

First Reading: June 9, 2015
Second Reading: June 16, 2015

ORDINANCE NO. 12959

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 MAP NOS. 120E-A-001 AND 120E-A-005, TO THIS ORDINANCE LOCATED IN HAMILTON COUNTY, TENNESSEE, OWNED BY CORNERSTONE AUTO BROKERS, LLC; BARBARA MOSS BEVILLE; RAY E. MOSS, III; AND JAMES WOODRUFF, 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 Petitions executed by Barbara Moss Beville; Ray E. Moss, III; and James Woodruff and dated February 12, 2015, and by Cornerstone Auto Brokers, LLC dated February 9, 2015, are 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 April 30, 2015, as required by law; and

WHEREAS, the Clerk of the Council gave notice of a public hearing on May 25, 2015, with reference to the annexation of the herein described territory, to be held June 9, 2015, at 6:00 p.m., which notice was published in the daily newspaper of Chattanooga, Tennessee at least fifteen (15) days before June 9, 2015; 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. § 6-51-122, 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 Hamilton County, Tennessee, owned by Cornerstone Auto Brokers, LLC; Barbara Moss Beville; Ray E. Moss, III; and James Woodruff, lying contiguous to the present corporate limits, as shown on the attached map, and described as follows:

Tax Map No. 120E-A-001

SITUATED in the City of Chattanooga, Hamilton County, Tennessee, being known as a parcel of land conveyed to Ray E. Moss, III by deed recorded in instrument 2008120200048 in the Hamilton County Register of Deeds Office and is further bounded and described as follows:

BEGINNING at the Southwesterly corner of land conveyed to SunTrust Bank, TR Frances C. Cannon Irrevocable Family Trust Parcel 5, recorded by deed in Instrument 2008120300052 in the Hamilton County Register of Deeds Office also being a Northwesterly corner of land conveyed to SunTrust Bank, TR. Frances C. Cannon Irrevocable Family Trust Parcel 6, in instrument 2008120300052 in the Hamilton County Register of Deeds Office also being Northeasterly corner of land conveyed to SunTrust Bank, TR. Frances C. Cannon Irrevocable Family Trust Parcel 8, in instrument 20081203000052 in the Hamilton County Register of Deeds Office.

THENCE along a Northerly line of said Parcel 8 North 64°37'11" West a distance of 408.71 feet to an iron rebar found at a Northwesterly corner of said parcel 8; thence North 22°17'05" East a distance of 185.68 Feet; thence North 56°09'45" East a distance of 791.42 feet to a point in a Westerly line of land conveyed to SunTrust Bank, TR. Frances C. Cannon Irrevocable Family Trust, Parcel 3, Recorded by Deed in Instrument 2008120300052 in the Hamilton County Register of Deeds Office; thence along Westerly lines of lands conveyed to said parcel 3, Alvin F. Cannon by deed recorded in instrument 2004102900146 in the Hamilton County Register of Deeds Office, SunTrust Bank, TR. Frances C. Cannon Irrevocable Family Trust, Parcel 4, by deed in instrument 2008120300052 in the Hamilton County Register of Deeds Office and said parcel 5 South 24°28'23" West a distance of 865.44 feet to the principal place of beginning containing 217,790 SQ. FT. or 5.00 acres (more or less) of land.

Tax Map No. 120E-A-005

CORNERSTONE AUTO BROKERS, LLC TRACT 2

SITUATED in the City of Chattanooga, Hamilton County, Tennessee, being known as a parcel of land conveyed to Cornerstone Auto Brokers, LLC, Tract 2, by deed recorded in instrument 20005060300333 in the Hamilton County Register of Deeds Office and is further bounded and described as follows:

BEGINNING at an iron rebar at a Northeasterly corner of land so conveyed to Cornerstone Auto Brokers, LLC. Tract 1 said Iron rebar lying in a Westerly right-of-way of Hickory Valley Road (width varies).

THENCE along a Northerly line of said Tract 1, North 68°27'10" West a distance of 266.63 feet to an iron rebar found at a Southeasterly line of land conveyed to SunTrust Bank, TR, Frances C. Cannon Irrevocable Family Trust 4 by a deed recorded in instrument 2008120300052 in the Hamilton County Register of Deeds Office; thence along an Easterly line of land so conveyed to SunTrust Bank, TR Frances C. Cannon Irrevocable Trust Parcel 4 North 21°28'20" East a distance of 75.08 feet to an iron rebar found at a Southeasterly corner thereof; thence along a Southerly line of land so conveyed to SunTrust Bank, TR Frances C. Cannon Irrevocable Trust Parcel 4 South 68°27'09" East a distance of 246.93 feet to an iron rebar found in said Westerly right-of-way; thence along said Westerly right-of-way South 06°46'36" West a distance of 77.64 feet to the place of beginning containing 19,279.26 SQ.FT. or 0.44 acres (more or less) of land.


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.

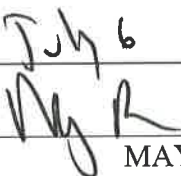
SECTION 3. BE IT FURTHER ORDAINED, That the proposed plan of services attached hereto, pursuant to T.C.A. § 6-51-102(b), as amended, is adopted as the plan of services for this annexation area and such plan shall be implemented in accordance with the term periods of implementation contained therein.

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. § 6-51-122(a)(2)(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: June 16, 2015.



CHAIRPERSON
APPROVED: DISAPPROVED:
DATE: July 6, 2015.


MAYOR

/mem

PROPOSED PLAN OF SERVICES
IN ACCORDANCE WITH
TENNESSEE CODE ANNOTATED § 6-51-122(a)(1)(B)

The City Council of the City of Chattanooga, Tennessee hereby proposes the following Plan for Provision of Services for certain property located on Highway 58 and North Hickory Valley Road, lying contiguous to the present corporate limits of the City of Chattanooga, Tennessee, owned by Cornerstone Auto Brokers, LLC; Barbara Moss Beville, Ray E. Moss, III and James Woodruff, which are shown on the attached map and described as follows:

Tax Map No. 120E-A-001

SITUATED in the City of Chattanooga, Hamilton County, Tennessee, being known as a parcel of land conveyed to Ray E. Moss, III by deed recorded in instrument 2008120200048 in the Hamilton County Register of Deeds Office and is further bounded and described as follows:

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THENCE along a Northerly line of said Parcel 8 North 64°37'11" West a distance of 408.71 feet to an iron rebar found at a Northwesterly corner of said parcel 8; thence North 22°17'05" East a distance of 185.68 Feet; thence North 56°09'45" East a distance of 791.42 feet to a point in a Westerly line of land conveyed to SunTrust Bank, TR. Frances C. Cannon Irrevocable Family Trust, Parcel 3, Recorded by Deed in Instrument 2008120300052 in the Hamilton County Register of Deeds Office; thence along Westerly lines of lands conveyed to said parcel 3, Alvin F. Cannon by deed recorded in instrument 2004102900146 in the Hamilton County Register of Deeds Office, SunTrust Bank, TR. Frances C. Cannon Irrevocable Family Trust, Parcel 4, by deed in instrument 2008120300052 in the Hamilton County Register of Deeds Office and said parcel 5 South 24°28'23" West a distance of 865.44 feet to the principal place of beginning containing 217,790 SQ. FT. or 5.00 acres (more or less) of land.

Tax Map No. 120E-A-005

CORNERSTONE AUTO BROKERS, LLC TRACT 2

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THENCE along a Northerly line of said Tract 1, North 68°27'10" West a distance of 266.63 feet to an iron rebar found at a Southeasterly line of land conveyed to SunTrust Bank, TR, Frances C. Cannon Irrevocable Family Trust 4 by a deed recorded in instrument 2008120300052 in the Hamilton County Register of Deeds Office; thence along an Easterly line of land so conveyed to SunTrust Bank, TR Frances C. Cannon Irrevocable Trust Parcel 4 North 21°28'20" East a distance of 75.08 feet to an iron rebar found at a Southeasterly corner thereof; thence along a Southerly line of land so conveyed to SunTrust Bank, TR Frances C. Cannon Irrevocable Trust Parcel 4 South 68°27'09" East a distance of 246.93 feet to an iron rebar found in said Westerly right-of-way; thence along said Westerly right-of-way South 06°46'36" West a distance of 77.64 feet to the place of beginning containing 19,279.26 SQ.FT. or 0.44 acres (more or less) of land.

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.

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.

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's fire prevention bureau and its arson investigation unit 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 and 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 National Fire Underwriters' Association. As additional water lines are extended into the annexation area, 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 Mayor and the City Council.

4. Within six (6) months after annexation, a study will be completed to determine the need for the establishment of a fire substation in or near 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

The same regular refuse collection now provided by the City will be extended to the annexed area on the effective date of annexation.

E. ROAD AND STREET CONSTRUCTION AND REPAIR; SIGNS AND LIGHTING

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, will begin in the annexed area following the effective date of annexation.

3. Within six (6) months 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.

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. City planning will thereafter encompass the annexed area. Pending a review of the zoning by the Chattanooga-Hamilton County Regional Planning Agency and the City, the property shall be reclassified to a temporary classification pursuant to Article X, Section 100 of the City's Zoning Ordinance consistent with zoning classifications of this property in Hamilton County.

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 the residents of the annexed area.

2. Summer recreation programs such as softball tournaments and Little League will be made available to all residents.

H. WATER SYSTEM

Water for domestic, commercial and industrial uses will continue to be provided to residents of the newly annexed area by the Eastside Utility District.

I. ELECTRICAL SERVICE

Electricity for domestic, commercial and industrial uses 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

Chattanooga now provides inspection and code enforcement services (building, electrical, plumbing, gas, and better housing) to all areas of the City. These same services will be provided to the newly annexed area when it becomes a part of the municipality.

L. ANIMAL CONTROL

The Chattanooga Animal Services provides the services of animal control 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.

PETITION

We, BARBARA MOSS BEVILLE, JAMES WOODRUFF and RAY E. MOSS, III, the owners of a tract of property in Hamilton County, Tennessee, more fully described as follows:

Tax Map No. 120E-A-001

SITUATED in the City of Chattanooga, Hamilton County, Tennessee, being known as a parcel of land conveyed to Ray E. Moss, III by deed recorded in instrument 2008120200048 in the Hamilton County Register of Deeds Office and is further bounded and described as follows:

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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 § 6-51-122(a)(1)(B).

This the 12 day of February, 2015.


RAY E. MOSS, III


BARBARA MOSS BEVILLE


JAMES WOODRUFF

61299209.1

PETITION

CORNERSTONE AUTO BROKERS, the owner of a tract of property in Hamilton County, Tennessee, more fully described as follows:

Tax Map No. 120E-A-005

CORNERSTONE AUTO BROKERS, LLC TRACT 2

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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 § 6-51-122(a)(1)(B).

This the 9th day of Feb., ~~2014~~ 2015

CORNERSTONE AUTO BROKERS

By: William F. Ingram
WILLIAM F. INGRAM
OWNER/Managing Member

To: Chattanooga Hamilton County Regional Planning Commission
From: Chattanooga-Hamilton County Regional Planning Agency
Date: April 30, 2015
Re: Report on Plan of Service for City of Chattanooga Proposed Cornerstone Brokers
LLC Annexation Area (Near Hickory Valley Road and Highway 58 intersection)

Scope:

The Chattanooga-Hamilton County Regional Planning Agency has reviewed the proposed annexation for Tax Map Parcel Nos. 120E-A-001 and 120E-A-005 which is being considered for annexation pursuant to authority granted by the State of Tennessee in T.C.A. Secs. 6-51-101 and following. The Regional Planning Agency acts as staff to the Chattanooga-Hamilton County Regional Planning Commission.

It should be noted that the scope of this Report is delimited by and prepared in accordance with the strictures of T.C.A. Sec. 6-51-102(b). Specifically, it is not the province of the Planning Commission to pass on or even to comment on whether the Plan of Annexation is lawful or appropriate. That determination is left to the City of Chattanooga City Council. Rather, the Planning Commission reports only on the reasonableness of the proposed Plan of Service for the areas considered for annexation.

The Regional Planning Agency has reviewed and considered the Urban Growth Plan, the Proposed Plans of Service and attached maps, and their professional knowledge or inspection of the subject areas in making this Report.

Recommendation:

The proposed annexation area is not contained within the City of Chattanooga's Urban Growth Boundary/Master Interlocal Agreement as agreed to in May 2001. However, this area is contiguous to the current City of Chattanooga boundary.

The Regional Planning Agency finds that the proposed Plan of Service is reasonable and meets the letter and spirit of the governing statutory standard set forth in T.C.A. Sec. 6-51-102(b).

The Plan of Services includes a reasonable implementation schedule for the delivery of comparable services in the annexation area with respect to the services provided to all residents of the City of Chattanooga. The implementation schedule addresses both the timing of the delivery of services and the immediate action items. Services will be delivered upon adoption or within a reasonable period of time (6 months to 3 years, depending on the service) following annexation. It appears that the City will be able to provide the same level of service to the annexation area as it does to the rest of the City and that, in doing so, it will not diminish the level of service to the rest of the City.

Additional fire protection, police protection, storm water management, refuse collection, street maintenance and clearing, traffic signs and control devices, zoning, inspection and code enforcement, animal control, and recreational facilities and programs access will be

to the benefit of the area proposed for annexation. Water and electric services are being provided by other entities as detailed and will not be affected by implementation of the proposed Plan of Service.

Sewer service provision is as detailed in the Urban Growth Plan Master Interlocal Agreement and outline in Section J of the Plan of Services. If the Hamilton County Water and Wastewater Treatment Authority (WWTA) cedes its service area within thirty (30) days of annexation, the City of Chattanooga will provide sewer service to the annexed area within three (3) years of the effective date of annexation. If the sewer service for properties is not ceded by WWTA, sewer service provision shall be the responsibility of WWTA.

PURCHASE TRACTS

SELLER RETAINED PROPERTY

120EA-001
BARBARA BEVILLE
±5.00 AC

120EA-010
SUNTRUST BANK TRUSTEE
±2.33 AC

120EA-11.01
WILLIAM, DONALD &
BEVERLY VOILES
±0.92 AC

120EA-009
SUNTRUST BANK TRUSTEE
±0.43 AC

120EA-008
ALVIN CANNON/SUNTRUST
±0.21 AC

120EA-6.01
SUNTRUST BANK TRUSTEE
±1.65 AC

120EA-007
SUNTRUST BANK TRUSTEE
±1.42 AC

120EA-006
CORNERSTONE
±0.87 AC

120EA-005
CORNERSTONE
±0.44 AC

120EA-004
SUNTRUST BANK TRUSTEE
±3.86 AC

120EA-003
ALVIN CANNON/SUNTRUST
±2.21 AC

120EA-002
SUNTRUST BANK TRUSTEE
±2.46 AC

HICKORY VALLEY RD



NOT TO SCALE

NWC HIGHWAY 58 & HICKORY VALLEY ROAD
CHATTANOOGA, TENNESSEE

EXHIBIT A