

POLICY OF THE CITY OF JOHNSON CITY ON THE CONTRACTION OF THE CORPORATE BOUNDARY OTHERWISE REFERRED TO AS DEANNEXATION

Introduction

The City of Johnson City, Tennessee is committed to providing cost effective services to all territories within the City. It is recognized that in some instances it may be undesirable for the City to provide services to certain territories by unreasonably burdening the existing taxpayers or the individual landowner. In those cases, it may be in the best interest of the City and its residents to exclude these territories from the municipality.

Evaluation Criteria

Territory to be removed from the corporate limits of Johnson City, TN shall meet the following criteria:

Location-Based Criteria

1. The territory is on the border of the city limits;
2. The territory is not located within the adopted Planning Boundary, as the Boundary existed in 2004;
3. The territory is not adjacent to city-maintained public rights-of-way;

Policy-Based Criteria

4. The territory has not benefited from the receipt of a 'materials agreement' provided by the City to extend water and/or sewer services to the territory;
5. The City has defaulted in the implementation of a Plan of Services for that territory;
and
6. The annexation of the territory was opposed by the property owner of record at the time of annexation.

Deannexation Procedure

Tennessee State Law allows only cities to initiate deannexation and limits participation by residents in deannexation decisions to voting in deannexation referendums, when cities choose to hold them, or petitioning for a vote when they do not (TCA 6-51-201). The deannexation procedure provided below seeks to accommodate citizens who may wish to have their properties removed from the corporate limits of Johnson City, while respecting the deannexation criteria provided herein and the legal provision that only the governing body of the City can initiate deannexation.

The procedure for deannexation shall be as follows:

1. If a property does not meet the criteria listed above, then it shall be ineligible for deannexation and shall not be given further consideration.
2. If a property does meet the criteria, then it shall be considered eligible and a property owner may submit a request for deannexation to Planning Division staff.

3. Planning Division staff shall prepare and submit a Deannexation Ordinance to the City Commission for consideration on 1st reading. The approval of the Ordinance on first reading shall be construed as the initiation of the deannexation by the City.
4. If the City Commission approves the Deannexation Ordinance on 1st reading, then Planning Division staff will present the ordinance to the Planning Commission for a recommendation to the City Commission.
5. After the Deannexation Ordinance is considered by the Planning Commission, it shall proceed to the City Commission for 2nd Reading / Public Hearing, and 3rd & Final Reading, as applicable.
6. If approved, the deannexation will take effect as provided by state law.

Discretion of the Governing Body of the City

This policy provides deannexation criteria. However, it shall remain the discretion of the City Commission of Johnson City to remove territory from its corporate limits when the evaluation criteria provided herein is met.

Collection of Taxes on Deannexed Property

In accordance with TCA 6-51-204, the municipality may continue to levy and collect taxes on property in the excluded territory's proportion of any debt contracted prior to exclusion.

This Deannexation Policy was adopted by the Johnson City Board of Commissioners on July 19,
2018

"The Johnson City Development Services Department is committed to a comprehensive approach to guide and shape quality development in our region."