

1ST READING 10-6-07
2ND READING 10-13-09
INDEX NO. _____

ORDINANCE NO. 12301

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 10B, BEING CERTAIN PARCELS ADJACENT TO OLD LEE HIGHWAY, APISON PIKE, PATTENTOWN ROAD, AND WOODLAND DRIVE 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 October 2, 2009, which was more than seven (7) days before October 13, 2009, that a public hearing on an annexation ordinance for Area 10B would be held on October 13, 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 October 13, 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 adjacent to Old Lee Highway, Apison Pike, Pattentown Road, and Woodland Drive, known as Area 10B, in Hamilton County, contiguous to the corporate boundaries of said City, which is more fully described as follows:

IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY,
TENNESSEE:

Beginning at a point in the current boundary of the City of Chattanooga on the southern right of way of Old Lee Highway and the northwest corner of property now or formerly owned by A C Development, Inc. (131P-A-015); thence continuing along the southern right of way boundary of Old Lee Highway, a distance of 4,164 feet, more or less, to the intersection of Pattentown Road and Apison Pike, across from the northeast corner of property now or formerly owned by Pearline and Owen Jones (140A-A-027); thence proceeding southeasterly a distance of 550 feet, more or less, along the eastern right of way of Pattentown Road and following the eastern right of way of Pattentown Road southward to the northwest corner of property now or formerly owned by Restis Properties

Incorporated (140-159); thence proceeding southeasterly a distance of 867 feet, more or less, along the City of Collegedale's UGB to the northeast corner of property now or formerly owned by James and June Atkins (140-158.01); thence proceeding southward along the eastern boundary of parcel 140-158.01 and along the northern boundary of parcel 140-155 a distance of 1,392 feet, more or less, along the City of Collegedale's UGB to the northeast corner of property now or formerly owned by Vita Wilkins (140-155); thence proceeding generally southward to the intersection of Sanders Road and the southeast corner of property now or formerly owned by Vita Wilkins (140-155); thence proceeding northwesterly along the southern right of way line of Sanders Road, including the whole right of way, to the intersection of Sanders Road and Woodland Drive; thence proceeding northwesterly along the southern right of way of Woodland Drive, including the whole right of way, to the southwest corner of Parcel 140-157.03; thence proceeding northeasterly along the western boundary line of Parcel 140-157.03, a distance of 32 feet, more or less; thence proceeding generally westward across Pattenstown Road to the southeast property line of property now or formerly owned by Peggy Sanders (140-013); thence proceeding generally westward along the southern boundary of Parcel 140-013 to the southwest corner of Parcel 140-013; thence proceeding northeasterly to the southeast corner of property now or formerly owned by Adamson Developers LLC (140-011); thence proceeding a distance of 2,115 feet, more or less, following the property line of Adamson Developers LLC (140-011); thence proceeding northeasterly, a distance of 650 feet, more or less, to the southeast corner of property now or formerly owned by Vicki Rosen (140-009); thence proceeding westward a distance of 385 feet, more or less, to the southeast corner of property now or formerly owned by Wilzie Gandy (140-008); thence proceeding westward a distance of 106 feet, more or less, to the southwest corner of property now or formerly owned by Henry Henderson (140-007); thence proceeding northwesterly a distance of 170 feet, more or less, to the southeast corner of property now or formerly owned by Henry Henderson (140-007.01); thence proceeding northwesterly a distance of 126 feet, more or less, to the southeast corner of property now or formerly owned by Geoffrey Ramsey (140-001.01); thence proceeding northwesterly a distance of 496 feet, more or less, to the southeast corner of property now or formerly owned by Geoffrey Ramsey (140-001); thence proceeding northwesterly a distance of 355 feet, more or less, to the southeast corner of property now or formerly owned by William Spurgeon (131P-A-032); thence proceeding northwesterly a distance of 170 feet, more or less, to the southwest corner of property now or formerly owned by William Spurgeon (131P-A-032) and crossing the Blue Bell Avenue right of way and following the southern boundary of property owned by A C Development Incorporated (131P-A-018); to the southeast corner of property now or formerly owned by A C Development Incorporated (131P-A-018); thence proceeding westward a distance of 160 feet, more or less, to the current boundary of the City of Chattanooga; thence proceeding northward a distance of 523 feet, more or less, along the current boundary of the City of Chattanooga 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 10B. 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.

131P-A-016	140A-A-010
131P-A-015	140A-A-009
131P-A-017	140A-A-008
131P-A-018	140A-A-013
131P-A-036	140A-A-013.01
131P-A-035	140A-A-023
131P-A-033	140A-A-014
131P-A-034	140A-A-007
131P-A-032	140A-A-015
131P-A-037	140A-A-016
131P-A-038	140A-A-019
140-001	140A-A-021
140-001.01	140A-A-022.01
140-002.02	140A-A-022
140-002.01	140A-A-020
140-007.01	140A-A-029
140-007	140A-A-030
140-008	140A-A-031
140-009	140A-A-032.01
140-011	140A-A-032
140-011.10	140A-A-034
140A-A-001	140A-A-032.02
140A-A-002	140A-A-035
140A-A-003	140-012
140A-A-005	140-012.01
140A-A-005.01	140-157
140A-A-004	140-157.03
140A-A-006	
140A-A-017	
140A-A-018	
140A-A-033	
140-012.02	
140-013	
140-157.01	
140-157.02	
140-156	
140-155	
140-158.01	
140-158	
140-159	
140A-A-028	
140A-A-027	
140A-A-026	
140A-A-026.01	
140A-A-025	
140A-A-024	
140A-A-012	
140A-A-011	
140A-A-011.01	

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.

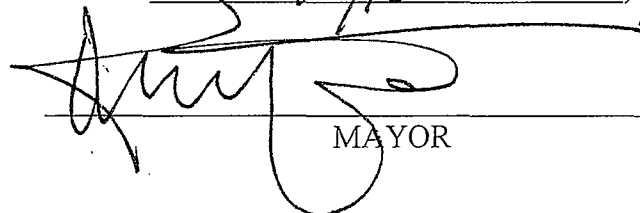
PASSED on Second and Final Reading

October 13, 2009.


CHAIRPERSON

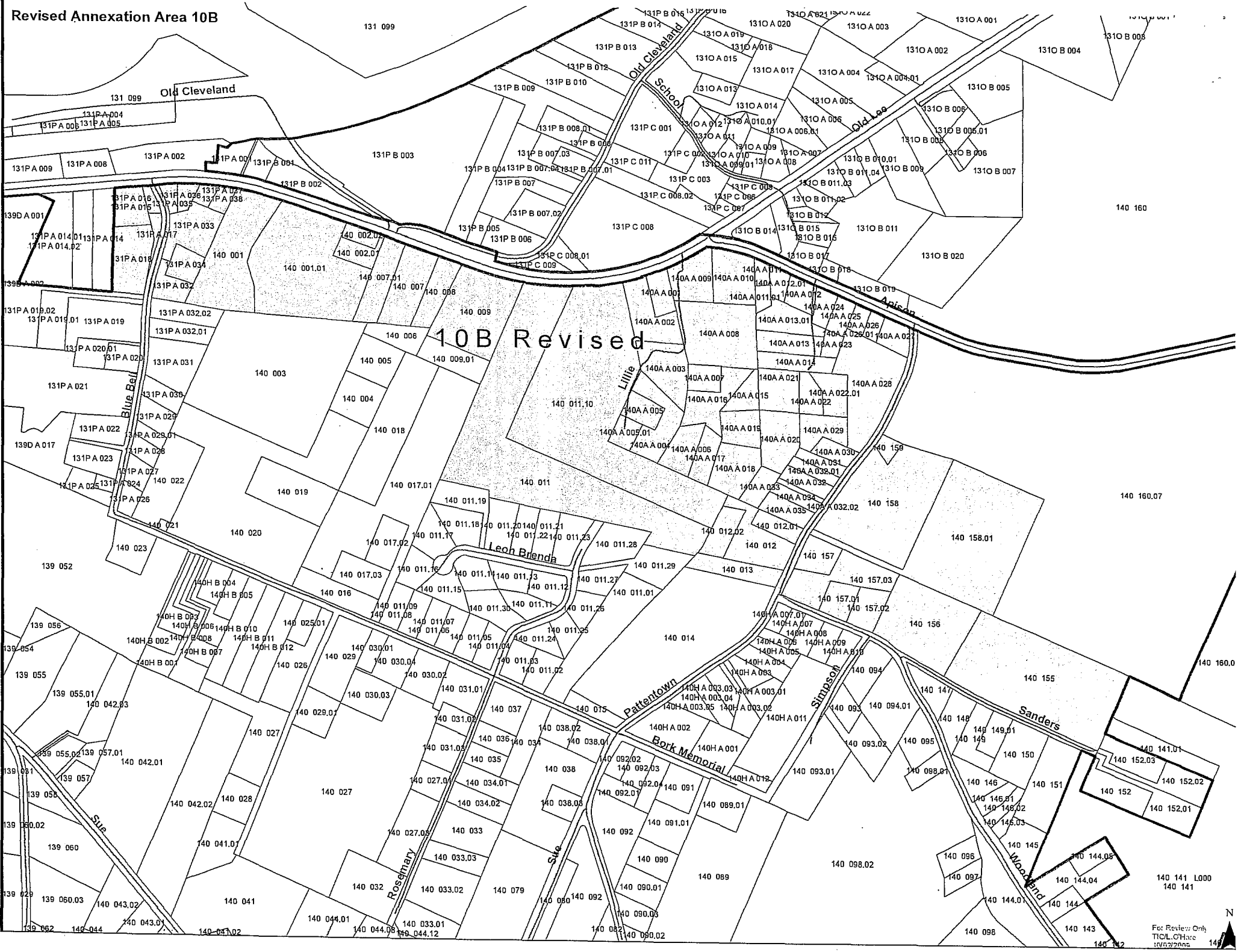
APPROVED: DISAPPROVED:

DATE: 10/15, 2009.


MAYOR

PAN/MAMVLM/kac/mms/add

Revised Annexation Area 10B



07-28-09

PROPOSED PLAN OF SERVICES FOR AREA 10B
IN ACCORDANCE WITH
TENNESSEE CODE ANNOTATED § 6-51-102

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 Old Lee Highway and Apison Pike, which are shown on the attached map for Area 10B and described as follows:

All roads and accepted right of ways within the boundaries shown on the attached map for Area 10B, including portions of streets named Old Lee Highway, Apison Pike, Blue Bell, Lillie, Patsy, Pattendown, Woodland, Simpson, Sanders, and Old Woodland, and 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 current boundary of the City of Chattanooga on the southern right of way of Apison Pike intersection of Pattendown Road across from the northeast corner of property now or formerly owned by Pearline and Owen Jones (140A-A-027); thence proceeding southeasterly a distance of 550 feet, more or less, along the eastern right of way of Pattendown Road and following the eastern right of way of Pattendown Road southward to the northwest corner of property now or formerly owned by Restis Properties Incorporated (140-159); thence proceeding southeasterly a distance of 867 feet, more or less, along the City of Collegedale's UGB to the northeast corner of property now or formerly owned by James and June Atkins (140-158.01); thence proceeding southward along the eastern boundary of parcel 140-158.01 and along the northern boundary of parcel 140-155 a distance of 1,392 feet, more or less, along the City of Collegedale's UGB to the northeast corner of property now or formerly owned by Vita Wilkins (140-155); thence proceeding generally southward a distance of 10,016 feet, more or less, following the current boundary of the City of Chattanooga to the southeast corner of property now or formerly owned by Melvin Lynn (140-125); thence proceeding northwesterly a distance of 283 feet, more or less, to the intersection of the southeast corner of property now or formerly owned by Melvin Lynn (140-125) and the southern right of way of Old Woodland Drive; thence following the southern right of way of Old Woodland

Driver northwesterly a distance of 1,400 feet, more or less, to the intersection with Woodland Drive and continuing across Woodland Drive the southeast corner of the northern part of parcel now or formerly owned by Johnny Lynn (140-107); thence proceeding a distance of 1,945 feet, more or less, following the property line of Juanita McKee (140-108); to the northwest corner of property now or formerly owned by Juanita McKee (140-108) and the southern line of property now or formerly owned by Fred Maston (140-098); thence proceeding a distance of 1,084 feet, more or less, following the property line of Fred Maston (140-098); to the southeast corner of property now or formerly owned by Ervin and Jacqueline Bonner (140-098.02); thence proceeding a distance of 1,724 feet, more or less, following the property line of Ervin and Jacqueline Bonner (140-098.02); to the intersection of the west corner of property now or formerly owned by Ervin and Jacqueline Bonner (140-098.02) and the southern line of property now or formerly owned by Carl Blackwell (140-093.01); thence proceeding northwesterly a distance of 100 feet, more or less, to the southwest corner of property now or formerly owned by Carl Blackwell (140-093.01) and the southern right of way of Bork Memorial Lane; right of way; thence proceeding northwesterly a distance of 1,238 feet along the southern right of way of Bork Memorial Lane including the whole right of way, to the southwest corner of property now or formerly owned by Holy Tabernacle Apostolic Church of God in Christ (140-015); thence proceeding northeasterly a distance of 74 feet, more or less, to the southwest corner of property now or formerly owned by Summit Child Care Development Center (140-014); thence proceeding northeasterly a distance of 850 feet, more or less, to the southwest corner of property now or formerly owned by Peggy Sanders (140-013); thence proceeding northeasterly a distance of 77 feet, more or less, to the southeast corner of property now or formerly owned by Adamson Developers LLC (140-011); thence proceeding a distance of 2,115 feet, more or less, following the property line of Adamson Developers LLC (140-011), to the southeast corner of property now or formerly owned by Vicki Rosen (140-009); thence proceeding westward a distance of 385 feet, more or less, to the southeast corner of property now or formerly owned by Wilzie Gandy (140-008); thence proceeding westward a distance of 106 feet, more or less, to the southwest corner of property now or formerly owned by Henry Henderson (140-007); thence proceeding northwesterly a distance of 170 feet, more or less, to the southeast corner of property now or formerly owned by Henry Henderson (140-007.01); thence proceeding northwesterly a distance of 126 feet, more or less, to the southeast corner of property now or formerly owned by Geoffrey Ramsey (140-001.01); thence proceeding northwesterly a distance of 496 feet, more or less, to the southeast corner of property now or formerly owned by Geoffrey Ramsey (140-001); thence proceeding northwesterly a distance of 355 feet, more or less, to the southeast corner of property now or formerly owned by William Spurgeon (131P-A-032); thence proceeding northwesterly a distance of 170 feet, more or less, to the southwest corner of property now or formerly owned by William Spurgeon (131P-A-032) and crossing the Blue Bell Avenue right of way and following the southern boundary of property owned by AC Development Incorporated (131P-A-018); to the southeast corner of property now or formerly

owned by A C Development Incorporated (131P-A-018); thence proceeding westward a distance of 160 feet, more or less, to the current boundary of the City of Chattanooga; thence proceeding northward a distance of 523 feet, more or less, along the current boundary of the City of Chattanooga to the southern right of way of Apison Pike; thence proceeding eastward along the southern right of way boundary of Old Lee Highway and continuing along the southern right of way boundary of Apison Pike a distance of 4,164 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 10 B. 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 location of fire hydrants shall be determined. Additional required hydrants will be installed in those areas where water mains of adequate size are available within eighteen (18) months after annexation. 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 Eastside 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 in the discretion of the Fire Chief, subject to appropriation of required funds.

4. An Agreement for Automatic Aid (dual response) will be developed with Tri-County Community Fire Department within six (6) months after annexation and until such time as a new fire station can be constructed to assure the continued compliance with standards established by the Insurance Service Organization (ISO) 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.

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 potholes, 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 Eastside 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 services, including flood plain, NFIP/FEMA requirements and Neighborhood Services for housing, litter, overgrowth and 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.