

1ST READING
2ND READING

1-10-12
1-17-12

ORDINANCE NO. 12556

AN ORDINANCE AMENDING ORDINANCE NO. 12296 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 8A, BEING CERTAIN PARCELS ADJACENT TO INTERSTATE 75 AND HUNTER ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP, BY CHANGING THE EFFECTIVE DATE OF SAID ANNEXATION TO DECEMBER 31, 2012.

WHEREAS, the City Council previously passed an annexation Ordinance No. 12296 extending the corporate limits of the City of Chattanooga to annex certain parcels adjacent to Interstate 75 and Hunter Road, known as Area 8A, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, which is shown by the attached ordinance and map; and

WHEREAS, the Plan of Services which was attached to Ordinance No. 12296 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 Tennessee law; and

WHEREAS, after approval and passage of Ordinance No. 12296, the City of Chattanooga was sued in a *quo warranto* action by certain residents of Area 8A in 2009 and following lengthy litigation of this matter all parties have agreed to compromise and dismiss this action if the City of Chattanooga agrees to amend the effective date of this annexation ordinance until December 31, 2012 and the named plaintiffs in this litigation agree to pay municipal taxes

for services provided by the City of Chattanooga in tax year 2013 for municipal services of the City set forth in Ordinance No. 12296 which shall begin on December 31, 2012; and

WHEREAS, this amendment to the effective date of Ordinance No. 12296 and the revised date for services by the City under its plan of services adopted by Ordinance No. 12296 is determined to be in the best interests of the City 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 Ordinance No. 12296, annexing to the City of Chattanooga, Tennessee, certain property adjacent to Interstate 75 and Hunter Road, known as Area 8A, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, which is more fully described below, be and is hereby amended by changing the annexation effective date to December 31, 2012 by the agreement and approval of all named Plaintiffs in the action styled *State of Tennessee, ex rel, Richard A. Stern, et al. v. The City of Chattanooga*, Hamilton County Chancery Court, Case No. 09-0894, Part 2:

IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY,
TENNESSEE:

Beginning at the present city limit boundary a point along the northern line of Interstate 75 right of way and 70 feet southeast, more or less, from property now or formerly owned by The Krystal Company (131-074.03); thence proceeding south-westerly a distance of 3,450 feet, more or less, along the northern line of Interstate 75, Hunter Road, and Hilltop Drive right of ways to the southwest corner of property now or formerly owned by MCC Outdoor LLC (131-042.03); thence proceeding north-westerly a distance of 186 feet, more or less, to a point

southeast of the southwest corner of property now or formerly owned by Amon and Doris York (131-041); thence proceeding north-westerly a distance of 650 feet, more or less, along the City of Chattanooga right of way to the southwest corner of property now or formerly owned by Amon and Doris York (131-055) along the northern right of Ooltewah Harrison Road; thence proceeding North 23 degrees East a distance of 910 feet, more or less, to a point directly across from the northwest corner of property now or formerly owned by Amon and Doris York (131-055); thence proceeding easterly a distance of 875 feet, more or less, along the northern right of way of the Ooltewah-Harrison Road right to a point directly across the road from the northern corner of property now or formerly owned by Mary and Richard Burton (131-063) at the intersection of Hunter Road and Ooltewah Harrison Road; thence proceeding easterly a distance of 50 feet, more or less, across the Hunter Road right of way to a point on the western line of property now or formerly owned by Michael Carter (131-074.01) on the eastern right of way of Hunter Road; thence proceeding north-westerly a distance of 100 feet, more or less, along the eastern line of Hunter Road right of way to the northwest corner of property now or formerly owned by Michael Carter (131-074.01); thence proceeding South 86 degrees East a distance of 1,470 feet, more or less, to the northwest corner of property now or formerly owned by Larry Armour (131-074); thence proceeding south-easterly a distance of 415 feet, more or less, to the northeast corner of property now or formerly owned by Larry Armour (131-074); thence proceeding south-easterly a distance of 463 feet, more or less, across Hunter Road right of way to the west corner of property now or formerly owned by The Krystal Company (131-074.03); thence proceeding south-easterly a distance of 280 feet, more or less, 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 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 8A.

- | | |
|------------|------------|
| 131 063 | 131 056.01 |
| 131 061.01 | 131 063.01 |
| 131 061.02 | 131 034.01 |
| 131 061 | 131 035 |
| 131 041 | 131 062 |
| 131 040 | 131 034 |
| 131 056 | 131 036.01 |
| 131 055 | 131 036 |
| 131 038 | 131 037 |
| 131 039 | 131 074 |
| 131 060 | |
| 131 074.01 | |
| 131 042.03 | |

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 on December 31, 2012 as though the above-described territory annexed has always been part of said City of Chattanooga, Tennessee and the Agreed Order of Compromise and Dismissal entered December 12, 2011, in the case styled *State of Tennessee, ex rel, Richard A. Stern, et al. v. The City of Chattanooga*, Hamilton County Chancery Court, Case No. 09-0894, Part 2, is ratified and adopted by the Chattanooga City Council.

Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto which was submitted to the Chattanooga-Hamilton County Regional Planning Commission and the written report 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 area and shall be implemented in accordance with the terms and methods of services contained therein and the agreement of the named parties in the above styled litigation on or before December 31, 2012.

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, on December 31, 2012, the public welfare requiring it.

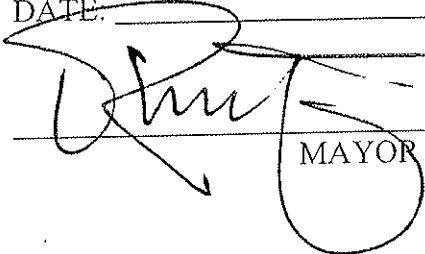
PASSED on Second and Final Reading

January 17, 2012.


CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012


MAYOR

PAN/add/mms

FIRST READING 9-29-09
SECOND READING 10-6-09
INDEX NO. _____

ORDINANCE NO. 12296

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 8A, BEING CERTAIN PARCELS ADJACENT TO INTERSTATE 75 AND HUNTER ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.

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

WHEREAS, the Clerk of the City Council gave notice by publication in the daily newspaper of Chattanooga, Tennessee on September 27, 2009, which was more than seven (7) days before October 6, 2009, that a public hearing on an annexation ordinance for Area 8A would be held on October 6, 2009 at 7:00 p.m.; and

WHEREAS, after a public hearing on the Plan of Services held on September 22, 2009, a public hearing on the annexation ordinance held on October 6, 2009, and due consideration 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 Interstate 75 and Hunter Road known as Area 8A 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 at the present city limit boundary a point along the northern line of Interstate 75 right of way and 70 feet southeast, more or less, from property now or formerly owned by The Krystal Company (131-074.03); thence proceeding south-westerly a distance of 3,450 feet, more or less, along the northern line of Interstate 75, Hunter Road, and Hilltop Drive right of ways to the southwest corner of property now or formerly owned by MCC Outdoor LLC (131-042.03); thence proceeding north-westerly a distance of 186 feet, more or less, to a point southeast of the southwest corner of property now or formerly owned by Amon and Doris York (131-041); thence proceeding north-westerly a distance of 650 feet, more or less, along the City of Chattanooga right of way to the southwest

corner of property now or formerly owned by Amon and Doris York (131-055) along the northern right of Ooltewah Harrison Road; thence proceeding North 23 degrees East a distance of 910 feet, more or less, to a point directly across from the northwest corner of property now or formerly owned by Amon and Doris York (131-055); thence proceeding easterly a distance of 875 feet, more or less, along the northern right of way of the Ooltewah-Harrison Road right to a point directly across the road from the northern corner of property now or formerly owned by Mary and Richard Burton (131-063) at the intersection of Hunter Road and Ooltewah Harrison Road; thence proceeding easterly a distance of 50 feet, more or less, across the Hunter Road right of way to a point on the western line of property now or formerly owned by Michael Carter (131-074.01) on the eastern right of way of Hunter Road; thence proceeding north-westerly a distance of 100 feet, more or less, along the eastern line of Hunter Road right of way to the northwest corner of property now or formerly owned by Michael Carter (131-074.01); thence proceeding South 86 degrees East a distance of 1,470 feet, more or less, to the northwest corner of property now or formerly owned by Larry Armour (131-074); thence proceeding south-easterly a distance of 415 feet, more or less, to the northeast corner of property now or formerly owned by Larry Armour (131-074); thence proceeding south-easterly a distance of 463 feet, more or less, across Hunter Road right of way to the west corner of property now or formerly owned by The Krystal Company (131-074.03); thence proceeding south-easterly a distance of 280 feet, more or less, 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 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 8A.

- 131 063
- 131 061.01
- 131 061.02
- 131 061
- 131 041
- 131 040
- 131 056
- 131 055
- 131 038
- 131 039
- 131 060
- 131 074.01
- 131 042.03
- 131 056.01
- 131 063.01
- 131 034.01
- 131 035
- 131 062
- 131 034

131 036.01
131 036
131 037
131 074

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

October 6, 2009.

W. Jack Benson
CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: _____, 2009.

[Signature]
MAYOR

PAN/MAM/add

07-28-09

PROPOSED PLAN OF SERVICES FOR AREA 8A
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 Interstate 75 and Hunter Road within the Urban Growth Boundary of the City of Chattanooga, and which are shown on the attached map for Area 8A and described as follows:

All roads and accepted right of ways within the boundaries shown on the attached map for Area 8A, including portions of streets named Mountain View, Hunter Road, Ooltewah-Harrison Road, Sue Ron Lane, and Tracie Lane, and including all property described as follows and as shown on the attached map:

IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY,
TENNESSEE:

Beginning at the present city limit boundary a point along the northern line of Interstate 75 right of way and 70 feet southeast, more or less, from property now or formerly owned by The Krystal Company (131-074.03); thence proceeding south-westerly a distance of 3,450 feet, more or less, along the northern line of Interstate 75, Hunter Road, and Hilltop Drive right of ways to the southwest corner of property now or formerly owned by MCC Outdoor LLC (131-042.03); thence proceeding north-westerly a distance of 186 feet, more or less, to a point southeast of the southwest corner of property now or formerly owned by Amon and Doris York (131-041); thence proceeding north-westerly a distance of 650 feet, more or less, along the current boundary of the City of Chattanooga to the southwest corner of property now or formerly owned by Amon and Doris York (131-055); thence proceeding North 23 degrees East a distance of 910 feet, more or less, along the western boundary of the parcel and right of way owned by Amon and Doris York (131-055) to the northern right of way boundary of Ooltewah-Harrison Road; thence proceeding easterly a distance of 875 feet, more or less, along the northern right of way boundary of the Ooltewah-Harrison Road to a point at the intersection of Hunter Road and Ooltewah Harrison Road; thence proceeding easterly a distance of 50 feet, more or less, across the Hunter Road

right of way to a point on the western line of property now or formerly owned by Michael Carter (131-074.01) on the eastern right of way of Hunter Road; thence proceeding northwesterly a distance of 100 feet, more or less, along the eastern right of way of Hunter Road right of way to the northwest corner of property now or formerly owned by Michael Carter (131-074.01); thence proceeding South 86 degrees East a distance of 1,470 feet, more or less, to the northwest corner of property now or formerly owned by Larry Armour (131-074); thence proceeding south-easterly a distance of 415 feet, more or less, to the northeast corner of property now or formerly owned by Larry Armour (131-074); thence proceeding south-easterly a distance of 463 feet, more or less, across Hunter Road right of way to the west corner of property now or formerly owned by The Krystal Company (131-074.03); thence proceeding south-easterly a distance of 280 feet, more or less, to the point of beginning. Included in this annexation are all tax parcel numbers and right of ways shown on the accompanying attached map for Annexation Zone 8 A. 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.

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.

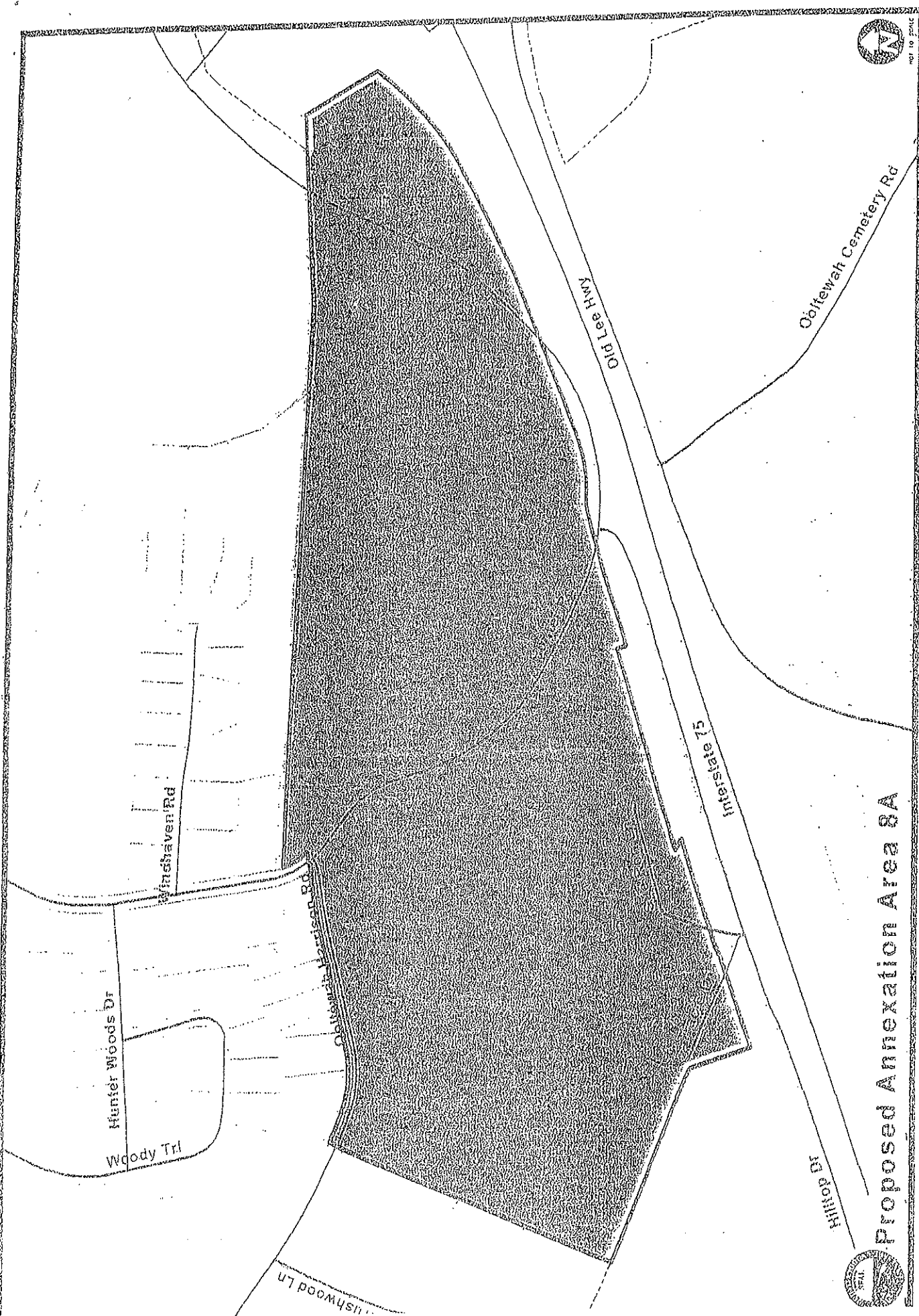
K. INSPECTION/CODE ENFORCEMENT

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.



Hunter Woods Dr

Woody Trl

Writchaven Rd

Shishwood Ln

Ooltewah Cemetery Rd

Old Lee Hwy

Interstate 75

Ooltewah Cemetery Rd

Hilltop Dr

Proposed Annexation Area 8A

