

ORDINANCE NO. 12597

AN ORDINANCE AMENDING ORDINANCE NO. 12293 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 4C, BEING CERTAIN PARCELS ADJACENT TO THE CURRENT CITY LIMITS OF HIXSON MARINA ROAD, BIG RIDGE ROAD, AND FAIRVIEW 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. 12293 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 4C, being certain parcels adjacent to the current city limits of Hixson Marina Road, Big Ridge Road, and Fairview 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. 12293 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. 12293, the City of Chattanooga was sued in a *quo warranto* action by certain residents of Area 4C 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. 12293 which shall begin effective December 31, 2013; and

WHEREAS, this amendment to the effective date of Ordinance No. 12293 and the revised effective date for services by the City under its plan of services adopted by Ordinance No. 12293 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. 12293 be and hereby is amended to annex to the City of Chattanooga, Tennessee, certain property known as Area 4C, being certain parcels adjacent to the current city limits of Hixson Marina Road, Big Ridge Road, and Fairview 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, Garvin Wilson, Rebecca Rolston Miller, Richie A. Rolston. v. The City of Chattanooga*, Hamilton County Circuit Court, Case No. 11-C-1376, Division III:

IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY,
TENNESSEE:

Beginning at the present city limit boundary on Hixson Marina Road a point in the southeast corner of property now or formerly owned by Robert Daughtrey (101G-A-058); thence proceeding northwesterly a distance of 4,216 feet, more or less, along the right of way of Big Ridge Road to the northwest corner of property now or formerly owned by Robert and Cathy Messler (101-050); thence proceeding southeasterly a distance of 250 feet, more or less, to the northeast corner of property now or formerly owned by Robert and Cathy Messler (101-050) and the Fairview Road right of way; thence proceeding northeasterly a distance of 700 feet, more or less, to the northwest corner of property now or formerly owned by Melvin and Mabel Harvey (101-052); thence proceeding southeasterly a distance of 2,662 feet, more or less, to the west corner of property now or formerly owned by Richie Rolston (101G-A-061); thence proceeding southeasterly at a distance of 650 feet, more or less, to the west corner of property now or formerly owned by Rebecca Rolston-Miller (101G-A-060); thence proceeding easterly a distance of 522 feet, more or less, to the northwest corner of property now or formerly owned by Dana and Julie Harding (101G-A-059.01); thence proceeding southeasterly a distance of 160 feet, more or less, to the northwest corner of property now or formerly owned by Kenneth & Carolyn Wilson (101G A 059); thence proceeding southeasterly a distance of 365 feet, more or less, to the northwest corner of property now or formerly owned by Robert Daughtrey (101G-A-058); thence proceeding southeasterly a distance of 296 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 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 4C.

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, Garvin Wilson, Rebecca Rolston Miller, Richie A. Rolston. v. The City of*

Chattanooga, Hamilton County Circuit Court, Case No. 11-C-1376, 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.

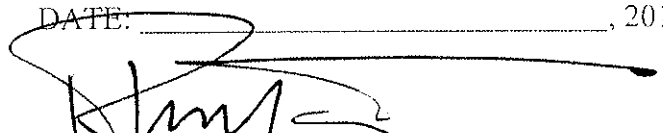
PASSED on Second and Final Reading

_____ May 22~~3~~ _____, 2012.

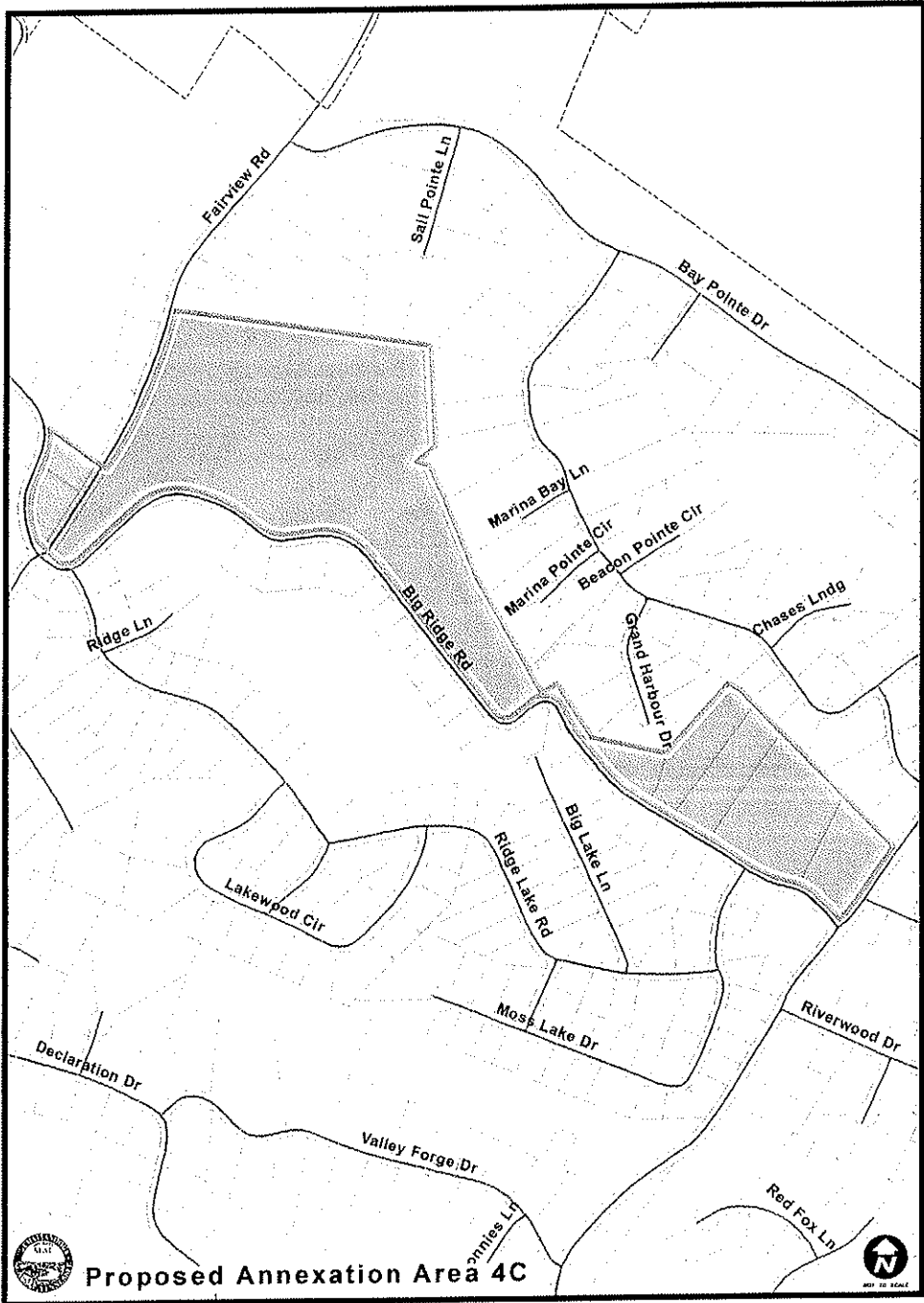

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012


MAYOR

KJR/mms



Proposed Annexation Area 4C