

ORDINANCE NO. 12902

AN ORDINANCE DEANNEXING CERTAIN TRACTS OF PROPERTY LOCATED AT 1206 SUNSET DRIVE, 1218 SUNSET DRIVE, AND 1220 SUNSET DRIVE WHICH ARE CURRENTLY IN THE CITY OF CHATTANOOGA.

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WHEREAS, on February 2, 1972, the Chattanooga City Council adopted Ordinance No. 6379 on third and final reading which annexed certain territory, including certain properties on the side of Signal Mountain; and

WHEREAS, three residents residing at 1206 Sunset Drive, 1218 Sunset Drive and 1220 Sunset Drive have filed a petition with the Chattanooga City Council on December 8, 2014, requesting to be deannexed, which is attached as Exhibit "A"; and

WHEREAS, the Department of Public Works, the Mayor's Office and the City Attorney's Office have reviewed the fire and roadway maintenance issues of providing services to areas outside of Hamilton County and after considering the petition request, it is recommending deannexation to certain tracts within the Majestic Views Subdivision (Tax Map Nos. 117B-A-001; 117B-A-002; and 117B-A-003), as shown on the attached map, attached hereto as Exhibit "B";

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, as follows:

SECTION 1. Pursuant to the authority conferred by T.C.A. §§ 6-51-201 through 6-51-204, the territory originally annexed by the City of Chattanooga within Ordinance No. 6379 shall

be contracted by this Ordinance to deannex the following territory set forth in the map which is attached hereto as Exhibit "B" and including the following specific tax parcel and owner referenced in the tax records of Hamilton County, Tennessee:

<u>Parcel #</u>	<u>Owner Name</u>
117B-A-001.01	Patricia Y. Pesnell – Lot 35

LOCATED PARTLY IN THE THIRD CIVIL DISTRICT AND MOSTLY IN THE CITY OF CHATTANOOGA, HAMILTON COUNTY, TENNESSEE:

Lot No. Thirty-Five (35), as shown on Corrective Plat of Lots 35, 36 and 40, Majestic View, Phase I, as shown by plat of record in Plat Book 40, Page 54, in the Register's Office of Hamilton County, Tennessee.

TOGETHER WITH all easements and rights appurtenant thereto under the stipulations contained in the original plat of Majestic View, Phase I, recorded in Plat Book 32, page 100, in the Register's Office of Hamilton County, Tennessee, and under the provisions of Instrument recorded in Book 2541, page 983, as amended by Instrument recorded in Book 2615, page 326, in the Register's Office of Hamilton County, Tennessee.

TOGETHER WITH a non-exclusive easement in and to the use of a 15-foot driveway, provided on subdivision plat as being for the common use of Lots 35, 36, 38, 39 and 40, which is shown by legend on the subdivision plat and as clarified as to the location thereof along the Northwestern line of Lot No. 36, by Instrument executed by and between Thilo H. Best and wife, Louise G. Best and William K. Scholze, dated June 10, 1986, recorded in Book 3236, page 714, in the Register's Office of Hamilton County, Tennessee.

TOGETHER WITH non-exclusive use of the driveway easement located within the 25-foot flag portion of Lot No. 36, as created in deed from William K. Scholze, joined by his wife, to Tony H. Brock, dated April 29, 1983, recorded in Book 2891, page 990, in the Register's Office of Hamilton County, Tennessee, and the driveway easement as shown on the subdivision plat in Plat Book 40, page 54, in the Register's Office of Hamilton County, Tennessee (excepting a triangle portion thereof located within the bounds of Lot No. 37) as clarified in the Instrument executed by and between Thilo H. Best and wife, Louise G. Best and William K. Scholze, dated June 10, 1986, recorded in Book 3236, page 714, in said Register's Office.

For prior title and last instrument of record affecting title to the above-described property, see deed recorded in Book 4289, Page 406, said Register's Office.

<u>Parcel #</u>	<u>Owner Name</u>
117B-A-002	Thilo H. Best – Lot 36

LOCATED LARGELY IN THE CITY OF CHATTANOOGA, AND PARTLY IN THE THIRD CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE:

Lot No. Thirty-Six (36), Corrective plat of Lots 35, 36, and 40, Majestic View, Phase I, as shown by plat of record in Plat Book 40, page 54, in the Register's Office of Hamilton County, Tennessee.

TOGETHER WITH all easements and rights appurtenant thereto under the stipulations and conditions contained on plat recorded in Plat Book 32, page 100, in the Register's Office of Hamilton County, Tennessee, and under the provisions of the instrument recorded in Book 2541, page 983, amended by instrument recorded in Book 2615, page 326, in the Register's Office of Hamilton County, Tennessee.

TOGETHER WITH a non-exclusive Easement in and to the use of a 15-foot driveway, provide on subdivision plat as being for the common use of Lots 35, 36, 38, 39 and 40, which is shown by legend on the subdivision plat.

REFERENCE is made for prior title to Book 2732, page 897, in the Register's Office of Hamilton County, Tennessee.

<u>Parcel #</u>	<u>Owner Name</u>
117B-A-003	George Wright - Lot 40

IN THE CITY OF CHATTANOOGA, HAMILTON COUNTY, TENNESSEE:

Lot No. Forty (40), Majestic View, as shown by plat of record in Plat Book 40, Page 54 in the Register's Office of Hamilton County, Tennessee.

TOGETHER WITH non-exclusive driveway easement, as located within the bounds of Lot Number 39, as shown and provided for on the subdivision plat.

Being the same land described in a deed to Manorama K. Reddy by deed dated July 30, 1993 and recorded in Book 4182, page 81, in the Register's Office of Hamilton County, Tennessee.

SUBJECT to the rights of owners of Lots Numbers 35, 36, 38 and 39, in and to the use of the 15-foot non-exclusive driveway easement, as provided for on plat of record in Plat Book 40, Page 54, in the Register's Office of Hamilton County, Tennessee, and subject to the obligations as to maintenance of said driveway.

SECTION 2. That this Ordinance shall become operative seventy-five (75) days from and after its passage, pursuant to T.C.A. §6-51-201, unless a petition objecting to deannexation signed by ten percent (10%) of the registered voters residing within the area proposed to be deannexed is filed with the Clerk of the City Council within seventy-five (75) days following the final reading of this Ordinance. If such a petition is filed, a referendum shall be held at the next general election to ascertain the will of the voters residing in the area which the City proposes to deannex. The ballot shall provide a place where voters may vote for or against deannexation by the City of Chattanooga. If a majority of those voting in the referendum fail to vote for the deannexation, the contraction ordinance shall be void and the matter may not be considered again for two (2) years. If a majority vote for deannexation, the ordinance shall become effective upon certification of the result of the referendum.

SECTION 3. That this Ordinance shall be effective two weeks from and after its passage, as distinguished from becoming operative, as provided by law.

Passed on second and final reading: February 10, 2015

  
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CHAIRPERSON

APPROVED:  DISAPPROVED:

  
\_\_\_\_\_  
MAYOR

PAN/kac

**PETITION FOR DEANNEXATION**

We, three (3) residents on Sunset Drive located in the City of Chattanooga in Hamilton County, TN at the following addresses:

- Tract # 117 B A-001; Lot 35; 1218 Sunset Drive
- Tract # 117 B A-002; Lot 36; 1220 Sunset Drive
- Tract # 117 B A-003; Lot 40; 1206 Sunset Drive

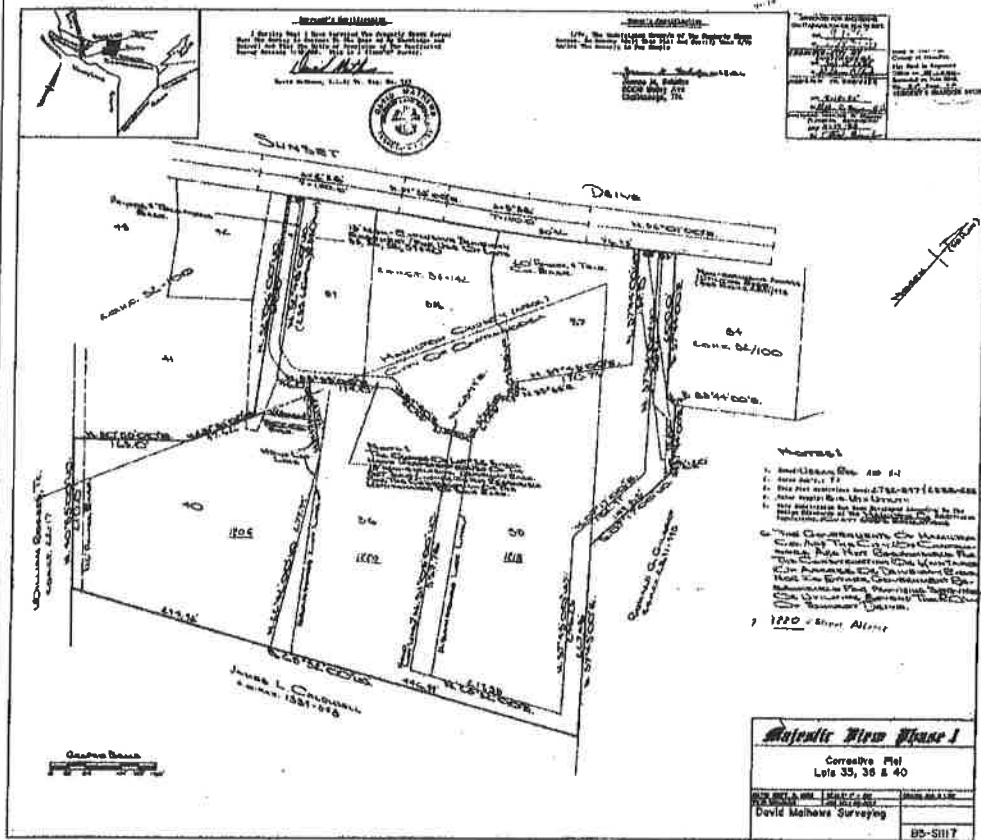
Do hereby submit this PETITION FOR DEANNEXATION from the City of Chattanooga.

We are located on a County road with limited City services. Our homes are 100 plus yards off Sunset Drive with only a portion of these lots located within City boundary. These homes are not connected to the City sewer and utilize a septic system. These three (3) properties represent the only properties within the Majestic Views subdivision which are located within the City limits of Chattanooga.

At this time, we respectfully request our properties be removed from the City of Chattanooga tax boundaries.

1. Patricia G. Pesner Date: 12/8/14
2. Thilo H. Best Date: 12/8/14
3. [Signature] Date: 12/7/14





Revision of S/D  
1985

