

1ST READING

10-28-09

2ND READING

10-27-09

INDEX NO.

ORDINANCE NO. 12309

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 4B, BEING CERTAIN PARCELS ADJACENT TO STREETS INCLUDING, BUT NOT LIMITED TO, GOLD CREST, DAHL SPRINGS, AND FAIRVIEW 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 August 27, 2009, and a written report was prepared and approved unanimously by the Chattanooga Hamilton County Regional Planning Commission on September 14, 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 September 15, 2009, with reference to the herein described annexation Plan of Services which was noticed on September 29, 2009, which was more than fifteen (15) days prior to the public hearing which was held on October 15, 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 15, 2009, which was more than seven (7) days before October 27, 2009, that a public hearing on an annexation ordinance for Area 4B would be held October 27, 2009 at 6:00 p.m.; and

WHEREAS, after a public hearing on the Plan of Services held on October 15, 2009, a public hearing on the annexation ordinance held on October 27, 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 streets including, but not limited to, Gold Crest, Dahl Springs, and Fairview Road, known as Area 4B, in Hamilton County, contiguous to the corporate boundaries of said City, which is more fully described below and shown on the map attached hereto and made a part hereof by reference.

IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE:

Beginning at a point in the present city limit boundary and the southwest corner of property now or formerly owned by WWLIP Incorporated (092-042.01); thence proceeding southward a distance of 790 feet, more or less, along the City of Chattanooga right of way to the southwest corner of property now or formerly owned by Georgia Conference Association of Seventh-Day Adventists (101-005.02); thence proceeding eastward a distance of 330 feet, more or less, along the current City of Chattanooga boundary to the intersection of the southeast corner of property now or formerly owned by Georgia Conference Association of Seventh-Day Adventists (101-005.03), which is the current City of Chattanooga

boundary and a point on the northern line of property now or formerly owned by Patricia Conley (101-007); thence proceeding northwesterly a distance 1,170 feet, more or less, along the current City of Chattanooga boundary to the northwest corner of property now or formerly owned by Big Ridge Cove LLC (101-009); thence proceeding southward a distance of 1,516 feet, more or less, along the current City of Chattanooga boundary to a point on the southwest corner of property now or formerly owned by Janice Hill (101-016.01) and Big Ridge Road; thence proceeding southeasterly a distance of 2,198 feet, more or less, along the current City of Chattanooga boundary to the southeast corner of property now or formerly owned by Sandra Pollard (101-011.03); thence proceeding northeasterly along the right of way of Fairview Road including the whole right of way to the northeast corner of property now or formerly owned by Patricia Baird Caldwell Miller (101-055); thence proceeding northwesterly along the northern boundary of Parcel 101-055 to the current City of Chattanooga boundary, which is the intersection of the southeast corner of property now or formerly owned by Georgia Conference Association of Seventh-Day Adventists (101-005.03) and a point on the northern line of property now or formerly owned by Patricia Conley (101-007); thence continuing along the eastern boundary of Parcel 101-005.03, which is the current City of Chattanooga boundary, to the southeast corner of property now or formerly owned by Georgia Conference Association of Seventh-Day Adventists (101-005.02); thence proceeding along the eastern boundary of Parcel 101-005.02 to the southeast corner of property now or formerly owned by Terry Lynn Enos (092-042); thence proceeding along the eastern boundary line of Parcel 092-042 to the northeast corner of Parcel 092-042; thence proceeding northwesterly along the southern right of way of Gold Crest Drive 50 feet, more or less, to the intersection of Gold Crest Drive and the southeast corner of property now or formerly owned by Sue S. Franklin (101B-C-016) including the whole right of way of Gold Crest Drive, thence proceeding along the eastern boundary line of Parcel 101B-C-016, a distance of 171 feet, more or less, to the intersection of the northeast corner of Parcel 101B-C-016 and a point on the southern line of property now or formerly owned by William and Erma West, et al. (092-045); thence proceeding southeasterly along the southern boundary line of Parcel 092-045 to the intersection of Fairview Road and the southeast corner of Parcel 092-045; thence proceeding northeasterly along the right of way of Fairview Road, including the whole right of way of Fairview Road, to the intersection of Fairview Road and Hidden Harbor Road; thence proceeding northwesterly a distance of 1,291 feet, more or less, to the southeast corner of property now or formerly owned by Mark and Ira Radpour (092-050); thence proceeding northeasterly a distance of 493 feet, more or less, to a point on the southern line of property now or formerly owned by William and Mary London (092-157); thence proceeding along the boundary line of Parcel 092-157 to the intersection of the north corner of Parcel 092-157 and the eastern line that is part of a parcel now or formerly owned by Randy Rawlston (092-057); thence proceeding northeasterly a distance of 135 feet, more or less, at the intersection of the southeast corner of property now or formerly owned by Randy Rawlston (092-058) and part of parcel now or formerly owned by William and Mary London (092-157); thence proceeding northeasterly a distance of 893 feet, more or less, to

the intersection of the northeast corner of property now or formerly owned by William and Marty Hixson (092-061) and the southeast corner that is part of a parcel now or formerly owned by William and Marty Hixson (092-062); thence proceeding northeasterly a distance of 368 feet, more or less, to the northeast corner of property now or formerly owned by and Marty Hixson (092-062); thence proceeding along the northern boundary of Parcel 092-062 to the eastern boundary of the Hixson Pike right of way; thence proceeding southwesterly along the eastern boundary of the Hixson Pike right of way, a distance of 4,395 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 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 4B.

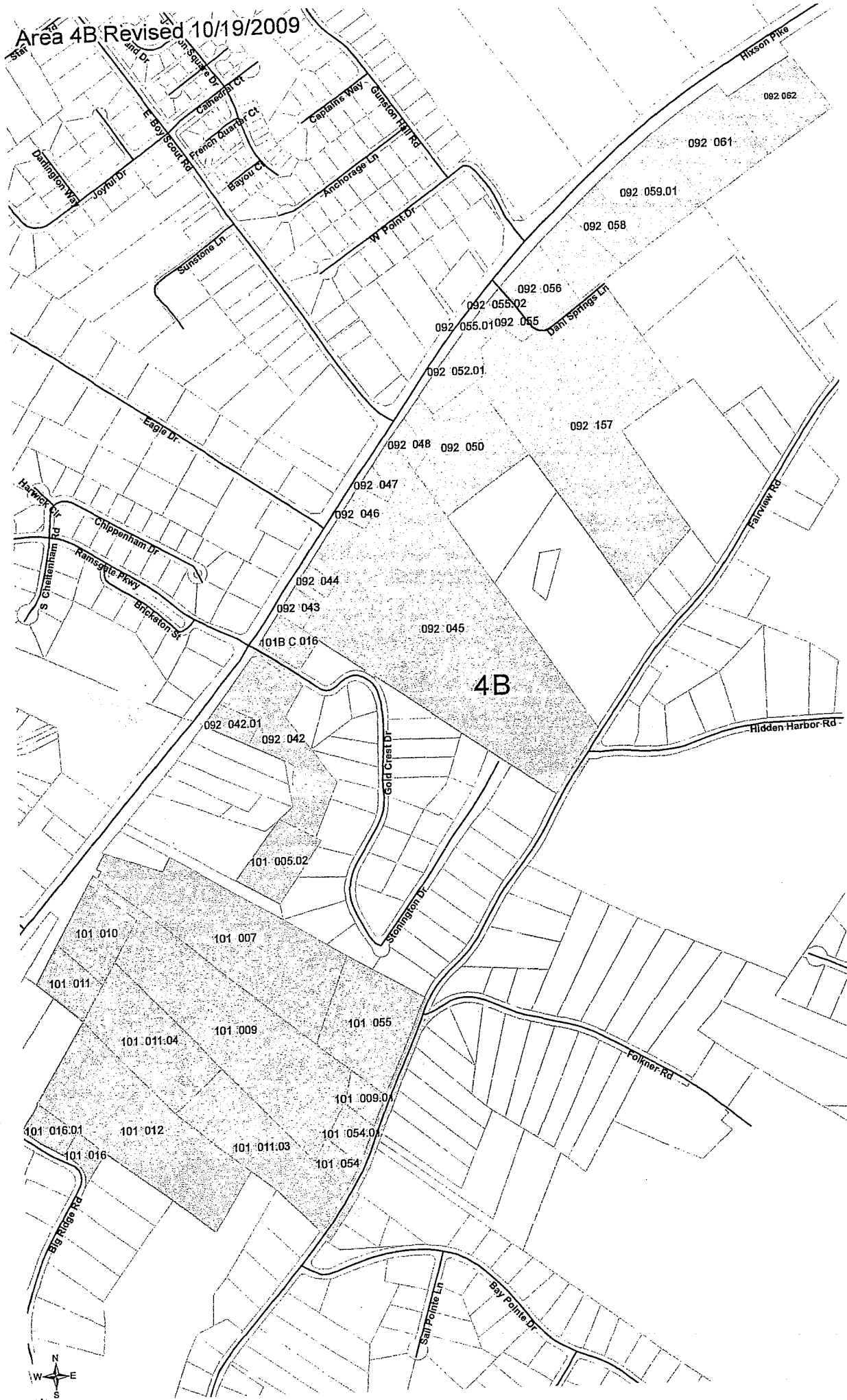
092-042.01	092-042	101-005.02
101-007	101-010	101-011
101-016.01	101-016	101-012
101-011.03	101-011.04	101-054
101-054.01	101-009.01	101-055
101-009	101B-C-016	092-043
092-044	092-045	092-050
092-157	092-062	092-061
092-059.01	092-058	092-056
092-055.02	092-055	092-055.01
092-052.01	092-048	092-047
092-046		

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 31, 2009 which was approved by the Chattanooga Hamilton County Regional Planning Commission on September



Area 4B Revised 10/19/2009



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

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

All roads and accepted right of ways in Area 4B shown on the attached map including streets named Stonington, Gold Crest, Dahl Springs, Hixson Pike, Houser Ridge, Ely Ford, Bullock, Manassas Gap, Dove Field, Jackson Mill, Rapidan River, Orange Plank, Bayonet, Brigade, Musket, Clearwater, Cotter, 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 in the present city limit boundary and the southwest corner of property now or formerly owned by WWLIP Incorporated (092-042.01); thence proceeding southward a distance of 790 feet, more or less, along the City of Chattanooga right of way to the southwest corner of property now or formerly owned by Georgia Conference Association of Seventh Day Adventists (101-005.02); thence proceeding eastward a distance of 330 feet, more or less, along the current City of Chattanooga boundary to the intersection of Lot 27 now or formerly owned by Scott and Janie Bargerstock (092P-B-012) Gold Point Estates Subdivision (Plat Book 32, Page 24) and a point on the northern line of property now or formerly owned by Patricia Conley (101-007); thence proceeding northwesterly a distance 1,170 feet, more or less, along the current City of Chattanooga boundary to the northwest corner of property now or formerly owned by Big Ridge Cove LLC (101-009); thence proceeding southward a distance of 1,516 feet, more or less, along the current City of Chattanooga boundary to a point on the southwest corner of property now or formerly owned by Janice Hill (101-016.01) and Big Ridge Road; thence proceeding southeasterly a distance of 2,198 feet, more or less, along the current City of Chattanooga boundary to the southeast corner of property now or formerly owned by Sandra Pollard (101-011.03); thence proceeding northeasterly a distance of 2,851 feet, more or less, along the right of way of Fairview Road including the whole right of

way to the northeast corner of property now or formerly owned by William and Erma West (092-045) and the intersection of Fairview Road and Hidden Harbor Road; thence proceeding northwesterly a distance of 1,291 feet, more or less, to the southeast corner of property now or formerly owned by Mark and Ira Radpour (092-050); thence proceeding northeasterly a distance of 493 feet, more or less, to a point on the southern line of property now or formerly owned by William and Mary London (092-157); thence proceeding northward a distance of 2,950 feet, more or less, to the north corner of property now or formerly owned by William and Mary London (092-157) and the eastern line that is part of a parcel now or formerly owned by Randy Rawlston (092-057); thence proceeding northeasterly a distance of 135 feet, more or less, at the intersection of the southeast corner of property now or formerly owned by Randy Rawlston (092-058) and part of parcel now or formerly owned by William and Mary London (092-157); thence proceeding northeasterly a distance of 893 feet, more or less, to the intersection of the northeast corner of property now or formerly owned by William and Marty Hixson (092-061) and the southeast corner that is part of a parcel now or formerly owned by William and Marty Hixson (092-062); thence proceeding northeasterly a distance of 368 feet, more or less, to the northeast corner of property now or formerly owned by and Marty Hixson (092-062) and the southeast corner of property now or formerly owned by Rowland Development Group LLC (092-063.02); thence proceeding northeasterly a distance of 505 feet, more or less, to the northeast corner of property now or formerly owned by Boyed Bowers (092-063.01); thence proceeding northeasterly a distance of 356 feet, more or less, to the southeast corner of property now or formerly owned by James Parsley (092-065); thence proceeding northeasterly a distance of 1,050 feet, more or less, to the northeast corner of property now or formerly owned by James Parsley (092-065) and the southern line of Gold Point Circle Street; thence proceeding northwesterly a distance of 494 feet, more or less, along the southern line of Gold Point Circle Street to the northwest corner of property now or formerly owned by James Parsley (092-065); thence proceeding north-easterly a distance of 1,279 feet, more or less, along the northern line of Hixson Pike to the southeast corner of property now or formerly owned by Carl Jones (092-067) and Thrasher Pike; thence proceeding northwesterly a distance of 6,093 feet, more or less, along the western line of the Thrasher Pike right of way to the northeast corner of property now or formerly owned by William and Angela Payne (083O-A-002); thence proceeding a distance of 506 feet, more or less, following the property line of William and Angela Payne (083O-A-002) to the northwestern corner of property now or formerly owned by David and Dana Harris (083O-A-003); thence proceeding southeasterly a distance of 66 feet, more or less, to the intersection of a point on the western line of property now or formerly owned by David and Dana Harris (083O-A-003) and the northeastern corner of property now or formerly owned by David and Carol Bartow (092-001); thence proceeding a distance of 12,472 feet, more or less, following the property line of David and Carol Bartow (092-001) to the intersection of the southeastern corner of property now or formerly owned by David and Carol Bartow (092-001) and a point on the western line of property now or formerly owned by FatherSon Partnership (092-063); thence proceeding



southward a distance of 816 feet, more or less, to the northwest corner of property now or formerly owned by Hixson Presbyterian Church (092-063.03); thence proceeding southeasterly a distance of 2,180 feet, more or less, to the Hixson Pike right of way; thence proceeding southwesterly a distance of 4,395 feet, more or less, to the point of beginning. 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. 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 prevention staff and arson 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 the Insurance Services Organization. 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.

4. Within six (6) months after annexation, a study will be completed to determine the need for construction of a fire substation within the annexed area to assure the continued compliance with standards established by the National Fire Underwriters appropriate to the existing fire insurance rating.

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 chuck 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. Erosion and drainage services 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 inspection and code enforcement services (building, electrical, plumbing, gas, and unsafe building services) 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.