

ANNEXATION DEANNEXATION OF COUNTY INFRASTRUCTURE IN WASHINGTON COUNTY

Tennessee Advisory Commission on Intergovernmental Relations (TACIR)
Non-Governmental Panel, August 21, 2013
Chairman: Senator Mark Norris

Tennessee County Highway Officials Association
Presenter: John Deakins, Jr.
Washington County Highway Superintendent

I am John Deakins, Jr. Washington County Highway Superintendent and I am here on behalf of the Tennessee County Highway Officials Association to show some of the difficulties Highway Officials have dealing with annexation by cities around county infrastructure.

As a government official I realize that Cities must annex to strengthen their tax base to recover their investment in their infrastructure "water and sewer". Washington County residents, not within the city limits, should not be dependent upon a city government to maintain the infrastructure adjacent to their property and the cities should not be able to escape their fiscal responsibilities by annexing around structures. I will show examples of the inconsistent methods of annexation Johnson City has practiced before and after the Urban Growth Area Boundaries were established.

One important fact to keep in mind - Johnson City's paving resurfacing schedule is 56 years for 327 road miles, that means theoretically; you will see the road you live on paved once in your life time and Washington County resurfacing schedule is 21 years for 783 road mile.

The city has annexed as much as two miles of county road to annex as few as 8 residents and by doing so Washington County tax payers are dependent upon the city to maintain the road and right-of-way. When the residents call wanting paving or maintenance on the road and they are informed that it is a city road the response is "the city can't take care of the roads they have why did they annex this road" they are politely told to call the city public works department.

In several cases Johnson City annexes up to and or around structures such as bridges and railroad underpasses, in one cases de-annexed railroad ROW and 40' of a bridge, as not to be responsible for the maintaining or the cost of replacement of deficient or closed bridges.

Johnson City has in two case, I am aware of annexed residents and the right of way that the county had paved and maintained for many years but the city no longer maintains the roads and Johnson City's response was that the roads did not meet there minimum criteria, even though the residents are paying city taxes they no longer have a maintained public road.

In 2010 I tried to address the issue with Johnson City of leaving small areas of roads between city limits "donut holes" and very short lengths on dead end roads. The city's response was "The city in recent years, attempted to annex on more than one occasion with no support from property owners" and went on to say that "Presently, our annexation policy is to consider annexation if requested by property owner(s), or if farmland is proposed for development, then annexation will be pursued".

In 2012 Gray residents were informed that they along with working farms were going to be annexed as the first phase of many in this “planned growth area” over the next ten years. None of the residents had asked to be annexed, as was the policy in 2010 during the “donut hole” issue. After much discussion between the City and County Commissions the city did not annex the working farms as stated in 2010. If the city wants to build its tax base they need to annex the property and roads in the “donut holes” where they have their infrastructure established.

Phase II annexation was opposed and the city agreed not to annex farms and residents, only commercial property, then delayed phase II until further notice.

The reason I am here today is to express my concerns as Highway Superintendent and show inconsonant and unfavorable practices by Johnson City.

Annexation and Deannexation practices in Washington County

Exhibit #1 – Strip Annexation

- Sept 1994 J.C. annexed 11 parcels and 8 homes on Will Lane. To do so, J.C. annexed 4,338' of Rockingham Road leaving 70 county taxpayers on both sides of the annexation dependant on J.C. to maintain 4,338' of R.O.W. J.C. had previously annexed 9,065' to a 29 lot development and later 3605' to a large development of lake front property before annexing Will Lane. A total of 203 county taxpayers are dependant on J.C. to maintain their road. Remember the paving rotation? 56 years vs. 21 years.

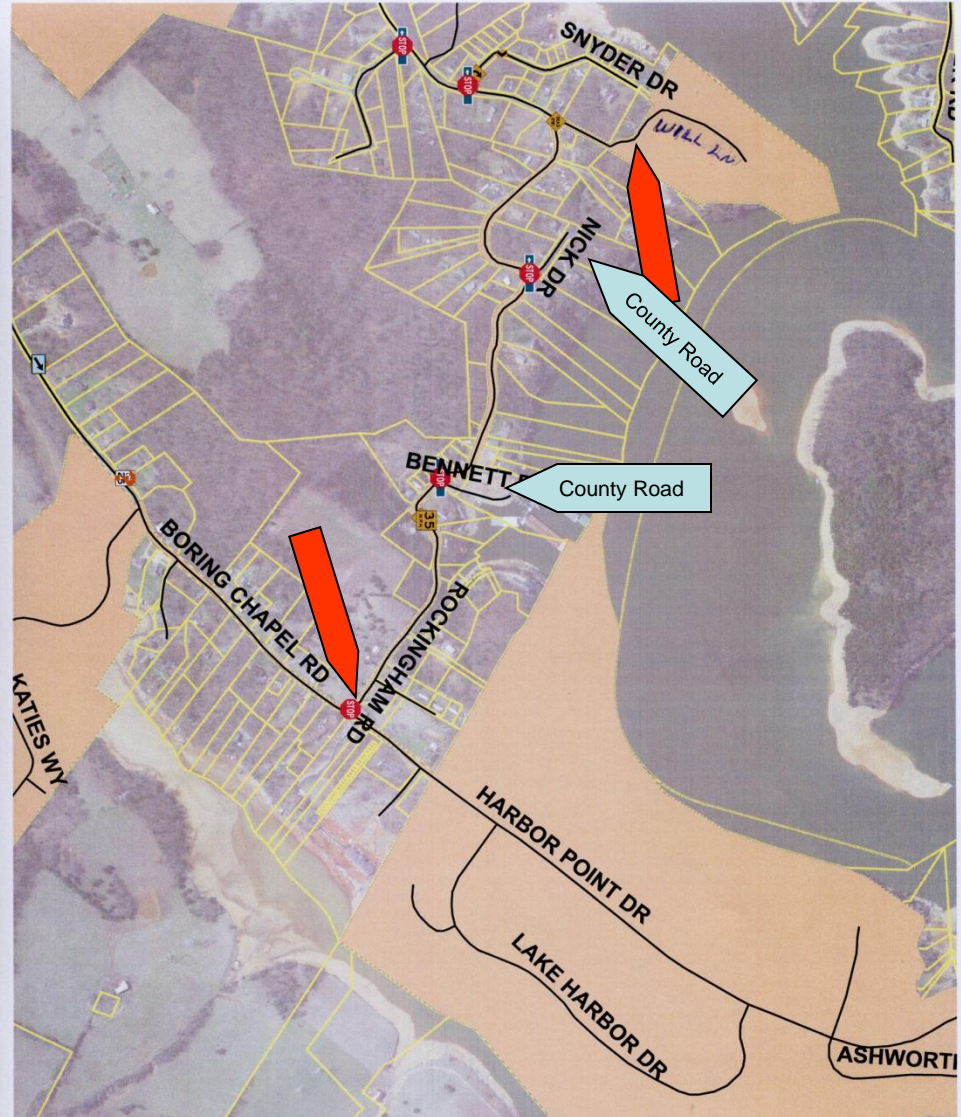
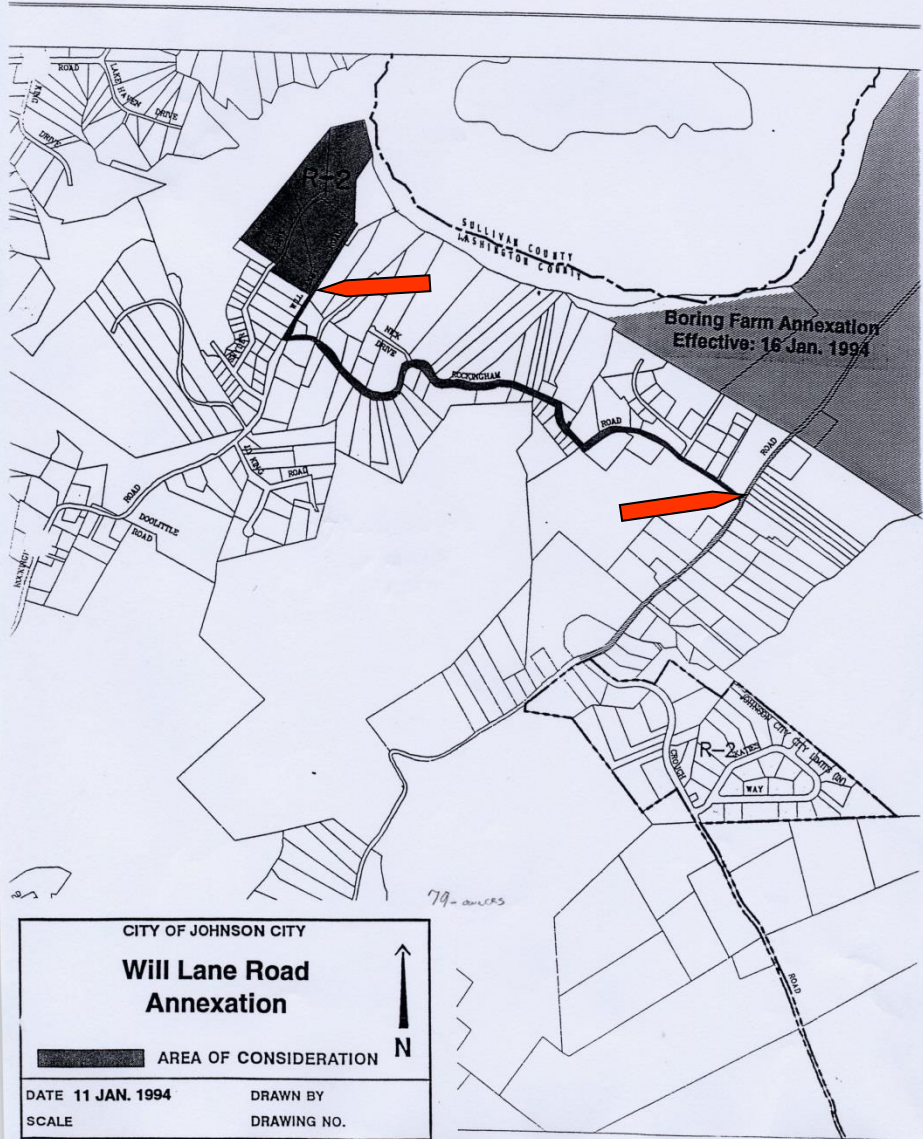


Exhibit #2 – Annexation - Deannexation

- Knob Creek Dock Road April 5th, 1993
- Johnson City annexed about 1000' of county R.O.W. After TDOT bridge inspection required some minor repairs, in 1999 Johnson City deannexed 40' of the 238' structure.



City of Johnson City Tennessee

601 East Main Street • P.O. Box 2150 • Johnson City, TN 37605 • (615) 929-9171

PLANNING DEPARTMENT

April 5, 1993

Mr. John Deakins
Washington County Road Superintendent
P.O. Box 219
Jonesborough, TN 37659

Dear Mr. Deakins:

Please be advised that the enclosed four (4) annexations to the city of Johnson City became effective on the dates indicated.

- Ordinance 3128:** Effective date - February 21, 1993. Consists of 0.4 acre, no public right-of-way, and 0 population.
- Ordinance 3129:** Effective date - February 21, 1993. Consists of 340 acres, approximately 0.26 mile of public right-of-way (a portion of Onion Lane and Knob Creek Dock Road), a population of 19, and the following business:

Bledsoe Enterprise
131 Knob Creek Dock Road
Johnson City, TN 37601
State Sales Tax No.: 1-411624740-001-0

- Ordinance 3132:** Effective date - March 21, 1993. Consists of 0.73 acres, approximately 0.04 mile of public right-of-way (Hopper Road), and a population of six (6).
- Ordinance 3133:** Effective date - March 21, 1993. Consists of 0.6 acre, no public right-of-way, and a population of three (3).

We are providing this information in order that you may adjust your records and take whatever appropriate action is necessary.

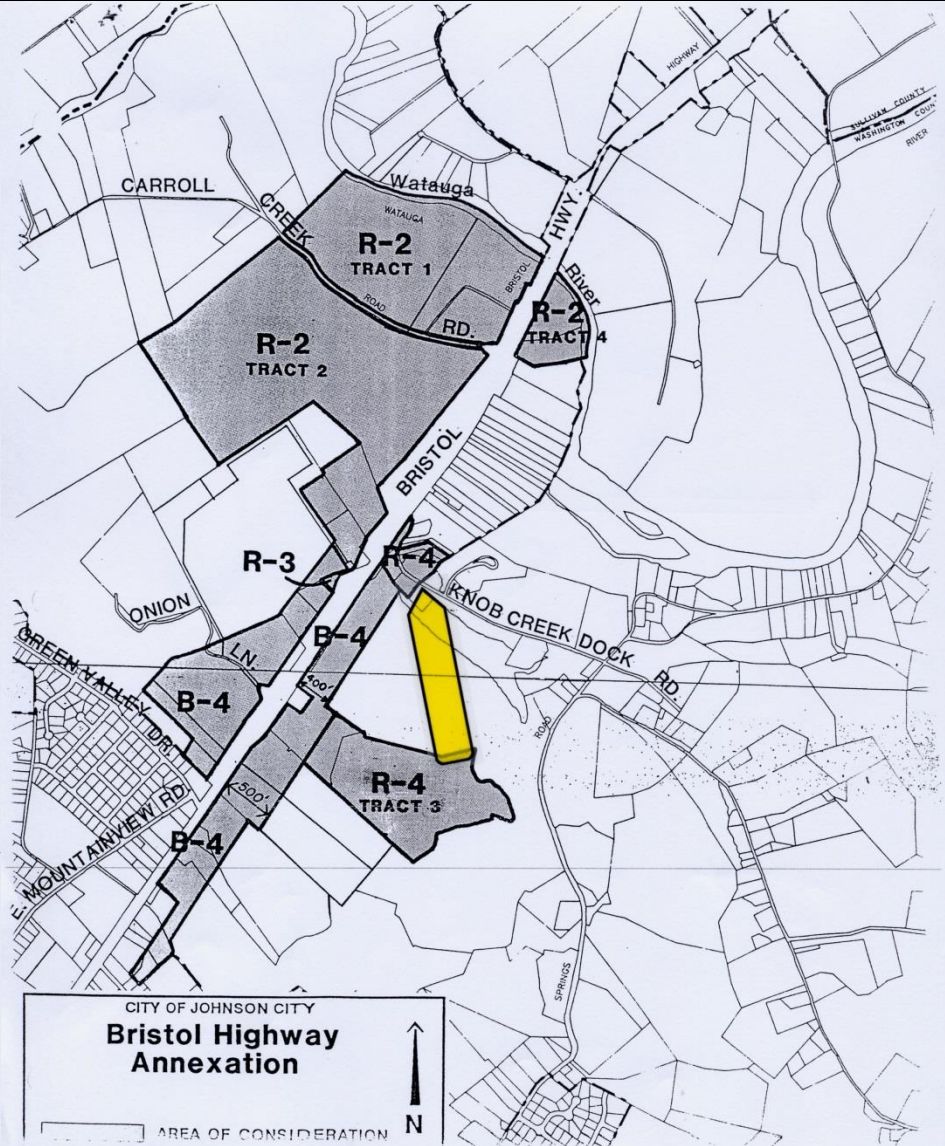
If you should have any questions or require additional information, I may be contacted at 929-9171, extension 325.

Sincerely

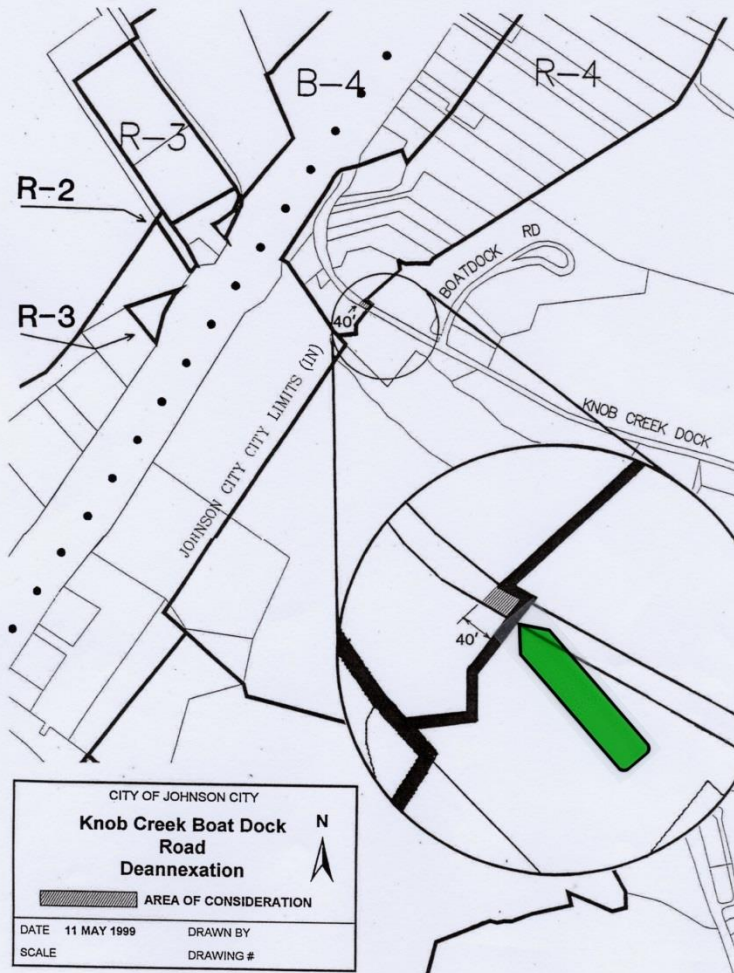
Wendy Jayne Bailey
Wendy Jayne Bailey
Planner I

WJB:syh

Enclosures



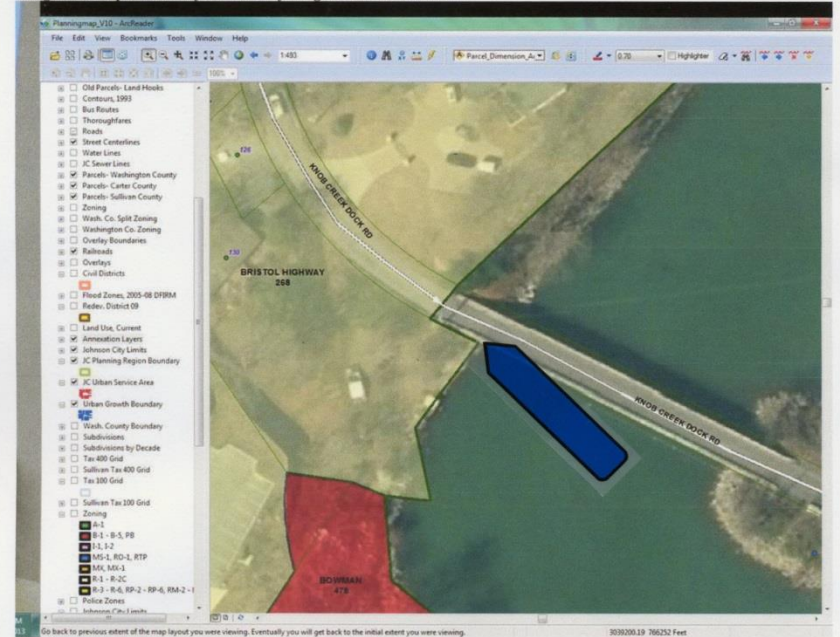
"Exhibit 'B'"



John Deakins

From: Harmon, Jessica [jharmon@johnsoncitytn.org]
 Sent: Friday, July 26, 2013 8:37 AM
 To: 'jdeakins@washingtoncountyn.org'
 Subject: Knob Creek Dock Rd
 Mr. Deakins,

I received your phone message yesterday afternoon and looked it up this morning. We did not annex any portion of the bridge. See map below. If you need anything further let me know.



Thanks

Jessica Harmon
 City of Johnson City
 Development Services Department
 Planning Division
 (423) 434-6073

"Development Services ... guiding today, shaping tomorrow"

Think green: Only print this e-mail and any attachment if necessary.

No virus found in this message.
 Checked by AVG - www.avg.com
 Version: 2013.0.3349 / Virus Database: 3209/6521 - Release Date: 07/25/13

7/29/2013

Exhibit #3– J.C. annexed 12,150' of CSX Railroad R.O.W. to access 61 acres of commercial property

- This section of rail R.O.W. had two wooden bridges rated critical. W.C. received contracts from TDOT to replace the wooden structures in the 2000 BRZ bridge replacement program, which is an 80%-20% match, J.C. was asked to pay 10% of the 20% match. Instead of paying 10%, in June 2002, J.C. deannexed 12,150' of CSX railroad. CSX also declined to pay the 10%. Bridges were completed by W. C. in 2009 & 2010. Cost \$1,100,000 EA



City of Johnson City Tennessee

601 East Main Street • P.O. Box 2150 • Johnson City, TN 37605 • (615) 929-9171

September 21, 1994

Mr. John Deakins
Washington County Road Superintendent
P.O. Box 219
Jonesborough, TN 37659

Dear Mr. Deakins:

Please be advised of the enclosed five (5) annexations to the city of Johnson City.

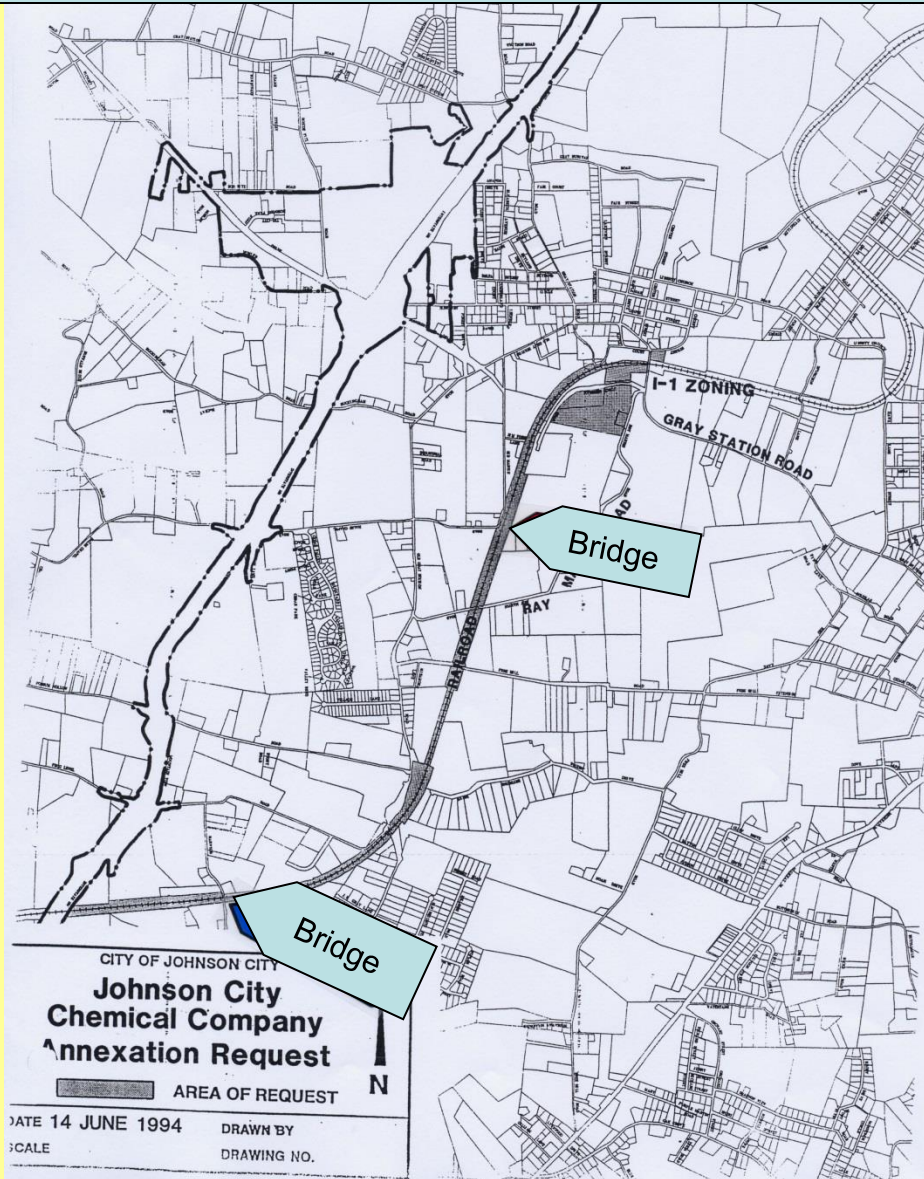
- Ordinance 3173:** (Buckles/Brooks) **Effective Date: August 12, 1994**
Consists of 64.8 acres of vacant land proposed for residential development. Public right-of-way includes Old Gray Station Road.
- 2. **Ordinance 3192:** (Will Lane Road) **Effective Date: August 12, 1994**
EX 4 Consists of 18.7 acres, nine (9) single-family residences, and an estimated population of 8. Public right-of-way includes Rockingham Road, Will Lane Road, and Snyder Drive.
- 3. **Ordinance 3229:** (Boones Creek Interstate Park N) **Effective Date: August 12, 1994**
Consists of 5.7 acres of commercial property. Public right-of-way includes Boones Creek Christian Church Road.
- 4. **Ordinance 3235:** (Johnson City Chemical Company) **Effective Date: August 12, 1994**
EX 2 Consists of 61.2 acres of commercial property. Public right-of-way includes Gray Station Road and Judge Giesham Road.
- 5. **Ordinance 3244:** (Harshbarger) **Effective Date: September 18, 1994**
Consists of 4.14 acres, one (1) single-family residence, four (4) apartments, and a population of 1. Public right-of-way includes Wood Drive and Elliot and Scott Circle.

I am providing this information in order that you may adjust your records and take whatever appropriate action is necessary.

If you should have any questions or require additional information, please contact Jim Donnelly or me at 929-9171, extension 318 or 325, respectively.

Sincerely,
Wendy Jayne Bailey
Wendy Jayne Bailey
Planner I

WJB:syh
Enclosures





City of Johnson City Tennessee

601 East Main Street • P. O. Box 2150 • Johnson City, TN 37605 • (423) 434-6071 Fax (423) 461-1641

PLANNING DEPARTMENT

July 22, 2002

Mr. John Deakins
Washington Co. Road Superintendent
PO Box 219
Jonesborough, TN 37659

Dear Mr. Deakins:

Please be advised of the following **deannexation** annexation to the city of Johnson City:

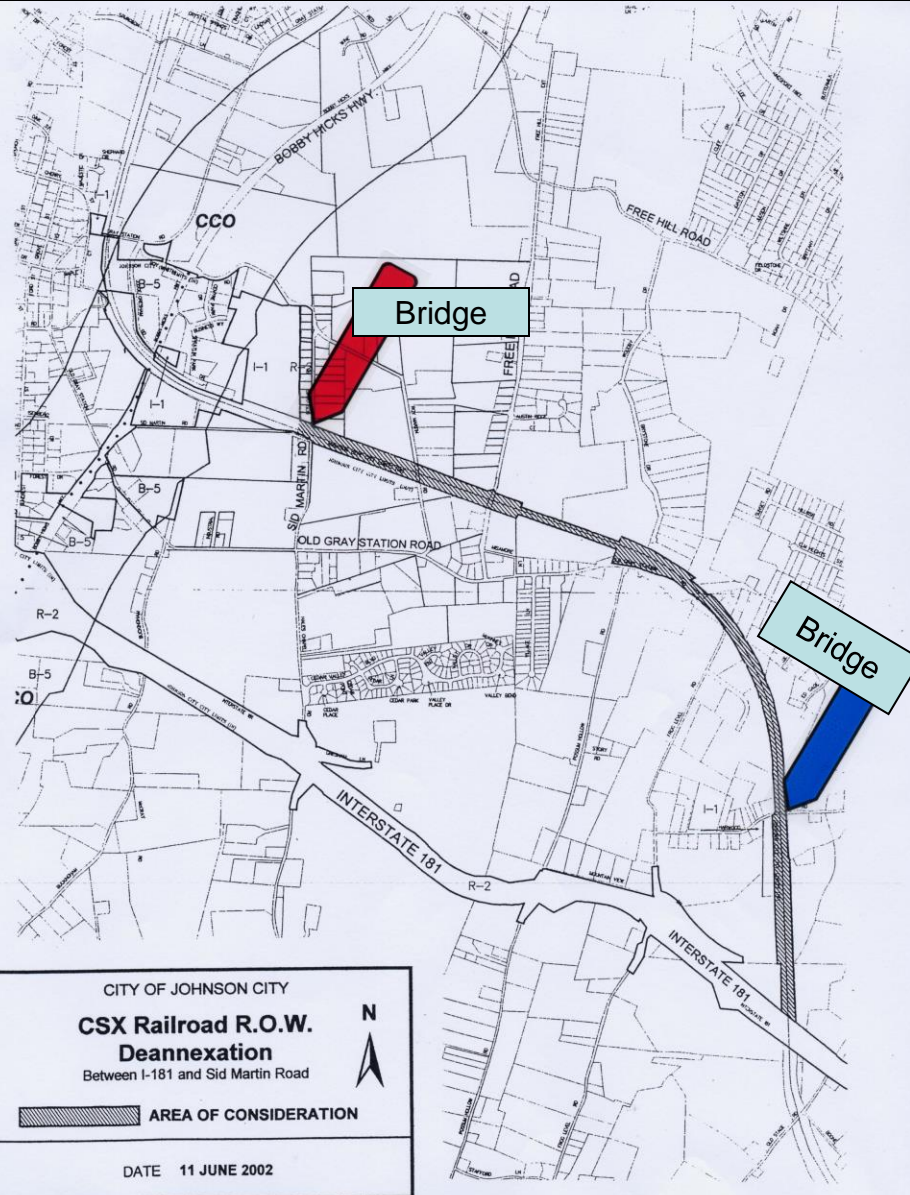
- Ordinance 3895:** CSX Railroad Right-of-Way
Effective Date: July 18, 2002
The deannexation consists of 12,150 feet of CSX Railroad right-of-way located between Interstate 181 and Sid Martin Road.

This information is provided for you to update your records to reflect these changes to the city of Johnson City's corporate limits. If you have questions or require additional information, please contact me at (423) 434-6073.

Sincerely,

Wendy Jayne Bailey
Planner

Enclosures



Johnson City - Railroad, 2002



Exhibit #4 – Selective Annexation

- Johnson City has selectively annexed around a one lane railroad underpass leaving 700' of county R.O.W. on the west side and 900' on the east side with a 10'-15' strip on railroad R.O.W. connecting the two R.O.W.s Bowman Ln and Fink Drive to 750' of county road (Knob Creek Rd). The city and county are in contract 80%-20% match federal money (STP). 10% county 10% city match on approximately \$27 million dollar, 5 lane bridge over CSX railroad. The one lane structure is maintained by CSX, the road maintained by W.C. and J.C. has it surrounded.



City of Johnson City Tennessee

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PLANNING DEPARTMENT

May 25, 1994

Mr. John Deakins
Washington County Road Superintendent
P.O. Box 219
Jonesborough, TN 37659

Dear Mr. Deakins:

Please be advised that the enclosed two annexations to the city of Johnson City became effective on May 22, 1994.

Ordinance 3209: (Sterling Springs)
Consists of 110.0 acres, three (3) single-family dwellings, one (1) mobile home, and a population of 8. Approximately 3,000 feet of Knob Creek Road and 3,100 feet of Claude Simmons Road are included.

Ordinance 3210: (Squibb)
Consists of 13.5 acres of which is proposed for single-family development. Approximately 2,625 feet of Flourville Road is included.

I am providing this information in order that you may adjust your records and take whatever appropriate action is necessary.

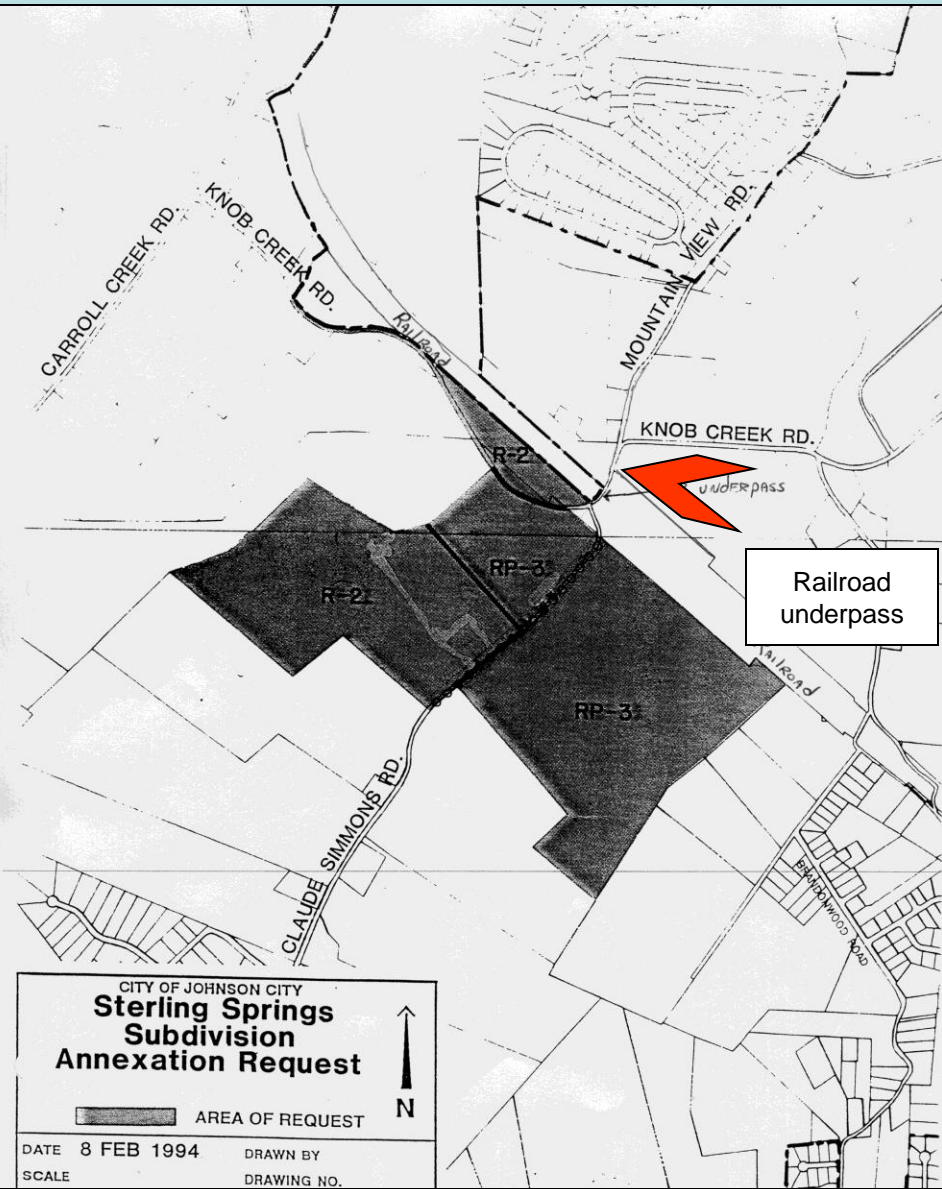
If you should have any questions or require additional information, please contact Jim Donnelly or me at 929-9171, extension 318 or 325, respectively.

Sincerely,

Wendy Jayne Bailey
Wendy Jayne Bailey
Planner I

WJB:syh

Enclosures



CITY OF JOHNSON CITY
Sterling Springs Subdivision Annexation Request

AREA OF REQUEST

DATE 8 FEB 1994 DRAWN BY
 SCALE DRAWING NO.

N



City of Johnson City Tennessee

601 East Main Street • P. O. Box 2150 • Johnson City, TN 37605 • (423) 434-6071 Fax (423) 461-1641

PLANNING DEPARTMENT

March 28, 2006

Mr. John Deakins
Washington Co. Road Superintendent
608 Depot Street
Jonesborough, TN 37659

Dear Mr. Deakins:

Please be advised of the following annexations to the city of Johnson City:

- Ordinance 4153-06:** State of Franklin Road East-West
Effective Date: March 19, 2006
Tax Map: Washington County Tax Map 45, Parcels 46, 46.01, 47.02, 47.03, 47.04, 51, 51.01, 52, 52.01, 52.02, and 52.03
 The annexation consists of 107.5 acres along both sides of North State of Franklin Road of mostly vacant property proposed for future development. There are 10 residential dwellings within the annexation area with a population of 16 with no school-age children. Approximately 1,150 feet of North State of Franklin Road is included in the annexation area.
- Ordinance 4154-06:** West Mountainview Road
Effective Date: March 19, 2006
Tax Map: Washington County Tax Map 37, Parcels 32, 32.01, 87, 89, 90, 91, 92, and 93
 The annexation consists of approximately 196.1 acres along West Mountainview Road, Knob Creek Road, and Fairridge Road of mostly vacant property proposed for future development. There are 2 occupied residential dwellings within the annexation area with a population of 7 with 2 school-age children. Approximately 1,650 feet of Knob Creek Road, 250 feet of West Oakland Avenue, 1,950 feet of Fairridge Road, and 600 feet of West Mountainview Avenue is included in the annexation area.

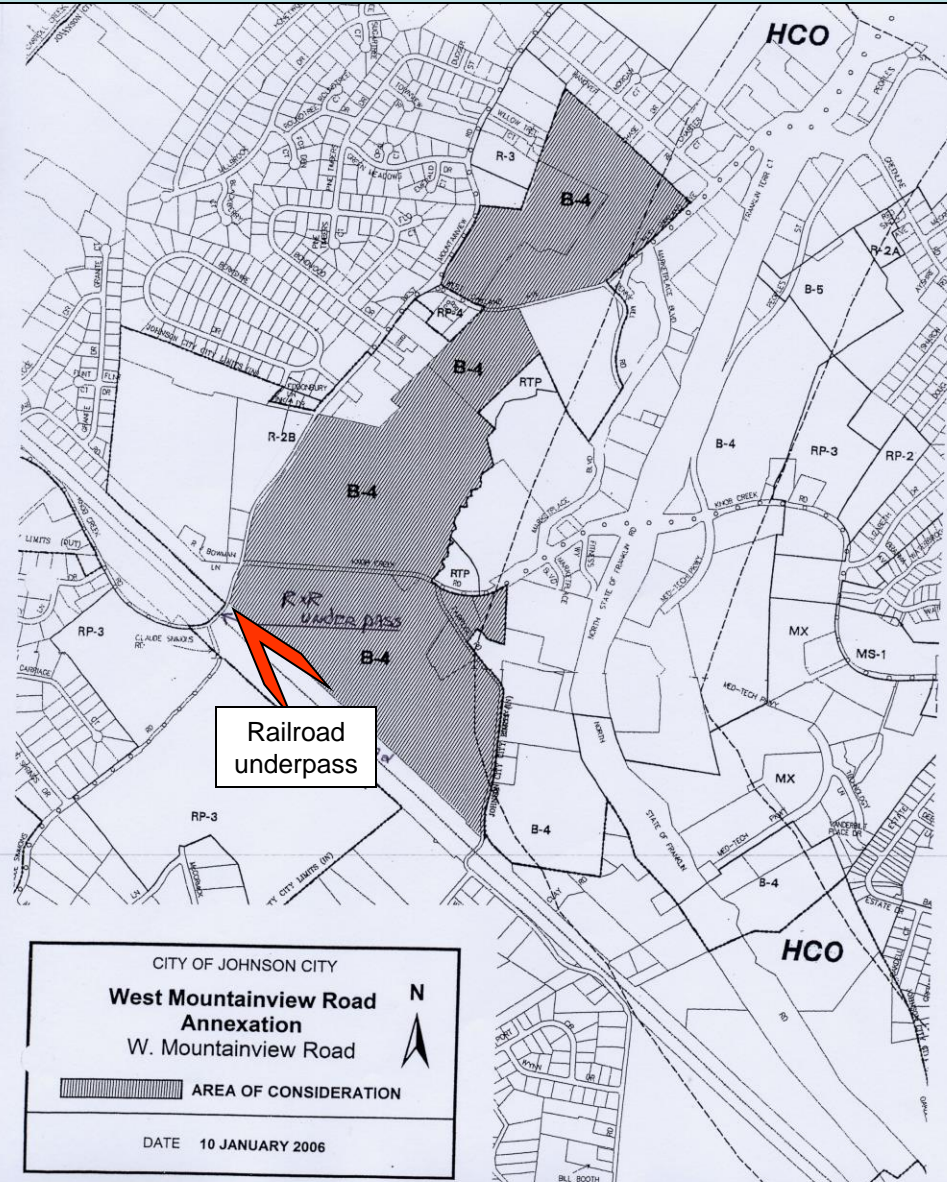
There is one business located in the West Mountainview Annexation area: Smith-McEwen Enterprises, Inc. at 2575 Knob Creek Road, #2.

This information is provided for you to update your records to reflect these changes to the city of Johnson City's corporate limits. If you have questions or require additional information, please contact me at (423) 434-6073.

Sincerely,

Wendy Jayne Bailey
Planner

Enclosures





City of Johnson City Tennessee

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PLANNING DEPARTMENT

May 19, 2008

Mr. John Deakins
Washington Co. Road
Superintendent 608 Depot Street
Jonesborough, TN 37659

Dear Mr. Deakins:

Please be advised of the following annexations to the city of Johnson City:

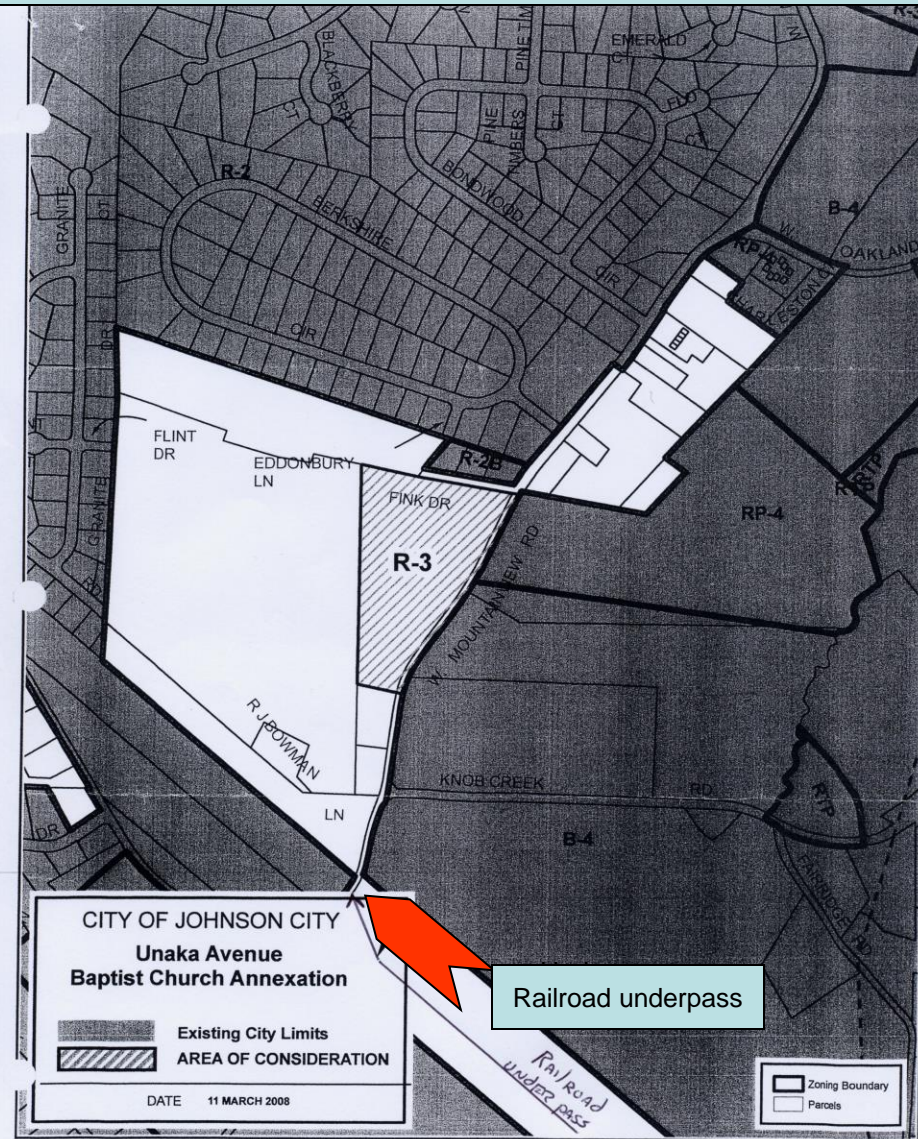
- Ordinance 4302-08:** Sawyer's Pond
Effective Date: May 16, 2008
Tax Map: Washington County Tax Map 44, Parcels 24.02 (portion)
The annexation consists of 15.15 acres off Claude Simmons Road of vacant property proposed for residential development. There is no right-of-way included in the annexation area.
- Ordinance 4303-08:** Unaka Avenue Baptist Church
Effective Date: May 16, 2008
Washington County Tax Map 37, Parcel 86
[Redacted] consists of 10.32 acres on West Mountainview Road which is proposed for [Redacted]. There is approximately 1,300 feet of West Mountainview Road included in the annexation area.

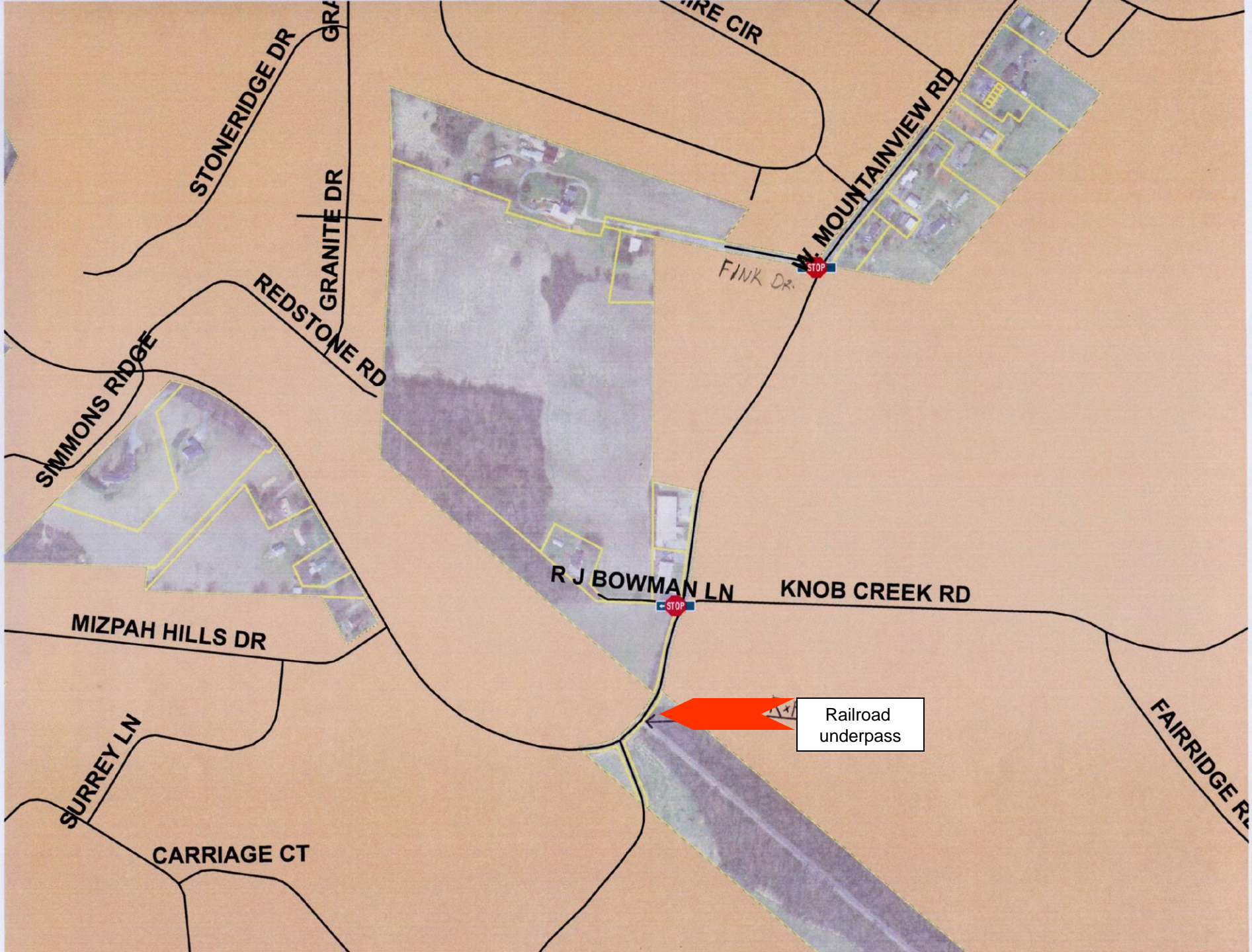
This information is provided for you to update your records to reflect these changes to the city of Johnson City's corporate limits. If you have questions or require additional information, please contact me at (423) 434-6073.

Sincerely,

Wendy Jayne Bailey
Planner

Enclosures





STONERIDGE DR

GRANITE DR

REDSTONE RD

SIMMONS RIDGE

MIZPAH HILLS DR

SURREY LN

CARRIAGE CT

R J BOWMAN LN

KNOB CREEK RD

FINK DR

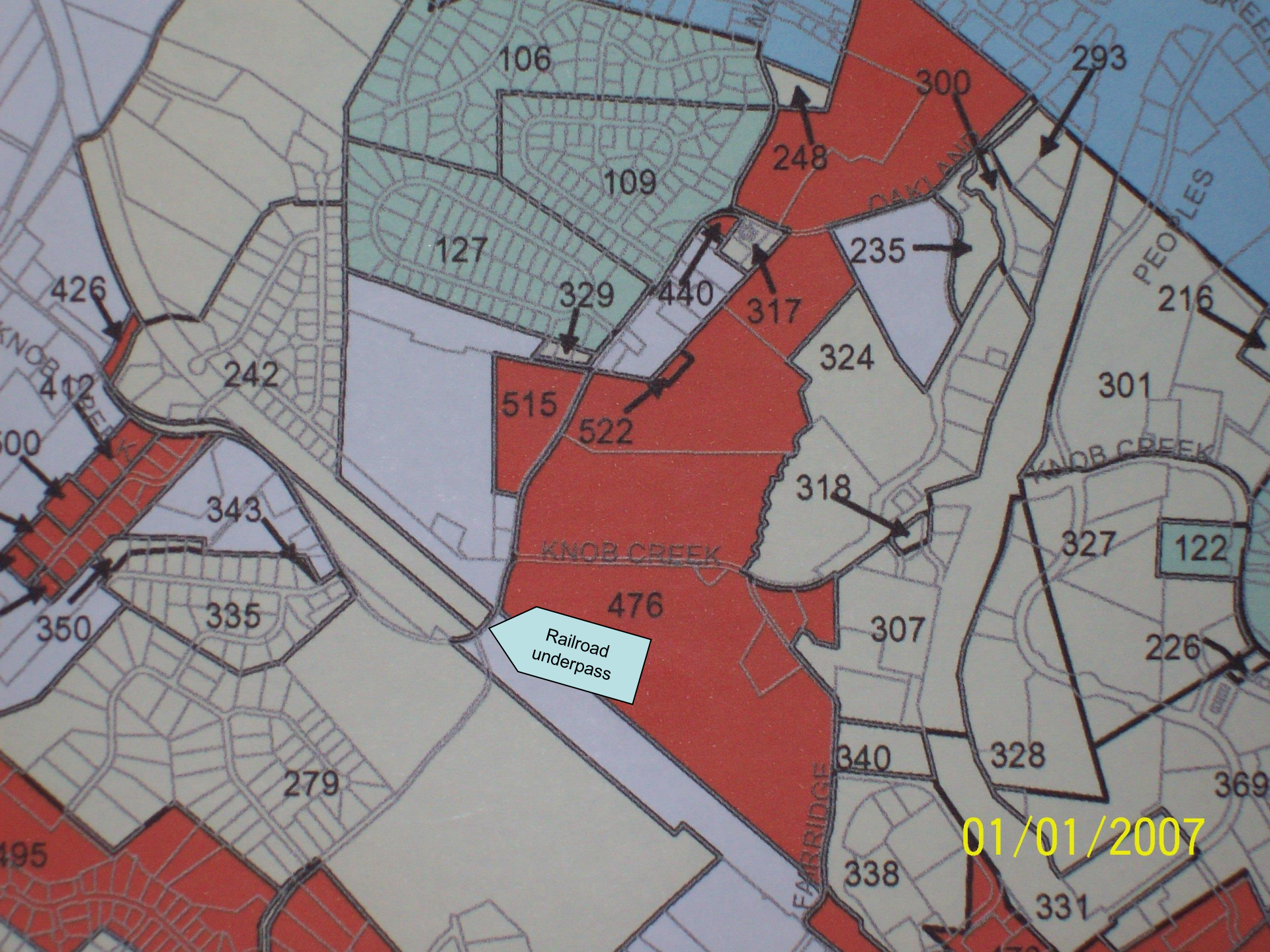
W MOUNTAINVIEW RD

FAIRRIDGE RD

Railroad underpass

STOP

STOP



Railroad
underpass

01/01/2007

Exhibit #5 – Annex By Request?

- June 1990 – J.C. annexed 60.5 acres and 1350' of David Miller Road leaving 810' at the end of a dead end road, which I requested be annexed. City response was that no adjacent property owners requested to be annexed on that portion of road.



City of Johnson City Tennessee

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PLANNING DEPARTMENT

June 26, 1990

Mr. John Deakins
Washington County Road Superintendent
P. O. Box 219
Jonesborough, TN 37659

Dear Mr. Deakins:

Please be advised that the enclosed eleven (11) annexations to the city of Johnson City became effective on the date indicated.

Effective Date: June 3, 1990

1. Ordinance 2901 - consists of 19.5 acres, a population of 23, and no public right-of-way. The following business is located in the area:

Gregg Upholstery
Route 3, Box 576A (478 Matson Road)
State Sales Tax Number: 1-415462979-001-2

2. Ordinance 2902 - consists of 30.0 acres and 1.7 miles of public right-of-way (part of Pickens Bridge Road and part of Crouch Road). The area is proposed for subdivision into 27 single-family lots.
3. Ordinance 2904 - consists of 15.9 acres, a population of 4, and no public right-of-way.
4. Ordinance 2905 - consists of 3.0 acres, a population of 2, and no public right-of-way.
5. Ordinance 2906 - consists of 1.2 acres, a population of 24, and no public right-of-way.

Ordinance 2907 - consists of 60.5 acres, a population of 44, and 2,350 feet of public right-of-way (part of David Miller Road and all of Shadybrook Drive).

Effective Date: June 17, 1990

1. Ordinance 2909 - consists of 7.8 acres, a population of seven, and no public right-of-way.

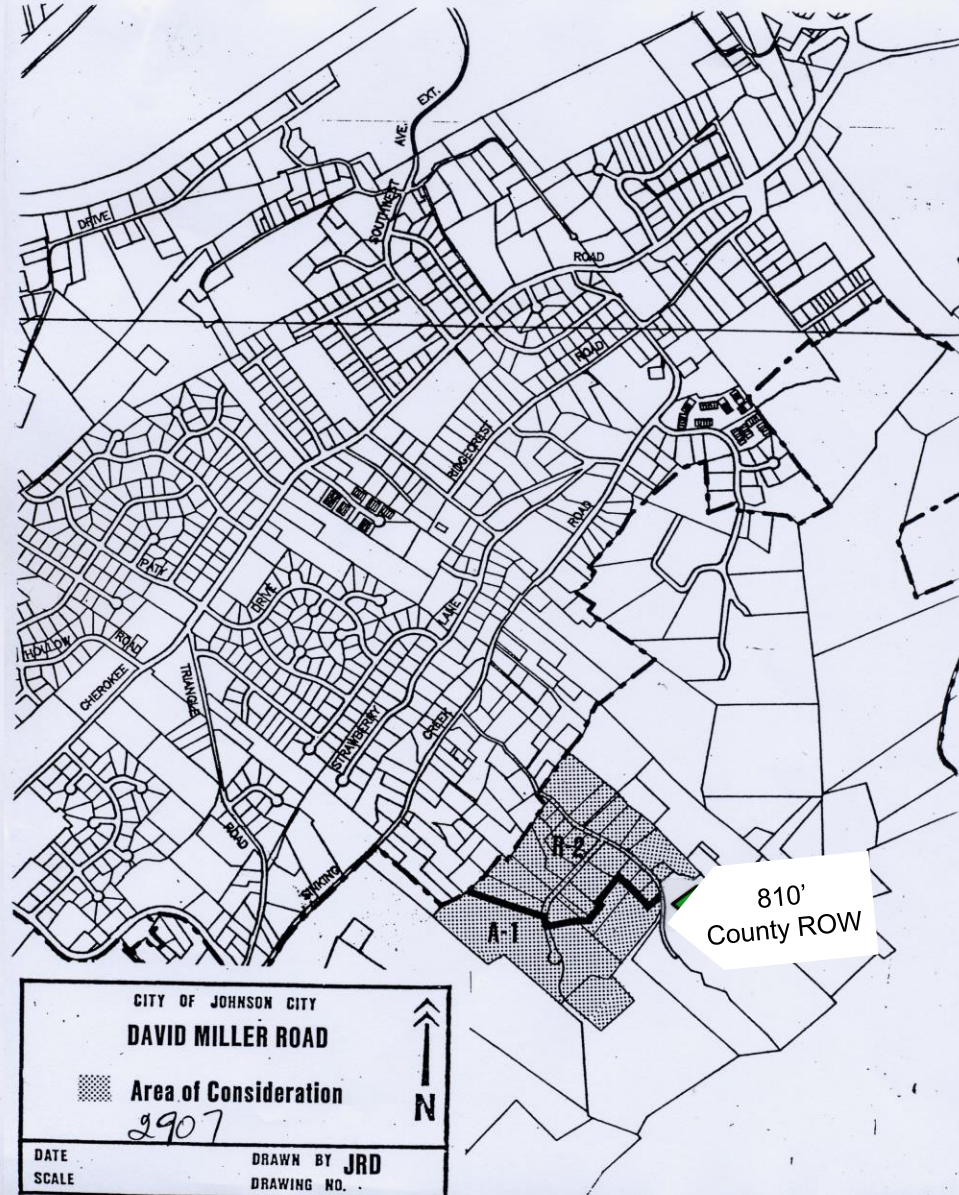
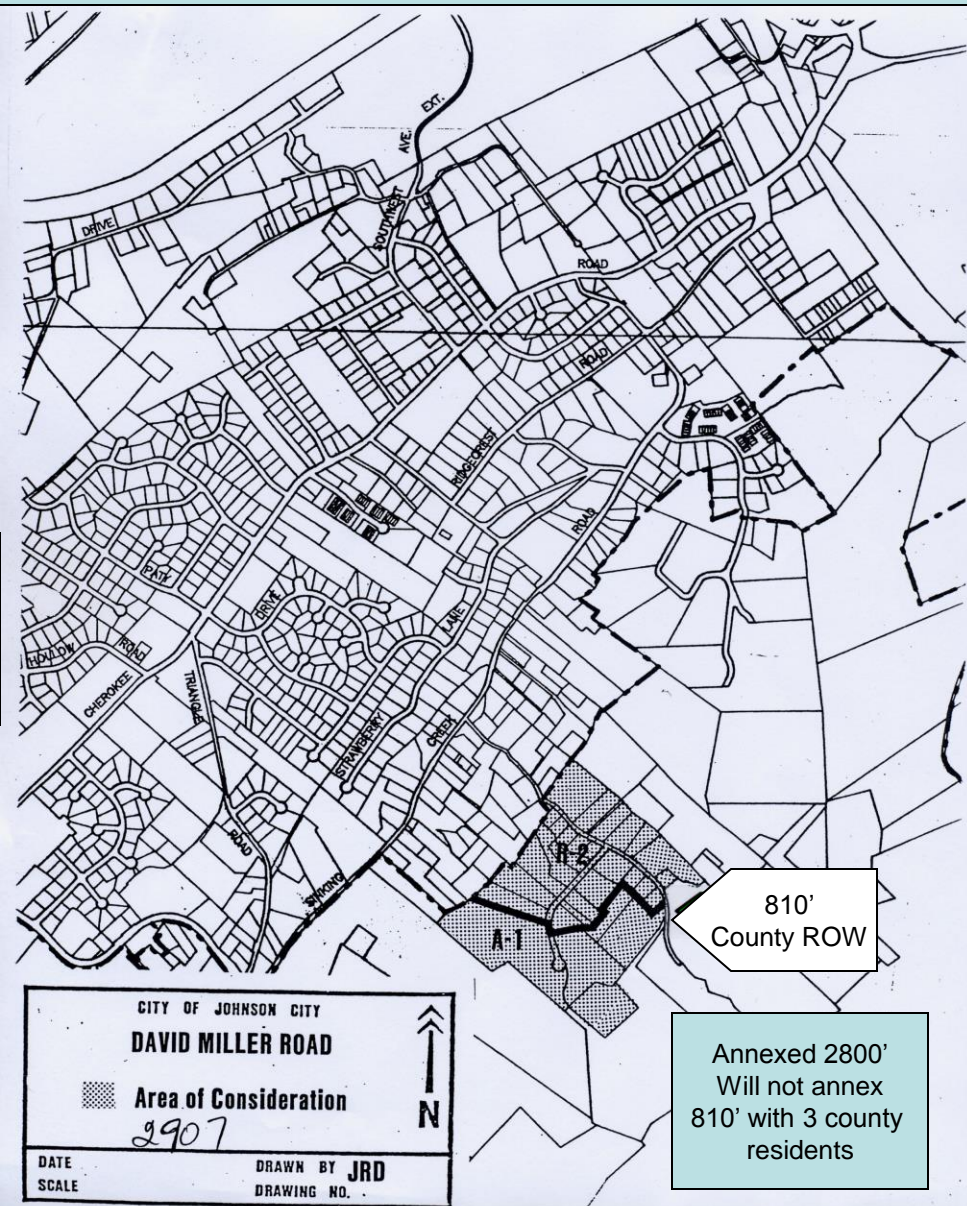
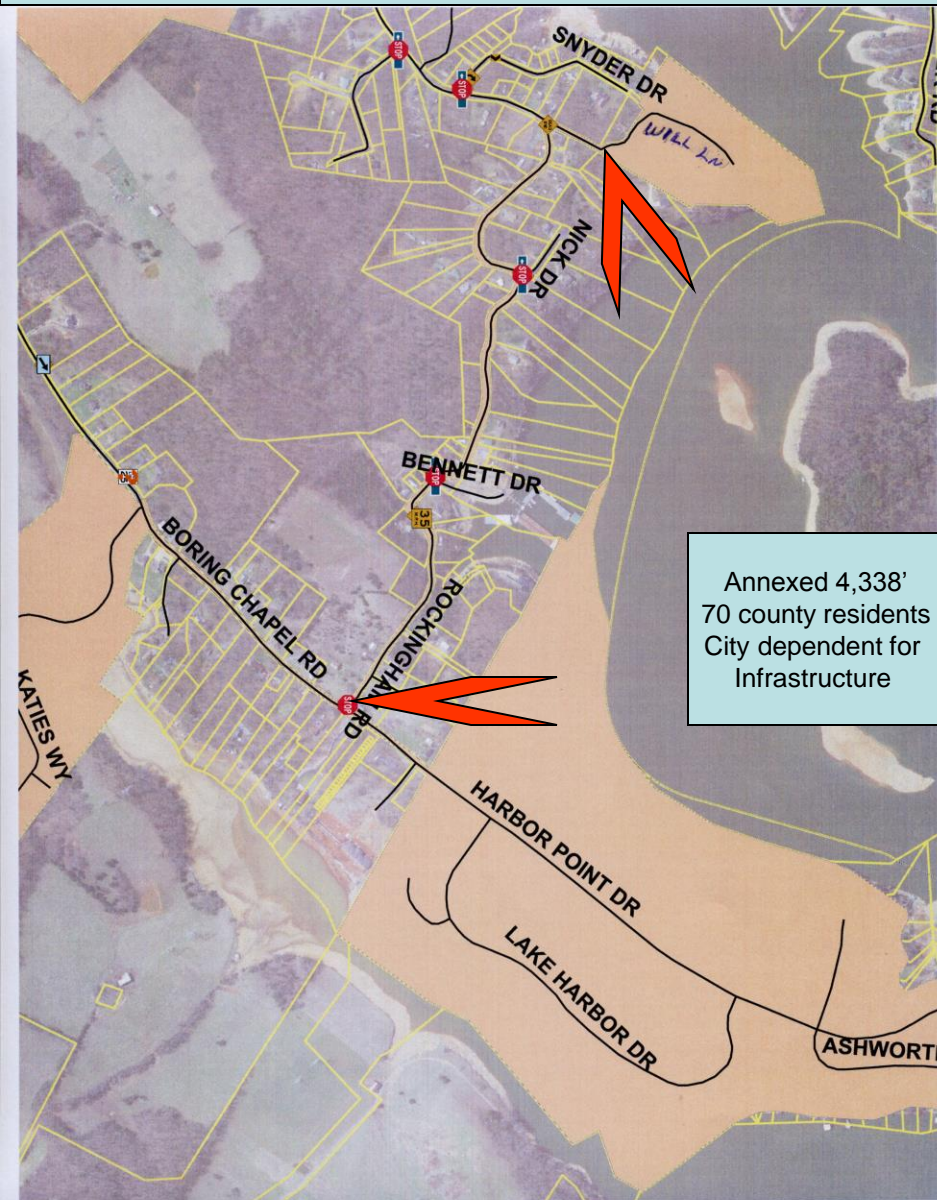


Exhibit #6 – What J.C. is saying

- Annex 1 mile of road to 8 homes leaving 80 non-city residents dependent on Johnson City to repave their road in 56 years but can't annex 810' at the end of a dead end road because county tax payers are on both sides have not requested to be annexed????



HAVE IT THEIR WAY

MEMORANDUM

TO: Jim Donnley, City of Johnson City Planning
Bob McNeil, Johnson City- Washington County 911

FROM: John B. Deakins, Jr., WCHD Road Superintendent

DATE: May 12, 2010

SUBJECT: Small Areas of County Roads Enclosed by Johnson City Boundaries

I would like to request a meeting with you, and the staff that you deem necessary, to discuss the “donut holes” that are located in the Mountain View and Knob Creek Areas. These areas create much confusion for the all parties involved. The elimination of these “donut holes” is mainly a safety issue especially when considering emergency response and road maintenance issues.

Please call me to set up a time and place to discuss this issue which I do feel would be beneficially to all parties. I look forward to working with you.



City of Johnson City Tennessee

601 East Main Street • P. O. Box 2150 • Johnson City, TN 37605 • (423) 434-6000 Fax (423) 461-1641

PLANNING DEPARTMENT

May 19, 2010

Mr. John B. Deakins, Jr.
Highway Superintendent
608 Depot Street
Jonesborough, TN 37659

Dear Mr. Deakins:

In response to your May 12th memorandum, I have discussed your concerns with the City Manager and we appreciate your desire to eliminate the “donut holes” in the Mountain View and Knob Creek areas. The city has in recent years, attempted on more than one occasion, to annex these areas with no support from the property owners and in some instances opposition from County Commissioners.

As opportunities arise, the city will continue to explore the possibility of filling in the “donut holes”, but our recent attempts and experience lead us to believe, that any attempts at this time would be futile. Presently, our annexation policy is to consider annexation if requested by the property owner(s), or if farmland is proposed for development, then annexation will be pursued.

If you would like to discuss this matter further, please call me at 434-6074.

Sincerely,

A handwritten signature in cursive script that reads "James R. Donnelly".

James R. Donnelly
Planning Director

Cc: Pete Peterson, City Manager
Bob McNeil, Johnson City-Washington County 911

May 25, 2010

City of Johnson City Planning
Attention: James Donnelly, Planning Director
PO Box 2150
Johnson City, Tennessee 37605

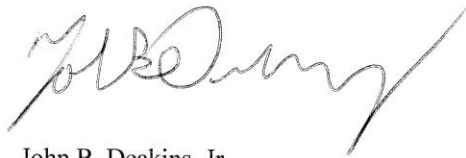
Dear Mr. Donnelly,

Thank you for your prompt response for my request for a meeting regarding the “donut holes” that exists with in the Knob Creek and Mountain View. I apologize for not being clear about the “donut holes” issue.

I want to address the roads only that are considered “donut holes”, not the property. I want to pursue the City of Johnson City annexing the roads that are bound by city limits; it makes no sense to have 200 to 1000 feet of county road with the city on both ends of the road. Johnson City has taken miles of road to annex a subdivision leaving county residents on both sides of a city maintained road; dependent on the City of Johnson City to repair and maintain the road and to remove snow. As I stated in my earlier memorandum requesting a meeting, the “donut holes” cause confusion for law enforcement and other emergency departments and I would like to see us sit down and discuss ways to improve the situation.

Please call me at 423-753-1714 to set a time for us to discuss this pressing matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John B. Deakins, Jr.", written in a cursive style.

John B. Deakins, Jr.
Road Superintendent

Cc: Pete Peterson, Johnson City Manager
Bob McNeil, Washington County 911 Director