

SUBSTITUTE ORDINANCE NO. 5704

ORDINANCE DEANNEXING CERTAIN PROPERTIES IN THE SOUTHWIND-WINDYKE AREA WHICH ARE CURRENTLY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MEMPHIS AND A PART OF THE CITY OF MEMPHIS

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, in consideration of the foregoing factors after deliberate planning and coordination it is recommended that the City deannex certain properties formerly situated in the Southwind-Windyke Area, more

particularly described in attached Exhibit "A" and shown on the map, attached hereto as Exhibit "B";

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

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. 4513 shall be contracted by this Ordinance to deannex those certain properties formerly in described on attached Exhibit "A" and shown on the map, attached hereto as Exhibit "B", effective on December 31, 2020 at 2359.

SECTION 2. That this Ordinance shall become operative seventy-five (75) days from and after its passage, pursuant to T.C.A. §6-51-201, unless a petition objecting to Deannexation signed by ten percent (10%) of the registered voters residing within the area proposed to be deannexed is filed with the Clerk of the City Council within seventy-five (75) days following the final reading of this ordinance. If such a petition is filed, a referendum shall be held at the next general election to ascertain the will of the voters residing in the area which the City proposes to deannex. The ballot shall provide a place where voters may vote for or against Deannexation by the City of Memphis. If a majority of those voting in the referendum fail to vote for the Deannexation, the contraction ordinance shall be void and the matter may not be considered again for two (2) years. If a majority vote for Deannexation, the ordinance shall become operative upon certification of the result of the referendum.

SECTION 3. Following the operative date of this Ordinance, and pursuant to the authority conferred by Tenn. Code § 6-51-204, the Department 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 as of 23:59 on December 31, 2020.

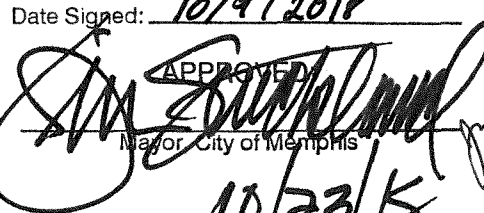
SECTION 4. That this Ordinance shall become effective and operative as provided herein.

Sponsors:

Mayor Jim Strickland
Bill Morrison
Frank Colvett

BERLIN BOYD
CHAIRMAN

THE FOREGOING ORDINANCE
5704 PASSED
1st Reading 08-14-2018
2nd Reading 08-28-2018
3rd Reading 09-25-2018
Approved _____
Chairman of Council

Date Signed: 10/9/2018

APPROVED
Mayor, City of Memphis
Date Signed: 10/23/18

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