

1ST READING 11-23-10  
2ND READING \_\_\_\_\_  
REF NO \_\_\_\_\_

ORDINANCE NO. 12452

AN ORDINANCE AMENDING ORDINANCE NO. 12301, ADOPTED OCTOBER 13, 2009, EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO CHANGE THE DESCRIPTION SO AS TO DELETE TWO (2) PARCELS WITHIN THE ANNEXATION AREA OF ORDINANCE NO. 12301 AND WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.

WHEREAS, the City Council previously passed an annexation Ordinance No. 12301, extending the corporate limits of the City of Chattanooga to annex certain territory contiguous to the corporate limits of the City of Chattanooga, being certain properties adjacent to Old Lee Highway, Apison Pike, Patten town Road and Woodland Drive, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached Ordinance and map; and

WHEREAS, the Plan of Services, which was attached to Ordinance No. 12301 was submitted to the Chattanooga Hamilton County Regional Planning Commission on August 18, 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, after approval and passage of Ordinance No. 12301, the City of Chattanooga was sued in a *quo warranto* action by the owners of two (2) parcels in this annexation area in 2009 in an action in the Hamilton County Chancery Court styled: *State of Tennessee ex rel James Atkins and Napoleon Custer v. The City of Chattanooga, Tennessee*, Civil Action No. 09-0908; and following the filing of this *quo warranto* action, the City has determined that it is in the best interest of the City of Chattanooga to delete these two (2) tax parcels from this annexation ordinance so that all other parcels previously annexed in 2009 will become part of the City of Chattanooga this year and this annexation lawsuit will become moot

for this area and an Order dismissing this annexation lawsuit can be filed with the Hamilton County Chancery Court resolving this matter; and

WHEREAS, this amendment to the annexation boundaries of Ordinance No. 12301 and the revisions to said Ordinance adopted by the Chattanooga City Council, 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 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 Old Lee Highway, Apison Pike, Patten town 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 and Apison Pike, a distance of 4,164 feet, more or less, [(excluding approximately 99 Feet of frontage on Apison Pike and the parcel currently owned by Napoleon Custer, et al, tax map parcel 140A-A-025) as described more fully in Book 6045 Page 37 in the Register's Office of Hamilton County, Tennessee,] to the intersection of Patten town 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 Patten town Road and following the eastern right of way of Patten town Road southward to the northwest corner of property now or formerly owned by Wilzie Gandy (140-158); thence proceeding southeasterly and continuing to follow the property line of Wilzie Gandy (140-158) along the City of Collegedale's UGB and southwesterly to the south west corner back to the eastern boundary of Patten town Road; thence southwesterly following the eastern

boundary of Patten town Road to the northeast corner of property now or formerly owned by Theodore McGhee, Jr. (140-157); thence proceeding eastward along the northern boundaries of parcels 140-157, 140-157.03, 140-156 and along the northern boundary of parcel 140-155 a distance of 1745 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 Patten town 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 which excludes one (1) tax parcel owned by Napoleon Custer (140A-A-025) and one (1) tax parcel owned by James Atkins and wife Patricia Atkins (140-158.01) previously included in Ordinance No. 12301. 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	
140-159	
140A-A-028	
140A-A-027	
140A-A-026	
140A-A-026.01	
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, excluding the two (2) deleted tax parcels, 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 10, 2009 which was approved by the Chattanooga Hamilton County Regional Planning Commission on August 18, 2009, is adopted as the Plan of Services for this annexation, excluding the two (2) deleted tax parcels, 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.

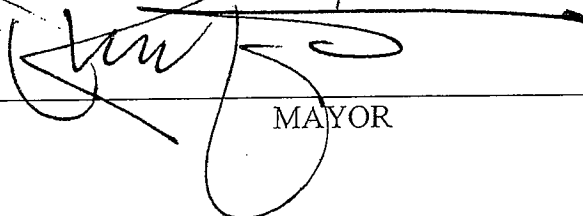
PASSED on Second and Final Reading

\_\_\_\_\_ November 30 \_\_\_\_\_, 2010.

  
\_\_\_\_\_  
CHAIRPERSON

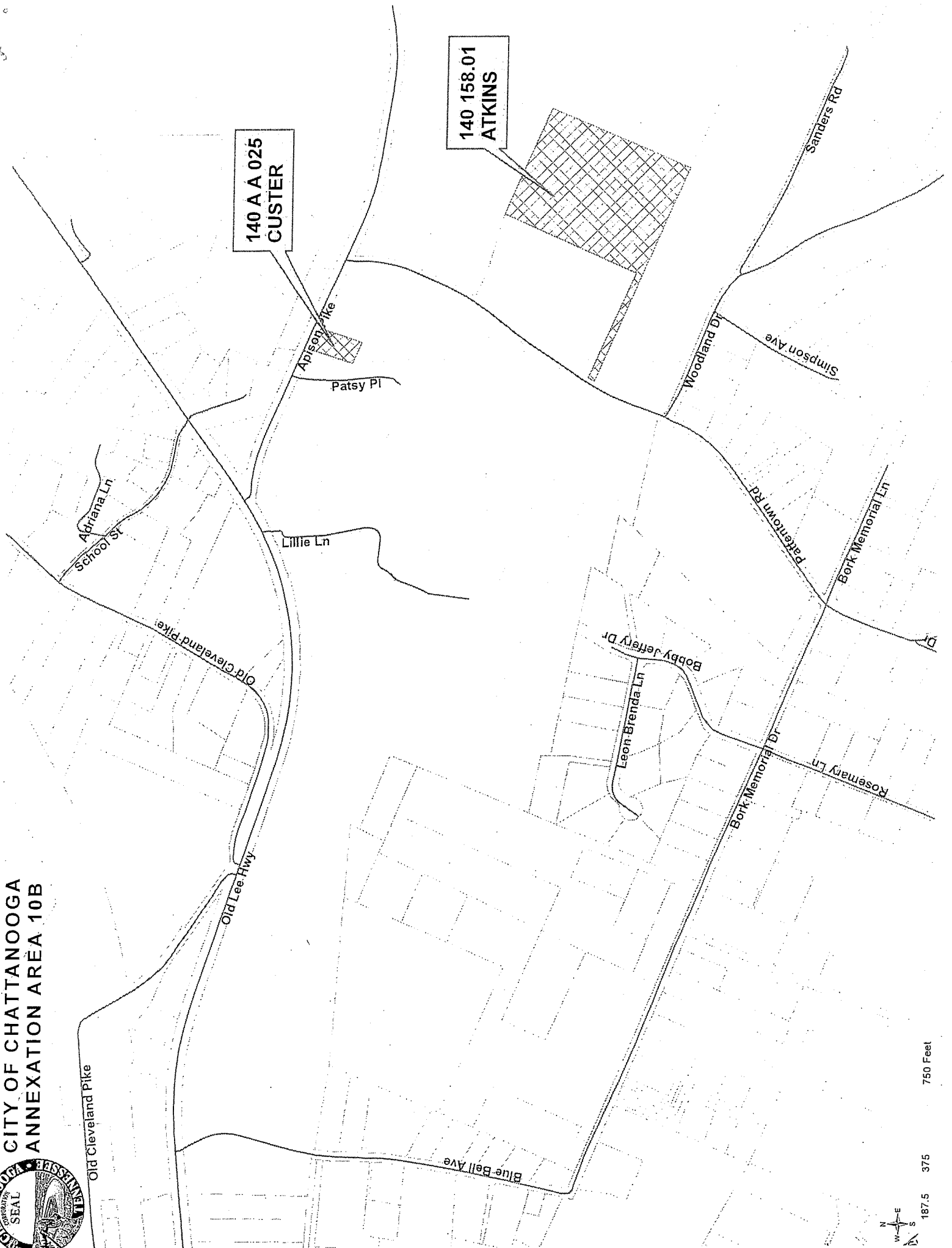
APPROVED:  DISAPPROVED:

DATE: 11/30, 2010.

  
\_\_\_\_\_  
MAYOR

PAN/kac

CITY OF CHATTANOOGA  
ANNEXATION AREA 10B



187.5 375

750 Feet