

1ST. READING  
2ND READING  
INDEX NO.

6  
9-29-09  
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ORDINANCE NO. 122917

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 1B, BEING CERTAIN PARCELS ADJACENT TO CUMMINGS HIGHWAY 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 August 26, 2009, which was more than fifteen (15) days prior to the public hearing which was held on September 15, 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 19, 2009, which was more than seven (7) days before September 29, 2009, that a public hearing on an annexation ordinance for Area 1B would be held September 29, 2009 at 6:00 p.m.; and

WHEREAS, after a public hearing on the Plan of Services held on September 15, 2009, a public hearing on the annexation ordinance held on September 29, 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 Cummings Highway known as Area 1B 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 FIRST CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE:

Beginning in the present city limit boundary at the intersection of Cummings Cove Drive and northeast corner of property now or formerly owned by Black Creek Club LLC (153E-007.07); thence proceeding southward a distance of 500 feet, more or less, along Cummings Cove Drive right-of-way to the intersection of the northeast corner of Lot 106, now or formerly owned by Phyllis and Irwin Perlman (153E-A-001) Cummings Cove Golf Club Subdivision Phase One (Plat Book 60, Page 174) and the Cummings Cove Drive right of way; thence proceeding southwesterly a distance of 100 feet, more or less, across Cummings Cove Drive right of way to the northeast corner of property now or formerly owned by Black Creek Club LLC (153-007.07); thence proceeding southward a distance of 4,950 feet, more or less, along the current boundary of the City of Chattanooga to the southern corner of property now or formerly owned by Obar Investments LLC (153-007); thence proceeding westward a distance of 5,315 feet, more or less, to the southwest corner of property now or formerly owned by Alpine Development LLC (153-007.02); thence proceeding northeasterly a distance of 1,964 feet, more or less, following the northern property line of property now or formerly owned by Alpine Development LLC (153-007.02) to

the northern corner of property now or formerly owned by Alpine Development LLC (153-007.02); thence proceeding southeasterly a distance of 1475 feet, more or less, following the property line of the property now or formerly owned by Alpine Development LLC (153-007.02) to the intersection of a corner of property now or formerly owned by Alpine Development LLC (153-007.02) and the West Hills Road right of way; thence proceeding southeasterly a distance of 115 feet, more or less, along the western line of West Hills Road to the southwest corner of property now or formerly owned by Obar Investments LLC (153-007); thence proceeding northeasterly a distance of 50 feet, more or less, across West Hills Road to the southwest corner of Lot 256 now or formerly owned by Lois Holdridge (153F-B-001) Cummings Cove Golf Club Subdivision Phase Four (Plat book 67, Page 8); thence proceeding westward following the boundary of Cummings Cove Golf Club Subdivision Phase Four 2,500 feet, more or less, to the west corner of Lot 302 now or formerly owned by Steven and Carolyn Sherman (153F-A-033) Cummings Cove Golf Club Subdivision Phase Four and West Hills Road right of way; thence proceeding northeasterly along the eastern line of West Hills Road to the west corner of property now or formerly owned by Black Creek Club LLC (153E-007.07); then following the property line of property now or formerly owned by Black Creek Club LLC (153E-007.07) 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 1B.

153F C 001 C036	153F B 004	153F B 001	153F C 001 C135
153F C 001 C052	153F A 035	153F B 005	153F C 001 C025
153F C 001 C064	153F A 036	153F A 012	153F C 001 C041
153F C 001 C076	153F A 031	153F A 004	153F C 001 C053
153F C 001 C092	153E B 003	153F C 001 C026	153F C 001 C065
153F C 001 C104	153E A 014	153F C 001 C012	153F C 001 C081
153F C 001 C116	153F A 026	153F C 001 C024	153F C 001 C093
153F C 001 C016	153F A 003	153F C 001 C013	153F C 001 C105
153F C 001 C032	153F A 019	153F C 001 C096	153F C 001 C131
153F C 001 C044	153F A 025	153F C 001 C112	153F C 001 C066
153 004	153F A 037	153F C 001 C134	153F B 004.01
153F C 001 C056	153E A 002	153E A 012	153F C 001 C082
153F C 001 C051	153E B 014	153F C 001 C045	153F C 001 C094
153F C 001 C063	153F B 010	153F C 001 C014	153F C 001 C106
153F C 001 C075	153F B 006	153F C 001 C021	153F C 001 C132
153F C 001 C091	153F A 002	153F C 001 C033	153F C 001 C086
153F A 023	153F A 018	153F C 001 C042	153F C 001 C102
153E A 001	153E A 009	153F C 001 C054	153F C 001 C114
153E B 006	153E A 010	153F C 001	153F C 001 C136
153F A 034	153F B 012	153F C 001 C022	153 007.02
153F A 010	153F A 011	153F C 001 C034	153 007
153F A 028	153F A 001	153F C 001 C046	153 007.07
153E B 012	153F A 014	153F C 001 C062	
153F A 020	153E A 008	153F C 001 C074	

153E B 007	153F A 009	153F C 001 C072
153F A 029	153E B 011	153F C 001 C084
153E B 005	153F B 011	153F C 001 C015
153E A 004	153F A 006	153F C 001 C031
153E A 003	153F A 017	153F C 001 C043
153F A 038	153F A 005	153F C 001 C055
153E A 015	153E B 002	153F C 001 C071
153E B 015	153F B 002	153F C 001 C083
153E A 006	153F A 021	153F C 001 C095
153E A 016	153E B 010	153F C 001 C111
153E A 011	153F B 009	153F C 001 C133
153F A 032	153F A 013	153F C 001 C011
153F A 040	153F B 003	153F C 001 C023
153E A 005	153F A 007	153F C 001 C035
153F A 033	153F B 008	153F C 001 C103
153 002.03	153E B 009	153F C 001 C115
153E B 013	153E B 004	153F C 001 C061
153F A 039	153F A 015	153F C 001 C073
153F A 024	153F A 008	153F B 003.01
153E B 008	153E B 001	153F C 001 C085
153F A 027	153F B 007	153F C 001 C101
153E A 007	153F A 016	153F C 001 C113

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.

PASSED on Second and Final Reading

September 29, 2009.

W. Jack Benson  
CHAIRPERSON

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

DATE: Oct 2, 2009.

[Signature]  
MAYOR

PAN/MAM/add

9/22/09

PROPOSED PLAN OF SERVICES  
IN ACCORDANCE WITH  
TENNESSEE CODE ANNOTATED § 6-51-102  
AREA 1B

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 Cummings Highway and the Urban Growth Boundary of the City of Chattanooga, which are shown on the attached map and described as follows:

All roads and accepted right of ways within the boundaries shown on the attached map for Area 1B, including streets named Cummings Cove Drive, Peregrine Place, Osprey Way, Alpine Way, and Obar Road, and including all properties including all property described as follows and as shown on the attached map:

IN THE FIRST CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE:

Beginning in the present city limit boundary at the intersection of Cummings Cove Drive and northeast corner of property now or formerly owned by Black Creek Club LLC (153E-007.07); thence proceeding southward a distance of 500 feet, more or less, along Cummings Cove Drive right-of-way to the intersection of the northeast corner of Lot 106, now or formerly owned by Phyllis and Irwin Perlman (153E-A-001) Cummings Cove Golf Club Subdivision Phase One (Plat Book 60, Page 174) and the Cummings Cove Drive right of way; thence proceeding southwesterly a distance of 100 feet, more or less, across Cummings Cove Drive right of way to the northeast corner of property now or formerly owned by Black Creek Club LLC (153-007.07); thence proceeding southward a distance of 4,950 feet, more or less, along the current boundary of the City of Chattanooga to the southern corner of property now or formerly owned by Obar Investments LLC (153-007); thence proceeding westward a distance of 5,315 feet, more or less, to the southwest corner of property now or formerly owned by Alpine Development LLC (153-007.02); thence proceeding northeasterly a distance of 1,964 feet, more or less, following the northern property line of property now or formerly owned by Alpine Development LLC (153-007.02) to the northern corner of property now or formerly owned by Alpine Development LLC (153-007.02); thence proceeding southeasterly a distance of 1475 feet, more

or less, following the property line of the property now or formerly owned by Alpine Development LLC (153-007.02) to the intersection of a corner of property now or formerly owned by Alpine Development LLC (153-007.02) and the West Hills Road right of way; thence proceeding southeasterly a distance of 115 feet, more or less, along the western line of West Hills Road to the southwest corner of property now or formerly owned by Obar Investments LLC (153-007); thence proceeding northeasterly a distance of 50 feet, more or less, across West Hills Road to the southwest corner of Lot 256 now or formerly owned by Lois Holdridge (153F-B-001) Cummings Cove Golf Club Subdivision Phase Four (Plat book 67, Page 8); thence proceeding westward following the boundary of Cummings Cove Golf Club Subdivision Phase Four 2,500 feet, more or less, to the west corner of Lot 302 now or formerly owned by Steven and Carolyn Sherman (153F-A-033) Cummings Cove Golf Club Subdivision Phase Four and West Hills Road right of way; thence proceeding northeasterly along the eastern line of West Hills Road to the west corner of property now or formerly owned by Black Creek Club LLC (153E-007.07); then following the property line of property now or formerly owned by Black Creek Club LLC (153E-007.07) 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 1B.

153F C 001	C036	153F B 004	153F B 001	153F C 001	C135	
153F C 001	C052	153F A 035	153F B 005	153F C 001	C025	
153F C 001	C064	153F A 036	153F A 012	153F C 001	C041	
153F C 001	C076	153F A 031	153F A 004	153F C 001	C053	
153F C 001	C092	153E B 003	153F C 001	C026	153F C 001	C065
153F C 001	C104	153E A 014	153F C 001	C012	153F C 001	C081
153F C 001	C116	153F A 026	153F C 001	C024	153F C 001	C093
153F C 001	C016	153F A 003	153F C 001	C013	153F C 001	C105
153F C 001	C032	153F A 019	153F C 001	C096	153F C 001	C131
153F C 001	C044	153F A 025	153F C 001	C112	153F C 001	C066
153 004		153F A 037	153F C 001	C134	153F B 004.01	
153F C 001	C056	153E A 002	153E A 012		153F C 001	C082
153F C 001	C051	153E B 014	153F C 001	C045	153F C 001	C094
153F C 001	C063	153F B 010	153F C 001	C014	153F C 001	C106
153F C 001	C075	153F B 006	153F C 001	C021	153F C 001	C132
153F C 001	C091	153F A 002	153F C 001	C033	153F C 001	C086
153F A 023		153F A 018	153F C 001	C042	153F C 001	C102
153E A 001		153E A 009	153F C 001	C054	153F C 001	C114
153E B 006		153E A 010	153F C 001		153F C 001	C136
153F A 034		153F B 012	153F C 001	C022	153 007.02	
153F A 010		153F A 011	153F C 001	C034	153 007	
153F A 028		153F A 001	153F C 001	C046	153 007.07	
153E B 012		153F A 014	153F C 001	C062		

153F A 020	153E A 008	153F C 001 C074
153E B 007	153F A 009	153F C 001 C072
153F A 029	153E B 011	153F C 001 C084
153E B 005	153F B 011	153F C 001 C015
153E A 004	153F A 006	153F C 001 C031
153E A 003	153F A 017	153F C 001 C043
153F A 038	153F A 005	153F C 001 C055
153E A 015	153E B 002	153F C 001 C071
153E B 015	153F B 002	153F C 001 C083
153E A 006	153F A 021	153F C 001 C095
153E A 016	153E B 010	153F C 001 C111
153E A 011	153F B 009	153F C 001 C133
153F A 032	153F A 013	153F C 001 C011
153F A 040	153F B 003	153F C 001 C023
153E A 005	153F A 007	153F C 001 C035
153F A 033	153F B 008	153F C 001 C103
153 002.03	153E B 009	153F C 001 C115
153E B 013	153E B 004	153F C 001 C061
153F A 039	153F A 015	153F C 001 C073
153F A 024	153F A 008	153F B 003.01
153E B 008	153E B 001	153F C 001 C085
153F A 027	153F B 007	153F C 001 C101
153E A 007	153F A 016	153F C 001 C113

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 and will continue to serve this area until such time as a new fire station can be constructed to assure the continued compliance with standards established by the Insurance Services Organization 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.

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 need for additional fire hydrants shall be determined. Within eighteen (18) months needed additional hydrants shall be installed in those areas where water mains of adequate size are available. 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 Tennessee American Water Company, 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 as determined by the Fire Chief, subject to appropriation of required funds.

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 pot holes, 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 Tennessee American Water Company.

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, including flood plain NFIP/FEMA requirements, neighborhood services for housing, litter, overgrowth, 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.





# CITY OF CHATTANOOGA PROPOSED ANNEXATION AREA 1B WEST HILLS DR

143 002  
TP INC

