

Kevin Dean

From: Ashburn, Melissa <ashburnm@tennessee.edu>
Sent: Thursday, January 22, 2026 8:22 AM
To: Kevin Dean
Cc: Hale, Valerie; 'Baylee Rhea'
Subject: Re: Potential De-Annexation Request

Good morning,

De-annexation or removal of property from city boundaries requires city council approval. Citizens may request de-annexation by their governing body, but cities are not required to grant such requests. If the city council does decide to adopt a de-annexation ordinance, a public hearing is required and a majority of the entire membership of the body (not simply a majority of a quorum) must vote in favor of the ordinance. This is the statute that controls de-annexation:

(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.

(c)(1) Owners of real property used primarily for agricultural purposes who reside in a territory previously annexed by ordinance that was not annexed through a referendum or a request of the property owner may petition the municipality to deannex such property, if:

(A) The deannexation of the property does not create an area of unincorporated territory that is completely surrounded by municipal boundaries; and

(B) The owner of some or all of the property at the time the petition is made:

(i) Is the same owner or owners as when the property was annexed; or

(ii) A direct descendant of the person who owned the property at the time of annexation. As used in this subdivision (c)(1)(B)(ii), “direct descendant” means a child, grandchild, or a sibling.

(2) The petition must include a copy of the ordinance that includes the map of the plat seeking deannexation. The map must be the same map the municipality used to annex the territory.

(3) Upon receiving the petition for deannexation, the municipality shall determine the debt amount owed pursuant to § 6-51-204(a), if any, within thirty (30) days.

(4) The deannexation of the property becomes operative ninety (90) days after receipt of the petition by the municipality.

(d) This section does not require a municipal utility to cease providing electrical service, sanitary sewer service, other utility services, or street lighting in the territory excluded from the municipality's corporate limits.

(e) For purposes of this section, “property used primarily for agricultural purposes” means:

(1) The property is owned or operated by a person whose federal income tax return contains one (1) or more of the following for at least three (3) years:

(A) Business activity on IRS schedule F, profit or loss from farming, and the business activity reflected on the form is related to the property that is the subject of the petition; or

(B) Farm rental activity on IRS form 4835, farm rental income and expenses or schedule E, supplemental income and loss, and the farm rental activity reflected on the form is related to the property that is the subject of the petition;

(2) The person who owns or operates the property is a qualified farmer or nurseryman as defined in § 67-6-207;

(3) The property was classified at the time of annexation and has continued being classified as agricultural land or forest land pursuant to § 67-5-1005 or § 67-5-1006, except for those properties annexed prior to January 1, 1977; and

(4) The property has been maintained in use of agriculture as defined in § 1-3-105 since annexation occurred.

Tenn. Code Ann. § 6-51-201

The language in paragraph (c) addressing agricultural property was added a few years ago for a specific property; I am confident it does not apply in this situation in Crossville.

The language in paragraph (b)(3) permits voters living in the area to be de-annexed to file a petition and challenge a de-annexation ordinance. There is no method for a property owner to start or pursue de-annexation by petition to an election board and referendum. The decision is entirely up to the city council whether to de-annex property or not.

I hope this is helpful,
Melissa

Melissa Ashburn
Legal Consultant

UT Municipal Technical Advisory Service



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From: Kevin Dean <kevin.dean@crossvilletn.gov>
Sent: Wednesday, January 14, 2026 12:36 PM
To: Ashburn, Melissa <ashburnm@tennessee.edu>
Cc: Hale, Valerie <valerie.hale@crossvilletn.gov>; 'Baylee Rhea' <baylee.rhea@crossvilletn.gov>
Subject: Potential De-Annexation Request

Ms. Ashburn,

I have been contacted by a property owner who has expressed their desire to be de-annexed from the City of Crossville. Based on some of the information we have reviewed, it appears there may be a state law that prohibits residents or property owners from initiating the de-annexation process. I expect to receive a formal request from the property owner shortly.

For reference, the property in question would not create a donut hole if de-annexed. It is located on the edge of the city limits and is not currently served by city water or sewer. It is fronted by a city street and would remain so even if the property were to be de-annexed.

We are seeking clarification on whether it is possible for the property owner to request de-annexation and, if so, how we should proceed. Are there any requirements for public hearings, planning commission review or recommendation, ordinances, resolutions, or similar actions? Any information or guidance you can provide would be greatly appreciated.

I have CC'd Valerie Hale, City Manager, as well as Baylee Rhea, City Clerk.

Thank you.
-KJD

CITY OF CROSSVILLE
TENNESSEE



Kevin J. Dean

CITY PLANNER / GIS ANALYST

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JOHN 16:33