

ORD # 5737

TECHNICAL CORRECTION ORDINANCE TO AMEND ORDINANCE NO. 5684 RELATIVE TO THE DEANNEXATION OF CERTAIN PROPERTIES WITHIN THE CORPORATE LIMITS OF THE CITY OF MEMPHIS

WHEREAS, on September 19, 1995, the Memphis City Council adopted Ordinance No. 4321 on third and final reading which annexed certain territory, including certain properties in River Bottoms, Tennessee;

WHEREAS, the City of Memphis, through the Administration and City Council, and as a part of a joint City-County Deannexation Task Force have been studying the deannexation of certain areas of the City since 2016;

WHEREAS, the City has evaluated a number of possible areas within the City where deannexation would be appropriate and beneficial, taking into consideration a number of factors including population, debt service, use of City sewer, police, fire, and EMS services, and desire of the community within the area to be deannexed;

WHEREAS, the City of Memphis has contracted debts for the construction of public works projects and has pledged its full faith, credit, and unlimited taxing power as to all taxable property in the City to the punctual payment of the principal of and interest on bonds and notes issued to finance public works projects, in reliance on the City's right to continue to levy and collect taxes on property in any excluded territory to pay the excluded territory's proportion of any debt contracted prior to the exclusion, pursuant to Tenn. Code § 6-51-204;

WHEREAS, on June 5, 2018, the Memphis City Council adopted Ordinance No. 5684 on third and final reading which deannexed certain territory, including certain properties formerly in River Bottoms, Tennessee, as of December 31, 2019 at 23:59;

WHEREAS, pursuant to T.C.A. §6-51-201, no petition objecting to

deannexation signed by ten percent (10%) of the registered voters residing within the area proposed to be deannexed was filed with the Clerk of the City Council within seventy-five (75) days following the final reading of Ordinance No. 5684 on June 5, 2018;

WHEREAS, this ordinance is intended to effect a technical correction of the legal description and the corresponding map attached to Ordinance No. 5684 as Exhibits "A" Exhibit "B," respectively, to reflect the correct and accurate metes and bounds description of each parcel within the territory to be deannexed;

WHEREAS, this amendment does not make any substantive change to the territory deannexed by Ordinance No. 5684, but merely provides a more accurate description of that territory to facilitate implementation of the deannexation by City and County governments and by the Shelby County Assessor after the effective and operative date of such deannexation on December 31, 2019 at 23:59;

WHEREAS, the Council does find and determine that this technical correction ordinance is consistent with its intent to deannex the area described in Ordinance No. 5684 and with its commitments made to the residents of the deannexed territory.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, as follows:

Ordinance No. 5684 is hereby amended as of the date it was originally adopted as set forth in this technical correction ordinance, to-wit:

SECTION 1. Pursuant to the authority conferred by §§ 6-51-201 through 6-51-204 of Tennessee Code Annotated, the territory originally annexed by the City of Memphis within Ordinance No. 4321 shall be contracted by this Amended Ordinance to deannex those

certain properties formerly in River Bottoms, Tennessee described on attached Exhibit "A" and shown on the map, attached hereto as Exhibit "B".

SECTION 2. Following the operative date of this Ordinance, and pursuant to the authority conferred by Tenn. Code §6-51-204, as soon as practical following the operative and effective date of this Ordinance, the City's Division of Finance is directed to determine the excluded territory's proportion of debt contracted prior to the exclusion date and to levy taxes on all properties located within the excluded territory.

SECTION 3. That this Ordinance shall become effective and operative effective on December 31, 2019 at 23:59.

BE IT FURTHER ORDAINED THAT all provisions of Ordinance No. 5684 that are in conflict or inconsistent with this Technical Correction Ordinance are hereby repealed.

Sponsor: FRANK COLVETT JR.

THE FOREGOING ORDINANCE

5137 PASSED
1st Reading NOV 5 2019
2nd Reading NOV 14 2019
3rd Reading DEC 03 2019
Approved [Signature]
Chairman of Council

KEMP CONRAD
CHAIRMAN

Date Signed: 12-19-19

APPROVED:

[Signature]
Mayor, City of Memphis

Date Signed: 12/30/19

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Snipes
Comptroller

EXHIBIT "A"

EXHIBIT "A"

BOUNDARY DESCRIPTION

River Bottoms De-Annexation Area

Beginning at a point in the mid-stream of the Mississippi River, said point being the intersection of a westerly projection of the Tennessee-Mississippi State Line with the mid-stream of the Mississippi River; thence in a generally northerly direction with the mid-stream of the Mississippi River and its meanderings to a point of intersection with the most northwardly southern corner tip of the Ensley Bottoms Farm, LLC, 570 acre parcel (050-097-00002); thence in a generally northerly direction with the most westerly western property line of the said 570 acre parcel to the most northerly point on the said 570 acre parcel (050-097-00002); thence in a generally southerly direction with the most westerly eastern property line of the said 570 acre parcel to its point of intersection with the western projection of a point on the most southerly northern corner tip of the said 570 acre parcel (050-097-00002); thence eastwardly with the said western projection of the most southerly northern corner tip of the said 570 acre parcel to its point of intersection with the said most southerly northern corner tip of the 570 acre parcel (050-097-00002); thence in a generally southerly direction with the most easterly eastern property line of the said 570 acre parcel (050-097-00002) to its point of intersection with the most northerly northwest corner of the City of Memphis and Shelby County 2,619.989 acre parcel (050-100-00015); thence in a generally southwardly direction with the easterly property line of the said 2,619.989 acre parcel to a point on the southwest corner of said 2,619.989 acre parcel (050-100-00015); thence in a generally eastwardly and northeastwardly direction with the southerly property line of the said 2,619.989 acre parcel (050-100-00015) to its point of intersection with a point on the southwest corner of the City of Memphis 53.12 acre parcel (050-098-00001); thence in a generally eastwardly direction with the southerly property line of the said 53.12 acre parcel (050-098-00001) to its intersection with a point on the southwest corner of the City of Memphis 50.21 acre parcel (050-099-00002); thence in a generally eastwardly direction with the southerly property line of the said 50.21 acre parcel (050-099-00002) to its intersection with the most southerly western property line of the City of Memphis and Shelby County 2,619.989 acre parcel (050-100-00015); thence in a generally southwardly direction with the said 2,619.989 acre parcel to a point on the most easterly southwest corner of the said 2,619.989 acre parcel (050-100-00015); thence eastwardly with the most southerly southern property line of the said 2,619.989 acre parcel to a point on the corner of the said 2,619.989 acre parcel (050-100-00015),

said point also being the most easterly northeast corner of the Ensley Bottoms Farm. LLC. 2,504.463 acre parcel (082-074-00013), said point also being located on the westerly right-of-way line of the Old Yazoo Railroad; thence in a generally southwardly direction with the most easterly eastern property line of the 2,504.463 acre parcel and the westerly right-of-way line of the Old Yazoo Railroad to its point of intersection with the Tennessee-Mississippi State Line; thence in a generally westwardly direction along the Tennessee-Mississippi State Line to a point in the mid-stream of the Mississippi River, said point being the point of beginning.

Containing approx. 17.62+- Square Miles or 11,279.16+- Square Acres

EXHIBIT "B"



