

February 25, 2014

City of Cornersville Tennessee  
Mr. Taylor Brandon  
Town Administrator  
P.O. Box 128  
Cornersville, Tennessee 37407

VIA ELECTRONIC MAIL

Dear Mr. Brandon:

Responsive to your inquiry, please be advised that TCA § 6-51-201 speaks to the contraction of territory within the corporate limits by ordinance. Should this matter be pursued, it should be handled in the customary manner with notice, a public hearing, and two readings. It is not necessary for a recommendation to be made by the Planning Commission. The Board of Mayor and Aldermen must find that the contraction “appears to be in the best interest of the affected territory.” The statute reads as follows:

**§ 6-51-201. Contraction by election; contraction by ordinance; opposition to deannexation**

(a) Any incorporated city or town, whether it was incorporated by general or special act, may contract its limits within any given territory; provided, that three fourths (  $\frac{3}{4}$  ) of the qualified voters voting in an election thereon assent thereto.

(b)(1) Any incorporated city or town, whether it was incorporated by general or special act, may after notice and public hearing, contract its limits within any given territory upon its own initiative by ordinance when it appears in the best interest of the affected territory.

(2) Such contraction of limits within any territory shall not occur unless a majority of the total membership of the city legislative body approves such contraction.

(3) Such contraction of limits within any territory shall not occur if opposed by a majority of the voters residing within the area to be deannexed. The concurrence of a majority of the voters shall be presumed 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 city recorder within seventy-five (75) days following the final reading of the contraction 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 that the city proposes to deannex. The ballot shall provide a place where voters may vote for or against deannexation by the city. 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 effective upon certification of the result of the referendum.

Please be advised that if you have any debt, you can continue to levy and collect property taxes in the excluded territory pursuant to TCA § 6-51-204:

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**§ 6-51-204. Municipal jurisdiction; taxation; description of affected property**  
**Effective: August 5, 2011**

(a) Except for responsibility for any debt contracted prior to the surrender of jurisdiction, all municipal jurisdiction shall cease over the territory excluded from the municipality's corporate limits on the effective date of the ordinance if the contraction is done by ordinance, or on the date of the certification of the results of the election if the contraction is done by election. The municipality may continue to levy and collect taxes on property in the excluded territory to pay the excluded territory's proportion of any debt contracted prior to the exclusion.

(b) The chief executive officer of the municipality shall notify the county assessor of property as to contractions in the territorial limits of the municipality and shall provide the county assessor of property with a complete description of all property affected by the contractions.

The city will also have to provide the county assessor with a description of the deannexed property pursuant to 6-51-204(b).

Please let me know if you require any additional assistance on this matter.

Very truly yours,



Jeffrey J. Broughton  
Municipal Management Consultant