

1ST READING
2ND READING

8-2-11
9-9-11

ORDINANCE NO. 12536

AN ORDINANCE ADJUSTING BOUNDARIES OF THE CITY OF CHATTANOOGA AND THE CITY OF COLLEGEDALE PURSUANT TO T.C.A § 6-51-302 TO PROVIDE THAT THE ROAD RIGHT-OF-WAY OF APISON PIKE BEGINNING ON THE SOUTH EASTERN CORNER OF THE RIGHT-OF-WAY OF APISON PIKE AT THE INTERSECTION OF PATTENTOWN ROAD AND APISON PIKE AND FOLLOWING THE SOUTHERN BOUNDARY OF THE APISON PIKE RIGHT-OF-WAY UNTIL IT MEETS THE CURRENT CITY LIMITS OF THE CITY OF COLLEGEDALE AT THE EASTERN SIDE OF THE RIGHT-OF-WAY OF AN UNNAMED ACCESS ROAD WHICH IS THE CURRENT ENTRANCE TO THE SUMMIT OF SOFTBALL PARK AND THE SUMMIT LANDFILL; THENCE NORTHBOUND FOLLOWING THE CITY LIMITS OF THE CITY OF COLLEGEDALE TO THE NORTHERN RIGHT-OF-WAY OF APISON PIKE; THENCE WESTWARD BACK TO THE CURRENT CITY LIMITS OF THE CITY OF CHATTANOOGA AT THE INTERSECTION OF APISON PIKE AND PATTENTOWN ROAD; AND THENCE SOUTH TO THE POINT OF BEGINNING SHALL BECOME PART OF THE CORPORATE LIMITS OF THE CITY OF COLLEGEDALE BY MUTUAL AGREEMENT AS SHOWN ON THE ATTACHED MAP.

WHEREAS, on March 1, 1990, the Chattanooga City Council adopted Ordinance No. 9335 on the third and final reading (attached as Exhibit 1), which annexed certain territory, including certain properties along Apison Pike up to and including Summit Landfill; and

WHEREAS, on November 30, 2010, the Chattanooga City Council adopted Ordinance No. 12452 (attached as Exhibit 2), which resolved certain annexation boundaries by agreement and provided that the corporate boundaries of the City of Chattanooga are now contiguous to the Summit Landfill and Summit of Softball properties owned and maintained by the City of Chattanooga without the necessity of continuing to maintain Apison Pike east of Pattentown Road; and

WHEREAS, the City of Collegedale and the City of Chattanooga have agreed to mutually adjust their boundaries pursuant to T.C.A. § 6-51-302 to allow the City of Collegedale to adjust its boundary to include the Apison Pike road right-of-way east of Patten town Road within the corporate limits of the City of Collegedale and which will allow the City of Chattanooga to maintain and control its access road right-of-way into the Summit Landfill and Summit of Softball properties which have been developed and maintained by the City of Chattanooga; and

WHEREAS, the Department of Public Works, the Mayor's Office, and the City Attorney's Office have reviewed access and roadway maintenance issues of adjusting the Apison Pike right-of-way east of Patten town Road and it is recommended that adjustment of the Apison Pike right-of-way east of Patten town Road is appropriate based upon the contiguous boundaries of the City of Chattanooga to the Summit Landfill and the Summit of Softball properties owned by the City of Chattanooga without the need to control and maintain Apison Pike east of Patten town Road at this time and to allow the adjustment by the City of Collegedale to include the Apison Pike right-of-way east of Patten town Road within its corporate limits.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, as follows:

SECTION 1: Pursuant to the authority conferred by T.C.A. §§ 6-51-302, the territory originally annexed by the City of Chattanooga within Ordinance No. 9335 shall be adjusted by this Ordinance to allow the City of Collegedale to adjust its boundary to include the road right-of-way of Apison Pike beginning on the south eastern corner of the right of way of Apison Pike at the intersection of Patten town Road and Apison Pike and following the southern boundary of the Apison Pike right-of-way until it meets the current City limits of the City of Collegedale at

the eastern side of the right-of-way of an unnamed access road which is the current entrance to the Summit of Softball Park and the Summit Landfill; thence northbound following the City limits of the City of Collegedale to the northern right-of-way of Apison Pike; thence westward back to the current City limits of the City of Chattanooga at the intersection of Apison Pike and Pattentown Road; and thence south to the point of beginning as shown on the attached map which shall become part of the corporate limits of the City of Collegedale by mutual agreement as set forth in the map which is (attached as Exhibit 3).

SECTION 2: That this Ordinance shall be effective two weeks from and after its passage, as distinguished from becoming operative, as provided by law.

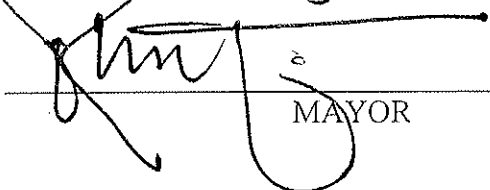
PASSED on Second and Final Reading

August 9, 2011.


CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: Aug. 11, 2011.


MAYOR

PAN/mms

ORDINANCE NO. 9335

AN ORDINANCE TO ANNEX CERTAIN PROPERTIES ADJACENT TO AND INCLUDING THE SUMMIT LANDFILL AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF CHATTANOOGA, TENNESSEE.

WHEREAS, a public hearing before this body was held on the 1st day of March, 1990, pursuant to a resolution adopted on February 20, 1990, and notice thereof published in the Chattanooga Times and the Chattanooga News-Free Press on February 21, 1990; and

WHEREAS, it now appears that the prosperity of the City of Chattanooga and of the territory herein described will be materially retarded and the safety and welfare of the inhabitants and property thereof endangered if such territory is not annexed; and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and of the City of Chattanooga as a whole; and

WHEREAS, a plan of services for this area was adopted by resolution on March 1, 1990, as required by Tennessee Code Annotated, Section 6-51-102;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 1. Pursuant to authority conferred by Tennessee Code Annotated, Sections 6-51-101 to 6-51-113, there is hereby annexed to the City of Chattanooga, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Embracing that certain part of Civil District No. 2 of Hamilton County, Tennessee, and more fully described, to-wit:

Beginning on the southeast line of Old Lee Highway some 575 feet southwest of the intersection of the southeast line of Old Lee Highway with the northwest line of Green Shanty Road, said point also being the intersection of the southeast line of Old Lee Highway with the Chattanooga City Limit line, thence northwest 100 feet




9335 3-1-90

with said city limit line to the northwest line of Old Lee Highway, thence with Old Lee Highway northeast some 1090 feet, southeast some 15 feet, and northeast, southeast, and northeast some 4400 feet to the northeast line of Apison Pike (if extended), thence southeast some 1650 feet with Apison Pike, thence southwest 60 feet to the southwest line of Apison Pike, said point being 500 feet southeast of the intersection of the southwest line of Apison Pike with the southeast line of Pattentown Road, thence southwest at a right angle 300 feet, thence southeast and northeast some 1110 feet parallel to, and at all points 300 feet from, Apison Pike to the southwest line of a 100 foot T.V.A. transmission line easement, thence southeast some 1940 feet, with the southwest line of said easement to a point 500 feet (if measured at a right angle) southwest of the southwest line of Apison Pike, thence southeast some 1912 feet parallel to, and at all points 500 feet southwest of, the southwest line of Apison Pike to a point in the northwest line of the Barnie Joe and Darlene Hagan property, thence with Hagan's property lines southwest some 100 feet, southeast some 15 feet, southwest some 200 feet, southeast some 405 feet, southwest some 104 feet, southeast some 275 feet, and northeast some 320 feet to the Collegedale City Limit line, thence with said city limit line southeast some 1290 feet and southwest some 1390 feet, thence leaving said city limit line and continuing southwest some 3610 feet to the southwest line of the W. A. Varnell property, thence northwest some 1460 feet with Varnell's southwest line to the southeast line of property owned by the City of Chattanooga, thence with the City's property lines southwest some 1780 feet, northwest some 1330 feet, northeast some 710 feet, northwest some 420 feet, northeast some 900 feet, southeast some 430 feet, northeast some 425 feet, southeast some 750 feet, northeast some 260 feet, northwest some 270 feet, northeast some 410 feet, and northwest some 2420 feet to the northeast line of Woodland Drive, thence northwest some 670 feet with Woodland Drive, thence with the City's property lines northeast some 990 feet, northwest some 215 feet, northeast some 215 feet, northwest some 230 feet, southwest some 580 feet, northwest some 180 feet, southwest some 40 feet, northwest 103.4 feet, southwest some 22 feet, northwest some 425 feet, northeast some 265 feet, northwest some 210 feet, southwest some 310 feet, northwest some 220 feet, northeast some 420 feet, southeast some 40 feet, southwest some 170 feet, southeast some 560 feet, northeast some 315 feet, northwest some 575 feet, and northeast some 330 feet to the northeast corner of the property owned by Celestine Maston said point being in the southwest line of property owned by Elbert L. and Lorine F. Fox, thence with Fox's property lines northwest some 780 feet, northeast some 640 feet, and northwest some 855 feet to the southeast line of Pattentown Road, thence northeast some 515 feet with Pattentown Road to the southwest line of Apison Pike, thence crossing Pattentown Road and continuing northwest with Apison Pike some 1100 feet to the southeast line of Old Lee Highway, thence with Old Lee Highway southwest, northwest, and southwest some 4400 feet, northwest some 15 feet, and southwest some 1090 feet to the Chattanooga City Limit line, the point of beginning.

SECTION 2. This Ordinance shall be effective two weeks from and after its passage as provided by law.

PASSED on Third and Final

Reading 3/1/90


COMMISSIONER

MAM:cjc


MAYOR

1ST READING 11-23-10
2ND READING _____
INDEX 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, 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 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 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 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 Pattentown Road; thence southwesterly following the eastern

boundary of Pattentown 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 Pattentown 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

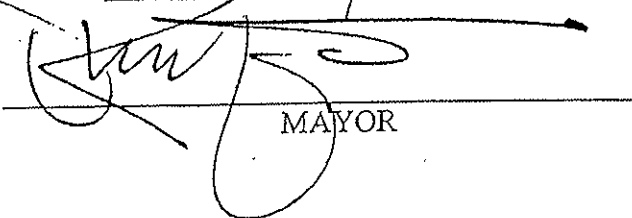
November 30, 2010.



CHAIRPERSON

APPROVED: DISAPPROVED:

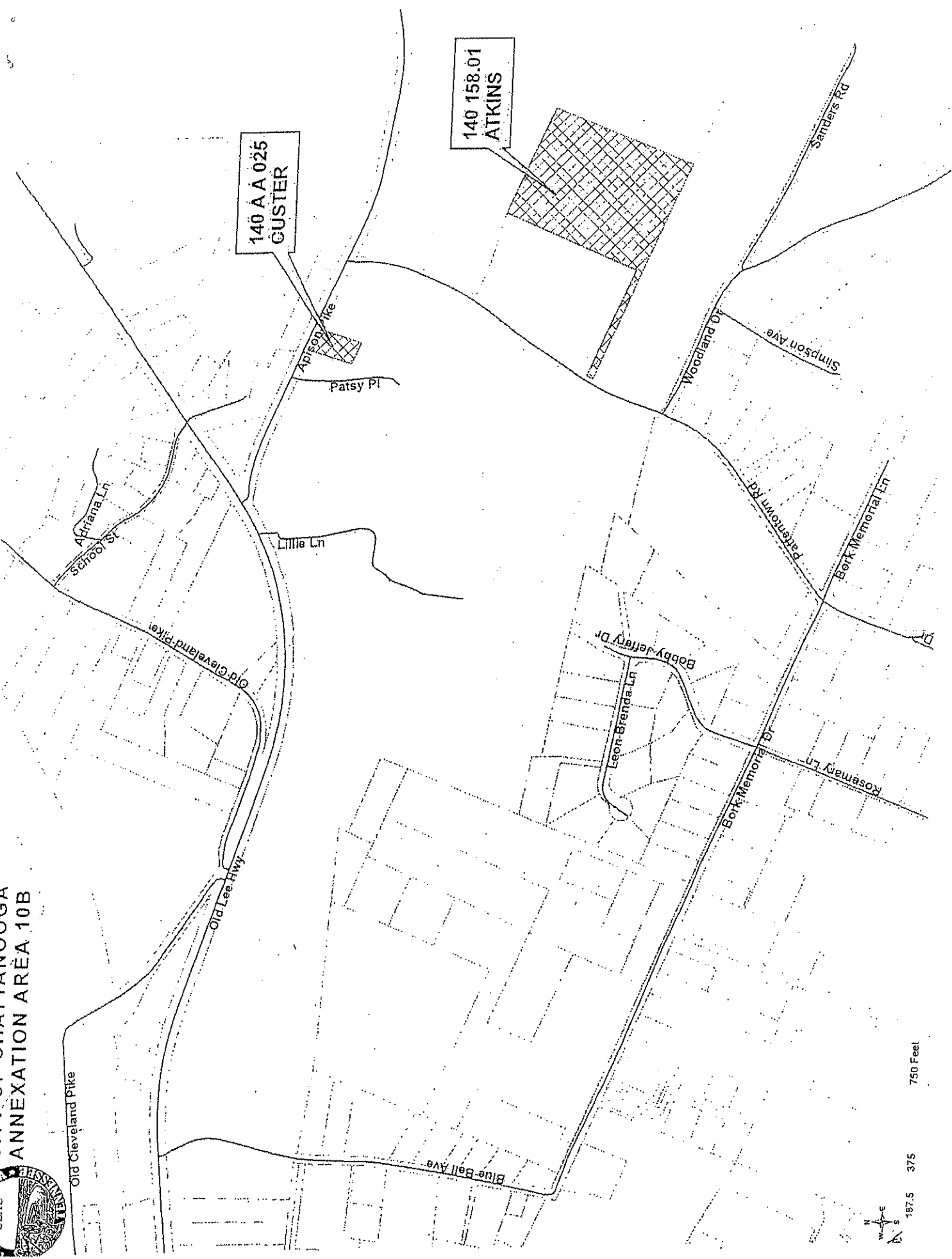
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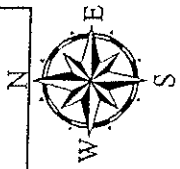
MAYOR

PAN/kac

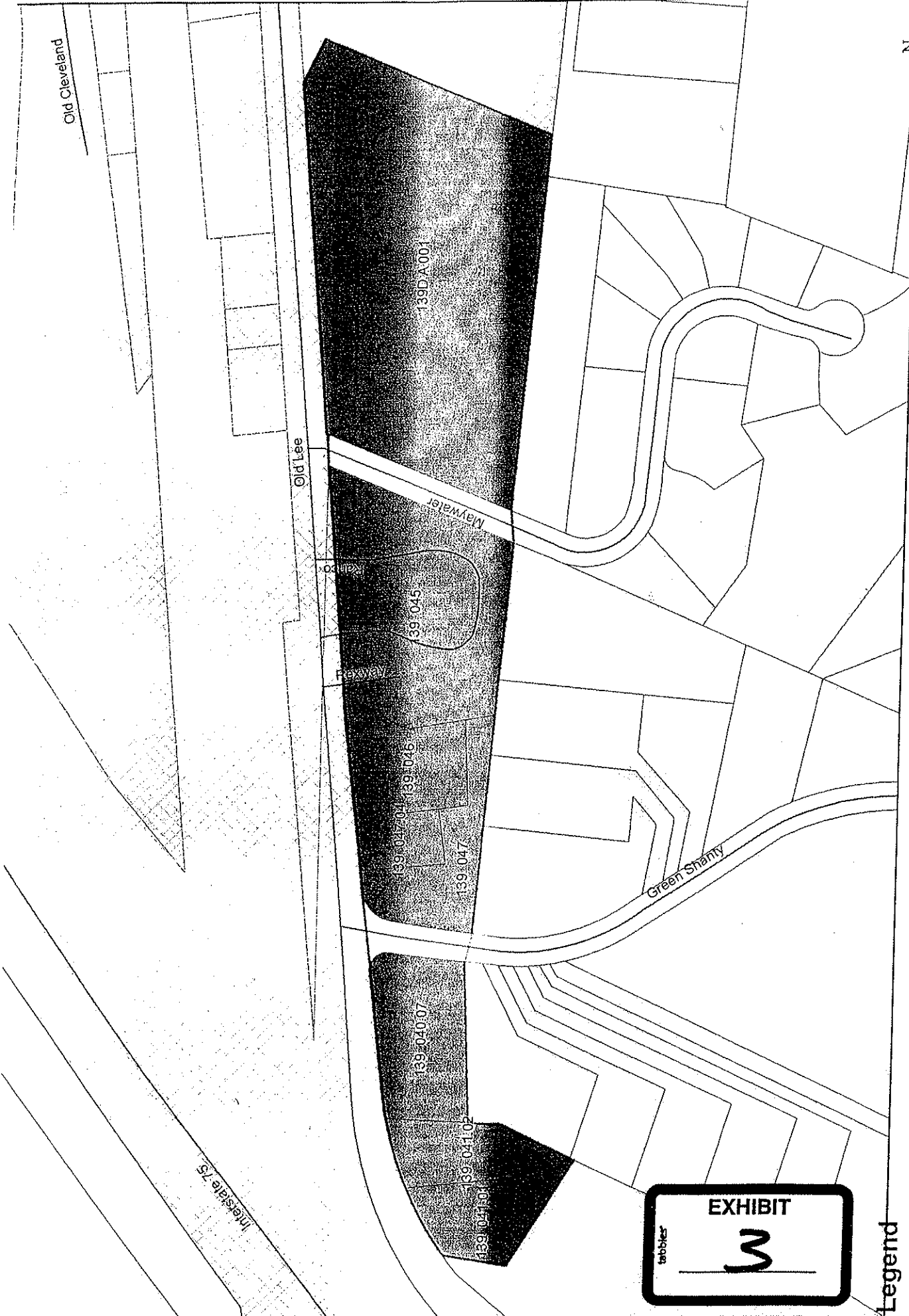
CITY OF CHATTANOOGA
ANNEXATION AREA 10B



187.5 375 750 Feet



Annexation Zone 10 A



Legend

- Chattanooga
- roads
- Chattanooga UGB
- Zone 10 A parcels
- 10 a area

VILLAGE OF CHATTAHOOCHEE
ANNEXATION AREA 10B



187.5 375 750 Feet