

ORDINANCE NO. 2022-03
CITY OF FAYETTEVILLE, TENNESSEE

**AN ORDINANCE TO CONTRACT THE CORPORATE BOUNDARY
OF THE CITY OF FAYETTEVILLE, TENNESSEE**

WHEREAS, Tennessee Code Annotated 6-51-201(b)(1) provides that an incorporated city may, after notice and public hearing, contract its limits within any given territory upon its own initiative or by ordinance when it appears in the best interest of the affected area; and,

WHEREAS, by Ordinance No. 2007-14, the Board of Mayor and Aldermen of the City of Fayetteville annexed certain properties bordering Molino Road and Kidd Road; and

WHEREAS, at the time Ordinance No. 2007-14 was under consideration, the owners of properties annexed by said ordinance were proposing to develop much of the property into high density housing subdivisions; and

WHEREAS, Ordinance No. 2007-14 provided that certain of the city services including sewage disposal would be expanded into the area when higher density development was present; and

WHEREAS, since the passage of Ordinance No. 2007-14, only one house has been built on the property annexed, and the remaining property has been divided into large tracts that will not involve high-density housing development in the area; and

WHEREAS, it is no longer feasible to expand services into the area if the area is not to be used for high density housing; and

WHEREAS, it is in the best interest of the affected area for the City of Fayetteville to contract its limits by removing these properties from the boundaries of the City of Fayetteville so that the owners of these properties will no longer be required to pay property taxes while not receiving services available in other more densely populated parts of the City of Fayetteville; and

WHEREAS, notice of the proposed contraction was sent to each of the owners of the affected properties; and

WHEREAS, a public hearing before this body was held on the 8th day of February, 2022, pursuant to a notice thereof published in the Elk Valley Times on January 26, 2022; and

WHEREAS, a public hearing before this body was held on the 21st day of February, 2022, pursuant to a notice thereof published in the Elk Valley Times on February 16, 2022; and

WHEREAS, a map of the subject area was made available for public inspection at the Fayetteville Municipal building.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Fayetteville, Tennessee:

SECTION 1. The territory, currently part of the City of Fayetteville, shown on the attached map and further described below shall hereby be removed from the corporate limits of the City of Fayetteville, Tennessee.

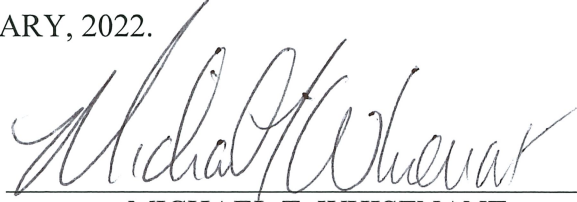
<u>PROPERTY OWNER</u>	<u>MAP</u>	<u>PARCEL</u>	<u>DEED BOOK</u>	<u>PAGE</u>
Huntsville North Properties, LLC	091	011.01	F-13	383
Huntsville North Properties, LLC	091	011.02	F-13	383
Huntsville North Properties, LLC	091	011.03	F-13	383
Huntsville North Properties, LLC	091	011.04	F-13	383
Huntsville North Properties, LLC	091	011.05	F-13	383
Huntsville North Properties, LLC	091	011.06	F-13	383
Huntsville North Properties, LLC	091	011.07	F-13	383
David Bergman and wife, Andrea Bergman	091	011.08	Y-15	137
Huntsville North Properties, LLC	091	011.09	F-13	383
Huntsville North Properties, LLC	091	011.10	F-13	383
Huntsville North Properties, LLC	091	011.11	F-13	383
Huntsville North Properties, LLC	091	011.12	F-13	383
Jason Daniel Jeans and James Lucas Stanly	091	011.13	L-16	742
Martha Kidd Kelly, William Kidd and Charles Kidd	091	011.14	L-16	870
Rocky Cowley and wife, Lisa Cowley	091	011.15	M-16	102
James E. Colbert III and wife, Kristin Colbert	091	011.16	M-16	145
Kevin Feemster and wife, Shelley Feemster	091	011.17	M-16	875
Dodd Church, Caleb Church and Edward Harmon	091	011.18	P-16	376

SECTION 2. The parcels listed in Section 1 are depicted in the attached map labeled “Exhibit A,” and said map shall be incorporated herein by reference.

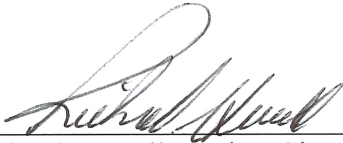
SECTION 3. Pursuant to Tenn. Code Ann. Section 6-51-204, all municipal jurisdiction over said area shall cease upon the effective date of this ordinance, and the Lincoln County Assessor of Property shall be notified of said contraction.

SECTION 4. This ordinance shall be effective from and after its passage, the public welfare requiring it.

ADOPTED THIS 21st DAY OF FEBRUARY, 2022.

A handwritten signature in cursive script, appearing to read "Michael T. Whisenant", written over a horizontal line.

MICHAEL T. WHISENANT
Mayor

A handwritten signature in cursive script, appearing to read "Richard Howell", written over a horizontal line.

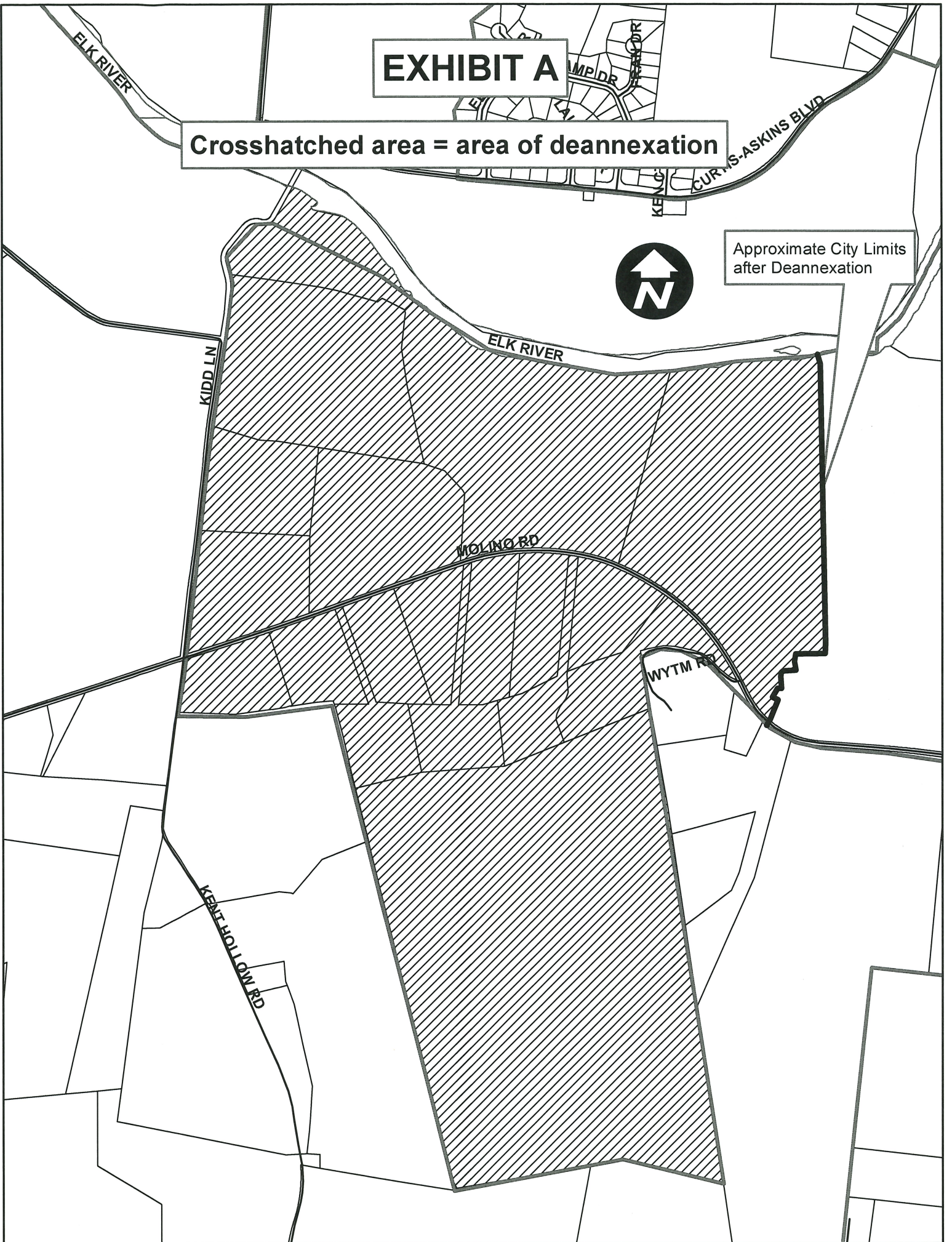
Richard Howell, Acting City Administrator

EXHIBIT A

Crosshatched area = area of deannexation



Approximate City Limits
after Deannexation



FRALEY & HILL

ATTORNEYS AT LAW

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February 22, 2022

Mr. Jason E. Mumpower
Tennessee Comptroller of the Treasury
Tennessee State Capitol Building
Nashville, Tennessee 37243-0934



COPY

Re: Contraction of the limits of the City of Fayetteville

Dear Mr. Mumpower:

Pursuant to Tenn. Code Ann. § 6-51-203, I am hereby supplying you with a copy of the ordinance approved by the Board of Mayor and Aldermen of the City of Fayetteville that contracted the limits of the City of Fayetteville. The ordinance includes a detailed description of the deannexed territory including the name of the current owner of each affected parcel, the map and parcel number of all real property within the deannexed territory, and the deed references whereby the current owners each acquired their respective properties. A map of the affected properties is attached to the ordinance.

If you need any additional information regarding this matter, please contact me.

Thank you very much.

Yours very truly,

Johnny D. Hill, Jr.
Attorney for the City of Fayetteville

/jh

Enclosure

cc: Mr. Richard Howell, Acting City Administrator ✓