, and Robert S. Baumgardner Sr., as Devisee under the terms of the Last Will and Testament of Ernestine Ross Baumgardner.

29. The Parcel 118 Application was defective and void, on its face, for the aforementioned reasons.

30. Notwithstanding the defects pertaining to the Parcel 118 Application, the purported request for annexation of Parcel 118 and designation of R-3 High Density Residential District zoning for Parcel 118 by Lenoir City appeared on the Lenoir City Regional Planning Commission's agenda for March 3, 2020, a copy of which is attached hereto as **Exhibit F**, as Agenda Item No. 2 entitled "Request for annexation of property located at 5744 Highway 321 N to be zoned R-3 High Density Residential District-*Travis Fuller*." (emphasis added)

31. Travis Fuller's name does not appear anywhere on the Parcel 118 Application or in the Ross Letter.

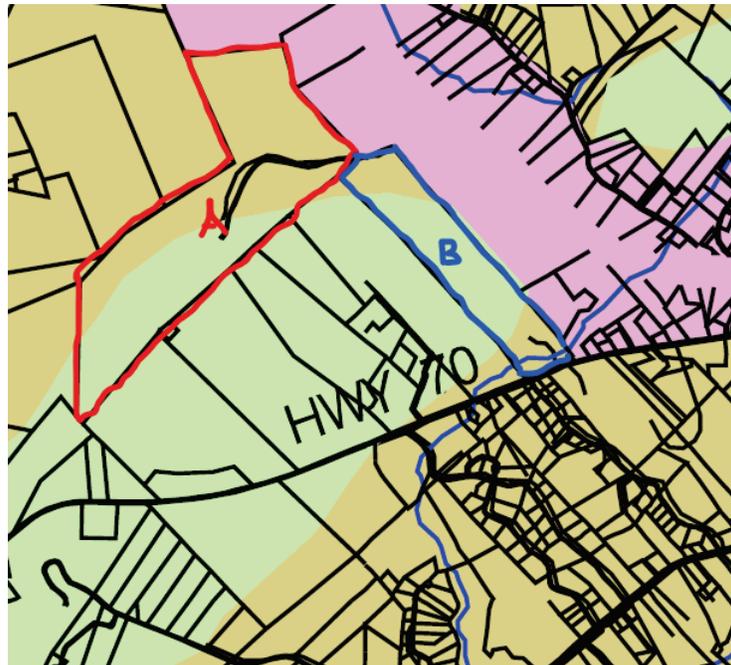
32. Upon information and belief, Travis Fuller submitted the Parcel 118 Application and the Ross Letter to Lenoir City without any of the Parcel 118 Owners' knowledge or consent.

33. The Minutes of the Lenoir City Regional Planning Commission meeting on March 3, 2020, dated May 5, 2020, a copy of which is attached hereto as **Exhibit G** (the "Parcel 118 Minutes"), reflects that the Lenoir City Regional Planning Commission approved, as Agenda Item #2, the purported request for annexation of Parcel 118 and zoning designation of R-3 High Density Residential District for Parcel 118 by Lenoir City for forwarding to the Lenoir City Council for further approval.

34. Notwithstanding the wholly deficient Parcel 118 Application, the Lenoir City Council then approved the purported request for annexation of Parcel 118 and zoning designation of R-3 High Density Residential District for Parcel 118, as memorialized in Resolution No. 2020-05-11-2252BR, entitled "A RESOLUTION ANNEXING PROPERTY LOCATED AT 5744 HIGHWAY 321 N, CONTAINING APPROXIMATELY 124.33 ACRES, FURTHERMORE IDENTIFIED AS LOUDON COUNTY TAX MAP 009, PARCEL 118.00 ***BEING LOCATED WITHIN THE LENOIR CITY URBAN GROWTH BOUNDARY***," adopted by the Lenoir City Council on May 11, 2020, a copy of which is attached hereto as **Exhibit H** (the "Parcel 118 Resolution"). (emphasis added)

35. The Parcel 118 Resolution states, in its recitals, as follows: “**WHEREAS**, These parcels are *located within the City of Lenoir City’s Urban Growth Boundary*, as adopted in the Loudon County Growth Plan approved by the State of Tennessee in June 2000.” (emphasis added)

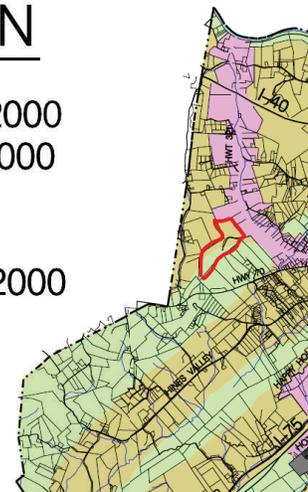
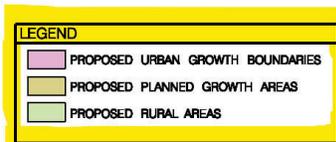
36. Parcel 118 is outlined in red and identified as “A” in the image below, which is an excerpt from the Loudon County Growth Plan:



37. Parcel 118 is clearly not located within the UGB, which is the area on the Loudon County Growth Plan that is shaded purple, per the legend for the Loudon County Growth Plan depicted below (Parcel 118 is also outlined in red in that image):

## LOUDON COUNTY GROWTH PLAN

FINAL ADOPTION: LOUDON COUNTY – JUNE 5, 2000  
CITY OF LOUDON – MAY 15, 2000  
LENOIR CITY – APRIL 10, 2000  
GREENBACK – APRIL 11, 2000  
PHILADELPHIA – JANUARY 10, 2000



38. The Parcel 118 Resolution also states, in its recitals, as follows: “**WHEREAS,** The Lenoir City Planning Commission has reviewed and recommended approval of the Annexation of the identified property as being *consistent with the requirements of §6-51-102(b) of Tennessee Code Annotated.*” (emphasis added)

39. Tenn. Code Ann. § 6-51-102(b) provides as follows: “Before any territory may be annexed under this part, the governing body of the municipality shall adopt a plan of services establishing at least the services to be delivered and the projected timing of the services. Upon adoption of the plan of services, *the municipality shall cause a copy of the plan of services to be forwarded to the county mayor in whose county the territory being annexed is located.* The plan of services shall be reasonable with respect to the scope of services to be provided and the timing of the services.” (emphasis added)

40. The Loudon County Mayor never received a copy of the plan of services for Parcel 118 as approved by Lenoir City prior to its purported annexation of Parcel 118.

41. Notwithstanding Parcel 118 lying entirely outside of Loudon County’s UGB, and absent Lenoir City’s obtaining prior approval from Loudon County Commission for the annexation of Parcel 118, as required by the Interlocal Agreement, the Parcel 118 Resolution provides as follows: “**Section 1.** Pursuant to Tennessee Code Annotated § 6-51-104 there is hereby annexed to the City of Lenoir City, Tennessee and incorporated within the corporate boundaries of the City of Lenoir City the following parcel of property more specifically identified by the attached map shown as Exhibit 1, said map being a part of this Ordinance. A. Situated in the Fifth (5<sup>th</sup>) Civil District of Loudon County, Tennessee, identified as the properties shown on Loudon County Tax Map 009, Parcel 118.00 containing approximately 124.33 acres, that is not presently within the Corporate limits of the City of Lenoir City, Tennessee, said property *owned by J C Ross Family Trust.* **Section 2.** The parcel shall be zoned R-3 High Density Residential District, 124.33 acres as shown on the attached map.” (emphasis added)

42. The J.C. Ross Family Trust dated April 15, 2004 was only one (1) of five (5) owners of Parcel 118 at the time that the Parcel 118 Resolution was adopted by Lenoir City.

43. Tenn. Code Ann. § 6-51-104(b)(1)(A) provides as follows: “A copy of the resolution, describing the territory proposed for annexation, shall be promptly sent by the municipality to the last known address listed in the office of the property assessor for each property owner of record within the territory proposed for annexation. The resolution shall be sent by first class mail and shall be mailed no later than fourteen (14) calendar days prior to the scheduled date of the hearing on such proposed annexation. *The resolution shall also be published by posting copies of it in at least three (3) public places in the territory proposed for annexation and in a like number of public places in the municipality proposing such annexation, and by publishing notice of such resolution at or about the same time in a newspaper of general circulation, if there is one, in such territory and municipality.* The resolution shall also include a plan of services for the area proposed for annexation. *The plan of services shall comply with the requirements of § 6-51-102, including the public hearing and notice requirements,* prior to the adoption of the resolution. *Upon adoption of the plan of services, the municipality shall cause a copy of the resolution to be forwarded to the county mayor in whose county the territory being annexed is located.* ... After receiving the notice from the municipality as provided in subdivision (b)(1), the county mayor shall notify the appropriate departments within the county regarding the information received from the municipality.” (emphasis added)

44. The Parcel 118 Resolution was accompanied by Lenoir City Ordinance No. 2020-05-11-2252-BO, entitled “AN ORDINANCE PROVIDING A PLAN OF SERVICES FOR CERTAIN PROPERTIES PROPOSED FOR ANNEXATION INTO THE CITY OF LENOIR CITY BY ORDINANCE NO. 2020-05-11-2252-BO, PURSUANT TO §6-51-102 OF TENNESSEE CODE ANNOTATED, SAID PROPERTY BEING APPROXIMATELY 124.33 ACRES LOCATED AT 5744 HIGHWAY 321 N, FURTHERMORE IDENTIFIED AS

LOUDON COUNTY TAX MAP 009, PARCEL 118.00 *BEING LOCATED WITHIN THE LENOIR CITY URBAN GROWTH BOUNDARY,*” adopted by the Lenoir City Council on March 9, 2020 (First Reading) and again on May 11, 2020 (Second Reading) (the “Parcel 118 Ordinance”) (emphasis added), in which Lenoir City purports to establish a plan of services for Parcel 118. A copy of the Parcel 118 Ordinance is attached hereto as **Exhibit I**.

45. Upon information and belief, Lenoir City did not comply with the posting requirements set forth in Tenn. Code Ann. § 6-51-104(b)(1)(A) prior to its purported annexation of Parcel 118, designating it as zoned R-3 High Density Residential Development and establishing a plan of services for Parcel 118.

46. The Parcel 118 Ordinance provides, in its recitals, as follows: “**WHEREAS**, a public hearing is scheduled for Monday, May 11, 2020 at 5:50 P.M. in Lenoir City Hall and notice thereof was published in the Loudon County News Herald April 23, 2020, of which is a paper of general circulation within the county, and was published at least fifteen (15) days prior to the public hearing date.”

47. The undersigned counsel has been unable to locate a copy of the Parcel 118 Ordinance, the Parcel 118 Resolution or any other information relating to Lenoir City’s annexation of Parcel 118 in the archives for the Loudon County News Herald on April 23, 2020 or on any other date on or around the time in which the Parcel 118 Ordinance, the Parcel 118 Resolution or any other information relating to Lenoir City’s annexation of Parcel 118 was considered and voted on by the Lenoir City Regional Planning Commission or by the Lenoir City Council.

48. Lenoir City has indicated to the undersigned, and to the general public in its Lenoir City Council meeting on January 23, 2022, that it published the Parcel 118 Resolution in The Daily Edition at or about the same time as Lenoir City Council’s adoption of the Parcel 118 Resolution, the Parcel 118 Ordinance and its purported annexation of Parcel 118.

49. The undersigned counsel has been unable to locate a copy of the Parcel 118 Resolution, the Parcel 118 Ordinance or any other information relating to Lenoir City's annexation of Parcel 118 in the unofficial archives for issues of The Daily Edition as posted at [http://www.vanshaver.com/daily\\_edition\\_2020\\_\\_\\_contact.htm](http://www.vanshaver.com/daily_edition_2020___contact.htm) at or around the time of Lenoir City Council's adoption of the Parcel 118 Resolution and Parcel 118 Ordinance.

50. Upon information and belief, neither the Parcel 118 Resolution, the Parcel 118 Ordinance nor any other information relating to Lenoir City's purported annexation of Parcel 118 was ever published in the Loudon County News Herald or in The Daily Edition at or around the time of Lenoir City Council's adoption of the Parcel 118 Resolution and Parcel 118 Ordinance and/or purported annexation of Parcel 118.

51. However, to the extent the Parcel 118 Resolution, the Parcel 118 Ordinance or any information relating to Lenoir City's purported annexation of Parcel 118 was published in The Daily Edition at or around the time of Lenoir City Council's adoption of the Parcel 118 Resolution and/or the Parcel 118 Ordinance, Loudon County avers that The Daily Edition does not qualify as "a newspaper of general circulation" under Tennessee law, per the guidance of the Tennessee Attorney General as set forth in Opinion Nos. 00-160-2000 and 02-050-2002, copies of which are attached hereto as **Exhibit J**, as there are several instances over the past years in which The Daily Edition are not published weekly and, furthermore, The Daily Edition does not contain "news of general interest to the public," as most issues found in the online archives do not contain a variety of local, state, national and international news, sports coverage of local, college and professional sports teams, business and financial news, weather, current events, entertainment, opinions, letters or editorials, all factors taken into consideration by the Tennessee Attorney General in the aforementioned Attorney General Opinions attached hereto.

52. Therefore, any notices regarding the Parcel 118 Resolution, the Parcel 118 Ordinance or Lenoir City's purported annexation of Parcel 118 published in The Daily Edition would not qualify as a legal notice pursuant to Tenn. Code Ann. § 6-51-104(b)(1)(A).

53. Loudon County had no way of having notice of the purported annexation of Parcel 118 by Lenoir City, and Lenoir City's anticipated and eventual adoption of the Parcel 118 Resolution and the Parcel 118 Ordinance, due to Lenoir City's failure to comply with applicable Tennessee law pertaining to notice and publication relating thereto.

54. It was not until Loudon County gained knowledge of Lenoir City's purported annexation of Parcel 111 (defined below), in December 2022, that Loudon County was made aware of Lenoir City's purported annexation of Parcel 118 in May 2020.

55. Tenn. Code Ann. § 6-58-111(c)(1) provides as follows: "Prior to a municipality annexing by ordinance territory *outside its existing urban growth boundary* whether the territory desired for annexation is *within* another municipality's urban growth boundary or *a county's planned growth area or rural area, it must first amend the growth plan by having its desired change to the urban growth boundary submitted to the coordinating committee and then receive a recommendation for or against the amendment from the coordinating committee, the coordinating committee then must submit the proposed amendment with its recommendation to all the legislative bodies for approval.* If the amendment to the growth plan is approved by the legislative bodies or by the dispute resolution panel, it is then submitted to the local government planning advisory committee for its approval. This amendment process must follow the procedure as outlined in § 6-58-104 and the criteria for establishing an urban growth boundary as delineated in § 6-58-106." (emphasis added)

56. Lenoir City never sought an amendment to the Loudon County Growth plan to include Parcel 118 within the UGB prior to Lenoir City's purported annexation of Parcel 118.

57. Tenn. Code Ann. § 6-58-118 provides as follows: "A municipality may expand its urban growth boundaries to annex a tract of land without reconvening the coordinating committee or approval from the county or any other municipality if: (1) *The tract is contiguous to a tract of land that has the same owner and has already been annexed by the municipality;* (2) The tract is being provided water and sewer services; and (3) *The owner of the tract, by*

*notarized petition, consents to being included within the urban growth boundaries of the municipality.”*

58. At the time that the Parcel 118 Application was submitted, and at the time that the Parcel 118 Resolution and the Parcel 118 Ordinance were adopted, none of the Parcel 118 Owners owned a tract of land contiguous to Parcel 118 that had already been annexed by Lenoir City.

59. Neither the Parcel 118 Application nor the Ross Letter contained notary acknowledgments.

60. The purported annexation of Parcel 118 by Lenoir City pursuant to the Parcel 118 Resolution was void, *ab initio*, due to the failure of the Parcel 118 Application and the processes followed by Lenoir City, as memorialized in the Parcel 118 Minutes, the Parcel 118 Resolution and the Parcel 118 Ordinance to comply with the requirements established by applicable Tennessee law.

61. The plan of services established by Lenoir City for Parcel 118 pursuant to the Parcel 118 Ordinance are also void, *ab initio*, as Parcel 118 was not properly annexed by Lenoir City in compliance with applicable Tennessee law; therefore, Lenoir City lacked jurisdiction and/or authority to establish any plan of services therefor.

#### **Purported Annexation of Parcel No. 009 111.00**

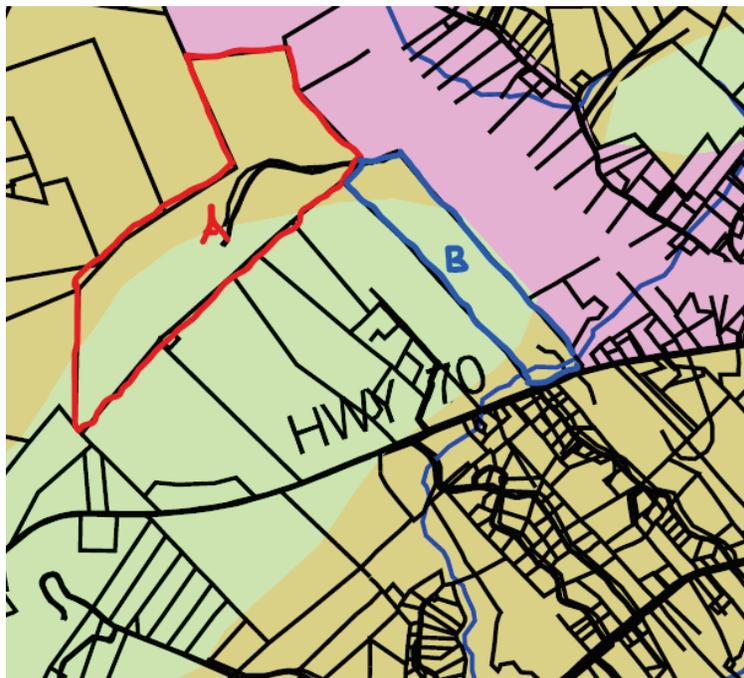
62. On or about August 12, 2022, a document entitled “Agenda Application Form # 0159” was submitted to the Lenoir City Regional Planning Commission in the name of “WNW Properties % Dan Smith,” in which “WNW Properties % Dan Smith” purportedly requested annexation by Lenoir City of that certain real property consisting of approximately twenty-four (24) acres located at Hwy 70, also known as Parcel No. 009 111.00 (“Parcel 111”) into Lenoir City’s R-2 zoning district. A copy of the aforementioned Agenda Application Form # 0159 is attached hereto as **Exhibit K** (the “Parcel 111 Application”).

63. The record owner of Parcel 111 at the time that the Parcel 111 Application was submitted to Lenoir City was WNW Properties, LLC (the “Parcel 111 Owner”).
64. The Parcel 111 Application appears to have been signed by Dan Smith.
65. The Parcel 111 Application does not state on its face what authority, if any, Dan Smith had to sign on behalf of the Parcel 111 Owner, therefore it is unclear whether the Parcel 111 Application was properly and duly signed by the Parcel 111 Owner.
66. The Parcel 111 Application does not contain any notary acknowledgments, and therefore was deficient per Tenn. Code Ann. § 6-58-118.
67. The purported request for annexation of Parcel 111 by Lenoir City appeared on the Lenoir City Regional Planning Commission’s agenda for September 13, 2022, a copy of which is attached hereto as **Exhibit L**, as Agenda Item No. 2 entitled “Annexation request for Tax Map 9, Parcel 111.00 located off Highway 70-*Dan Smith*.” (emphasis added)
68. The Minutes of the Lenoir City Regional Planning Commission meeting on September 13, 2022, dated October 4, 2022, a copy of which is attached hereto as **Exhibit M** (the “Parcel 111 Minutes”), reflects that the Lenoir City Regional Planning Commission approved, as Agenda Item #2, the purported request for annexation of Parcel 111 and zoning designation of R-2 Medium Density Residential District for Parcel 111 by Lenoir City for forwarding to the Lenoir City Council for further approval. The Minutes entry notes that Parcel 111 is “adjacent to the [Belle] West Point Development,” referring to the development on Parcel 118 which commenced following the purported annexation of Parcel 118 by Lenoir City in May 2020 at the hands of the then (and now) owner of Parcel 118, Belle West Point, LLC.
69. The Parcel 111 Minutes reflect, on its face, that only four (4) of the Lenoir City Regional Planning Commission’s seven (7) members were present, and further notes that Leon Shields abstained from the vote, leaving only three (3) of the seven (7) members approving the purported annexation and rezoning of Parcel 111. Accordingly, the vote by the Lenoir City

Regional Planning Commission fell one (1) vote shy of the majority vote required for approval of the Parcel 111 Application.

70. Notwithstanding the deficient Parcel 111 Application and deficient approval by the Lenoir City Regional Planning Commission, the Lenoir City Council then approved the purported request for annexation of Parcel 111 and zoning designation of R-2 Medium Density Residential District for Parcel 111, as memorialized in Resolution No. 2022-11-14-2345-A, entitled “A RESOLUTION ANNEXING PROPERTY LOCATED AT OFF HIGHWAY 70, CONTAINING APPROXIMATELY 24.30 ACRES, FURTHERMORE IDENTIFIED AS LOUDON COUNTY TAX MAP 009, PARCEL 111.00,” adopted by the Lenoir City Council on November 14, 2022, a copy of which is attached hereto as Exhibit N (the “Parcel 111 Resolution”).

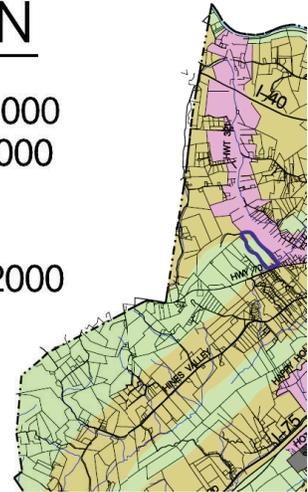
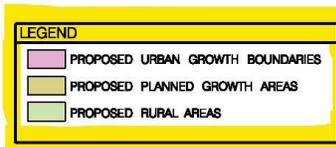
71. Parcel 111 is outlined in blue and identified as “B” in the image below, which is an excerpt from the Loudon County Growth Plan:



72. Parcel 111 is clearly not located within the UGB, which is the area on the Loudon County Growth Plan that is shaded purple, per the legend for the Loudon County Growth Plan depicted below (Parcel 111 is also outlined in blue in that image):

## LOUDON COUNTY GROWTH PLAN

FINAL ADOPTION: LOUDON COUNTY – JUNE 5, 2000  
CITY OF LOUDON – MAY 15, 2000  
LENOIR CITY – APRIL 10, 2000  
GREENBACK – APRIL 11, 2000  
PHILADELPHIA – JANUARY 10, 2000



73. The Parcel 111 Resolution states, in its recitals, as follows: “WHEREAS, The Lenoir City Planning Commission has reviewed and recommended approval of the Annexation of the identified property as being *consistent with the requirements of §6-51-102(b) of Tennessee Code Annotated.*” (emphasis added)

74. Tenn. Code Ann. § 6-51-102(b) provides as follows: “Before any territory may be annexed under this part, the governing body of the municipality shall adopt a plan of services establishing at least the services to be delivered and the projected timing of the services. Upon adoption of the plan of services, *the municipality shall cause a copy of the plan of services to be forwarded to the county mayor in whose county the territory being annexed is located.* The plan of services shall be reasonable with respect to the scope of services to be provided and the timing of the services.” (emphasis added)

75. The Loudon County Mayor never received a copy of the plan of services for Parcel 111 as approved by Lenoir City prior to its purported annexation of Parcel 111.

76. Notwithstanding Parcel 111 lying entirely outside of the UGB, and absent Lenoir City’s obtaining prior approval from Loudon County Commission for the annexation of Parcel 111, as required by the Interlocal Agreement, the Parcel 111 Resolution provides as follows:

“**Section 1.** Pursuant to Tennessee Code Annotated § 6-51-104 there is hereby annexed to the City of Lenoir City, Tennessee and incorporated within the corporate boundaries of the City of Lenoir City the following parcel of property more specifically identified by the attached map shown as Exhibit 1, said map being a part of this Ordinance. A. Situated in the Fifth (5th) Civil District of Loudon County, Tennessee, identified as the properties shown on Loudon County Tax Map 009, Parcel 111.00 containing approximately 24.30 acres, that is not presently within the Corporate limits of the City of Lenoir City, Tennessee, said property owned by WNW Properties LLC c/o Dan Smith. **Section 2.** The parcel shall be zoned R-2 Medium Density Residential District, 24.30 acres as shown on the attached map.”

77. The Parcel 111 Resolution was accompanied by Lenoir City Ordinance No. 2022-11-14-2345-B, entitled “AN ORDINANCE PROVIDING A PLAN OF SERVICES FOR CERTAIN PROPERTIES PROPOSED FOR ANNEXATION INTO THE CITY OF LENOIR CITY BY ORDINANCE NO. 2022-11-14-2345-B, PURSUANT TO §6-51-102 OF TENNESSEE CODE ANNOTATED, SAID PROPERTY BEING APPROXIMATELY 24.30 ACRES LOCATED OFF HIGHWAY 70, FURTHERMORE IDENTIFIED AS LOUDON COUNTY TAX MAP 009, PARCEL 111.00,” adopted by the Lenoir City Council on October 24, 2022 (First Reading) and again on November 14, 2022 (Second Reading) (the “Parcel 111 Ordinance”), in which Lenoir City purports to establish a plan of services for Parcel 111. A copy of the Parcel 111 Ordinance is attached hereto as **Exhibit O**.

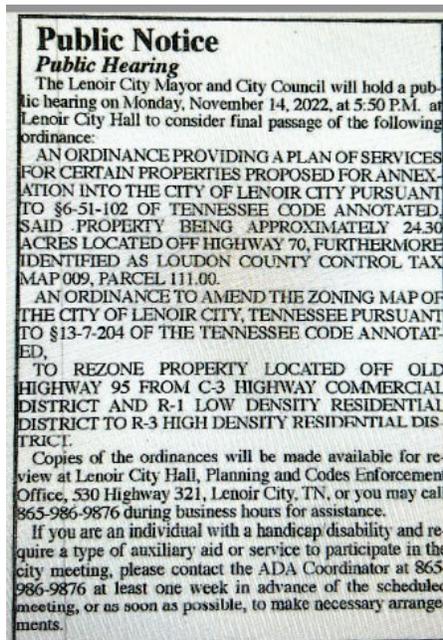
78. Tenn. Code Ann. § 6-51-104(b)(1)(A) provides as follows: “A copy of the resolution, describing the territory proposed for annexation, shall be promptly sent by the municipality to the last known address listed in the office of the property assessor for each property owner of record within the territory proposed for annexation. The resolution shall be sent by first class mail and shall be mailed no later than fourteen (14) calendar days prior to the scheduled date of the hearing on such proposed annexation. *The resolution shall also be published by posting copies of it in at least three (3) public places in the territory proposed for*

*annexation and in a like number of public places in the municipality proposing such annexation, and by publishing notice of such resolution at or about the same time in a newspaper of general circulation, if there is one, in such territory and municipality.* The resolution shall also include a plan of services for the area proposed for annexation. *The plan of services shall comply with the requirements of § 6-51-102, including the public hearing and notice requirements,* prior to the adoption of the resolution. *Upon adoption of the plan of services, the municipality shall cause a copy of the resolution to be forwarded to the county mayor in whose county the territory being annexed is located.* ... After receiving the notice from the municipality as provided in subdivision (b)(1), the county mayor shall notify the appropriate departments within the county regarding the information received from the municipality.” (emphasis added)

79. Upon information and belief, Lenoir City did not comply with the posting requirements set forth in Tenn. Code Ann. § 6-51-104(b)(1)(A) prior to its purported annexation of Parcel 111, designating it as zoned R-2 Medium Density Residential Development, establishing a plan of services for Parcel 111, and adoption of the Parcel 111 Resolution and the Parcel 111 Ordinance.

80. The Parcel 111 Ordinance provides, in its recitals, as follows: “**WHEREAS**, a public hearing is scheduled for Monday, November 14, 2022, at 5:50 P.M. in Lenoir City Hall and notice thereof was published in The Daily Edition on Friday, October 28, 2022, *of which is a paper of general circulation within the county*, and was published at least fifteen (15) days prior to the public hearing date.” (emphasis added)

81. The undersigned counsel was able to retrieve from the October 28, 2022 issue of The Daily Edition, as posted to the only online, and unofficial archives therefor, at [http://www.vanshaver.com/daily\\_edition\\_2022\\_\\_contact.htm](http://www.vanshaver.com/daily_edition_2022__contact.htm), the following notice pertaining to Lenoir City Council’s adoption of the Parcel 111 Ordinance:



82. However, Loudon County avers that The Daily Edition does not qualify as “a newspaper of general circulation” under Tennessee law, per the guidance of the Tennessee Attorney General as set forth in Opinion Nos. 00-160-2000 and 02-050-2002, copies of which are attached hereto as Exhibit I, as there are several instances over the past years in which The Daily Edition are not published weekly and, furthermore, The Daily Edition does not contain “news of general interest to the public,” as most issues found in the online archives do not contain a variety of local, state, national and international news, sports coverage of local, college and professional sports teams, business and financial news, weather, current events, entertainment, opinions, letters or editorials, all factors taken into consideration by the Tennessee Attorney General in the aforementioned Attorney General Opinions attached hereto.

83. Therefore, any notices regarding the Parcel 111 Resolution, the Parcel 111 Ordinance (including the notice pasted above) or Lenoir City’s purported annexation of Parcel 111 published in The Daily Edition would not qualify as a legal notice pursuant to Tenn. Code Ann. § 6-51-104(b)(1)(A).

84. Loudon County had no way of having notice of the purported annexation of Parcel 111 by Lenoir City and Lenoir City’s anticipated and eventual adoption of the Parcel 111

Resolution and the Parcel 111 Ordinance due to Lenoir City's failure to comply with applicable Tennessee law pertaining to notice and publication relating thereto.

85. Tenn. Code Ann. § 6-58-111(c)(1) provides as follows: “Prior to a municipality annexing by ordinance territory *outside its existing urban growth boundary* whether the territory desired for annexation is *within* another municipality's urban growth boundary or *a county's planned growth area or rural area, it must first amend the growth plan by having its desired change to the urban growth boundary submitted to the coordinating committee and then receive a recommendation for or against the amendment from the coordinating committee, the coordinating committee then must submit the proposed amendment with its recommendation to all the legislative bodies for approval.* If the amendment to the growth plan is approved by the legislative bodies or by the dispute resolution panel, it is then submitted to the local government planning advisory committee for its approval. This amendment process must follow the procedure as outlined in § 6-58-104 and the criteria for establishing an urban growth boundary as delineated in § 6-58-106.” (emphasis added)

86. Lenoir City never sought an amendment to the Loudon County Growth plan to include Parcel 111 within the UGB prior to Lenoir City's purported annexation of Parcel 111.

87. Tenn. Code Ann. § 6-58-118 provides as follows: “A municipality may expand its urban growth boundaries to annex a tract of land without reconvening the coordinating committee or approval from the county or any other municipality if: (1) *The tract is contiguous to a tract of land that has the same owner and has already been annexed by the municipality;* (2) The tract is being provided water and sewer services; and (3) The owner of the tract, by notarized petition, consents to being included within the urban growth boundaries of the municipality.”

88. At the time that the Parcel 111 Application was submitted, and at the time that the Parcel 111 Resolution was adopted, the Parcel 111 Owner did not own a tract of land contiguous to Parcel 111 that had already been annexed by Lenoir City.

89. The purported annexation of Parcel 111 by Lenoir City pursuant to the Parcel 111 Resolution was void, *ab initio*, due to the failure of the Parcel 111 Application and the processes followed by Lenoir City, as memorialized in the Parcel 111 Minutes, the Parcel 111 Resolution and the Parcel 111 Ordinance, to comply with the requirements established by applicable Tennessee law.

90. The plan of services purportedly established by Lenoir City for Parcel 111 pursuant to the Parcel 111 Ordinance is also void, *ab initio*, as Parcel 111 was not properly annexed by Lenoir City in compliance with applicable Tennessee law; therefore, Lenoir City lacked jurisdiction and/or authority to establish any plan of services therefor.

### **COUNT I – DECLARATORY RELIEF**

#### **In General**

91. “[S]tatutes describing how delegated ... power may be exercised are ‘mandatory and exclusive.’” See Manning v. City of Lebanon, 124 S.W.3d 562, 565 (Tenn. Ct. App. 2003). “While local governments have considerable discretion to act within the scope of their delegated power, they cannot effectively nullify state law on the same subject by enacting ordinances that ignore applicable state laws, that grant rights that state law denies, or that deny rights that state law grants.” Shore v. Maple Lane Farms, 411 S.W.3d 405, 426 (Tenn. 2013). The way in which Lenoir City purportedly annexed Parcel 118 and Parcel 111 completely disregarded and, in essence, nullified the Comprehensive Growth Plan statutory framework codified in Tenn. Code Ann. § 6-58-101 *et seq.*, thereby stripping Loudon County of the rights and privileges afforded it therein by the Tennessee legislature, such that Loudon County was unable to protect its interests in Loudon County infrastructure and public services, the Loudon County school system, to prevent urban sprawl and to protect the interests of the Loudon County residents to each and every one of the foregoing, all of which were identified as the purpose of the Comprehensive Growth Plan statutory framework. Therefore, in summary, Lenoir City’s purported annexation of Parcel 118 and Parcel 111 must be declared void, *ab initio*, to honor “the well-established

principle that municipal authorities cannot adopt ordinances which infringe the spirit of state law or [that] are repugnant to the general policy of [Tennessee].” See Manning at 565.

### **As to Parcel 118**

92. The purported annexation of Parcel 118, as set forth in the Parcel 118 Resolution, is void, *ab initio*, due Lenoir City’s failure to comply with the requirements as provided in Tenn. Code Ann. § 6-51-102 relating to the plan of services for Parcel 118, a parcel lying entirely outside of Loudon County’s UGB, being entirely outside of the UGB, as follows:

- a. Lenoir City failed to forward a copy of the plan of services for Parcel 118 to the Loudon County Mayor following the adoption by Lenoir City of the plan of services for Parcel 118, as required by Tenn. Code Ann. § 6-51-102(b)(1);
- b. The plan of services as adopted by Lenoir City for Parcel 118 failed to address the impact, if any, of the annexation of Parcel 118 to the Loudon County school system, nor did Lenoir City provide written notice to the Loudon County school system of the proposed annexation of Parcel 118 at least thirty (30) days prior to Lenoir City’s public hearing in which the plan of services was considered, as required by Tenn. Code Ann. § 6-51-102(b)(2); and
- c. The plan of services for Parcel 118 was not published at least fifteen (15) days prior to the public hearing thereon, nor were three (3) copies of the plan of services made available for public inspection, as required by Tenn. Code Ann. § 6-51-102(b)(4).

Absent Lenoir City’s compliance with Tenn. Code Ann. § 6-51-102(b)(1), (2) and (4), the Loudon County Mayor was unable to notify the appropriate Loudon County departments regarding Lenoir City’s proposed plan of services for Parcel 118, as provided for in Tenn. Code Ann. § 6-51-102(e), thus denying Loudon County and its departments notice of and any meaningful opportunity to oppose Lenoir City’s annexation of Parcel 118 and the accompanying zoning and plan of services.

93. The purported annexation of Parcel 118, as set forth in the Parcel 118 Resolution, is void, *ab initio*, due Lenoir City's failure to comply with the notice and publication requirements as provided in Tenn. Code Ann. § 6-51-104(b)(1)(A), as relates to Lenoir City's purported annexation of Parcel 118, a parcel lying entirely outside of Loudon County's UGB, as follows:

- a. Lenoir City failed to post copies of the Parcel 118 Resolution in at least three (3) public places on or about Parcel 118, or in a like number of public places in Lenoir City, prior to the adoption of the Parcel 118 Resolution, as required by Tenn. Code Ann. § 6-51-104(b)(1)(A);
- b. Lenoir City failed to publish the Parcel 118 Resolution in a newspaper of general circulation at or about the same time as the adoption of the Parcel 118 Resolution, as required by Tenn. Code Ann. § 6-51-104(b)(1)(A);
- c. Lenoir City failed to comply with the requirements of Tenn. Code Ann. § 6-51-102, relating to the plan of services for Parcel 118, prior to the adoption of such plan of services, as detailed in the paragraph above, as required by Tenn. Code Ann. § 6-51-104(b)(1)(A); and
- d. Lenoir City failed to forward the Loudon County Mayor a copy of the Parcel 118 Resolution following Lenoir City's adoption of the plan of services for Parcel 118, as required by Tenn. Code Ann. § 6-51-104(b)(1)(A).

Absent Lenoir City's compliance with Tenn. Code Ann. § 6-51-104(b)(1)(A), the Loudon County Mayor was unable to notify the appropriate Loudon County departments regarding Lenoir City's proposed plan of services for Parcel 118 or the proposed version of the Parcel 118 Resolution, as provided for in the next to last paragraph of Tenn. Code Ann. § 6-51-104(b)(1)(A), thus denying Loudon County and its departments notice of and any meaningful opportunity to oppose Lenoir City's annexation of Parcel 118 and the accompanying zoning and plan of services.

94. The purported annexation of Parcel 118, as set forth in the Parcel 118 Resolution, is void, *ab initio*, due to the failure by the Parcel 118 Application and Lenoir City to comply with Tenn. Code Ann. § 6- 58-118, as relates to Lenoir City’s purported annexation of Parcel 118, a parcel lying entirely outside of Loudon County’s UGB, as follows:

- a. The Parcel 118 Owners did not own any tract of land that was contiguous to Parcel 118 at the time of the purported annexation of Parcel 118 by Lenoir City; and
- b. The Parcel 118 Application was not signed by any of the Parcel 118 Owners, nor did the Parcel 118 Application contain any notary acknowledgments.

95. The purported annexation of Parcel 118 by Lenoir City as set forth in the Parcel 118 Resolution is void, *ab initio*, due to Lenoir City’s failure to comply with the requirements as set forth in the Interlocal Agreement, which required that Lenoir City first obtain Loudon County Commission’s consent before annexing Parcel 118, as Parcel 118 lies entirely outside of Loudon County’s UGB.

96. Absent this Court’s declaring as void, *ab initio*, the purported annexation of Parcel 118 by Lenoir City and rezoning of Parcel 118 as R-3 High Density Residential zoning district for Lenoir City as set forth in the Parcel 118 Resolution, and the plan of services established for Parcel 118 in the Parcel 118 Ordinance, Loudon County would suffer distinct and palpable damage, including, without limitation, the following:

- a. Loudon County will have been denied any opportunity to address what, in effect, resulted in Lenoir City’s illegal expansion of the UGB to include Parcel 118, as provided in Tenn. Code Ann. § 6-58-101 *et seq.*;
- b. Loudon County will have been denied any opportunity to address Lenoir City’s plan of services for Parcel 118, a parcel lying entirely outside of Loudon County’s UGB, as provided in Tenn. Code Ann. § 6-51-101 *et seq.* and Tenn. Code Ann. § 6-58-101 *et seq.*;

- c. Loudon County's infrastructure surrounding Parcel 118, for the use and benefit of Loudon County properties in the vicinity of Parcel 118, a parcel lying entirely outside of Loudon County's UGB, would be overburdened, without Loudon County having had an opportunity to suggest or require revisions thereto so as to prevent such overburdening;
- d. Loudon County's school system serving Parcel 118, a parcel lying entirely outside of Loudon County's UGB, and surrounding properties within Loudon County would be overburdened, without Loudon County having had an opportunity to suggest or require revisions thereto so as to prevent such overburdening; and
- e. Loudon County would be unable to enforce its current zoning ordinance and subdivision regulations on Parcel 118, a parcel lying entirely outside of Loudon County's UGB, remains zoned for agricultural (not high density residential development).

97. Accordingly, this Court must set aside the annexation of Parcel 118 by Lenoir City, including the Parcel 118 Resolution and Parcel 118 Ordinance associated therewith, as void, *ab initio*, due to Lenoir City's noncompliance with applicable Tennessee law and the Interlocal Agreement, as provided herein above, as Parcel 118 lies entirely outside of Loudon County's UGB.

#### **As to Parcel 111**

98. The purported annexation of Parcel 111, as set forth in the Parcel 111 Resolution, is void, *ab initio*, due Lenoir City's failure to comply with the requirements as provided in Tenn. Code Ann. § 6-51-102 relating to the plan of services for Parcel 111, a parcel lying entirely outside of Loudon County's UGB, as follows:

- a. Lenoir City failed to forward a copy of the plan of services for Parcel 111 to the Loudon County Mayor following the adoption by Lenoir City of the plan of services for Parcel 111, as required by Tenn. Code Ann. § 6-51-102(b)(1);

- b. The plan of services as adopted by Lenoir City for Parcel 111 failed to address the impact, if any, of the annexation of Parcel 111 to the Loudon County school system, nor did Lenoir City provide written notice to the Loudon County school system of the proposed annexation of Parcel 111 at least thirty (30) days prior to Lenoir City's public hearing in which the plan of services was considered, as required by Tenn. Code Ann. § 6-51-102(b)(2); and
- c. The plan of services for Parcel 111 was not published at least fifteen (15) days prior to the public hearing thereon, nor were three (3) copies of the plan of services made available for public inspection, as required by Tenn. Code Ann. § 6-51-102(b)(4).

Absent Lenoir City's compliance with Tenn. Code Ann. § 6-51-102(b)(1), (2) and (4), the Loudon County Mayor was unable to notify the appropriate Loudon County departments regarding Lenoir City's proposed plan of services for Parcel 111, as provided for in Tenn. Code Ann. § 6-51-102(e), thus denying Loudon County and its departments notice of and any meaningful opportunity to oppose Lenoir City's annexation of Parcel 111 and the accompanying zoning and plan of services.

99. The purported annexation of Parcel 111, as set forth in the Parcel 111 Resolution, is void, *ab initio*, due Lenoir City's failure to comply with the notice and publication requirements as provided in Tenn. Code Ann. § 6- 51-104(b)(1)(A), as relates to Lenoir City's purported annexation of Parcel 111, a parcel lying entirely outside of Loudon County's UGB, as follows:

- a. Lenoir City failed to post copies of the Parcel 111 Resolution in at least three (3) public places on or about Parcel 111, or in a like number of public places in Lenoir City, prior to the adoption of the Parcel 111 Resolution, as required by Tenn. Code Ann. § 6-51-104(b)(1)(A);

- b. Lenoir City failed to publish the Parcel 111 Resolution in a newspaper of general circulation at or about the same time as the adoption of the Parcel 111 Resolution, as required by Tenn. Code Ann. § 6-51-104(b)(1)(A);
- c. Lenoir City failed to comply with the requirements of Tenn. Code Ann. § 6-51-102, relating to the plan of services for Parcel 111, prior to the adoption of such plan of services, as detailed in the paragraph above, as required by Tenn. Code Ann. § 6-51-104(b)(1)(A); and
- d. Lenoir City failed to forward the Loudon County Mayor a copy of the Parcel 111 Resolution following Lenoir City's adoption of the plan of services for Parcel 111, as required by Tenn. Code Ann. § 6-51-104(b)(1)(A).

Absent Lenoir City's compliance with Tenn. Code Ann. § 6-51-104(b)(1)(A), the Loudon County Mayor was unable to notify the appropriate Loudon County departments regarding Lenoir City's proposed plan of services for Parcel 111 or the proposed version of the Parcel 111 Resolution, as contemplated in the next to last paragraph of Tenn. Code Ann. § 6-51-104(b)(1)(A).

100. The purported annexation of Parcel 111, as set forth in the Parcel 111 Resolution, is void, *ab initio*, due to the failure by the Parcel 111 Application and Lenoir City to comply with Tenn. Code Ann. § 6- 58-118, as relates to Lenoir City's purported annexation of Parcel 111, a parcel lying entirely outside of Loudon County's UGB, as follows:

- a. The Parcel 111 Owner did not own any tract of land that was contiguous to Parcel 111 at the time of the purported annexation of Parcel 111 by Lenoir City; and
- b. The Parcel 111 Application did not contain any notary acknowledgments.

101. The purported annexation of Parcel 111 by Lenoir City as set forth in the Parcel 111 Resolution is void, *ab initio*, due to Lenoir City's failure to comply with the requirements as set forth in the Interlocal Agreement, which required that Lenoir City first obtain Loudon County

Commission's consent before annexing Parcel 111, as Parcel 111 lies entirely outside of Loudon County's UGB.

102. Absent this Court's declaring as void, *ab initio*, the purported annexation of Parcel 111 by Lenoir City and rezoning of Parcel 111 as R-2 Medium Density Residential zoning district for Lenoir City as set forth in the Parcel 111 Resolution, and the plan of services established for Parcel 111 in the Parcel 111 Ordinance, Loudon County would suffer distinct and palpable damage, including, without limitation, the following:

- a. Loudon County will have been denied any opportunity to address what, in effect, resulted in Lenoir City's illegal expansion of the UGB to include Parcel 111, a parcel lying entirely outside of Loudon County's UGB, as provided in Tenn. Code Ann. § 6-58-101 *et seq.*;
- b. Loudon County will have been denied any opportunity to address Lenoir City's plan of services for Parcel 111, a parcel lying entirely outside of Loudon County's UGB, as provided in Tenn. Code Ann. § 6-51-101 *et seq.* and Tenn. Code Ann. § 6-58-101 *et seq.*;
- c. Loudon County's infrastructure surrounding Parcel 111, for the use and benefit of Loudon County properties in the vicinity of Parcel 111, a parcel lying entirely outside of Loudon County's UGB, would be overburdened, without Loudon County having had an opportunity to suggest or require revisions thereto so as to prevent such overburdening;
- d. Loudon County's school system serving Parcel 111, a parcel lying entirely outside of Loudon County's UGB, and surrounding properties within Loudon County would be overburdened, without Loudon County having had an opportunity to suggest or require revisions thereto so as to prevent such overburdening; and
- e. Loudon County would be unable to enforce its current zoning ordinance and subdivision regulations on Parcel 111, a parcel lying entirely outside of Loudon

County's UGB, which remains zoned for agricultural (not high density residential development).

103. Accordingly, this Court must set aside the annexation of Parcel 111 by Lenoir City, including the Parcel 111 Resolution and Parcel 111 Ordinance associated therewith, as void, *ab initio*, due to Lenoir City's noncompliance with applicable Tennessee law and the Interlocal Agreement, as provided herein above, as Parcel 111 lies entirely outside of Loudon County's UGB.

### **COUNT II – BREACH OF CONTRACT**

104. The Interlocal Agreement remains an enforceable contract by and between Loudon County and Lenoir City.

105. The Interlocal Agreement requires that Lenoir City obtain Loudon County Commission's approval before annexing any property lying outside of the UGB.

106. Parcel 118 and Parcel 111 each lie outside of the UGB.

107. Lenoir City did not seek, nor did it obtain approval from the Loudon County Commission prior to purportedly annexing Parcel 118 and Parcel 111.

108. Lenoir City's failure to seek and obtain approval from the Loudon County Commission prior to purportedly annexing Parcel 118 and Parcel 111 constitutes a breach by Lenoir City of the duties and obligations owed to Loudon County as provided in the Interlocal Agreement.

109. This Court may, in its discretion, award specific performance as an equitable remedy to any party where damages will not provide an adequate remedy for breach of contract.

110. An award of damages to Loudon County would not provide an adequate remedy to Loudon County in connection with Lenoir City's breach of the obligations owed to Loudon County under the Interlocal Agreement.

111. Accordingly, this Court should award specific performance to Loudon County and order Lenoir City to comply with the requirements of the Interlocal Agreement, namely that

Lenoir City obtain Loudon County Commission's approval, prior to attempting to annex Parcel 118 or Parcel 111 (or, for that matter, any other property located in Loudon County, Tennessee and outside of the UGB).

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Loudon County, Tennessee prays for the following:

1. That process issue for the Defendant the City of Lenoir City, Tennessee, commanding that it responds to this Complaint;
2. That this Court declare that the annexation of Parcel 118 by Lenoir City is and was void, *ab initio*;
3. That this Court declare that the Parcel 118 Resolution and Parcel 118 Ordinance are and were void, *ab initio*;
4. That this Court declare that the annexation of Parcel 111 by Lenoir City is and was void, *ab initio*;
5. That this Court declare that the Parcel 111 Resolution and Parcel 111 Ordinance are and were void, *ab initio*;
6. That this Court award specific performance relating to the Interlocal Agreement to Loudon County and require that Lenoir City first obtain approval from the Loudon County Commission prior to any further attempts to annex Parcel 118 and/or Parcel 111;
7. That the costs of this action be taxed to the Defendant, Lenoir City;
8. That Loudon County be awarded reasonable attorneys' fees and costs incurred by it to pursue the causes of action and relief sought herein; and
9. That Loudon County be granted such further relief to which this Court believes it is entitled.

Respectfully submitted this 14<sup>th</sup> day of February, 2023.

By:  \_\_\_\_\_

Kyle A. Baisley (BPR # 027080)

W. Michael Baisley (BPR # 024304)

Long, Ragsdale & Waters, P.C.

1111 N. Northshore Dr., Suite S-700

Knoxville, Tennessee 37919

Tel: (865) 584-4040

Fax: (865) 584-6084

[kbaisley@lrwlaw.com](mailto:kbaisley@lrwlaw.com)

[mbaisley@lrwlaw.com](mailto:mbaisley@lrwlaw.com)

*Attorneys for Plaintiff Loudon County, Tennessee*

**COST BOND**

We do hereby acknowledge ourselves as surety for the costs in this cause in accordance with Tenn. Code Ann. § 20-12-120.

This 14<sup>th</sup> day of February, 2023.

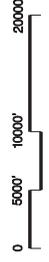
**LONG, RAGSDALE & WATERS, P.C.**

By: Kyle A. Baisley  
Kyle A. Baisley (BPE # 027080)

LOUISIANA COUNTY GROWTH PLAN

APPROVED BY BOARD OF SUPERVISORS - JUNE 5, 2008  
APPROVED BY BOARD OF SUPERVISORS - MAY 15, 2008  
APPROVED BY BOARD OF SUPERVISORS - APRIL 11, 2008  
APPROVED BY BOARD OF SUPERVISORS - JANUARY 11, 2008

**EXHIBIT A**

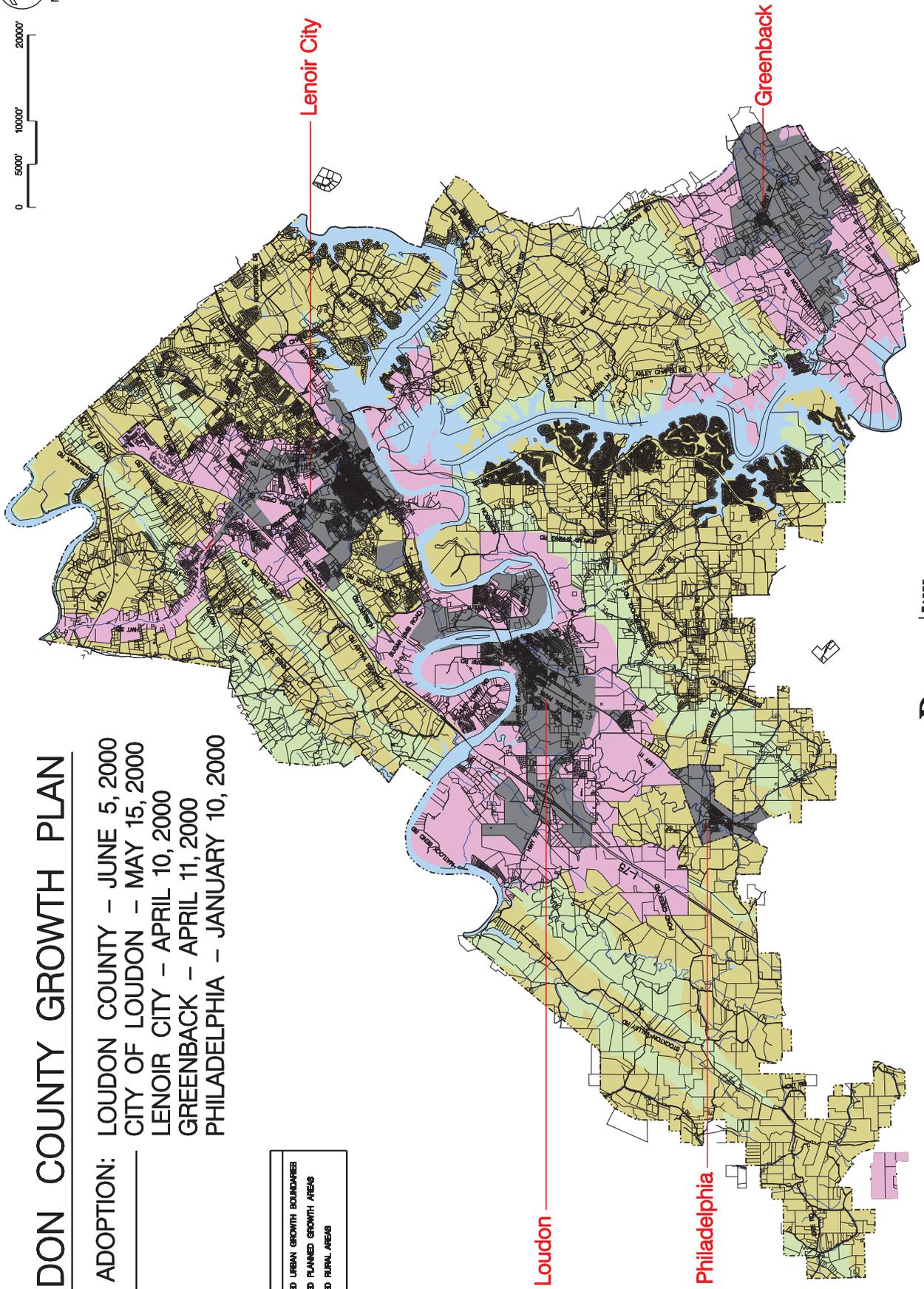


**LOUDON COUNTY GROWTH PLAN**

**FINAL ADOPTION:** LOUDON COUNTY – JUNE 5, 2000  
CITY OF LOUDON – MAY 15, 2000  
LENOIR CITY – APRIL 10, 2000  
GREENBACK – APRIL 11, 2000  
PHILADELPHIA – JANUARY 10, 2000

**LEGEND**

- PROPOSED URBAN GROWTH BOUNDARIES
- PROPOSED PLANNED GROWTH AREAS
- PROPOSED RURAL AREAS



**BWSC** BARBE WASSNER SUMNER & CANNON, INC.

## EXHIBIT B

Loudon County Resolution No. 040405-A

City of Lenoir City Resolution No. 2005-4-11-1678A

### A RESOLUTION AND INTERLOCAL AGREEMENT BETWEEN LOUDON COUNTY, TENNESSEE AND LENOIR CITY, TENNESSEE REGARDING LENOIR CITY, TENNESSEE ANNEXATIONS

*WHEREAS*, Lenoir City, Tennessee approved the annexation of approximately 40 parcels of property on November 24, 2003; and

*WHEREAS*, Loudon County, Tennessee challenged said annexation by declaratory judgment action filed in the Chancery Court of Loudon County, Tennessee, civil action number 10456; and

*WHEREAS*, Lenoir City, Tennessee and Loudon County, Tennessee have worked together to resolve the issues in the said declaratory judgment action and to provide for future annexations by Lenoir City, Tennessee.

*NOW, THEREFORE, BE IT RESOLVED AND AGREED*, by both Loudon County, Tennessee and Lenoir City, Tennessee that the declaratory judgment action referenced above be dismissed and future annexations by Lenoir City, Tennessee be governed by the following terms and conditions:

1. The Urban and Planned Growth Boundaries as agreed upon and approved by the Tennessee State Planning Advisory Committee on June 28, 2000 are hereby confirmed and ratified; and
2. The November 24, 2003 annexation of Lenoir City, Tennessee by Ordinance Number 2003-11-24-1582A, including approximately 40 parcels within the Lenoir City Urban Growth Area located along Highway 321 North shall remain in full force and effect; and
3. All future parcels of property to be included for annexation(s) by Lenoir City, Tennessee shall be located within the Urban and Planned Growth Boundaries referenced above and shall be annexed by request of the parcel property owner(s), or by their consent to annexation, without regard to subject property's contiguous nature to the actual city limits of Lenoir City, Tennessee, then in effect at the time of the annexation. In all other respects future annexations by Lenoir City shall comply with Tennessee Public Chapter 1101; and
4. Both governing bodies for Lenoir City, Tennessee and Loudon County, Tennessee agree to cooperate and provide necessary information upon request regarding annexations by the 911 dispatch office to such office for efforts to minimize appropriate responding information confusion; and
5. Any property parcels requesting annexation by Lenoir City which are located outside of the Urban and Planned Growth Boundaries referenced above shall be written request to be approved first by Loudon County Commission, and then secondarily approved by Lenoir City Council in order to be annexed; and
6. This resolution and interlocal agreement shall remain in effect for the duration of the Public Chapter 1101 Growth Plan approved by the state and local government planning advisory planning committee of June 28, 2000, and any subsequent amendments or modifications thereto, or until such time as both parties hereto agree cooperatively to repeal, alter, amend or disregard this agreement; and

7. Upon the adoption of this resolution and interlocal agreement by each of the governing bodies, the litigation between the parties and the Chancery Court for Loudon County, Tennessee, civil action number 10456 shall be dismissed by agreed order, taxing costs equally to both parties; and

**BE IT FINALLY RESOLVED**, that this resolution and interlocal agreement shall take effect as of the date of acceptance by both the County Commission of Loudon County, Tennessee and the City Council of Lenoir City, Tennessee, the public welfare requiring it.

Passed on this 4<sup>th</sup> day of April, 2005.

Attest:

J. Lynn Wampler  
County Clerk

Bryce P. Blanton  
County Chairman

Debra M. Miller  
County Mayor

Introduced, read and passed on this 11<sup>th</sup> day of April 2005.

William W. Winkler  
City Mayor

Debra M. Miller  
City Recorder



EXHIBIT D

Ross J C Family Trust  
c/o Gary C. Ross  
5208 John Hall Road  
Knoxville, Tennessee 37920

February 13, 2020

Beth Collins, Planner  
Lenoir City Planning Department  
City of Lenoir City  
530 Hwy 321 N  
Lenoir City, TN 37771

Re: 5744 Highway 321 Lenoir City, Tennessee  
Parcel No. 053 009 118.00, approximately 124.3 acres

Dear Ms. Collins,

The Ross Family Trust currently owns a parcel of land located at the above referenced address. We are requesting the City of Lenoir City annex the property and classify it as R-3, High Density Residential District per the *Lenoir City Zoning Ordinance*. Regarding 5744 Highway 321 Lenoir City, The Ross Family Trust is in the process of selling the property to Belle Investment Company.

Thank you for your consideration of our request. We look forward to hearing from you.

The Ross Family Trust Members,

Gary Ross  
Gary Ross

2-13-2020  
Date

Ernestine Ross Baumgardner  
Ernestine Ross Baumgardner

2-13-2020  
Date

Carole Ross Harris  
Carole Ross Harris

2-13-2020  
Date

## Mechanicsville Chapel EXHIBIT E

---

### Ernestine Ross Baumgardner

( January 02, 2020 )

Ernestine Ross Baumgardner, 79, of Mechanicsville, passed peacefully on January 2, 2020. She was predeceased by her son, Dwight. She is survived by husband, Bob; son, Rob (Cheryl); grandchildren, Cameron, Bronwyn and Stewart; and grand dog Yogi. Ernestine



was a graduate of East Tennessee University class of 1962. She dedicated 35 years to teaching, most recently at Pearson's Corner Elementary School. The Family will receive friends 6 to 8 p.m. Tuesday at the Mechanicsville Chapel of Bennett Funeral Home, 8014 Lee Davis Road. Memorial services will be held 1:00 p.m. Wednesday, January 8 at Shady Grove United Methodist Church, 8209 Shady Grove Road. Interment is private.



**LENOIR CITY**  
T E N N E S S E E

DEPARTMENT OF CODES ENFORCEMENT AND PLANNING

MARCH 3, 2020 – 6:00 PM  
CITY HALL COUNCIL ROOM

**LENOIR CITY BOARD OF ZONING APPEALS**

Call to Order

Roll Call

Pledge of Allegiance

Approval of February 4, 2020 Meeting Minutes

Comments from citizens concerning an item/items on the agenda (time limits may be imposed)

**AGENDA ITEMS:**

1. Special Exception for R-2 Medium Density Residential use within a C-3 Highway Commercial District for continued use of a single-family home located at 607 East Broadway-David Martin
  - ACTION REQUIRED

Adjournment

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MARCH 3, 2020 – 6:00 PM  
CITY HALL COUNCIL ROOM

**LENOIR CITY REGIONAL PLANNING COMMISSION**

Call to Order

Roll Call

Approval of February 4, 2020 Meeting Minutes

Comments from citizens concerning an item/items on the agenda (time limits may be imposed)

**AGENDA ITEMS:**

1. Request for recommendation of rezoning from C-3 Highway Commercial District to R-2 Medium Density Residential District for 18.9 acres located at off Creekwood Park Boulevard-Katie Casebolt
  - ACTION REQUIRED
2. Request for annexation of property located at 5744 Highway 321 N to be zoned R-3 High Density Residential District-Travis Fuller
  - ACTION REQUIRED
3. Request for final plat approval for twelve (12) lots for Harper Village (formerly Williams Ferry Pointe) located off Williams Ferry Road-Stefan Claar
  - ACTION REQUIRED

4. Request for final plat approval for twenty-two (22) lots for The Grove at Harrison Glen Phase 1 located within the Harrison Glen subdivision-Crissy Haack
  - ACTION REQUIRED

Other Business: monthly report

Adjournment

**EXHIBIT G**



**LENOIR CITY**  
T E N N E S S E E

DEPARTMENT OF CODES ENFORCEMENT AND PLANNING

Lenoir City Regional Planning Commission

March 3, 2020

Minutes

**Members Present:** Steve Mitchell, Eddie Simpson, David Martin, Leon Shields, Vonnie Myers

**Members Absent:** Bill Thomas. Mary Bright

**Others Present:** Beth Collins, LaVonne Barbour, Katie Casebolt, Travis Fuller, Stefan Claar, Crissy Haack, Shannon Littleton, Tony Aikens, David Harbin, Phil Hunt

The Lenoir City Regional Planning Commission met in regular session on Tuesday, March 3, 2020 at 6:00 P.M. Chairperson Leon Shields called the meeting to order. Staff conducted a roll call.

Mr. Myers moved the minutes of the February 4, 2020 meeting be approved as distributed. Motion was seconded by Mr. Martin and carried.

**Chairman Shields requested adding an item to the agenda to request annexation of 5500 Hwy 321-Mr. Ron. Henley.** Mr. Simpson moved to add the item to the Agenda at item #5., seconded by Mr. Martin and carried.

**Agenda Item #1. Request for recommendation of rezoning from C-3 Highway Commercial District to R-2 Medium Density Residential District for 18.9 acres located off Creekwood Park Boulevard. Katie Casebolt.** This property is just under 19 acres and is currently zoned C-3 Highway Commercial District. Developers would like to rezone to R-2 Medium Density District to build an apartment complex. There would be a clubhouse, pool, playground, and a dog park. Mr. Martin moved to approve the request and forward to City Council for approval, seconded by Mr. Simpson and carried.

**Agenda Item #2. Request for annexation of property located at 5744 Highway 321 N to be zoned R-3 High Density Residential District. Travis Fuller.** This property is just over 124 acres located off Highway 321 just up from Highway 70 and is adjacent to the city limits. They are requesting to be annexed into the city with an R-3 High Density Residential District Zoning. Mr. Mitchell moved to approve the request and forward to City Council for approval, seconded by Mr. Myers and carried.

**Agenda Item #3. Request for final plat approval for twelve (12) lots for Harper Village (formerly Williams Ferry Pointe) located off Williams Ferry Road. Stefan Claar.** This property is the front section of the Williams Ferry Pointe subdivision which is to be renamed Harper Village. Turner Homes is proposing to finish out the development. They are requesting a replat of the final plat of the front section for 12 lots. These would be two, three, and four-unit townhomes. Each homeowner would own their whole parcel, but units would connect. They are requesting a front setback of 15' instead of 20' to deal with some topo issues; a 6' side yard setback instead of 8'; and a lot size of 3,000' for the town homes only. Mr. Myers moved to approve the request, seconded by Mr. Mitchell and carried.

**Agenda Item #4. Request for final plat approval for twenty-one lots for The Grove at Harrison Glen Phase 1 located within the Harrison Glen subdivision.** This is Phase 1 of The Grove at Harrison Glen, within the Harrison Glen subdivision. This final plat is for 21 lots. Mr. Martin moved to approve the request, seconded by Mr. Mitchell and carried.

**Agenda Item #5. Request for annexation of property located at 5500 Hwy 321 to be zoned C-3 Highway Commercial District. Ron Henley.** This property is adjacent to City property and they would like to be zoned C-3 and annexed into the city. Mr. Simpson moved to approve the request and forward to City Council for approval, seconded by Mr. Myers and carried.

**Comments from citizens concerning item/items on the agenda**

There are no comments

**Other Business:**

Ms. Collins updated the board on the monthly activities report for February which includes final inspections.

With no further business to come before the board Mr. Mitchell made a motion to adjourn, seconded by Mr. Martin and carried.



Leon Shields Chairperson

5-5-20

Date

**EXHIBIT H**

RESOLUTION NO. 2020-05-11-2252 BR

**A RESOLUTION ANNEXING PROPERTY LOCATED AT 5744 HIGHWAY 321 N, CONTAINING APPROXIMATELY 124.33 ACRES, FURTHERMORE IDENTIFIED AS LOUDON COUNTY TAX MAP 009, PARCEL 118.00 BEING LOCATED WITHIN THE LENOIR CITY URBAN GROWTH BOUNDARY.**

**WHEREAS**, Owners of property adjacent to the City have petitioned the City to annex their property into the city limits of the City of Lenoir; and,

**WHEREAS**, It appears that the City and the territory herein described will mutually benefit from this annexation; and,

**WHEREAS**, These parcels are located within the City of Lenoir City's Urban Growth Boundary, as adopted in the Loudon County Growth Plan approved by the State of Tennessee in June 2000; and,

**WHEREAS**, The Lenoir City Regional Planning Commission has reviewed and recommended approval of the Annexation of the identified property as being consistent with the requirements of §6-51-102(b) of Tennessee Code Annotated.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Lenoir City, Tennessee as follows:

**Section 1.** Pursuant to Tennessee Code Annotated §6-51-104 there is hereby annexed to the City of Lenoir City, Tennessee and incorporated within the corporate boundaries of the City of Lenoir City the following parcel of property more specifically identified by the attached map shown as Exhibit 1, said map being a part of this Ordinance.

- A. Situated in the Fifth (5<sup>th</sup>) Civil District of Loudon County, Tennessee, identified as the properties shown on Loudon County Tax Map 009, Parcel 118.00 containing approximately 124.33 acres, that is not presently within the Corporate limits of the City of Lenoir City, Tennessee, said property owned by J C Ross Family Trust.

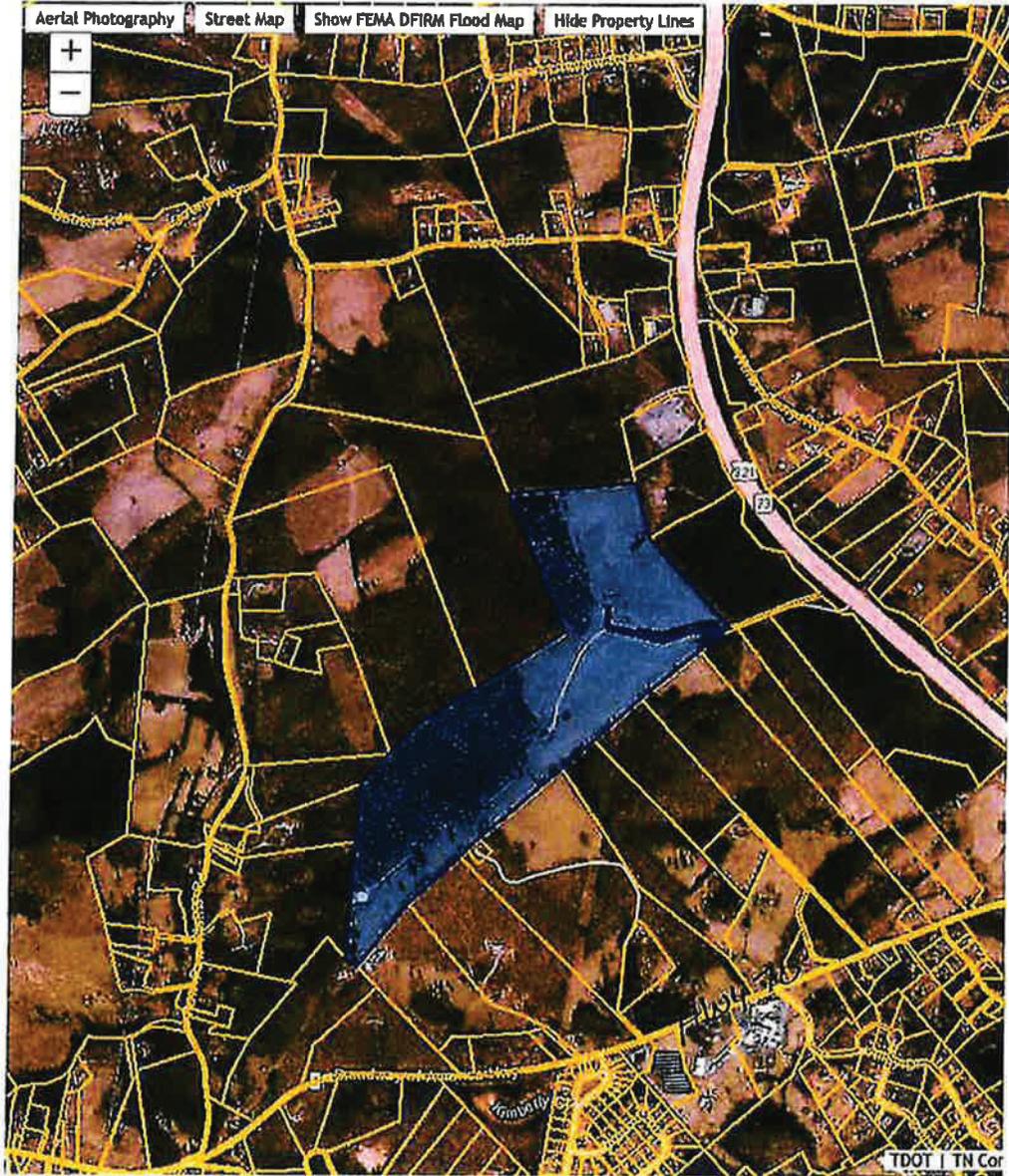
**Section 2.** The parcel shall be zoned R-3 High Density Residential District, 124.33 acres as shown on the attached map.

**Section 3.** This Resolution shall take effect immediately after passage.

ADOPTED: This the 11<sup>th</sup> day of May 2020.

  
MAYOR

  
CITY RECORDER



**EXHIBIT I**

ORDINANCE NO. 2020-05-11-2252-80

**AN ORDINANCE PROVIDING A PLAN OF SERVICES FOR CERTAIN PROPERTIES PROPOSED FOR ANNEXATION INTO THE CITY OF LENOIR CITY BY ORDINANCE NO. 2020-05-11-2252-80, PURSUANT TO §6-51-102 OF TENNESSEE CODE ANNOTATED, SAID PROPERTY BEING APPROXIMATELY 124.33 ACRES LOCATED AT 5744 HIGHWAY 321 N, FURTHERMORE IDENTIFIED AS LOUDON COUNTY TAX MAP 009, PARCEL 118.00 BEING LOCATED WITHIN THE LENOIR CITY URBAN GROWTH BOUNDARY.**

**WHEREAS, Tennessee Code Annotated §6-51-102(b) requires that “before any territory may be annexed under this section by a municipality, the governing body shall adopt a plan of services establishing at least the services to be delivered and the projected timing of the services”; and**

**WHEREAS, The Lenoir City Regional Planning Commission has reviewed said proposed plan of services in accordance with Tennessee Code Annotated §6-51-102(b) (4) at their March 3, 2020 meeting; and**

**WHEREAS, The plan of services shall include a reasonable implementation schedule for the delivery of comparable services in the territory to be annexed compared to those provided to all citizens of the municipality; and**

**WHEREAS, A public hearing is scheduled for Monday, May 11, 2020 at 5:50 P.M. in Lenoir City Hall and notice thereof was published in the Loudon County News Herald April 23, 2020, of which is a paper of general circulation within the county, and was published at least fifteen (15) days prior to the public hearing date.**

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Lenoir City, Tennessee that:

**Section 1.** The Plan of Services for territory proposed for annexation by Ordinance No. 2020-05-11-2252-80, containing one (1) parcel consisting of approximately 124.33 acres located at 5744 Highway 321 N, as shown on the attached map, is established as follows:

1. **Police Protection**: The City of Lenoir City shall provide routine patrols and respond to emergency calls immediately upon the effective date of the parcel's annexation.
2. **Fire Protection**: The City of Lenoir City presently maintains a Class 2 fire rating and shall provide fire protection services immediately upon the effective date of the parcel's annexation. Developers are required by Lenoir City's Development Regulations to install fire hydrants at a 500' minimum spacing in all new developments.

3. Water Services: Water users will pay fees and charges as established by the Lenoir City Utilities Board (LCUB) for connection to the water system. Developers are required to extend the main water line, at their cost and upon approval by LCUB, with a minimum line size of 8" and provide a loop feed system through any new development. Where road bores are required, the developer shall be responsible for all cost. Water service is currently provided to the property proposed for annexation.
4. Electrical Services: Electric power services shall be provided by LCUB with the developer being responsible for the installation of new electric infrastructure in accordance with LCUB specifications and requirements. Electric service is currently provided to the property proposed for annexation.
5. Sanitary Sewer Services: Sanitary Sewer services shall be provided by LCUB with the developer being responsible for the installation of new sanitary sewer infrastructure in accordance with LCUB specifications and requirements. Sanitary sewer service is currently run to the property proposed for annexation.
6. Solid Waste Services: Solid waste collection for residential customers shall be available immediately upon the effective date of the parcel's annexation. Residential solid waste collection is provided once weekly by the City of Lenoir City for a monthly fee of \$10.50 and is collected by LCUB's monthly utilities' billing cycle. The city does not provide commercial solid waste services.
7. Street Repairs: No public streets are proposed for annexation at this time.
8. Recreational Facilities and Programs: Access to Lenoir City's recreational facilities shall be available to newly annexed residents immediately upon the effective date of the parcel's annexation.
9. Street Lighting: With no streets proposed for annexation at this time, there are no plans for street lighting to be provided.
10. Zoning and Planning Services: The City shall extend its zoning jurisdiction immediately upon the effective date of the parcel's annexation. The zoning classification for the parcel proposed for annexation shall be R-3 High Density Residential District, of which is an extension of the current city limits and adjacent zoning classification. Building Codes: The City shall extend the enforcement of the 2012 ICC Series (or any subsequent building code adopted) and Municipal Codes immediately upon the effective date of the parcel's annexation.

**Section 2.** This plan of services shall be reviewed and a report of progress published, if necessary, in accordance with Tennessee Code Annotated §6-51-108(b); with notice of publication being in a newspaper of general circulation. Said plan of services may be amended in accordance with Tennessee Code Annotated §6-51-108 subsections (c) and (d).

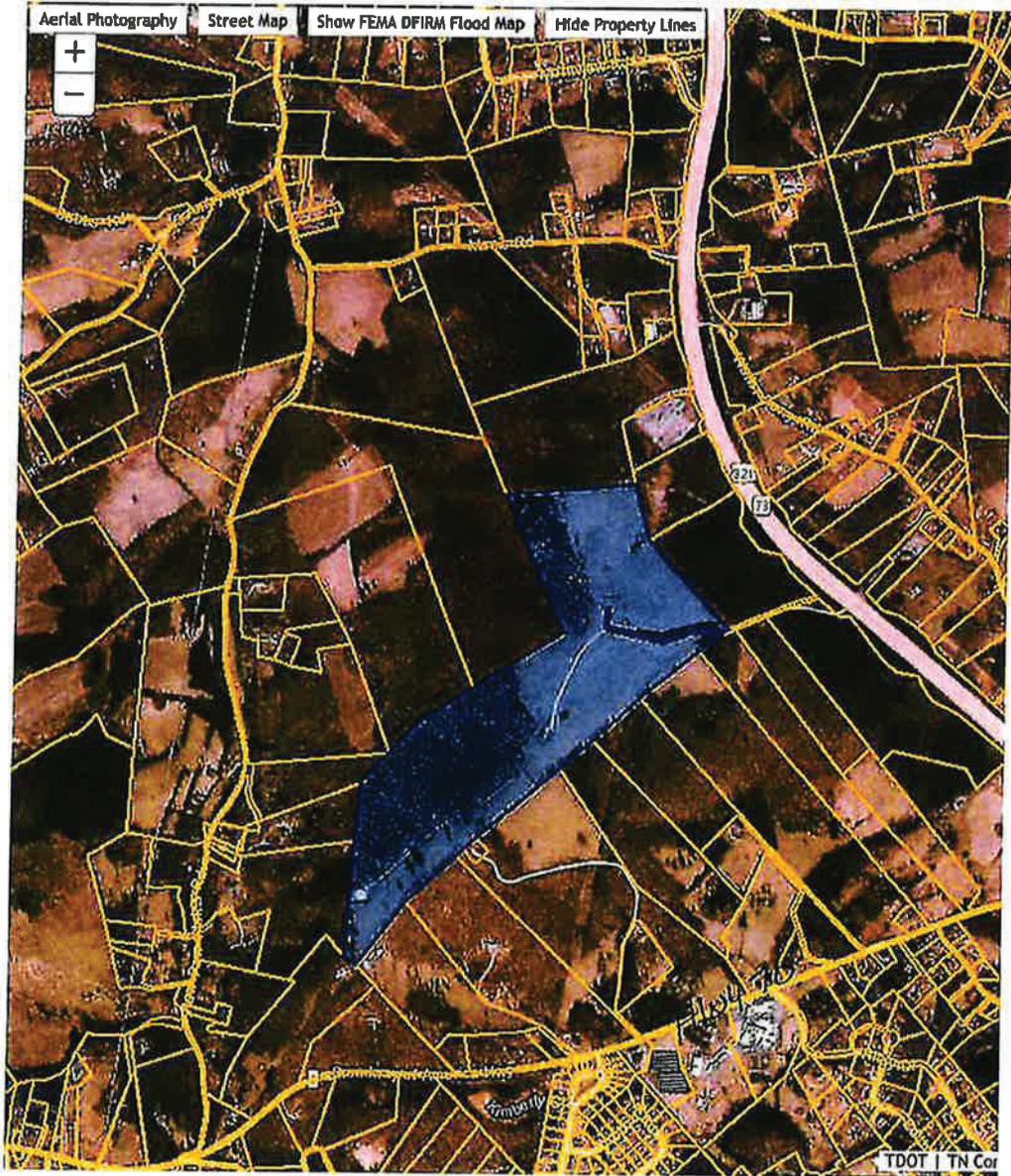
**Section 3.** This ordinance to provide a plan of services shall take effect immediately upon the date of the ordinance for annexation.

  
City Recorder

First Reading: March 9, 2020

Second Reading: May 11, 2020

  
Mayor  
  
City Attorney



## **EXHIBIT J**

### **STATE OF TENNESSEE**

OFFICE OF THE  
ATTORNEY GENERAL  
425 FIFTH AVENUE NORTH  
NASHVILLE, TENNESSEE 37243

October 17, 2000

Opinion No. 00-160

*West Tennessee Examiner* as “newspaper” for purposes of publication of official notices

### **QUESTION**

Does *The West Tennessee Examiner* qualify as a “newspaper” and/or “newspaper of general circulation” for purposes of publication of official notices?

### **OPINION**

In most aspects *The West Tennessee Examiner* qualifies as a newspaper for purposes of publication of official notices. However, *The West Tennessee Examiner* is not suitable for publication of official notices under the Election Code because it does not meet the criteria set forth in Tenn. Code Ann. § 2-1-104(a)(13).

### **ANALYSIS**

With the exception of a definition in the Election Code, Tenn. Code Ann. §§ 2-1-101, *et. seq.*, the terms “newspaper” and “newspaper of general circulation” are not defined in any of the state statutes that require publication of official notices in a “newspaper” or “newspaper of general circulation.” *See generally* Op. Tenn. Atty. Gen. U93-112 (November 30, 1993) and Op. Tenn. Atty. Gen. U92-99 (September 1, 1992). However, the Election Code does define the term “newspaper of general circulation” and lists among a number of factors the requirement that the publication be issued for a definite price. Tenn. Code Ann. § 2-1-104(a)(13). Because *The West Tennessee Examiner* is a free publication, it does not comply with the Election Code’s definition of a “newspaper of general circulation.” *See, e.g.*, Op. Tenn. Atty. Gen. 93-19 (March 11, 1993); Op. Tenn. Atty. Gen. U-92-99 (September 1, 1992); Op. Tenn. Atty. Gen. 84-289 (October 25, 1984); Op. Tenn. Atty. Gen. 83-442 (October 6, 1983). Thus, the paper is not suitable for the publication of notices required under the Election Code.

With respect to the statutes in which the terms “newspaper” or “newspaper of general circulation” are not defined, three criteria have been established in order for a publication to satisfy the requirements of the various statutes. *See* Op. Tenn. Atty. Gen. U91-164 (December 23, 1991). First, the publication should be available in all parts of the county. Op. Tenn. Atty. Gen. U92-99 (September 1, 1992). Second, it should be published at least weekly. Op. Tenn. Atty. Gen. U91-164 (December 23, 1991);

Op. Tenn. Atty. Gen. U91-09 (January 22, 1991). Third, it should contain news of general interest to the public. Op. Tenn. Atty. Gen. 93-19 (March 11, 1993); Op. Tenn. Atty. Gen. U92-99 (September 1, 1992); Op. Tenn. Atty. Gen. U91-09 (January 22, 1991); Op. Tenn. Atty. Gen. U90-118 (August 15, 1990); Op. Tenn. Atty. Gen. U90-55 (March 28, 1990).

These criteria are supported by the case of *Cook v. McCullough*, 1989 WL 155926 (M.S. Tenn. Ct. App. December 29, 1989), *p.t.a denied* (1990). In that case, the Court of Appeals determined that *The Nashville Record* was a newspaper for purposes of Tenn. Code Ann. § 67-5-2502. The Court stated:

*The Nashville Record* is a “newspaper” in the sense of the applicable statute. It is published weekly. It is intended for circulation among the general public. It contains matters of general interest. It is in the form of a newspaper.

*Cook v. McCullough*, 1989 WL 155926 at 7.

According to information supplied with the opinion request, *The West Tennessee Examiner* is published in Jackson, Tennessee, and is distributed weekly throughout Gibson and Hardeman Counties. The information also refers to North and South Madison, and, thus, we are not certain whether the paper is distributed throughout all of Madison County, or only portions of the county. The publication therefore complies with the first two requirements noted above as to Gibson and Hardeman Counties. It would also comply with respect to Madison County if, in fact, it is distributed throughout the county. Further, *The West Tennessee Examiner* appears to meet the third requirement in that it covers news of general interest to the public. According to information accompanying the request, it currently covers a wide variety of local, state and national news, along with a highlighting of the accomplishments of local and regional individuals and upcoming local and regional events. The information states that the paper regularly features news stories of general interest to the public, including stories about the United Way of West Tennessee and news releases from area colleges and universities. Reportedly, the publication’s sports section features news from the West Tennessee Diamond Jaxx, Memphis Redbirds and local area sports teams.

Based on the information supplied to this Office, it is our opinion that *The West Tennessee Examiner* qualifies as a “newspaper of general circulation” and/or “newspaper” for the purposes of publication of statutorily required notices, other than those required under the Election Code.

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PAUL G. SUMMERS  
Attorney General and Reporter

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MICHAEL E. MOORE  
Solicitor General

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GARY R. THOMPSON  
Assistant Attorney General

Requested by:

Hon. Steve K. McDaniel  
State Representative  
103 War Memorial Building  
Nashville, Tennessee, TN 37243-0172

**STATE OF TENNESSEE**

OFFICE OF THE  
ATTORNEY GENERAL  
PO BOX 20207  
NASHVILLE, TENNESSEE 37202

April 17, 2002

Opinion No. 02-050

The City Paper as Newspaper of General Circulation for Publication of Official Notices

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**QUESTION**

Does The City Paper qualify as a “newspaper” and/or “newspaper of general circulation” for the purposes of publication of official notices, excluding the publication of official election notices, as defined by the Election Code found in Tenn. Code Ann. §§ 2-1-101, *et seq.*?

**OPINION**

Yes. The City Paper is a newspaper of general circulation for purposes of publishing non-election official notices in Davidson County.

**ANALYSIS**

This opinion has considered, as background, information supplied with the request as to the relevant attributes of The City Paper, a free daily newspaper published in Nashville, Tennessee.

With the exception of a definition in the Election Code, Tenn. Code Ann. §§ 2-1-101, *et seq.*, the terms “newspaper” and “newspaper of general circulation” are not defined in any of the state statutes that require publication of official notices in a “newspaper” or “newspaper of general circulation.” *See generally* Op. Tenn. Atty. Gen. U93-112 (November 30, 1993) and Op. Tenn. Atty. Gen. U92-99 (September 1, 1992). The Election Code does define the term “newspaper of general circulation” and lists among a number of factors the requirement that the publication be issued for a definite price. Tenn. Code Ann. § 2-1-104(a)(13). Because The City Paper is a free publication, it does not comply with the Election Code’s definition of a “newspaper of general circulation.” *See, e.g.*, Op. Tenn. Atty. Gen. 00-160 (October 17, 2000) and other opinions cited therein. Thus, the paper is not suitable for the publication of notices required under the Election Code.

With respect to statutes in which the terms “newspaper” or “newspaper of general circulation” are not defined, three criteria have been established in order for a publication to satisfy the requirements of various statutes. *See* Op. Tenn. Atty. Gen. 00-160. First, the publication should be available in all parts of the county. Second, it should be published at least weekly. Third, it should contain news of general

interest to the public. These criteria are satisfied by The City Paper for Davidson County.

According to information supplied with the opinion request, as well as shown in issues of The City Paper available to this Office, The City Paper is published in Nashville, Tennessee, and is distributed five days per week, Monday through Friday, with Friday being a weekend edition. The information supplied with the opinion request states that The City Paper is available in over 500 boxes and racks throughout Davidson County and selected areas of Williamson County, and that home delivery and requested office and retail delivery also occurs, resulting in stated circulation of over 40,000 readers per day. The publication therefore complies with the first two requirements noted above at least as to Nashville and Davidson County. Further, The City Paper appears to meet the third requirement in that it covers news of general interest to the public. The City Paper is in the form of a newspaper with 40 or more daily pages. It features a variety of local, state, national and international news, sports coverage of local, college and professional sports teams, business and financial news, weather, current events, entertainment, opinions, letters and editorials. Based on the information supplied to this Office, it is our opinion that The City Paper qualifies as a “newspaper of general circulation” and/or “newspaper” for the purposes of publication of statutorily required notices, other than those required under the Election Code.

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PAUL G. SUMMERS  
Attorney General and Reporter

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MICHAEL E. MOORE  
Solicitor General

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SARAH A. HIESTAND  
Senior Counsel

Requested by:

Honorable Beth H. Harwell  
State Representative  
107 War Memorial Building  
Nashville, TN 37243



**EXHIBIT K**

**LENOIR CITY REGIONAL PLANNING COMMISSION**

530 HIGHWAY 321 N, SUITE 303, LENOIR CITY, TN. 37771 (865) 986-9876

Agenda Application Form #

0159

**PROPERTY INFORMATION:**

ADDRESS: Hwy 70 Tax Map: 009 Gr:      Parcel: 111.00  
OWNER NAME: WNB Properties & Dan Smith PHONE #: 865-228-8997  
NAME OF DEVELOPMENT (if applicable):      Lot #       
ZONING DISTRICT:      TOTAL ACRES: 24±

EXISTING UTILITIES: WATER      SEWER      GAS      (LINE SIZE)  
PROPOSED UTILITIES: WATER      SEWER      GAS      (LINE SIZE)  
HAS LCUB BEEN CONTACTED PRIOR TO APPLICATION?       
HAS LCUB GRANTED PRELIMINARY APPROVAL?     

**TYPE OF REQUEST:**

**FEE:**

- ADMINISTRATIVE REVIEW - (IN-HOUSE 2 LOT PLATS)** **\$25.00**
- ANNEXATION** **\$100.00**  
PROPOSED ZONING DISTRICT R-2  
ADJACENT TO EXISTING CITY LIMITS R-3
- PRIVATE ROAD FORMAL ACCEPTANCE** **\$50.00**  
ROAD NAME:       
LENGTH OF ROAD:       
SURVEY/PLAT OF ROAD SUBMITTED?
- REZONING** **\$100.00**  
PROPOSED ZONING DISTRICT       
ADJACENT ZONING DISTRICT
- ROAD/ROW CLOSURE** **\$100.00**  
ROAD NAME:       
LENGTH/WIDTH OF ROAD:       
REASON:
- SITE PLAN** **\$100.00**  
PROPOSED USE:      ZONING:
- SUBDIVISION PLAT** **SEE BELOW**  
TOTAL NUMBER OF LOTS:       
 PRELIMINARY MIN \$50.00 OR \$10.00 PER LOT  
 FINAL MIN \$25.00 OR \$5.00 PER LOT

Being the applicant to this request, I attest that I am the owner of said property or have the authority to act as agent for the owner. Review fee collected is nonrefundable and is not a guarantee of approval.

[Signature]  
Signed:

8-12-2022  
Date

AMOUNT DUE: 100.00  
RECEIPT # 14649  
RECEIVED BY: [Signature]

MEETING DATE FOR LCRPC REVIEW: 9/6/22  
6pm.



**LENOIR CITY**  
T E N N E S S E E

DEPARTMENT OF CODES ENFORCEMENT AND PLANNING

SEPTEMBER 13, 2022 – 6:00 PM  
LENOIR CITY BOARD OF ZONING APPEALS

Call to Order

Roll Call

Pledge of Allegiance

Approval of August 2, 2022, Meeting Minutes

Comments from citizens concerning an item(s) on the agenda (time limits may be imposed)

**AGENDA ITEMS:**

1. Request for 3' side yard setback variance from required 10' for property located at 700 E. Broadway-Casey's
  - ACTION REQUIRED
2. Request for accessory building in the side yard for greenhouse to be located at 9400 Happy Hollow Road-Jack Scariano
  - ACTION REQUIRED
3. Variance request for interior side-yard setbacks for attached townhomes for property located off Old Highway 95-Stefan Claar
  - ACTION REQUIRED
4. Variance request from minimum lot size in R-3 District for property located off Old Highway 95-Stefan Claar
  - ACTION REQUIRED

Adjournment

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SEPTEMBER 13, 2022 – 6:00 PM  
LENOIR CITY REGIONAL PLANNING COMMISSION

Call to Order

Roll Call

Approval of August 2, 2022, Meeting Minutes

Comments from citizens concerning an item(s) on the agenda (time limits may be imposed)

**AGENDA ITEMS:**

1. Request for final plat approval for 4 lots in Stone Harbor located within the Urban Growth Area-Richard LeMay
  - ACTION REQUIRED
  
2. Annexation request for Tax Map 9, Parcel 111.00 located off Highway 70-Dan Smith
  - ACTION REQUIRED
  
3. Request for rezoning from R-1 Low Density Residential District and C-3 Highway Commercial District to R-3 High Density Residential District for Tax Map 150, Group B, Parcels 20.00 and 21.00 located off Old Highway 95- Charles Henline
  - ACTION REQUIRED
  
4. Request for site plan approval for property located within the Urban Growth Area at 5607 Highway 321-Lynne Holmes
  - ACTION REQUIRED
  
5. Request for preliminary plat approval for Tax Map 15A, Group F, Parcels 14.00 through 23.00 located off Green Meadows Lane-Chris Sharp
  - ACTION REQUIRED
  
6. Request for concept plan approval for property located off Old Highway-Stefan Claar
  - ACTION REQUIRED

Other Business: monthly report

Adjournment

## EXHIBIT M



# LENOIR CITY

T E N N E S S E E

DEPARTMENT OF CODES ENFORCEMENT AND PLANNING

Lenoir City Regional Planning Commission

September 13, 2022

**Members Present:** Eddie Simpson, David Martin, Leon Shields, Bill Thomas

**Members Absent:** Steve Mitchell, Mary Bright, Vonnie Myers

**Others Present:** Beth Collins, LaVonne Barbour, Jack Scariano, Rebecca Scariano, David Harbin, Stefan Claar, Mark White, Richard LeMay, Dan Smith, Charles Henline, David Campbell

The Lenoir City Regional Planning Commission met Thursday September 13, 2022, at 6:00 P.M. Chairperson Leon Shields called the meeting to order. Staff conducted a roll call.

Mr. Martin moved the minutes of the August 2, 2022 meeting be approved as distributed. Motion was seconded by Mr. Thomas and carried. Mr. Shields **ABSTAINED** from the vote.

**Comments from citizens concerning item/items on the agenda**

There were no comments

**Agenda Item #1. Request for final plat approval for 4 lots in Stone Harbor located within the Urban Growth Area. Richard LeMay.** The property has 4 lots in Stone Harbor Development located within the planning region that the developer would like to submit for final plat approval. Staff stated that the county highway department had approved the plat. A motion was made by Mr. Martin to approve the request, seconded by Mr. Simpson, and carried. Mr. Shields **ABSTAINED** from the vote.

**Agenda Item #2. Annexation Request for Tax Map 9, Parcel 111.00 located off Highway 70. Dan Smith.** This property is off Hwy 70 with about 24 acres. It is adjacent to the West Point Development. The owner is requesting annexation with R-2 Medium Density Residential District zoning. A motion was made by Mr. Thomas to approve the request, seconded by Mr. Martin, and carried. Mr. Shields **ABSTAINED** from the vote.

**Agenda Item #3. Request for rezoning from R-1 Low Density Residential District and C-3 Highway Commercial District to R-3 High Density Residential District for Tax Map 150, Group B, Parcels 20.00 and 21.00 located off Old Highway 95. Charles Henline.** This is 2 parcels off Old Highway 95 that are about 2 acres. One parcel is zoned R-1 Low Density Residential District and the other is zoned C-3 Highway Commercial District. The owner would like to rezone them both to R-3 High Density Residential District. A motion was made by Mr. Martin to approve the request, seconded by Mr. Simpson, and carried. Mr. Shields **ABSTAINED** from the vote.

**Agenda Item #4. Request for site plan approval for property located within the Urban Growth area at 5607 Highway 321. Lynne Holmes.** This property is in the planning region off Highway 321 and is a storage yard. The owner would like to add a covered shed for outdoor storage. A motion was made by Mr. Martin to approve the request, contingent upon approval with the County Planning Office to ensure Stormwater guidelines are met, seconded by Mr. Simpson and carried. Mr. Shields **ABSTAINED** from the vote.

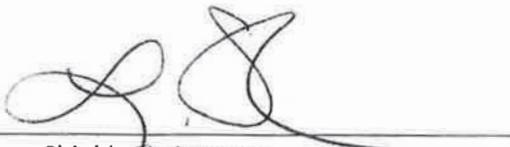
**Agenda Item #5. Request for preliminary plat approval for Tax Map 15A, Group F, Parcels 14.00 through 23.00 located off Green Meadows Lane. Chris Sharp.** Item was removed from the agenda per Mr. Sharp's request.

**Agenda Item #6. Request for concept plan approval for property located off Old Highway 95. Stefan Claar.** This is part of the old Lenoir City Company that Turner Homes is purchasing. They would like to get concept plan approval now so they can close on the property and come back with a preliminary plat with details. A motion was made by Mr. Martin to approve the request, seconded by Mr. Thomas and carried. Mr. Shields **ABSTAINED** from the vote.

**Other Business:**

Ms. Collins updated the board on the monthly activities report for August which included 32 permits for new homes.

With no further business to come before the board Mr. Martin moved to adjourn, seconded by Mr. Thomas and carried.

  
\_\_\_\_\_  
Leon Shields Chairperson

10/4/22  
\_\_\_\_\_  
Date

**EXHIBIT N**

RESOLUTION NO. 2022-11-14-2345-A

**A RESOLUTION ANNEXING PROPERTY LOCATED AT OFF HIGHWAY 70, CONTAINING APPROXIMATELY 24.30 ACRES, FURTHERMORE IDENTIFIED AS LOUDON COUNTY TAX MAP 009, PARCEL 111.00.**

**WHEREAS**, Owners of property adjacent to the City have petitioned the City to annex their property into the city limits of the City of Lenoir in accordance to Tennessee Code Annotated §6-51-104; and,

**WHEREAS**, It appears that the City and the territory herein described will mutually benefit from this annexation; and,

**WHEREAS**, The Lenoir City Regional Planning Commission has reviewed and recommended approval of the Annexation of the identified property as being consistent with the requirements of §6-51-102(b) of Tennessee Code Annotated;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Lenoir City, Tennessee as follows:

**Section 1.** Pursuant to Tennessee Code Annotated §6-51-104 there is hereby annexed to the City of Lenoir City, Tennessee and incorporated within the corporate boundaries of the City of Lenoir City the following parcel of property more specifically identified by the attached map shown as Exhibit 1, said map being a part of this Ordinance.

- A. Situated in the Fifth (5<sup>th</sup>) Civil District of Loudon County, Tennessee, identified as the properties shown on Loudon County Tax Map 009, Parcel 111.00 containing approximately 24.30 acres, that is not presently within the corporate limits of the City of Lenoir City, Tennessee, said property owned by WNW Properties LLC c/o Dan Smith.

**Section 2.** The parcel shall be zoned R-2 Medium Density Residential District, 24.30 acres as shown on the attached map.

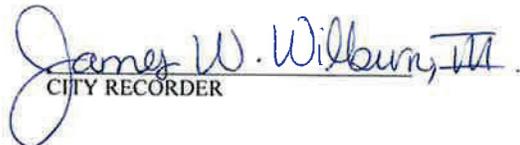
**Section 3.** This Resolution shall take effect immediately after passage.

ADOPTED: This the 14<sup>th</sup> day of November 2022.

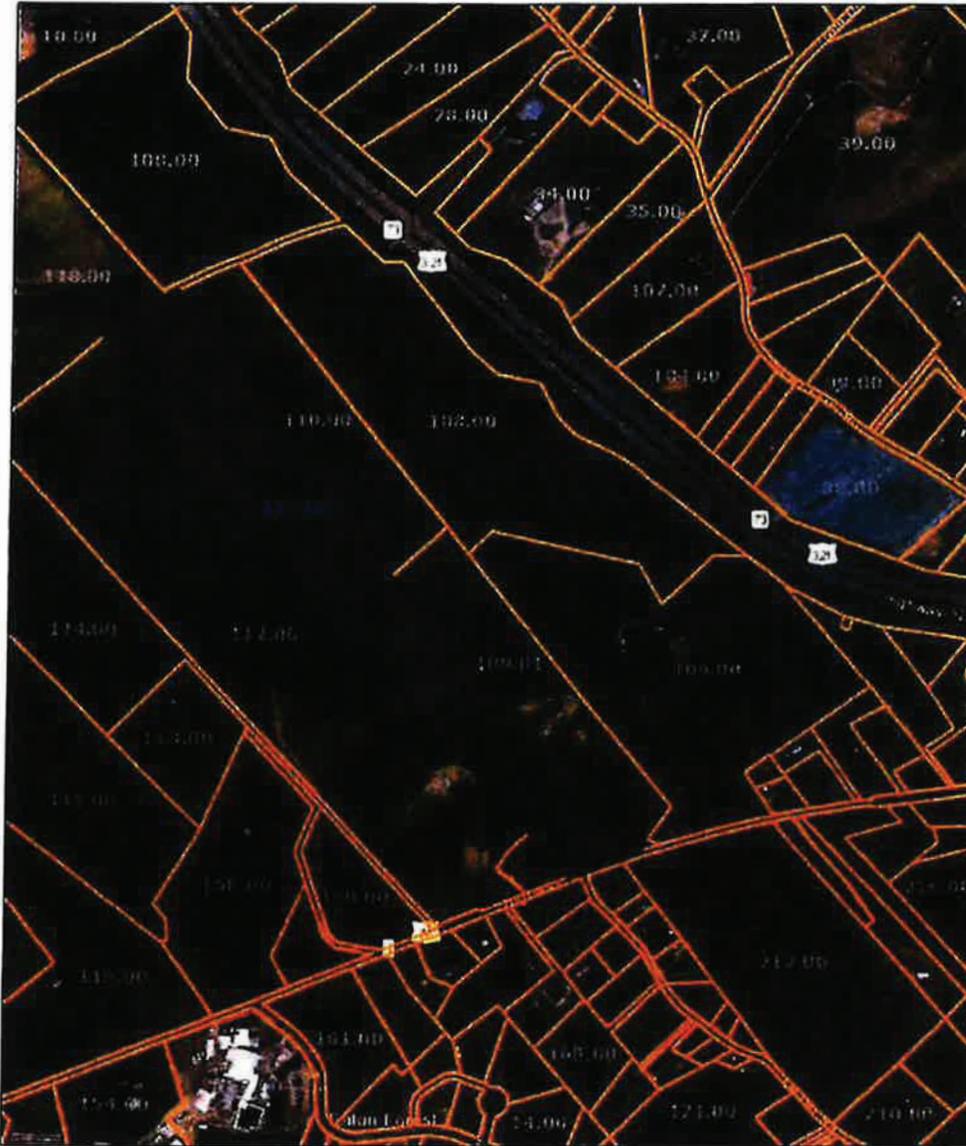
MAYOR



CITY RECORDER

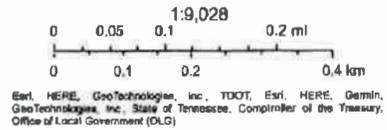


Loudon County - Parcel: 009 111.00



Date: August 12, 2022

County: Loudon  
Owner: WNW PROPERTIES LLC  
Address: HWY 70 W  
Parcel Number: 009 111.00  
Deeded Acreage: 24.3  
Calculated Acreage: 0  
Date of TDOT Imagery: 2019  
Date of Vexcel Imagery: 2021



The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

**EXHIBIT O**

ORDINANCE NO. 2022-11-14-2345-B

AN ORDINANCE PROVIDING A PLAN OF SERVICES FOR CERTAIN PROPERTIES PROPOSED FOR ANNEXATION INTO THE CITY OF LENOIR CITY BY ORDINANCE NO. 2022-11-14-2345-B, PURSUANT TO §6-51-102 OF TENNESSEE CODE ANNOTATED, SAID PROPERTY BEING APPROXIMATELY 24.30 ACRES LOCATED OFF HIGHWAY 70, FURTHERMORE IDENTIFIED AS LOUDON COUNTY CONTROL TAX MAP 009, PARCEL 111.00.

WHEREAS, The property owner of the proposed territory for annexation did petition in writing their request for annexation in accordance with Tennessee Code Annotated §6-51-104: and

WHEREAS, Tennessee Code Annotated §6-51-102(b) requires that “before any territory may be annexed under this section by a municipality, the governing body shall adopt a plan of services establishing at least the services to be delivered and the projected timing of the services”; and

WHEREAS, The Lenoir City Regional Planning Commission has reviewed said proposed plan of services in accordance with Tennessee Code Annotated §6-51-102(b) (4) at their September 13, 2022, meeting: and

WHEREAS, The plan of services shall include a reasonable implementation schedule for the delivery of comparable services in the territory to be annexed compared to those provided to all citizens of the municipality; and

WHEREAS, A public hearing is scheduled for Monday, November 14, 2022, at 5:50 P.M. in Lenoir City Hall and notice thereof was published in The Daily Edition on Friday, October 28, 2022, of which is a paper of general circulation within the county and was published at least fifteen (15) days prior to the public hearing date.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lenoir City, Tennessee that:

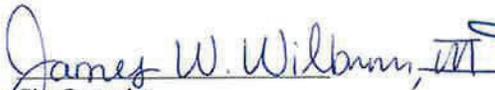
**Section 1.** The Plan of Services for territory proposed for annexation by Ordinance No. 2022-11-14-2345-B, containing one (1) parcel consisting of approximately 24.30 acres located off Highway 70, as shown on the attached map, is established as follows:

1. **Police Protection:** The City of Lenoir City shall provide routine patrols and respond to emergency calls immediately upon the effective date of the parcel’s annexation.
2. **Fire Protection:** The City of Lenoir City presently maintains a Class 2 fire rating and shall provide fire protection services immediately upon the effective date of the parcel’s annexation. Developers are required by Lenoir City’s Development Regulations to install fire hydrants at a 500’ minimum spacing in all new developments.
3. **Water Services:** Water users will pay fees and charges as established by the Lenoir City Utilities Board (LCUB) for connection to the water system. Developers are required to extend the main water line, at their cost and upon approval by LCUB, with a minimum line size of 8” and provide a loop feed system through any new development. Where road bores are required, the developer shall be responsible for all cost. Water service may not be currently provided to the property proposed for annexation.
4. **Electrical Services:** Electric power services shall be provided by LCUB with the developer being responsible for the installation of new electric infrastructure in accordance with LCUB specifications and requirements. Electric service is currently provided to the property proposed for annexation.

5. **Sanitary Sewer Services:** Sanitary Sewer services shall be provided by LCUB with the developer being responsible for the installation of new sanitary sewer infrastructure in accordance with LCUB specifications and requirements. Sanitary sewer service may not be currently run to the property proposed for annexation.
6. **Solid Waste Services:** Solid waste collection for residential customers shall be available immediately upon the effective date of the parcel's annexation. Residential solid waste collection is provided once weekly by the City of Lenoir City for a monthly fee of \$11.00 and is collected by LCUB's monthly utilities' billing cycle. The city does not provide commercial solid waste services.
7. **Street Repairs:** No public streets are proposed for annexation at this time.
8. **Recreational Facilities and Programs:** Access to Lenoir City's recreational facilities shall be available to newly annexed residents immediately upon the effective date of the parcel's annexation.
9. **Street Lighting:** With no streets proposed for annexation at this time, there are no plans for street lighting to be provided.
10. **Zoning and Planning Services:** The City shall extend its zoning jurisdiction immediately upon the effective date of the parcel's annexation. The zoning classification for the parcel proposed for annexation shall be **R-2 Medium Density Residential District**. **Building Codes:** The City shall extend the enforcement of the 2012 ICC Series (or any subsequent building code adopted) and Municipal Codes immediately upon the effective date of the parcel's annexation.

**Section 2.** This plan of services shall be reviewed, and a report of progress published, if necessary, in accordance with Tennessee Code Annotated §6-51-108(b); with notice of publication being in a newspaper of general circulation. Said plan of services may be amended in accordance with Tennessee Code Annotated §6-51-108 subsections (c) and (d).

**Section 3.** This ordinance to provide a plan of services shall take effect immediately upon the date of the ordinance for annexation.

  
 City Recorder

First Reading: October 24, 2022

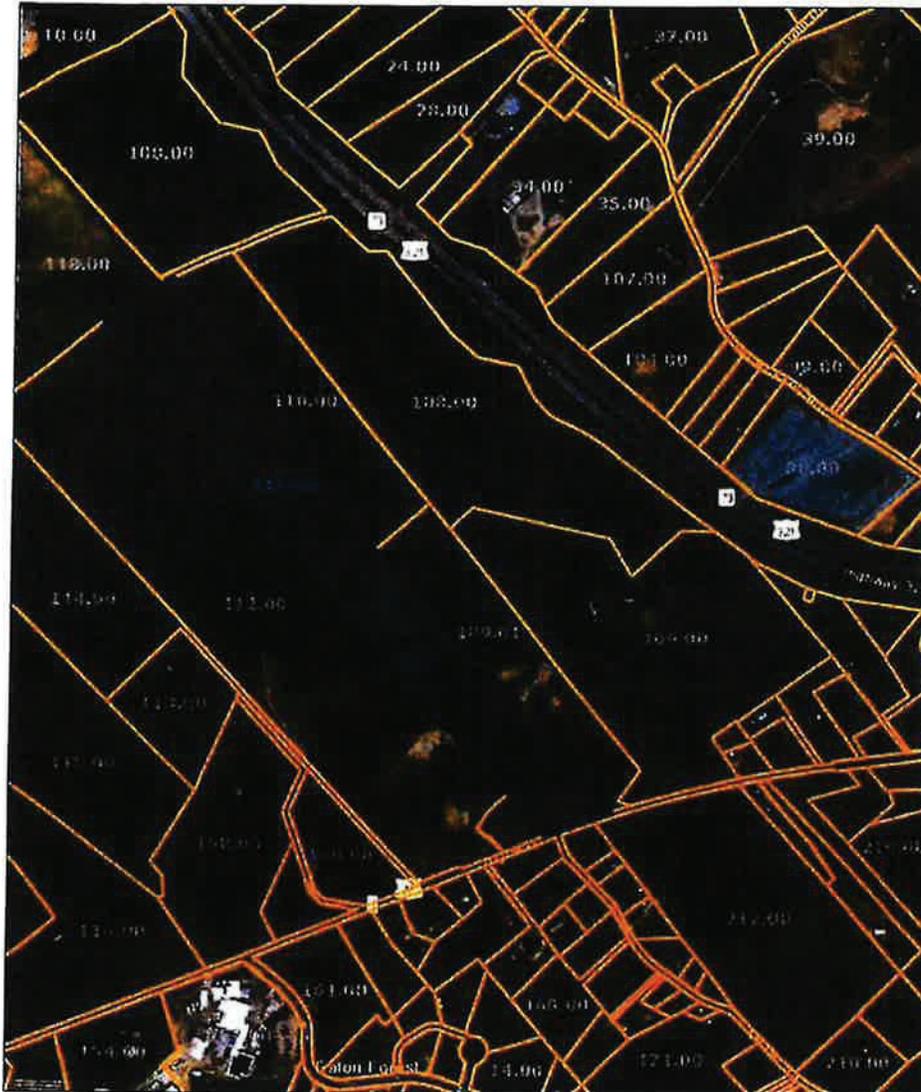
Second Reading: November 14, 2022

  
 Mayor

  
 City Attorney

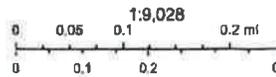
Loudon County - Parcel: 009 111.00

NEW SITE



Date: August 12, 2022

County: Loudon  
Owner: WNW PROPERTIES LLC  
Address: HWY 70 W  
Parcel Number: 009 111.00  
Deeded Acreage: 24.3  
Calculated Acreage: 0  
Date of TDOT Imagery: 2019  
Date of Vexcel Imagery: 2021



Esri, HERE, GeoTechnology, Inc., TDOT, Esri, HERE, Garmin, GeoTechnology, Inc., State of Tennessee, Comptroller of the Treasury, Office of Local Government (OLG).

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.