

1ST READING

9-22-09

2ND READING

9-29-09

INDEX NO.

ORDINANCE NO. 12292

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 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, 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 31, 2009, which was more than fifteen (15) days prior to the public hearing which was held on September 17, 2009, at 6:00 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 4A would be held on September 29, 2009 at 6:00 p.m.; and

WHEREAS, after a public hearing on the Plan of Services held on September 17, 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 the current city limits between Hixson Pike and Middle Valley Road known as Area 4A, 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 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 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

September 29, 2009.


CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: Oct 2, 2009.


MAYOR

PAN/MAM/add

ANNEXATION AREA 4A

092P A 003	091L A 001	091L C 045	091L C 048
091L A 014	092I A 004	091L C 070	091L C 029
092P A 017	092 031	091L C 005	091L C 069
092P A 011	092 025.02	091L C 071	092H A 003
091L B 008	092 025.01	091L C 035	092H B 005
092I A 019	092 019	091L C 063	091L C 036
092I A 008	092 030	091L C 055	091L C 067
092I A 020	092 023	091L C 027	091L C 004
092I A 007	092 022	091L C 058	091L C 044
092I B 007	092 025.04	091L C 017	092H D 004
092I B 014	092H A 008	092H D 005	092I A 002
092I A 021	091L C 033	091L C 019	092I B 003
092P A 018	092H B 008	091L C 068	091L A 005
092I B 005	091L C 014	091L C 013	092I A 012
092I B 013	091L C 054	091L C 051	091L A 002
092I B 018	091L C 043	091L C 034	091L A 010
092P A 008	091L C 065	091L C 056	092I A 009
092I B 002	092H B 003	091L C 053	092I A 010
092I B 017	092H D 002	091L C 041	092P D 008
092P A 016	091L C 028	092H B 002	092P E 041
092J B 003	092P A 005	091L C 040	092P E 019
092J B 011	091L B 003	091L C 021	092P C 008
092H B 025	091L A 012	091L C 060	092P C 016
092H B 016	091L B 007	092H B 010	092P D 011
092P C 020	091L C 066	092H D 001	092P E 052
092P C 003	092H A 007	092H D 009	092P E 035
092P D 007	091L C 039	092H A 002	092P E 006
092P G 010.12	091L C 007	091L C 042	092P E 030
092P H 008	092H D 006	092H B 009	092P G 006
092P H 015	092H B 006	091L C 025	092P E 009
092P G 001	091L C 024	091L C 026	092P E 014
092P C 010	091L C 072	092H A 005	092P E 004
092P H 011	091L C 011	092H B 001	092P E 043
092P E 005	091L C 031	091L C 049	092P E 027
092P H 030	091L C 023	091L C 018	092P E 038
092P G 008	091L C 064	091L C 062	092P F 008
092P D 010	091L C 022	091L C 037	092J A 048
092P C 012	091L C 006	092H B 011	092J A 017
092P C 013	092H D 007	091L C 059	092J A 049
092P C 009	091L C 003	092H D 010	092J A 005
092 025.03	091L C 047	092H D 008	092P E 018
092 021	091L C 008	091L C 010	092P G 009
092 020.01	091L C 015	091L C 050	092I A 001
092 025.06	091L C 016	092H A 004	092I A 017
092 025	091L C 009	091L C 020	092I B 011
092 020	091L C 030	092H B 004	091L A 007
092 024	091L C 038	091L C 012	091L B 002
092 019.01	092H B 007	092H D 003	092I B 012
091L C 061	091L C 046	092H A 006	092I A 018
091L C 052	091L C 032	092H A 001	092I A 023

ANNEXATION AREA 4A

092I B 008	092P E 022	092P H 006	092P E 054
092I B 004	092P E 023	092P H 021	092P E 036
091L A 013	092H B 015	092P H 013	092P H 001
092P A 001	092H B 012	092P H 025	092P E 007
092I B 016	092H B 024	092P C 011	092P F 006
092P A 008.01	092P G 010.02	092P E 002	092P E 012
091L A 015	092P E 024	092P C 023	092P F 009
092I A 006	092P E 029	092P C 019	092P E 044
091L B 005	092P G 005	092P D 004	092P E 028
092P A 010	092P G 010.10	092P D 002	092P H 016
092I B 019	092H B 017	092 025.09	092P G 010.07
091L A 011	092P H 014	092 025.08	092J A 015
091L B 006	092P E 045	092P C 015	092J A 047
091L A 008	092P E 016	092P C 018	092J A 056
091L A 003	092P H 007	092 025.10	092 016
091L B 004	092P F 010	092 025.07	092H C 002
092I A 014	092P H 002	092P C 007	092J A 055
091L A 006	092P E 008	092P C 004	092J B 002
091L A 004	092P E 013	092P H 023	092J A 039
091L B 001.01	092P E 032	092P G 010.06	092J A 014
091L B 001	092P G 010.05	092P D 013	092J A 031
092I B 006	092P E 037	092P C 001	092J A 007
091L A 009	092P E 048	092P H 022	092J A 029
092P A 010.01	092P G 007	092P C 005	092J A 045
092I B 010	092P E 053	092P C 021	092J A 061
092I A 013	092P F 007	092P D 001	092J B 016
092P A 002	092P E 050	092P E 017	092J B 008
092P A 007	092P E 040	092P H 003	092J A 021
092I A 016	092P E 042	092P C 022	092J A 053
092P A 014	092P E 010	092P D 006	092J B 010
092I A 011	092P H 017	092P C 017	092J B 018
092P A 009	092P E 021	092P H 026	092J A 037
092I B 015	092P E 033	092P C 014	092J B 022
092P A 006	092P C 006	092P E 025	092J A 054
092P A 004	092P H 005	092P E 001	092J B 017
092I A 005	092P F 005	092P E 049	092J B 023
092I B 001	092P G 002	092P D 005	092J B 024
092P A 012	092P E 034	092P F 004	092J A 046
092I A 015	092P E 026	092P E 047	092J B 009
092P A 015	092P G 003	092P E 046	092J A 006
092P A 013	092P H 019	092P G 004	092J A 030
092I B 009	092P H 004	092P D 009	092J A 018
092H B 014	092P H 027	092P E 031	092J A 026
092H B 022	092P H 012	092P E 051	092J B 005
092H B 023	092P H 024	092P C 024	092J A 010
092H B 013	092P G 010	092P E 015	092J A 050
092P E 011	092P G 010.08	092P G 010.01	092J B 013
092P D 003	092P H 020	092P E 039	092J B 027
092P E 020	092P H 028	092P D 012	092J A 034
092P G 010.09	092P H 029	092P E 003	092J B 020.01

ANNEXATION AREA 4A

092J B 001	092J A 057	092 025.11	092P H 018
092J B 029	092J A 033	091 089	092I D 007
092J A 060	092J B 014	092P A 026	092P A 022
092J A 052	092J A 035	092 059	092P C 002
092J A 028	092J B 004	091 059	092 060
092J A 058	092J A 040	091 099	092P F 002
092J B 015	092J A 016	091L A 001.01	092 011
092J B 021	092J B 025	091 099.01	092 059.02
092J A 038	092J A 009	091L B 001.02	092 051
092J A 002	092J B 020.02	092 053	092 027
092J A 036	092J B 019	092 056.01	092I E 025
092J B 007	092J A 025	091 088	092I E 005
092J A 044	092J A 008	092H C 004	092I E 014
092J A 042	092J A 041	092I C 034.01	092I E 007
092J A 019	092 054.02	092J A 022	092I E 011
092J A 001	092J B 026	092 029	092I E 012
092J A 020	092 013.01	092 012.02	092I E 002
092J A 043	092 054.01	092I D 010	092I E 013
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092J B 006	092I C 046	092H C 001	092I E 003
092J A 003	092 015	092 026	092I E 021
092J A 011	092I D 009	092I C 041	092I C 029
092J B 028	092 057.01	092H C 003	092I C 016
092J A 027	092P A 020	092P F 001	092I C 032
092I E 020	092 013.05	092I D 014.03	092I C 018
092I E 031	092 018.03	092I A 003	091L A 001.02
092I E 017	092I C 030	092I C 045	092I C 002
092I E 008	092I C 026	092I C 044	092I C 033
092I E 022	092I D 004	092I D 011	092I C 022
092I E 006	092I D 001	092I C 034.02	092I D 005
092I E 030	092I C 003	092I C 033.01	092I C 008
092I E 001	092I C 035	092I D 014.02	092I C 017
092I E 016	092I C 039	092I C 043	092I C 037
092I E 026	092I C 027	092I C 040	092I C 020
092I E 004	092I C 014	092P A 019	092I C 012
092I E 010	092I C 001	092I D 006	092I C 013
092I E 027	092I C 010	092I D 008	092I C 015
092I E 015	092I C 038	092I C 033.02	092I D 002
092I E 018	091 090	092P H 011.01	092I C 023
092I E 009	091 059.01	092I D 014.01	092I C 021
092I E 032	092 008.01	092I D 012	092I C 004
092I E 019	092 010	092I E 023	092I C 007
092I E 028	092 013.02	092P A 024	092I C 009
092I E 029	092P F 005.01	092P A 027	092I C 034
092J A 059	092J A 023	092I D 014	092I C 024
092J B 012	092 054	092 012.01	092I C 036
092J A 012	092J A 024	092J B 020	092I C 011
092J A 013	092 013.03	092 028	092I D 003
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092J A 004	092 013	092I D 013	092I C 036.01

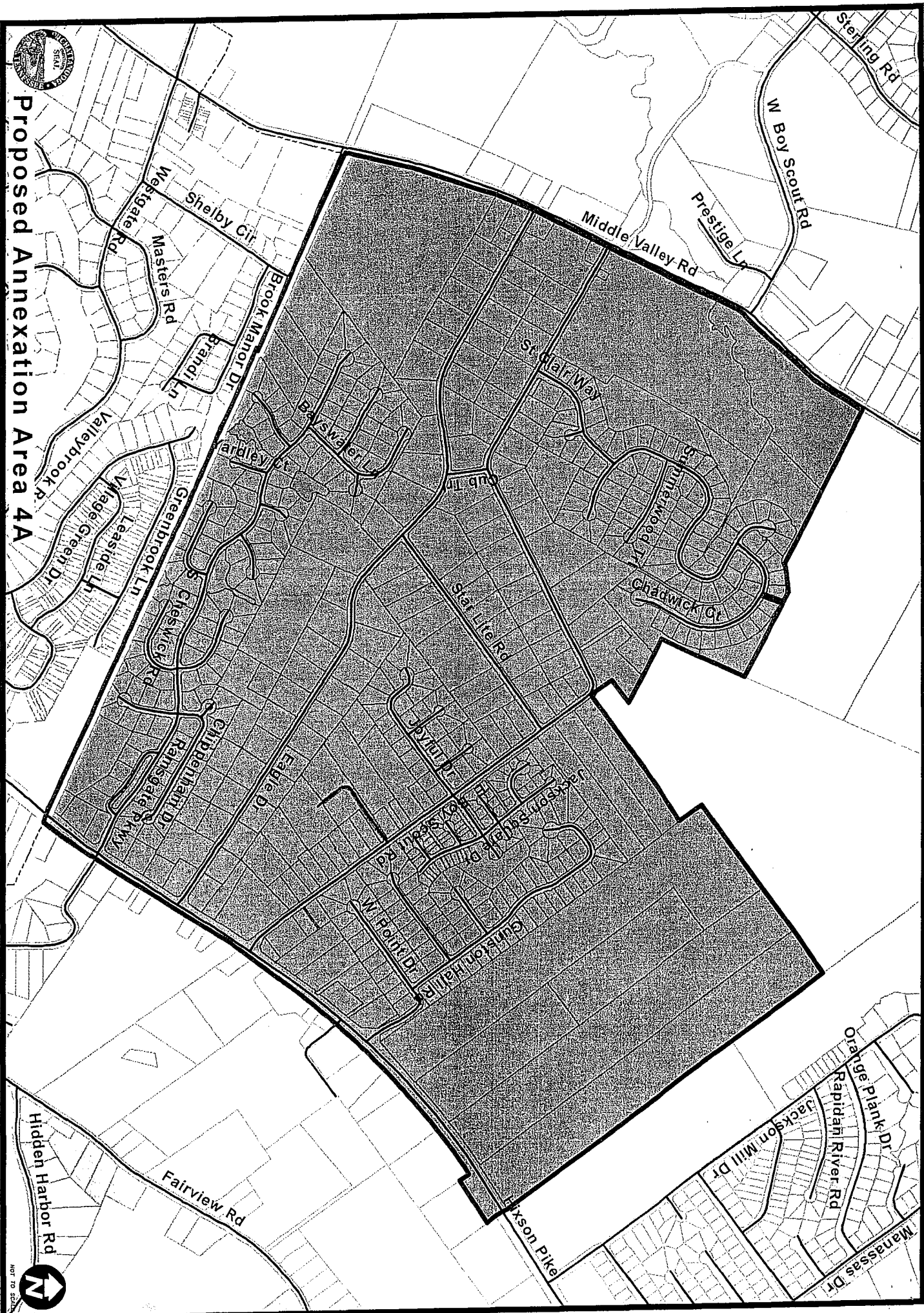
ANNEXATION AREA 4A

092I C 006
092I C 025
092I C 005
092I C 031
092I C 019
091L C 073

092P H 010
092P G 010.03
092P H 009
092P G 010.04
091 057
092P G 006.01
091 061.01
092 057
092 062
092 013.04



Proposed Annexation Area 4A



Map 120 5/2015

7/28/09

PROPOSED PLAN OF SERVICES
IN ACCORDANCE WITH
TENNESSEE CODE ANNOTATED § 6-51-102
AREA 4A

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, Area 4A, which are shown on the attached map and described as follows:

All roads and accepted right of ways in Area 4A shown on the attached map including streets named Hixson Pike, Middle Valley Road, Ramsgate, Chippenham, Cheltenham, Harwick, Cheswick, Knightsbridge, Queensbury, Prestwick, Yardley, Camdendown, Bayswater, Stornoway, Eagle, Cub, Sunstone, Bayou, Joyful, Collieview, Boy Scout, Dixieland, Jackson Square, Point, Anchorage, Captains, Star Lite, St. Clair, Autumn Lake, Summerwood, Chadwick, Gunston Hall, and all properties including all property described as follows and as shown on the attached map:

IN THE SECOND 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 City of Chattanooga right of way to Middle Valley Road; thence proceeding northeasterly a distance of 4,300 feet, more or less, along the right of way of Middle Valley Road including the whole right of way to the northeast corner of property now or formerly owned by C/O 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 north 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 north 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 northeasterly 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 eastward a distance of 3,755 feet to Hixson Pike; thence proceeding southwesterly a distance of 4,460 feet, more or less, to the point of beginning. Included in this annexation are all tax parcel numbers and road right of ways on the accompanying attached map for Annexation Zone 4 A. 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. 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.

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.

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 Hixson Utility District, 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 the Hixson 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, 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.