

RESOLUTION NO. RES 2021-12-03

AMENDMENT OF RESOLUTION 2019-09-05 THE ANNEXATION POLICY FOR THE FINANCING OF INFRASTRUCTURE DEFICIENCIES, CAPITAL IMPROVEMENTS, AND THE TRANSITION OF SERVICES FOR AREAS SEEKING ANNEXATION INTO THE CITY OF BROOKHAVEN

WHEREAS: Periodically, the City of Brookhaven receives citizen petitions and applications for annexation into the City of Brookhaven; and

WHEREAS: If an annexation request is approved by the Planning Commission and subsequently the City Council, the City of Brookhaven assumes the maintenance responsibility for the public infrastructure and other municipal services in the area annexing into the City of Brookhaven; and

WHEREAS: The cost of addressing capital improvement, infrastructure deficiencies, and establishing services within annexed areas should not burden existing Brookhaven taxpayers; and

WHEREAS: A mechanism to allocate costs and revenues to address capital improvements, infrastructure deficiencies, and establishing services in a proposed annexation area via a Special Tax District is a viable approach; and

WHEREAS: If approved by the Planning Commission and the City Council, the City of Brookhaven desires to improve the annexed area in an orderly manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Brookhaven; that a Special Tax District will be created matching the annexation request area; and

IT BE FURTHER RESOLVED that the mill rate for the Special Tax District will be established at a level not to exceed the total mill rate of all taxing districts in the annexed area.

IT BE FURTHER RESOLVED that the City Administration will perform a preliminary forecast of infrastructure, capital improvement, and service gap cost prior to a vote of the City Council to accept the area into the City. This initial cost estimate will be performed within 3 months of approval by the City Planning Commission. The assessment will consider public street conditions, sidewalk conditions, stormwater facilities, parks, other public assets, and identified improvements within said area.

IT BE FURTHER RESOLVED that if the annexation of an area is completed before the month of November, that the City will charge the special tax district an amount equal to the cost of start-up of municipal service through the remainder of the calendar year.

IT BE FURTHER RESOLVED within 12 months after acceptance by the City Council of the area to be annexed, the City Administration will provide a detailed estimate of the cost to bring the infrastructure to 1) an aggregate pavement condition index of 70 or above for public streets; 2) ADA compliance for all existing sidewalks, crossings, and curbs; 3) remedy any and all stormwater facility maintenance requirements using the MS4 permitting requirements; and 4) repair and maintenance of existing public park infrastructure and other public assets, and other improvements that may be beneficial.

IT BE FURTHER RESOLVED that during the 12-month period after acceptance by the City Council of the area to be annexed, the Community Development department will conduct meetings to determine and/or identify a list of capital improvements. If it is determined that additional capital improvements are to be requested, The Community Development department will submit a report to the City Council for consideration and approval. If approved, the list of capital improvements will be funded by the special tax district.

IT BE FURTHER RESOLVED that the City Administration will develop and present to City Council for consideration an implementation and financing plan to complete City Council approved capital improvements and the required infrastructure upgrades within the funding available in the corresponding special tax district.

IT BE FURTHER RESOLVED that if improvements and the needed infrastructure upgrades necessitate capital financing within the Special Tax District, the financing term will be structured to the shortest possible term.

SO RESOLVED AND EFFECTIVE, this the 14th day of December 2021.



ATTEST:

Susan Hiott

Susan Hiott, City Clerk
[CITY SEAL]

APPROVED:

John Arthur Ernst, Jr.

John Arthur Ernst, Jr.
Mayor

APPROVED AS TO FORM:

Christopher D. Balch

Christopher D. Balch, City Attorney