

1ST READING

1-26-10

2ND READING

2-2-10

INDEX NO.

ORDINANCE NO. 12345

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING TAX PARCEL NO. 165-001 LOCATED ON AETNA MOUNTAIN ROAD IN HAMILTON COUNTY, TENNESSEE, OWNED BY BLACK CREEK FARMS, INC. d/b/a AETNA INVESTMENTS, LLC, BEING MORE FULLY DESCRIBED HEREIN.

WHEREAS, the City of Chattanooga has been petitioned by the property owners of the affected territory to annex such territory, a copy of which Petition executed by authorized representatives of Black Creek Farms, Inc. d/b/a Aetna Investments, LLC and dated December 23, 2009, is attached hereto and made a part hereof by reference; 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, and a written report was prepared and approved by the Chattanooga-Hamilton County Regional Planning Commission on December 14, 2009, as required by law; and

WHEREAS, the Clerk of the Council gave notice of a public hearing on January 15, 2010, with reference to the annexation of the herein described territory, to be held February 2, 2010, at 6:00 p.m., which notice was published in the daily newspaper of Chattanooga, Tennessee at least fifteen (15) days before February 2, 2010; and

WHEREAS, after such public hearing and investigation by the City Council, it now appears that the prosperity of the City 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 and the herein described territory endangered if such territory is not annexed; and

WHEREAS, 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.), there be and hereby is annexed to the City of Chattanooga, Tennessee, and included within the corporate boundaries of said City, certain territory in the Third Civil District of Hamilton County, Tennessee, being Tax Parcel No. 165-001 located on Aetna Mountain Road, owned by Black Creek Farms, Inc., d/b/a Aetna Investments, LLC, lying contiguous to the present corporate limits, as shown on the attached map.

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 proposed plan of services attached hereto, pursuant to T.C.A. § 6-51-102, as amended, is adopted as the plan of services for this annexation area and such plan shall be implemented in accordance with the term periods of implementation 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, two (2) weeks from and after its passage.

PASSED on Second and Final Reading

February 2, 2010. W. Jacob Bennett
CHAIRPERSON

APPROVED: X DISAPPROVED:

DATE: Feb 5, 2010.

[Signature]
MAYOR

PAN/add

PETITION

WE, BLACK CREEK FARMS, INC. d/b/a AETNA INVESTMENTS, LLC, the sole owners of a tract of property in Hamilton County, Tennessee, more fully described as follows:

165-001

IN THE THIRD CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE:

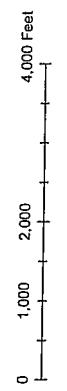
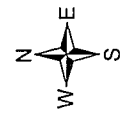
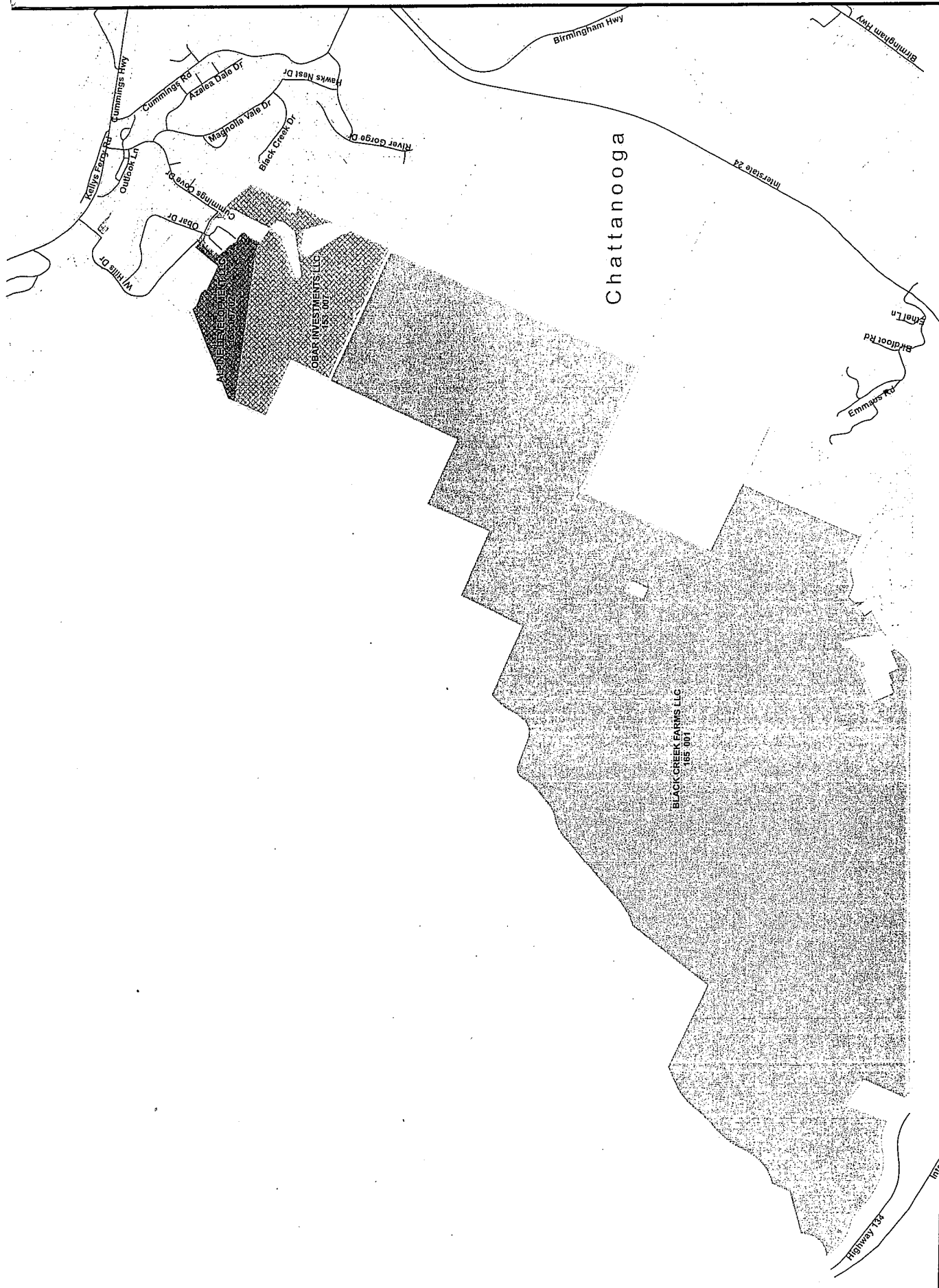
Which tract is contiguous to the City of Chattanooga, do hereby petition said City to be annexed thereto by Ordinance, pursuant to the provisions of Tennessee Code Annotated § 6-51-102.

This the 23 day of December, 2009.

BLACK CREEK FARMS, INC.
d/b/a AETNA INVESTMENTS, LLC

✓
By: Chazen Family Partnership member
by Neil Gary Chazen

✓
Stein Family, LP member
by Allen H.D. Stein



Technical Information Center / L O'Hare / 12.08.2019

Legend

- Chattanooga City Limits
- Urban Growth Boundary

City of Chattanooga

Petition for annexation by Black Creek Farms, Inc,
 OBAR investments, LLC & Alpine Development, LLC



12-14-09

PROPOSED PLAN OF SERVICES
IN ACCORDANCE WITH
TENNESSEE CODE ANNOTATED § 6-51-102
BLACK CREEK FARMS, LLC, 165- -001,
CONTAINING APPROXIMATELY 1,815 ACRES

The City Council of the City of Chattanooga, Tennessee hereby proposes the following Plan for Provision of Services for certain property, Tax Parcel No. 165- -001, containing approximately 1,815 acres in Hamilton County, Tennessee, lying contiguous to the present corporate limits of the City of Chattanooga, Tennessee, owned by Black Creek Farms, Inc. d/b/a Aetna Investments, LLC, as set forth within the attached Ordinance.

All roads and accepted right of ways within the boundaries shown on the attached map for Black Creek Farms, LLC, Tax Parcel No. 165- -001, including streets named River Gorge Drive, and including all properties including all property described which is owned by Black Creek Farms, LLC.

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.

7.

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.