

1ST READING 11-3-09  
2ND READING 11-10-09  
INDEX NO. \_\_\_\_\_

ORDINANCE NO. 12317

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 9B, BEING CERTAIN PARCELS ADJACENT TO OLD LEE HIGHWAY AND APISON PIKE WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.

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WHEREAS, pursuant to T.C.A. § 6-51-102, as amended by Public Chapter 1101 of 1998, it is necessary to submit a plan of services to the Chattanooga Hamilton County Regional Planning Commission; and

WHEREAS, the Plan of Services, which is attached to this Ordinance and incorporated herein by reference, was submitted to the Chattanooga Hamilton County Regional Planning Commission on July 29, 2009, and a written report was prepared and approved unanimously by the Chattanooga Hamilton County Regional Planning Commission on August 10, 2009, as required by law; and

WHEREAS, the Clerk of the City Council was authorized to give notice of a public hearing on the Plan of Services on August 18, 2009, with reference to the herein described annexation Plan of Services which was noticed on September 4, 2009, which was more than fifteen (15) days prior to the public hearing which was held on September 22, 2009, at 7:00 p.m., and the Clerk of the City Council further posted notice that this annexation Ordinance for Area 9B would be heard by publication in the daily newspaper of Chattanooga, Tennessee on September 27, 2009, which was more than seven (7) days before October 6, 2009; and

WHEREAS, after a public hearing on the Plan of Services held on September 22, 2009, the public hearing held on October 6, 2009, and investigation by the City Council, it now appears that the prosperity of the City of Chattanooga and of the territory herein described and as

described in said notice will be materially retarded, and the safety and welfare of the inhabitants and property of the City of Chattanooga and the herein described territory endangered if such territory is not annexed; and

WHEREAS, the Plan of Services is adopted and the annexation of the hereinafter described territory is deemed necessary for the health, welfare and safety of the residents and property owners thereof, as well as of the City of Chattanooga as a whole;

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That under the authority conferred by Chapter 113, Public Acts of 1955, and the amendments thereto (T.C.A. § 6-51-101, *et seq.*), that there be and hereby is annexed to the City of Chattanooga, Tennessee, and included within the corporate boundaries of said City, certain parcels adjacent to Old Lee Highway and Apison Pike known as Area 9B within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, contiguous to the corporate boundaries of said City, which is more fully described as follows:

IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY,  
TENNESSEE:

Beginning in the present city limit boundary at a point directly across the road from the northeast corner of property now or formerly owned by De Williams (131-023); thence proceeding south-easterly a distance of 50 feet, more or less, across the Old Cleveland Pike right of way to the northeast corner of property now or formerly owned by De Williams (131-023); thence proceeding South 32 degrees East a distance of 46.6 feet, more or less, to the east corner of property now or formerly owned by De Williams (131-023); thence proceeding South 22 degrees West a distance 257 feet, more or less, to the northeast corner of property now or formerly owned by Choo Choo Homes Incorporated (131-003.01); thence proceeding South 23 degrees West a distance of 1,071 feet, more or less, to the east corner of property now or formerly owned by Choo Choo Homes Incorporated (131-003.01); thence proceeding South 12 degrees East a distance of 119 feet, more or less, to the intersection of the southeast corner of property now or formerly owned by Choo Choo Homes Incorporated (131-003.01) and Lee Highway right of way; thence proceeding south-easterly a distance of 75 feet, more or less, to a point directly across the Lee Highway right of way from the southeast corner of property now or formerly owned by Choo Choo Homes

Incorporated (131-003.01); thence proceeding south-westerly a distance of 170 feet, more or less, along the southern line of Lee Highway right of way to the northeast corner of property now or formerly owned by Rhonda Neely (131O-B-001); thence proceeding south-westerly a distance of 765 feet, more or less, along the City of Collegedale right of way to the southern corner of property now or formerly owned by James Ransom (131O-B-004); thence proceeding north-westerly a distance of 485 feet, more or less, along the City of Collegedale right of way to northeast corner of property now or formerly owned by Eddie and Mary Osborne (131O-B-005); thence proceeding southwardly a distance of 815 feet, more or less, along the City of Collegedale right of way to the northeast corner of property now or formerly owned by Woodard Development Company (131O-B-020); thence proceeding south-westerly a distance of 625 feet, more or less, along the City of Collegedale right of way to the southeast corner of property now or formerly owned by Woodard Development Company (131O-B-020); thence proceeding north-westerly a distance of 170 feet, more or less, along the city of Collegedale right of way to the northeast corner of property now or formerly owned by Woodward Development Company (131O-B-019); thence proceeding southwardly a distance of 90 feet, more or less, to the southeast corner of property now or formerly owned by Woodward Development Company (131O-B-019) and the Apison Pike right of way; thence proceeding westwardly a distance of 3,703 feet, more or less, along the northern line of the Apison Pike right of way and the Old Lee Highway right of way to the southwest corner of property now or formerly owned by Indian Pentecostal Church of God (131P-A-001); thence proceeding northwardly a distance of 265 feet more or less to the northwest corner of property now or formerly owned by Indian Pentecostal Church of God (131P-A-001); thence proceeding north-easterly a distance 5,900 feet, more or less, along the southern line of Interstate 75 right of way and the northern line of Old Cleveland Pike right of way to the point of beginning. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department. All of this property lies within the Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between all municipalities within Hamilton County effective May 23, 2001. Included in this annexation are all tax parcels listed below and as shown on the attached map for Annexation Area 9B.

131O B 008	131P B 007.03	131O B 019	131O A 025
131O A 012	131P B 004	131O B 002	131O A 026
131O B 011.02	131P B 019	131O A 010	131O A 004
131P B 020	131O A 002	131 002	131O A 018
131P C 002	131O B 009	131 026	131O A 017
131O A 027	131O B 005	131 003.01	131P C 008.02
131O A 007	131P B.009	131 001	131O A 014
131O B 016	131P C 001	131 025	131O B 020
131O B 003	131O A 001	131 024	131O A 003
131O B 018	131O B 017	131O A 019	131O B 015
131P B 006	131P B 017	131O A 010.01	131O B 001
131P B 008	131P C 003	131O B 013.01	131O A 023
131P C 007	131P B 018	131O A 006	131O A 020
131O B 011.04	131O B 007	131O B 006.01	131O B 011.03

131O A 009	131O B 012	131 023
131O A 005	131O A 011	131P A 001
131O A 008	131O B 014	131P B 003
131O B 011	131O A 013	131P B 015
131O A 015	131P C 011	131P B 016
131O A 028	131P B 008.01	131P B 012
131O B 004	131 003	131P B 014
131O A 009.01	131P B 007.02	131P C 008
131O A 004.01	131P C 009	131P B 013
131O B 006	131P B 002	
131O A 024	131P B 001	

Section 2. BE IT FURTHER ORDAINED, That residents of and persons owning property in the above-described territory shall be entitled to all the rights and privileges of citizenship in accordance with the provisions of the Charter of the City of Chattanooga, Tennessee, immediately upon annexation as though the above-described territory annexed has always been part of said City of Chattanooga, Tennessee.

Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto and incorporated herein by reference, which was submitted to the Chattanooga Hamilton County Regional Planning Commission and upon the written report dated August 5, 2009 which was approved by the Chattanooga Hamilton County Regional Planning Commission on August 10, 2009, is adopted as the Plan of Services for this annexation and shall be implemented in accordance with the terms and methods of services contained therein.

Section 4. BE IT FURTHER ORDAINED, That this Ordinance shall become operative thirty (30) days from and after its passage, or as otherwise provided by the provisions of T.C.A. § 6-51-102(a).

Section 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect, as distinguished from becoming operative, immediately from and after its passage, the public welfare requiring it.

PASSED on Second and Final Reading

November 10, 2009.

W. Jacob Benson  
CHAIRPERSON

APPROVED:  DISAPPROVED:

DATE: 11-13, 2009.

[Signature]  
MAYOR

PAN/MAM/add

07-28-09

PROPOSED PLAN OF SERVICES FOR AREA 9B  
IN ACCORDANCE WITH  
TENNESSEE CODE ANNOTATED § 6-51-102

The City Council of the City of Chattanooga, Tennessee hereby proposes the following Plan for Provision of Services for certain properties lying contiguous to the present corporate limits of the City of Chattanooga, Tennessee, adjacent to Old Lee Highway and Apison Pike within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, which are shown on the attached map for Area 9B and described as follows:

All roads and accepted right of ways within the boundaries shown on the attached map for Area 9B, including portions of streets named Old Lee Highway, Apison Pike, Old Cleveland Pike, and School Road, and all property described as follows and as shown on the attached map:

IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY,  
TENNESSEE:

Beginning at a point in the current boundary of the City of Chattanooga and the southern right of way of Norfolk Southern Railway at a point directly across the road from the northeast corner of property now or formerly owned by De Williams (131-023); thence proceeding southeasterly a distance of 50 feet, more or less, across the Old Cleveland Pike right of way to the northeast corner of property now or formerly owned by De Williams (131-023); thence proceeding South 32 degrees East a distance of 46.6 feet, more or less, to the eastern corner of property now or formerly owned by De Williams (131-023); thence proceeding South 22 degrees West a distance 257 feet, more or less, to the northeast corner of property now or formerly owned by Choo Choo Homes Incorporated (131-003.01); thence proceeding South 23 degrees West a distance of 1,071 feet, more or less, to the eastern corner of property now or formerly owned by Choo Choo Homes Incorporated (131-003.01); thence proceeding South 12 degrees East a distance of 200 feet, more or less, to a point directly across Old Lee Highway from the southeast corner of property now or formerly owned by Choo Choo Homes Incorporated (131-003.01) and located on the southern boundary of Old Lee Highway right of way; thence proceeding southwesterly along the southern boundary of Old Lee Highway 170 feet, more or less, to the northeast corner of property now or formerly owned by Rhonda Neely (131O-B-001); thence proceeding southwesterly a distance of 765 feet, more or less, along the current

boundary of the City of Collegedale to the southern corner of property now or formerly owned by James Ransom (131O-B-004); thence proceeding northwesterly a distance of 485 feet, more or less, along the current boundary of the City of Collegedale to the northeast corner of property now or formerly owned by Eddie and Mary Osborne (131O-B-005); thence proceeding southward a distance of 815 feet, more or less, along the current boundary of the City of Collegedale to the northeast corner of property now or formerly owned by Woodard Development Company (131O-B-020); thence proceeding southwesterly a distance of 625 feet, more or less, along the current boundary of the City of Collegedale to the southeast corner of property now or formerly owned by Woodard Development Company (131O-B-020); thence proceeding northwesterly a distance of 170 feet, more or less, along the current boundary of the City of Collegedale to the northeast corner of property now or formerly owned by Woodard Development Company (131O-B-019); thence proceeding southward a distance of 90 feet, more or less, to the southeast corner of property now or formerly owned by Woodard Development Company (131O-B-019) and the northern right of way of Apison Pike; thence proceeding westward a distance of 3,703 feet, more or less, along the northern right of way line of Apison Pike and continuing along the northern right of way of Old Lee Highway to a point in the southwest corner of property now or formerly owned by Indian Pentecostal Church of God (131P-A-001); thence proceeding northward a distance of 265 feet more or less to a point in the northeast corner of property now or formerly owned by Indian Pentecostal Church of God (131P-A-001) and containing all of parcel 131P-A-001; thence proceeding north-easterly a distance 5,900 feet, more or less, along the current boundary of the City of Chattanooga and continuing along the northern right of way line of Old Cleveland Pike to the point of beginning. Included in this annexation are all tax parcel numbers and road right of ways on the accompanying attached map for Annexation Zone 9 B. All of this property lies within the Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between all municipalities within Hamilton County effective May 23, 2001. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department.

A. POLICE

Patrolling, radio directed response to calls for assistance, crime prevention services, traffic control and accident prevention services and other police protection and support using present personnel and equipment will be provided on the effective date of annexation. A study will be conducted within ninety (90) days of the effective date of annexation to consider the need for additional police personnel and equipment.

B. TRAFFIC ENGINEERING

Traffic Engineering and installation of signs and other traffic control devices to be installed as required throughout the annexation area, when the need is established by appropriate traffic studies. A study will be conducted within ninety (90) days of the effective date of annexation to consider the need for additional signs or other traffic control devices within the annexation area.

C. FIRE

1. Fire protection by present personnel and the equipment of the fire fighting force within the limitations of available water and distance from fire stations will be provided on the effective date of annexation.

2. Additional fire services such as those made available through the City of Chattanooga's Fire Marshal's Office and fire investigation will be made available on the effective date of annexation.

3. Within six (6) months after annexation, the location of fire hydrants shall be determined. Additional required hydrants will be installed in those areas where water mains of adequate size are available within eighteen (18) months after annexation. Placement of hydrants will be on the basis of nationally-accepted standards defined by adopted Codes for the City of Chattanooga. As additional water lines of adequate size are extended into the annexation area by Eastside Utility District, if not presently served, fire hydrants shall be installed as required by the above-mentioned standard when the population density or need for hydrant services is sufficient to cost effectively extend hydrant services to the annexed property in the discretion of the Fire Chief, subject to appropriation of required funds.



4. An Agreement for Automatic Aid (dual response) will be developed with Tri-County Community Fire Department within six (6) months after annexation and until such time as a new fire station can be constructed to assure the continued compliance with standards established by the Insurance Service Organization (ISO) appropriate to maintain the existing fire insurance ratings in this annexation area which are comparable to existing fire insurance ratings in the other areas of the City.

D. REFUSE COLLECTION

Chattanooga currently provides its residents with certain refuse collection established under Chattanooga City Code § 18-101 et seq. The services currently provided by the City will be extended to the annexed area within ninety (90) days after the effective date of annexation.

E. ROAD AND STREET CONSTRUCTION AND REPAIR; SIGNS AND LIGHTING, AND STORMWATER AND DRAINAGE

1. Emergency maintenance of streets (repair of hazardous potholes, measures necessary to maintain normal traffic flow), removal of snow and/or sanding of streets during icing conditions will begin on the effective date of annexation.

2. Routine maintenance, on the same basis as in the present City of Chattanooga, will begin in the annexed area on the effective date of annexation.

3. Within six (6) months of the effective date of annexation, street name signs will be installed as needed in all substantially developed areas.

4. Street lights will be installed under the same standards as now prevail in the City of Chattanooga. A study will be conducted within six (6) months of the effective date of annexation to consider the need for any additional street lights within the annexed area.

5. Stormwater and drainage services for all streets within the annexed area will be studied within six (6) months of the effective date of annexation for the need of any additional stormwater and drainage services.

6. Erosion and drainage services for the Water Quality Program currently provided to all streets within the City of Chattanooga shall be provided to the annexed area immediately following the effective date of annexation.

F. PLANNING AND ZONING

The planning and zoning jurisdiction of the City will be extended to the annexed area of the effective date of annexation. Chattanooga-Hamilton County Regional Planning Agency and the Chattanooga-Hamilton County Regional Planning Commission will thereafter encompass the annexed area. Pending a review of the zoning by the Chattanooga-Hamilton County Regional Planning Commission and the City Council, the property shall be reclassified to a temporary classification which shall be rezoned in accordance with the City's Zoning Ordinances.

G. RECREATION FACILITIES AND PROGRAMS

1. All of the recreational areas and programs provided for the present City residents will be made available immediately to all residents of the annexed area in the same manner as current citizens of the City of Chattanooga.

2. Recreation programs such as swimming, summer camps, baseball, flag football, basketball, tennis will be made available to all residents of the annexed area in the same manner as the current residents of the City of Chattanooga.

H. WATER SYSTEM

Water for all annexed properties will continue to be provided in the same manner as it is currently provided by the Eastside Utility District.

I. ELECTRICAL SERVICE

Electricity will continue to be provided to residents of the newly annexed area by the Electric Power Board of Chattanooga.

J. SEWER SYSTEM

The City of Chattanooga will provide sewer services to the annexed area within three (3) years of the effective date of annexation, as provided in Paragraph 6(C) of the Master Interlocal Agreement approved by the City of Chattanooga dated May 23, 2001, if the Hamilton County Water and Wastewater Treatment Authority, (hereinafter “WWTA”), cedes its service area to the City within thirty (30) days of the date of annexation. If sewer services for properties within the annexed area are not ceded to the City of Chattanooga or allowed to be provided by the City of Chattanooga because this area is retained by the WWTA, such services will be provided to the residents of the newly annexed area by the WWTA to the extent that lines are available within the annexed area and density of development makes new sewer lines feasible and funds for construction of necessary sewer lines are available as determined by the WWTA Board.

K. INSPECTION/CODE ENFORCEMENT

The Public Works Department of the City now provides plans review services, inspection and code enforcement services (building, electrical, plumbing, gas, and unsafe building services, Land Use (Zoning) and development services, including flood plain, NFIP/FEMA requirements and Neighborhood Services for housing, litter, overgrowth and illegal

dumping) to all areas of the City of Chattanooga. These same services will be provided to the newly annexed area when it becomes a part of the City of Chattanooga.

L. ANIMAL CONTROL

The McKamey Animal Care and Adoption Center currently provides the services of animal control by contract with the City and enforces the City's leash laws and other animal control ordinances. This service will be available in the new area when the annexation becomes effective.

To: Chattanooga Hamilton County Regional Planning Commission  
From: Chattanooga-Hamilton County Regional Planning Agency  
Date: August 5, 2009  
Re: Report on Plans of Service for City of Chattanooga Proposed Annexation Area 9B

**Scope:**

The Chattanooga-Hamilton County Regional Planning Agency has reviewed the proposed annexation Area 9B which is being considered for annexation pursuant to authority granted by the State of Tennessee in T.C.A. Secs. 6-51-101 and following. The Regional Planning Agency acts as staff to the Chattanooga-Hamilton County Regional Planning Commission.

It should be noted that the scope of this Report is delimited by and prepared in accordance with the strictures of T.C.A. Sec. 6-51-102(b). Specifically, it is not the province of the Planning Commission to pass on or even to comment on whether the Plan of Annexation is lawful or appropriate. That determination is left to the City of Chattanooga City Council. Rather, the Planning Commission reports only on the reasonableness of the proposed Plan of Service for the areas considered for annexation.

The Regional Planning Agency has reviewed and considered the Urban Growth Plan, the Proposed Plans of Service and attached maps, and their professional knowledge or inspection of the subject areas in making this Report.

**Comments:**

Proposed annexation Area 9B is contained within the City of Chattanooga's Urban Growth Boundary/Master Interlocal Agreement as agreed to in May 2001. This area is contiguous to the current City of Chattanooga boundary. Staff has identified what appears to be a minor mapping discrepancy along the northeastern boundary of this annexation area. Staff recommends the City double-check alignment along the Urban Growth Boundary for parcels 131 023 and 131 003.01.

The Regional Planning Agency finds that the proposed Plan of Service is reasonable and meets the letter and spirit of the governing statutory standard set forth in T.C.A. Sec. 6-51-102(b).

The Plan of Services includes a reasonable implementation schedule for the delivery of comparable services in the annexation area with respect to the services provided to all residents of the City of Chattanooga. The implementation schedule addresses both the timing of the delivery of services and the immediate action items. Services will be delivered upon adoption or within a reasonable period of time following annexation. It appears that the City will be able to provide the same level of service to the annexation area as it does to the rest of the City and that, in doing so, it will not diminish the level of service to the rest of the City.

Additional fire protection, police protection, storm water management, refuse collection, street maintenance and clearing, traffic signs and control devices, zoning, inspection and code enforcement, animal control, and recreational facilities and programs access will be to the benefit of the areas proposed for annexation. An Agreement for Automatic Aid regarding fire service dual response with Tri-County Community Fire Department will ensure continued compliance with standards established by the Insurance Service Organization (ISO) appropriate to maintain the existing fire insurance rating in this annexation area comparable to existing fire insurance ratings in the other areas of the city. The new agreement will be developed within six months of annexation and remain in effect until such time as a new fire station can be constructed. Water and electric services are being provided by other entities as detailed and will not be affected by implementation of the proposed Plan of Service.

Sewer service provision is as detailed in the Urban Growth Plan Master Interlocal Agreement and outline in Section J of the Plan of Services. If the Hamilton County Water and Wastewater Treatment Authority (WWTA) cedes its service area within thirty (30) days of annexation, the City of Chattanooga will provide sewer service to the annexed area within three (3) years of the effective date of annexation. If the sewer service for properties is not ceded by WWTA, sewer service provision shall be the responsibility of WWTA.

