SHELBY COUNTY BOARD OF COMMISSIONERS
AGENDA ROUTE SHEET

Referred to Commission Committee (name) Legislative

For Commission Action on (date) November 12, 2008

RESOLUTION BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, REQUESTING THE MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY TO SUPPORT LEGISLATION AMENDING TENNESSEE CODE ANNOTATED, TITLE 67, CHAPTER 5, SECTION 2509(d) RELATIVE TO CONVEYING PROPERTIES TO ADJOINING PROPERTY OWNERS. SPONSORED BY COMMISSIONER HENRI BROOKS.

CHECK ALL THAT APPLY BELOW:

__X__ This Action does NOT require expenditure of funds.

_____ This Item requires/approves expenditure of funds as follows (complete all that apply):

County General Funds: $_____: County CIP Funds: $_____

State Grant Funds: $_____: State Gas Tax Funds: $_____

Federal Grant Funds: $_____

Other funds (Specify source and amount): $_____

Other pass-thru funds (Specify source and amount): $ _____

Originating Department: Land Bank

APPROVAL:

	(Type your name & phone #.)	(Initials)	(Date)
Dept. Head:			
Elected Official:			
Division Director:	Dottie Jones 545 4274		11/04/08
CIP – A&F Director:			
Finance Dept.:	Mike Swift	MAS	11/5/08
County Attorney:	Christy Kinard 545-4233	CK	11-04-08
CAO/Mayor:	James F. Huntzicker 545-4814		11-5-08

SUMMARY SHEET

I. Description of Item

Resolution requesting members of the Tennessee General Assembly to support legislation amending Tennessee Code Annotated, Title 67, Chapter 5, Section 2509(d) relative to conveying properties to adjoining property owners.

Land is one of the most important factors in local economic development today and must be managed well to improve existing land use practices, enhance livability of communities, and support local community development. Local municipalities must use their own resources to clean and maintain tax delinquent properties as part of their nuisance abatement responsibilities to protect the public health, safety, and welfare of its community. Shelby County currently owns small parcels of land that are non-buildable lots. There is currently no way to dispose of these non-buildable lots other than selling the property. Shelby County wishes to have the authority to gift non-buildable vacant lots to adjoining property owners.

II. Source and Amount of Funding

Not applicable.

III. Contract Items

Not applicable.

IV. Additional Information Relevant to Approval of this Item

Text of proposed legislation is attached.

ITEM NO: _____ PREPARED BY: Kimbra Toney-Bernard

APPROVED BY: Christy L. Kinard
Assistant County Attorney

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, REQUESTING THE MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY TO SUPPORT LEGISLATION AMENDING TENNESSEE CODE ANNOTATED, TITLE 67, CHAPTER 5, SECTION 2509(d) RELATIVE TO CONVEYING PROPERTIES TO ADJOINING PROPERTY OWNERS. SPONSORED BY COMMISSIONER HENRI BROOKS.

WHEREAS, Land is one of the most important factors in local economic development today and must be managed well to improve existing land use practices, enhance livability of communities, and support local community development; and

WHEREAS, When there are vacant and abandoned properties in communities, neighboring property owners and the municipalities incur significant costs; and

WHEREAS, Vacant properties drive down the surrounding property values, which lowers the property taxes that most municipalities rely on as a primary source of revenue; and

WHEREAS, local municipalities must use their own resources to clean and maintain tax delinquent properties as part of their nuisance abatement responsibilities to protect the public health, safety, and welfare of its community; and

WHEREAS, Shelby County currently owns small parcels of land that are non-buildable lots; and

WHEREAS, There is currently no way to dispose of these non-buildable lots other than selling the property; and

WHEREAS, Shelby County wishes to have the authority to gift non-buildable vacant lots to adjoining property owners; and

WHEREAS, the Board of County Commissioners of Shelby County, Tennessee, believes that it is appropriate that a resolution be passed requesting the Tennessee General Assembly to amend Tennessee Code Annotated, Title 67, Chapter 5, Section 2509(d) relative to conveying properties to adjoining property owners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that this Board, after careful consideration hereby requests the Shelby County Legislative Delegation and members of the Tennessee General Assembly to enact legislation amending Tennessee Code Annotated, Title 67, Chapter 5, Section 2509(d), a copy of which is attached hereto and made a part hereof, amending Tennessee Code Annotated, relative to conveying properties to adjoining property owners.

BE IT FURTHER RESOLVED, that the Shelby County Legislative Delegation and members of the Tennessee General Assembly be made aware of this request by copy of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, the public welfare requiring the same.

_____
A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

_____
Clerk of County Commission

ADOPTED: _____

AN ACT to amend Tennessee Code Annotated, Title 67, Chapter 5, Section 2509(d), relative to conveying properties to adjoining property owners.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Section 1. Tennessee Code Annotated Section 67-5-2509(d) is hereby amended by adding the following as a newly designated subsection:

In any county having a population in excess of eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census, in lieu of the sale to private purchasers as provided in subsection (b), the proper officers of the municipality or county may convey properties with road frontage no greater than 24 feet acquired in tax sales to adjoining property owners upon establishing a Fair Market Value ("FMV"), based upon both value enhancing and value decreasing factors, after the adjoining property owner has made sufficient in-kind payments, including, but not limited to, (1) cutting, cleaning or improving the property; (2) accepting general liability for the premises; and (3) paying any necessary charges for the consolidation of the property with their adjoining lot. Said actual or in-kind payments shall be equal to the FMV established for the property.

Section 2. This Act shall take effect July 1, 2009, the public welfare requiring it.