10/16/12

ORDINANCE NO. _____

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 NO. 132A-A-026 TO THIS ORDINANCE LOCATED IN HAMILTON COUNTY, TENNESSEE, OWNED BY BARRIER PROPERTIES, LLC d/b/a CAMBRIDGE SQUARE 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 Barrier Properties, LLC d/b/a Cambridge Square and dated July 5, 2012, 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 August 13, 2012, as required by law; and

WHEREAS, the Clerk of the Council gave notice of a public hearing on September 4, 2012, with reference to the annexation of the herein described territory, to be held October 9, 2012, at 6:00 p.m., which notice was published in the daily newspaper of Chattanooga, Tennessee at least fifteen (15) days before October 9, 2012,; 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, owned by Barrier Properties, LLC, d/b/a Cambridge Square, lying contiguous to the present corporate limits, as shown on the attached map, and described as follows:

CAMBRIDGE SQUARE

Proposed Annexation Area

Being a portion of the W. L. Hall's Subdivision as shown in Plat Book 15, Page 35 (ROHC), Registers Office Hamilton County Tennessee and more particularly described as follows:

To find the TRUE POINT OF BEGINNING, begin at the eastern most corner of Lot 1, Final Plat of Ooltewah Church of Christ's Resubdivision, Lot 1, as shown in Plat Book 35, Page 388 ROHC; thence along the northern line of said lot 1 N 66-58-38 W, a distance of 227.11 feet to a point being 42.89 feet southeast of the northern most corner of lot 1 being the TRUE POINT OF BEGINNING; thence N 66-58-38 W, a distance of 42.89 to said corner; thence N 66-45-33 W, a distance of 224.91 feet to a point; thence S 23-16-12 W, a distance of 58.31 feet to a point; thence N 66-43-48 W, a distance of 116.26 feet to a point; thence N 23-01-08 E, a distance of 96.22 feet to a point; thence S 66-53-05 E, a distance of 384.32 feet to a point; thence S 23-01-08 W, a distance of 38.65 feet to the TRUE POINT OF BEGINNING. Containing 0.49 acres more or less.

Tax Map Parcel No. 132A-A-026

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

_____, 2012.

_____
CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012.

_____
MAYOR

KOF/mms

PETITION

WE, BARRIER PROPERTIES, LLC, the sole owner of a tract of property in Hamilton County, Tennessee, more fully described as follows:

Tax Map No. 132A-A-026

See Exhibit "A" attached to this Petition.

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 5th day of July, 2012.

BARRIER PROPERTIES, LLC

By: David A Schlitt

PROPOSED PLAN OF SERVICES
IN ACCORDANCE WITH
TENNESSEE CODE ANNOTATED § 6-51-102
BARRIER PROPERTIES, LLC, TAX MAP NO. 132A-A-026
CONTAINING APPROXIMATELY 0.33 ACRES

The City Council of the City of Chattanooga, Tennessee hereby proposes the following Plan for Provision of Services for certain property , containing approximately 0.33 acres, more or less in Hamilton County, Tennessee, lying contiguous to the present corporate limits of the City of Chattanooga, Tennessee, adjacent to Old Lee Highway, owned by Barrier Properties, LLC, d/b/a Cambridge Square, and described as follows:

CAMBRIDGE SQUARE

Proposed Annexation Area

Being a portion of the W. L. Hall's Subdivision as shown in Plat Book 15, Page 35 (ROHC), Registers Office Hamilton County Tennessee and more particularly described as follows:

To find the TRUE POINT OF BEGINNING, begin at the eastern most corner of Lot 1, Final Plat of Ooltewah Church of Christ's Resubdivision, Lot 1, as shown in Plat Book 35, Page 388 ROHC; thence along the northern line of said lot 1 N 66-58-38 W, a distance of 227.11 feet to a point being 42.89 feet southeast of the northern most corner of lot 1 being the TRUE POINT OF BEGINNING; thence N 66-58-38 W, a distance of 42.89 to said corner; thence N 66-45-33 W, a distance of 224.91 feet to a point; thence S 23-16-12 W, a distance of 58.31 feet to a point; thence N 66-43-48 W, a distance of 116.26 feet to a point; thence N 23-01-08 E, a distance of 96.22 feet to a point; thence S 66-53-05 E, a distance of 384.32 feet to a point; thence S 23-01-08 W, a distance of 38.65 feet to the TRUE POINT OF BEGINNING. Containing 0.49 acres more or less.

Tax Map Parcel No. 132A-A-026

All roads and accepted right of ways within the boundaries shown on the attached map for Barrier Properties, LLC, as described in Exhibit "A" to this Proposed Plan of Services, including all properties including all property described in Exhibit "A" which is owned by Barrier Properties, 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.

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 location of fire hydrants shall be determined. Additional required hydrants will be installed in those areas where water mains of adequate size are available within eighteen (18) months after annexation. 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 Eastside 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 in the discretion of the Fire Chief, subject to appropriation of required funds.

4. An Agreement for Automatic Aid (dual response) will be developed with Tri-County Community Fire Department within six (6) months after annexation and until such time as a new fire station can be constructed to assure the continued compliance with standards established by the Insurance Service Organization (ISO) 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.

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.

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 East Side 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 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.

AUG 2012

PLAN OF SERVICES REPORT- ANNEXATION

Prepared by the Regional Planning Agency

BARRIER PROPERTIES, LLC
201 West Main Street, Suite 205
Chattanooga, Tennessee 37408

June 13, 2012

Mike McMahan
City Attorney
City of Chattanooga
100 E. 11th Street, Suite 200
Chattanooga, Tennessee 37402

Re: Cambridge Square Annexation

Dear Mr. McMahan:

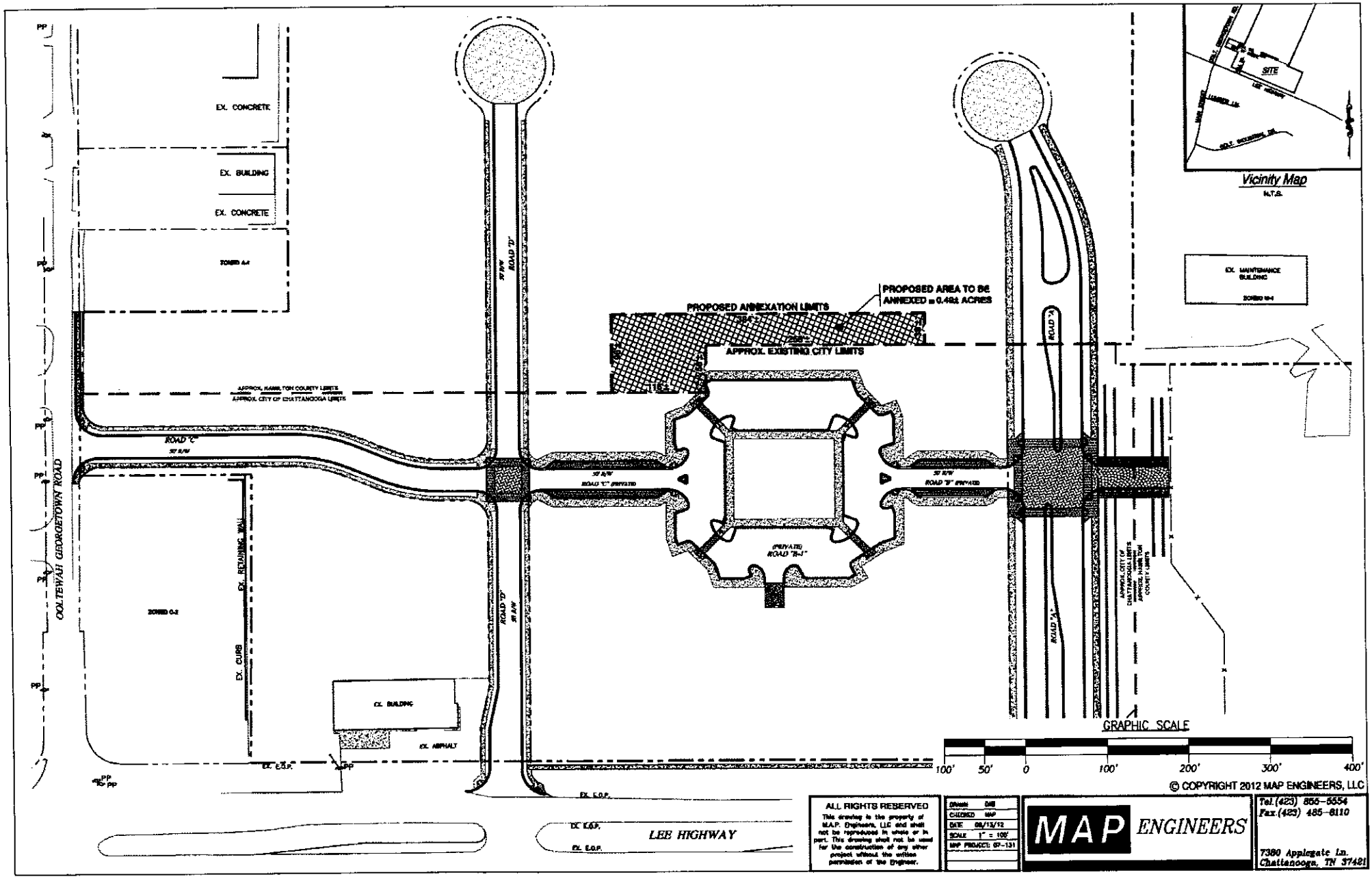
Barrier Properties, LLC is respectfully requesting that the City of Chattanooga consider the annexation of a portion of the property located at 0 Ooltewah Georgetown Road (Tax Parcel # 132A-A-026). Attached is an exhibit indicating the proposed area to be annexed which encompasses approximately 0.49± acres.

The area to be annexed is currently zoned M-1 and is bordered by UGC and M-1 zones. Commercial development of this property as well as surrounding properties is currently taking place. Contractors are working to install the public utilities for the development. Existing utility companies servicing the development are: Eastside Utility District, Hamilton County WWTA, EPB, AGL (Chattanooga Gas), Centurylink, and Comcast.

We greatly appreciate your consideration with this request, and should you have any questions please contact me at (423) 756-0611.

Sincerely,

David A. Belitz



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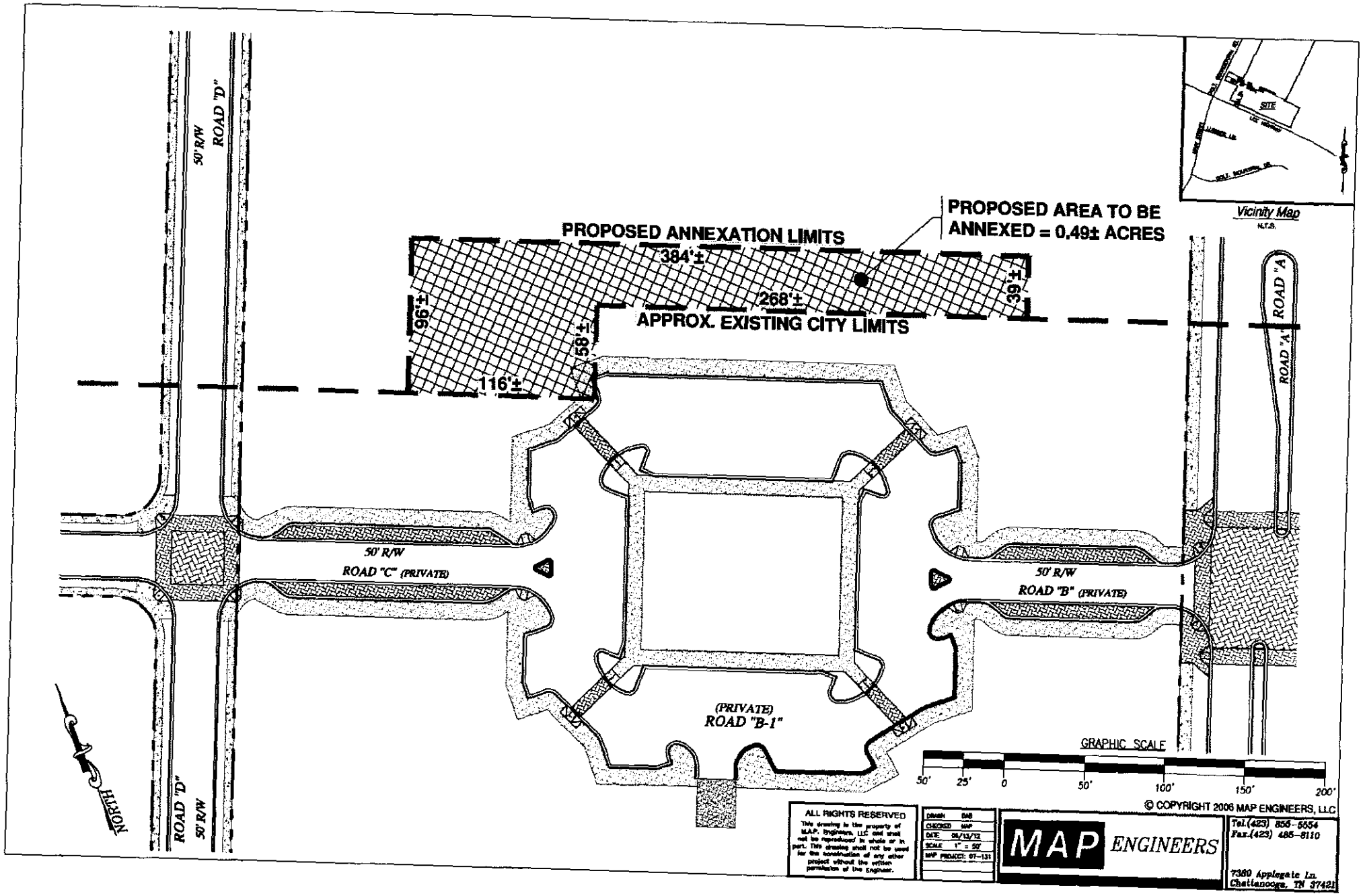
DRAWN	DAB
CHECKED	MAP
DATE	08/13/12
SCALE	1" = 100'
MAP PROJECT:	07-131

MAP ENGINEERS

Tel.(423) 855-5554
Fax.(423) 485-8110
7380 Applegate Ln.
Chattanooga, TN 37421


PROPOSED ANNEXATION LIMITS
384'±
PROPOSED AREA TO BE ANNEXED = 0.49± ACRES
268'±
APPROX. EXISTING CITY LIMITS
96'±
58'±
116'±
39'±
50' R/W
ROAD "D"
ROAD "A"
ROAD "A"
50' R/W
ROAD "C" (PRIVATE)
50' R/W
ROAD "B" (PRIVATE)
(PRIVATE)
ROAD "B-1"
ROAD "D"
50' R/W
NORTH
GRAPHIC SCALE
50' 25' 0 50' 100' 150' 200'
SITE
Vicinity Map
N.T.S.
ALL RIGHTS RESERVED
This drawing is the property of M.A.P. Engineers, LLC and shall not be reproduced in whole or in part. This drawing shall not be used for the construction of any other project without the written permission of the Engineer.
DRAWN BAB
CHECKED MAP
DATE 06/13/12
SCALE 1" = 50'
MAP PROJECT: 07-131
MAP ENGINEERS
Tel.(423) 855-5554
Fax.(423) 485-8110
7380 Applegate Ln
Chattanooga, TN 37421
© COPYRIGHT 2006 MAP ENGINEERS, LLC

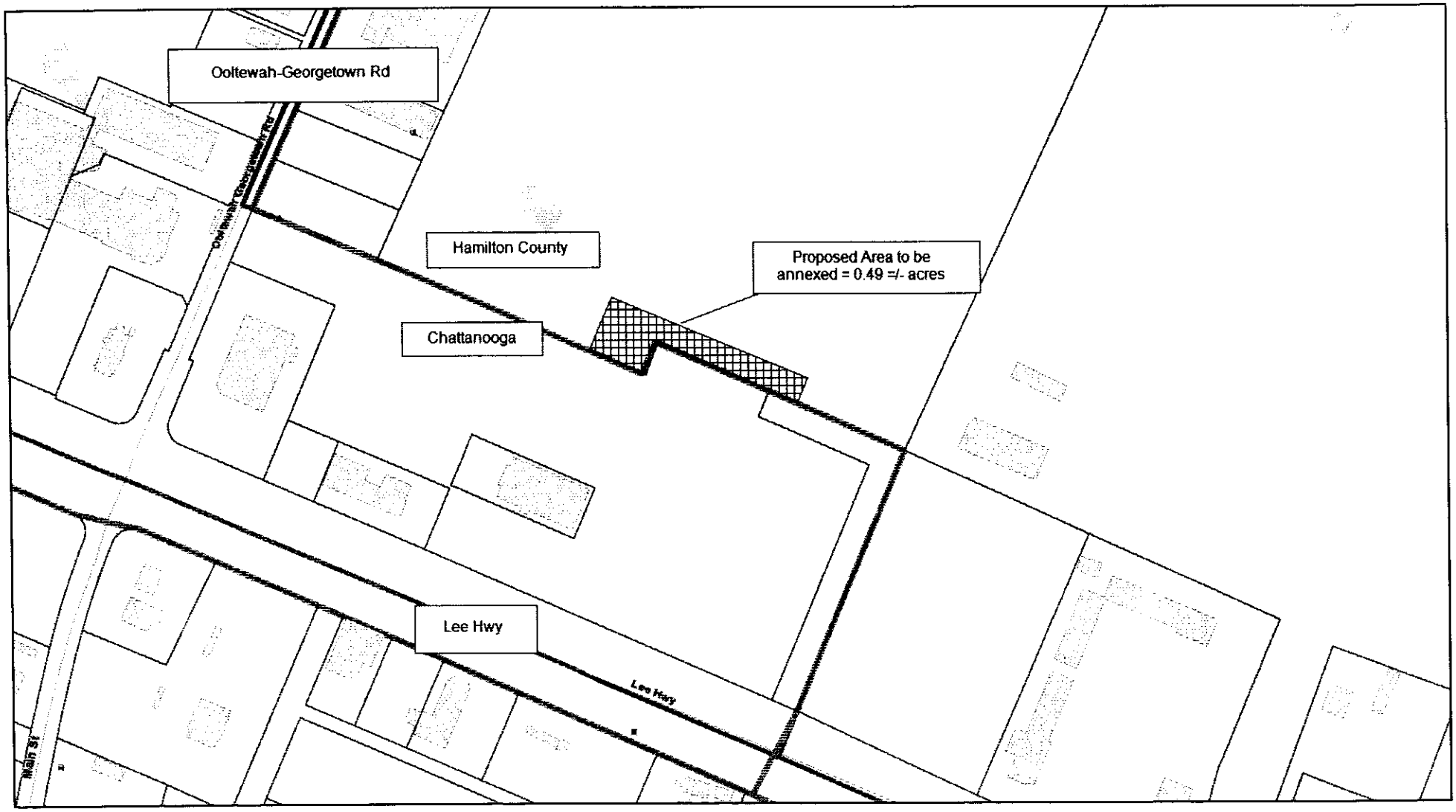
DESCRIPTION

CAMBRIDGE SQUARE

Proposed Annexation Area

Being a portion of the W. L. Hall's Subdivision as shown in Plat Book 15, Page 35 (ROHC), Registers Office Hamilton County Tennessee and more particularly described as follows:

To find the TRUE POINT OF BEGINNING, begin at the eastern most corner of Lot 1, Final Plat of Ooltewah Church of Christ's Resubdivision, Lot 1, as shown in Plat Book 35, Page 388 ROHC; thence along the northern line of said lot 1 N 66-58-38 W, a distance of 227.11 feet to a point being 42.89 feet southeast of the northern most corner of lot 1 being the TRUE POINT OF BEGINNING; thence N 66-58-38 W, a distance of 42.89 to said corner; thence N 66-45-33 W, a distance of 224.91 feet to a point; thence S 23-16-12 W, a distance of 58.31 feet to a point; thence N 66-43-48 W, a distance of 116.26 feet to a point; thence N 23-01-08 E, a distance of 96.22 feet to a point; thence S 66-53-05 E, a distance of 384.32 feet to a point; thence S 23-01-08 W, a distance of 38.65 feet to the TRUE POINT OF BEGINNING. Containing 0.49 acres more or less.



August 2, 2012

Cambridge Square Annexation Area

North

250 ft

Chattanooga Hamilton County Regional Planning Agency

Chattanooga-Hamilton County RPA Regional Planning Agency

To: Chattanooga Hamilton County Regional Planning Commission
From: Chattanooga-Hamilton County Regional Planning Agency
Date: August, 1, 2012
Re: Report on Plan of Service for City of Chattanooga Proposed Cambridge Square Annexation Area

Scope:

The Chattanooga-Hamilton County Regional Planning Agency has reviewed the proposed annexation for Tax Map No. 132A A 026 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 <u>not</u> contained within the City of Chattanooga's Urban Growth Boundary/Master Interlocal Agreement as agreed to in May 2001. 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 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.

A MOTION TO ADOPT THE WRITTEN REPORT OF THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY STAFF REGARDING THE REASONABLENESS OF THE SCOPE OF SERVICES TO BE PROVIDED AND THE TIMING OF SUCH SERVICES, AS REQUIRED BY T.C.A. § 6-51-102(b) FOR THE CAMBRIDGE SQUARE AREA FOR BARRIER PROPERTIES, LLC, TAX PARCEL NO. 132A-A-026

WHEREAS, the City of Chattanooga has provided a proposed Plan of Services to the Chattanooga-Hamilton County Regional Planning Commission which establishes the services to be delivered and the projected timing of services in accordance with T.C.A. § 6-51-102(b)(2); and

WHEREAS, the proposed Plan of Services includes, but is not limited to: police protection, fire protection, water service, electrical service, sanitary sewer service, solid waste collection, road and street construction and repair, recreational facilities and programs, street lighting, and zoning services; and

WHEREAS, it appears that the proposed Plans of Services provided for the Cambridge Square area for Barrier Properties, LLC, include a reasonable implementation schedule for the delivery of comparable services in the territory to be annexed with respect to the services delivered to all citizens of the municipality and properly excludes services that are being provided by other public agencies or private companies in the territories to be annexed as provided by T.C.A. § 6-51-102(b)(2); and

WHEREAS, the City of Chattanooga has submitted its proposed Plan of Services for areas provided to the Chattanooga-Hamilton County Regional Planning Commission for study and a written report in accordance with T.C.A. § 6-51-102(b)(4); and

WHEREAS, the staff of the Planning Commission has made a written report including recommendations with respect to the scope of services to be provided and the timing of such services in the boundary descriptions for the Cambridge Square area for Barrier Properties, LLC, Tax Parcel No. 132A-A-026;

NOW, THEREFORE,

IT IS MOVED that the Chattanooga-Hamilton County Regional Planning Commission should determine that the proposed Plan of Services for the Cambridge Square area for Barrier Properties, LLC, Tax Parcel No. 132A-A-026 includes a reasonable implementation schedule and includes all services required by statute and that the services included in all plans of services are reasonable as to the scope of the services to be provided and the timing of the services; and

IT IS FURTHER MOVED that the Chattanooga-Hamilton County Regional Planning Commission should adopt and approve the attached written report of the staff of the Chattanooga-Hamilton County Regional Planning Agency dated August 13, 2012, and forwarded on to the Chattanooga City Council.

Respectfully submitted,

_____

John Bridger, Secretary

Date of Adoption: August 13, 2012

JB:GH:sh