

COPY

IN THE CHANCERY COURT FOR DICKSON COUNTY, TENNESSEE

STATE OF TENNESSEE, ex rel
Owen D. Jackson, Buford A. Batey, Dorothy C. Howington,
Ray Norris, Billy Ray Tidwell, Eddie Earl Felts,
Joe W. Fiser, Robert A. Brown, Eric Donnie Fielder,
Todd M. Fowlkes, Dennis O. Ethridge,
Denny Ethridge, Tony R. Thornton, Jimmie Ellis Call,
John Allen McCain, Houston Williams, Brenda G. Cochran
Roy L. McLaughlin, Olivia D. Huff

FILED 10-30-06
1:25 P.M.
RANDY MILLER, C & M

PLAINTIFFS

vs.

NO. 10506-06

CITY OF DICKSON, TENNESSEE

DEFENDANT

**COMPLAINT IN NATURE OF QUO WARRANTO and
DECLARATORY RELIEF**

Come your Plaintiffs, by and through counsel, and bring this action in the nature of quo warranto, pursuant to TCA 6-51-103 and related statutes contesting the annexation of their property by the City of Dickson, Tennessee, and seeking declaratory relief and for cause of action would show as follows:

1. Plaintiffs own real property in Dickson County, Tennessee, which property is included within an area which Defendant City of Dickson, Tennessee, a municipal corporation, seeks to annex into its corporate limits pursuant to Ordinance Number 1207, a copy of which ordinance is attached hereto as Exhibit A and made a part hereof by reference. Defendant undertook to pass said Ordinance on second reading on or about the 2nd day of October, 2006,

2. Plaintiffs bring this action in the nature of quo warranto pursuant to Tennessee Code Annotated 6-51-103, et seq., and related statutes including T.C.A. 6-58-111, contesting the annexation ordinance and the attempted annexation of Plaintiffs' property without the consent and approval of your Plaintiffs.

3. Plaintiffs aver that neither the Mayor nor the City Council of Dickson have received a request or approval from the Plaintiffs to annex Plaintiffs' property.

4. The governing body of the City of Dickson, Tennessee, has no power to provide any services to the citizens and residents of Dickson County, Tennessee, which the citizens and residents of Dickson County, Tennessee, do not already have or are not able, by and through their county legislative body, to procure for the benefit of all citizens and residents of Dickson County, Tennessee, including the citizens in the proposed annexed area.

5. Plaintiffs aver that the prosperity of the City Dickson and of territory attempted to be annexed, will not be materially retarded and the safety and welfare of the inhabitants and property thereof will not be endangered if the referenced territory is not annexed.

6. Plaintiffs aver that the City of Dickson did not comply with the strict statutory requirements for annexation of territory under TCA §6-51-102, and avers that the following are fatal defects in a passage.

(a) The notice of public hearing did not have published with it a tract map meeting the requirements of TCA §6-51-101(3).

(b) The publication did not give notice that the proposed plan of services would be available at three separate public places as required under TCA §6-51-102(b)(4).

(c) The Ordinance itself does not set out a specific description of the territory to be annexed.

(d) The public notice does not give notice of a public hearing on the plan of services

as required by TCA §6-51-102(b)(4).

7. All of said referenced defects render the said Annexation Ordinance to be invalid and void *ab initio*.

8. Plaintiffs have standing to bring this Action under Tennessee's Declaratory Judgement Act seeking a determination of this Court as to the validity of the Ordinance purporting to annex their property and residences into the City of Dickson.

9. There is a genuine dispute between the parties as to whether the Ordinance is valid as to your Plaintiffs, giving rise to their request for declaratory relief.

PREMISES CONSIDERED, PLAINTIFF PRAYS:

1. That process issue and be served upon Defendant requiring it to appear and answer this Complaint.

2. That this Court find and hold that the subject annexation ordinance is unreasonable for the overall well-being of the communities involved; or that the health, safety, and welfare of the citizens and property owners of the municipality and territory will not be materially retarded in the absence of such annexation (T.C.A. § 6-58-111).

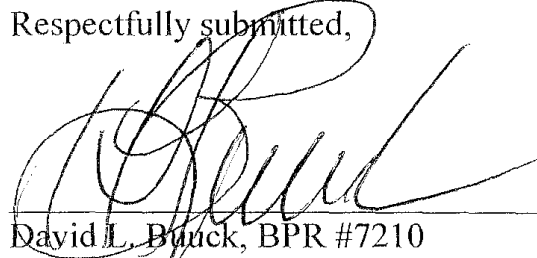
3. That as a result of such finding the Court enter an order vacating the ordinance.

4. That this Court declare the subject annexation ordinance is void *ab initio* for failure to comply with the strict statutory requirements of T.C.A. § 6-51-102.

5. That Plaintiffs have such other, further, equitable and general relief to which this Court may deem it entitled

THIS IS THE FIRST PETITION IN THE NATURE OF QUO WARRANTO OR FOR EXTRAORDINARY RELIEF FILED ON BEHALF OF THE PLAINTIFF IN THIS MATTER AND NO COURT HAS HERETOFORE DENIED SUCH RELIEF.

Respectfully submitted,



David L. Buuck, BPR #7210

Attorney for Plaintiffs

707 Market St.

Knoxville, Tennessee 37902

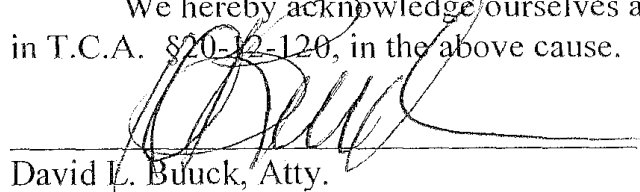
(865) 544-0027

(865) 637-9800 (Fax)

dlbuuck@bellsouth.net

COST BOND

We hereby acknowledge ourselves as sureties for statutorily provide court costs as provided in T.C.A. §20-12-120, in the above cause.



David L. Buuck, Atty.

ORDINANCE # 1207

AN ORDINANCE TO ANNEX PHASE 3 AREA A OF THE CITY OF DICKSON 2006
THREE PHASE ANNEXATION

WHEREAS, Phase 3 area A is located entirely within the City of Dickson Growth Plan adopted and approved county wide May 15, 2000.

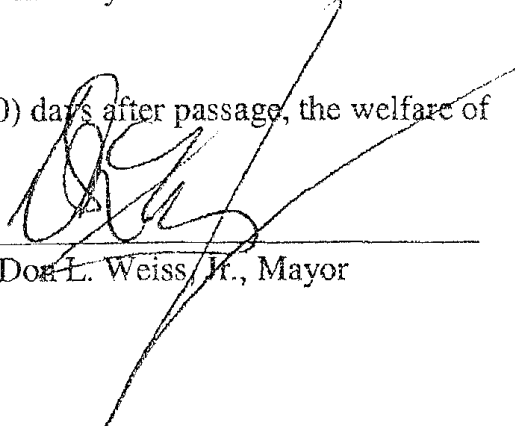
WHEREAS, the City of Dickson Planning Commission met and recommended Annexation of the proposed area, forwarding the same to City Council.

WHEREAS, the Annexation of Phase 3 area A is deemed necessary for the health, safety and welfare of the residents and property owners thereof and of this City as a whole; and,

NOW THEREFORE, BE IT ORDAINED BY THE DICKSON CITY COUNCIL OF THE CITY OF DICKSON


Section 1. Pursuant to authority conferred by section 6-5-102 through 6-51-109, of the Tennessee Code Annotated, there is hereby annexed into the City of Dickson Tennessee and incorporated within the corporate boundaries thereof, the territory identified by the maps [2006 C] as Phase 3 area A of the City of Dickson Three Phase Annexation Plan.

Section 2. This ordinance shall take effect (30) days after passage, the welfare of the City requiring the same.



Don L. Weiss, Jr., Mayor

ATTEST:



Dianne Eubank, Recorder

Public Hearing : August 7, 2006

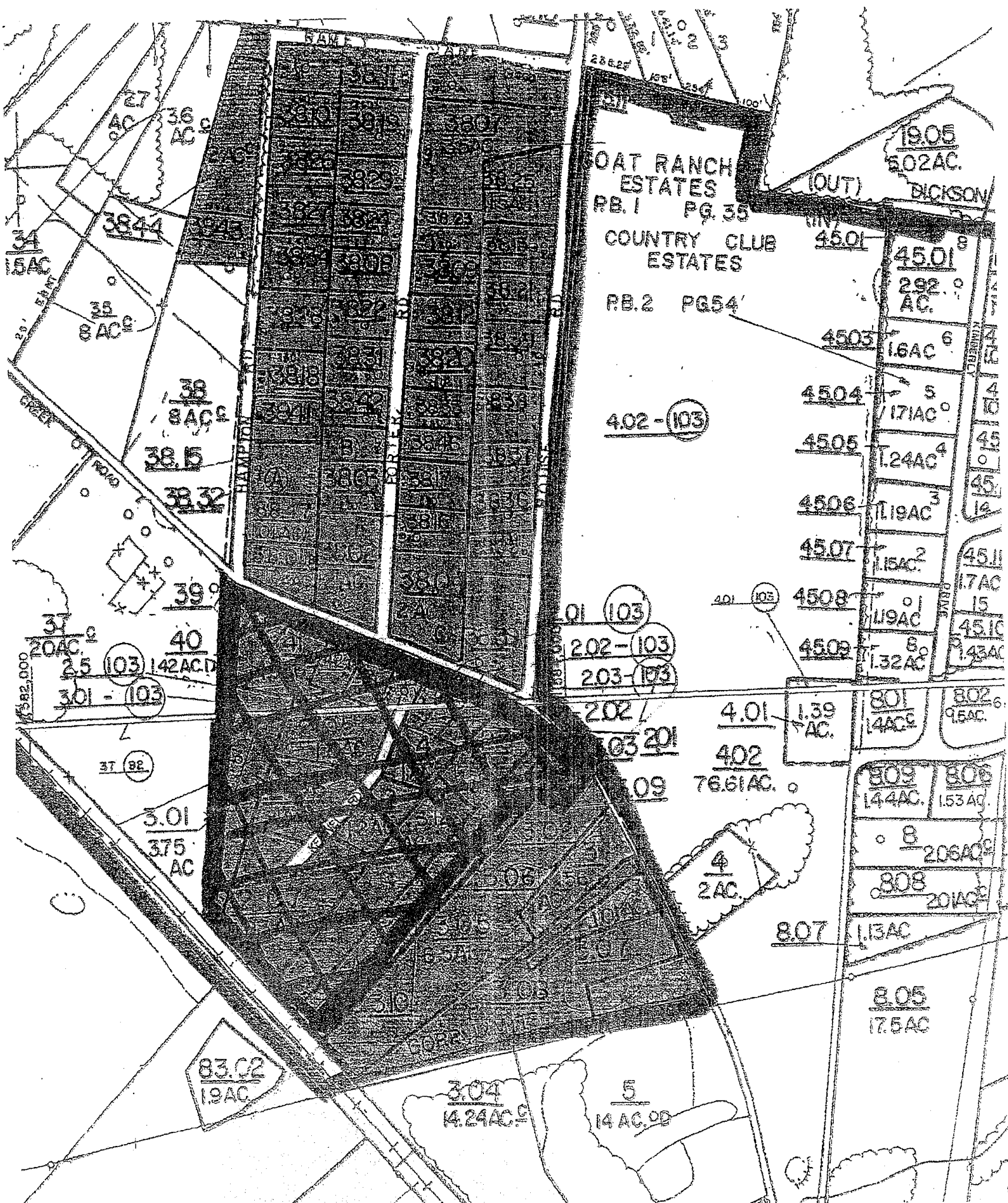
Passed First Reading: August 7, 2006

Passed Second and Final Reading: October 2, 2006, As Amended

RW/aub

FILED 10-30 2006
1:25 P.M.
NANCY MILLER, C & M

EXHIBIT A



PUBLIC NOTICE

Notice is hereby given that a public hearing will be held by the Dickson City Council on Monday, August 7, 2006 at 7:00 p.m. in the Municipal Building Council Chambers located at 202 South Main Street for hearing on Phase III of the City of Dickson 2006 Three Phase Annexation Plan.

A map of the proposed area to be rezoned is on display during normal business hours at the City of Dickson Planning and Zoning Office located at 200 Center Ave. For further information please call 615-441-9505.