

1ST READING

5-15-12

2ND READING

S-22-12

ORDINANCE NO. 12596

AN ORDINANCE AMENDING ORDINANCE NO. 12292 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 4A, BEING CERTAIN PARCELS ADJACENT TO THE CURRENT CITY LIMITS BETWEEN HIXSON PIKE AND MIDDLE VALLEY ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.

WHEREAS, the City Council previously passed an annexation Ordinance No. 12292 extending the corporate limits of the City of Chattanooga to annex certain territory contiguous to the corporate limits of the City, being certain parcels, known as Area 4A, between Hixson Pike and Middle Valley Road 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. 12292 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. 12292, the City of Chattanooga was sued in a *quo warranto* action by certain residents of Area 4A 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, 2013 and the named plaintiffs in this litigation agree to pay municipal taxes for services provided by the City of Chattanooga beginning in tax year 2014 for municipal

services of the City set forth in Ordinance No. 12292 which shall begin effective December 31, 2013; and

WHEREAS, this amendment to the effective date of Ordinance No. 12292 and the revised effective date for services by the City under its plan of services adopted by Ordinance No. 12292 is adopted as final settlement of this litigation between the parties and the amended 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. 12292 be and hereby is amended to annex to the City of Chattanooga, Tennessee, certain property known as Area 4A, between Hixson Pike and Middle Valley Road, within the Urban Growth Boundary of the City of Chattanooga, which is more fully described in the attached map as follows with an effective date of annexation to be on December 31, 2013 by the agreement and approval of all named Plaintiffs in the action styled *State of Tennessee, ex rel, Ken and Charmagne Carey, Jesse and Clara Simmons, Chuck and Tricia Dailey, George and Vera Sachleben, James and Karen Chastain, Tom Levi and Ramsgate Homeowners Associations, Inc. v. The City of Chattanooga*, Hamilton County Circuit Court, Case No. 09-C-1502, Division III:

IN THE FIRST CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE:

Beginning at a point in the present city limit boundary on the eastern side of Hixson Pike and directly across the road from the southeast corner of property now or formerly owned by Burks United Methodist Church (092P-F-002); thence proceeding northwesterly a distance of 5,300 feet, more or less, along the current City of Chattanooga boundary to Middle Valley Road and the southwestern corner of property now or formerly owned by David Lewis (091-061.01); thence

proceeding northeasterly a distance of 4,300 feet, more or less, along the eastern line of Middle Valley Road to the northeastern corner of property now or formerly owned by The Pantry Incorporated Tax Department (091-057); thence proceeding southeasterly a distance of 710 feet, more or less, to northwest corner of property now or formerly owned by Laurel Cove Home Association (092-008.01); thence proceeding southeasterly 1,476 feet, more or less, to the northeast corner of property now or formerly owned by Laurel Cove Home Association (092-008.01); thence proceeding southwesterly a distance of 355 feet, more or less, to the northern corner of property now or formerly owned by Richard Agnew (092-013.05); thence proceeding southward a distance of 435 feet, more or less, to the northwest corner of property now or formerly owned by Mary St Clair-Warner (092-013.03); thence proceeding southeasterly a distance of 190 feet, more or less, to the northern corner of property now or formerly owned by Mary St Clair-Warner (092-013.04); thence proceeding southeasterly a distance of 635 feet, more or less, to the northwest corner of property now or formerly owned by Wanda and James Weems (092-015); thence proceeding northeasterly a distance of 1,120 feet, more or less, to the west corner of property now or formerly owned by Randy Rawlston (092-057); thence proceeding northeasterly a distance of 943 feet, more or less, to the northwest corner of property now or formerly owned by Wanda and James Weems (092-060); thence proceeding north-easterly a distance of 384 feet, more or less, to the southwest corner of property now or formerly owned by William and Marty Hixson (092-062); thence proceeding a distance of 3,755 feet, more or less, following the property line of William and Marty Hixson (092-062) to the intersection of the northeast corner of property now or formerly owned by William and Marty Hixson (092-062) and the Hixson Pike right of way; thence proceeding southwesterly a distance of 4,495 feet, more or less, along the Hixson Pike right of way including the whole right of way to the 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 shown on the attached list and as shown on the attached map for Annexation Area 4A.

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, 2013 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 April 30, 2012 in the case styled *State of Tennessee, ex rel, Ken and Charmagne Carey, Jesse and Clara Simmons, Chuck and Tricia*

*Dailey, George and Vera Sachleben, James and Karen Chastain, Tom Levi and Ramsgate Homeowners Associations, Inc. v. The City of Chattanooga.* Hamilton County Circuit Court, Case No. 09-C-1502, Division III, is ratified and adopted by the Chattanooga City Council as part of this annexation ordinance.

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, 2013.

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, 2013, the public welfare requiring it.

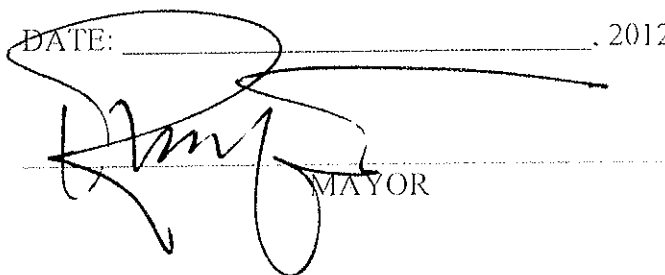
PASSED on Second and Final Reading

May 22, 2012.

  
CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_, 2012

  
MAYOR

KJR/mms

