

ORDINANCE NO. 11-08-01

**AN ORDINANCE ANNEXING CERTAIN TERRITORY, AND INCORPORATING
SAME WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF
HUNTSVILLE, TENNESSEE**

WHEREAS, a public hearing was held before this body and notice thereof published in the a newspaper of general circulation; and

WHEREAS, it appears that the prosperity of this Town and of the territory herein described will be materially retarded and the safety and welfare of the residents and property thereof endangered if such territory is not annexed; and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of this Town.

BE IT ENACTED by the Board of Mayor and Aldermen of the Town of Huntsville, Tennessee that:

Section 1. Pursuant to the authority conferred by section 6-51-102, Tennessee Code Annotated, there is hereby annexed to the Town of Huntsville, Tennessee, and incorporated within the corporate boundaries thereof, the following property adjoining the present corporate boundaries. Said property includes Parcels 9, 10, 10.04 and a portion of parcels 10.01 and 10.02 all found of Scott County Tax Map 86. This property being more clearly defined by the attached map, which is made a part of this ordinance:

Section 2. This ordinance shall take effect thirty (30) days following its final reading and approval, the welfare of the Town requiring it.

Passed First Reading Aug 24, 2011

Passed seconded Reading Sept 28, 2011

Public Hearing Held Sept 28, 2011

Adopted this 28th day of Sept, 2011.

Greg W. [Signature]
Mayor

Wendy Butcher
Town Recorder

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John T. Batson, Jr.
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General Civil Mediator

January 26, 2016

Mayor George Potter
Town of Huntsville
3053 Baker Highway
P. O. Box 150
Huntsville, Tennessee 37756

Re: *Oneida Farms Development, Inc. v. City of Huntsville*
Scott County Chancery Court No. 10,259
Court of Appeals No. E2014-02179-COA-R3-CV

Dear Mayor:

The Tennessee Court of Appeals has issued a Notice of Mandate in this matter, meaning that the Court of Appeals has sent to the Clerk and Master certified copies of the Judgment, as well as any orders regarding costs and a copy of their Opinion, which upheld the annexation of the Oneida Farms Development, Inc. property. This case is now at an end.

As evidenced by the Mandate, the decision of the Court of Appeals filed on November 16, 2015 became final at the expiration of the sixty day period during which an Application for Permission to Appeal to the Tennessee Supreme Court can be filed. That date would be January 15, 2016.

Based upon the effective date falling after the first day of January, which is the operative date for the assessment of taxes, it would be my opinion that the first year that the Town can collect taxes from Oneida Farms Development, Inc. will be the year beginning January 1, 2017.

Tenn. Code Ann. § 6-51-103(i) provides that when a final judgment is rendered in a quo warranto suit contesting a proposed annexation, the municipality shall notify the county mayor of the outcome of the litigation, so that the county may keep abreast of status of the pending litigation. Therefore, I believe the Town of Huntsville should send a letter to County Mayor Dale Perdue advising him that the challenge of Oneida Farms Development, Inc.'s to the Town of Huntsville's annexation of their property has been concluded and that the Town's annexation

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of the Oneida Farms Development, Inc.'s property has been upheld. For your convenience, I have prepared a draft letter to Mayor Perdue advising him of the results of the litigation. You may use this draft to so advise him if you choose or develop your own letter.

I am grateful for the opportunity to represent the Town of Huntsville in this matter and appreciate the cooperation and assistance that I received from both you and Wendy Buttram. Should you need further assistance in this or any other matter please feel free to contact me.

Very truly yours,



Jon G. Roach

JGR:klw

cc: Dennis Dalton