

12/11/12

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PAYMENT TO JOHN K. GRAY AND JANICE B. GRAY FOR A SANITARY SEWER EASEMENT RELATIVE TO CONTRACT NO. W-10-011, EAST BRAINERD ROAD SEWER RELOCATION PROJECT FOR TRACT NO. 8, PROPERTY LOCATED AT 1406 MORRIS HILL ROAD, FOR AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND NINE HUNDRED EIGHTY-ONE DOLLARS (\$17,981.00).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing payment to John K. Gray and Janice B. Gray for a sanitary sewer easement relative to Contract No. W-10-011, East Brainerd Road Sewer Relocation Project for Tract No. 8, Tax Map No. 171C-B-010, property located at 1406 Morris Hill Road, for an amount not to exceed \$17,981.00.

ADOPTED: _____, 2012

/mms

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: 11/8/12

Preparer: Dennis Malone

Department: Public Works

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # _____ Council District # 5

Council approval is requested to authorize payment to John K. Gray and Janice B. Gray, for a Sanitary Sewer Easement, relative to Contract W-10-011, East Brainerd Road Sewer Relocation Project, for Tract No. 8, property located at 1406 Morris Hill Road, Chattanooga, TN 37421, Tax Map No. 171C-B-010, in the amount not to exceed \$17,981.00.

Name of Vendor/Contractor/Grant, etc.	<u>John K. Gray & Janice B. Gray</u>	New Contract/Project? (Yes or No)	<u>No</u>
Total project cost \$	<u>17,981.00</u>	Funds Budgeted? (YES or NO)	<u>Yes</u>
Total City of Chattanooga Portion \$	<u>17,981.00</u>	Provide Fund	<u>6011</u>
City Amount Funded \$	<u>17,981.00</u>	Provide Cost Center	<u>K90152</u> ISS
New City Funding Required \$	<u>0.00</u>	Proposed Funding Source if not budgeted	_____
City's Match Percentage %	_____	Grant Period (if applicable)	_____

List all other funding sources and amount for each contributor.

Amount(s)	Grantor(s)
<u>17,981.00</u>	<u>TDOT</u>

Agency Grant Number _____

CFDA Number if known _____

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Approved by: _____

DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

Please submit completed form to @budget, City Attorney and City Finance Officer

Revised: 1/26/09

GRANTEE: City of Chattanooga
Department of Public Works
Development Resource Center
1250 Market Street, 2nd Floor
Chattanooga, Tennessee 37402

State Tax Map No. 171C
Group B
Tax Parcel No. 010

Project Parcel No. 8

MAIL TAX NOTICE TO: John K. And Janice B. Gray
1406 Morris Hill Road
Chattanooga, Tennessee 37421
Tax Map No. 171C, Group B, Parcel No. 010

FOR AND IN CONSIDERATION of the sum of Seventeen Thousand Nine Hundred And Eighty One Dollar (\$17,981.00) to be paid upon council approval, the receipt and sufficiency of which are hereby acknowledged, JOHN K. and JANICE B. GRAY, hereby referred to as GRANTORS, do hereby sell, bargain, transfer, and convey unto the CITY OF CHATTANOOGA, a municipal corporation, a permanent easement and temporary construction easement through, over, and under the hereinafter described portion of GRANTORS' property located in the 2nd Civil District of Hamilton County, Tennessee, to wit:

SITUATED at 1406 Morris Hill Road in the East Brainerd area of Hamilton County, Tennessee, and being approximately 360 feet north of East Brainerd Road on SE 1/4, SEC 18, TWP 1, R-2, and as described in the Deed of Record in Deed Book 8499, Page 878, in the Registrar's Office of Hamilton County, Tennessee, said easement being more particularly described as follows, to wit:

PERMANENT EASEMENT

East Brainerd Road Sewer Relocation
City of Chattanooga Contract No. W-10-011

Being an easement for the construction, installation, and maintenance of the above-mentioned East Brainerd Road Sewer Relocation (gravity sewer), said easement being 20 feet in width and extending along and parallel with the north property line and along and parallel with the drainage ditch on the east side of the lot from Morris Hill Road.

Said permanent easement being 514 feet, more or less, in total length and containing 10,275 square feet, more or less.

As shown on Drawing No. C11020-SE-5.0, dated April 2012, a copy of which is made a part hereof by attachment hereto.

TEMPORARY CONSTRUCTION EASEMENT

East Brainerd Road Sewer Relocation
City of Chattanooga Contract No. W-10-011

Being a temporary easement for the construction and installation of the above-mentioned East Brainerd Road Sewer Relocation, said easement being limited to an area 15 feet in width on the south and west sides of and to the drainage ditch on the east side of and running adjacent to and parallel with the above-described permanent easement a distance of 466 feet, more or less.

Said temporary construction easement containing 6,996 square feet, more or less, shall cease to be in effect 30 days after the City of Chattanooga accepts the sewer for use.

As shown on Drawing No. C11020-SE-5.0 dated April 2012, a copy of which is made a part hereof by attachment hereto.

ADDITIONAL TERMS

This is not a conveyance of the fee in said property, but only the rights, privileges, and easements herein set forth. This conveyance covers the underground gravity sewer as actually installed even though it may be at a reasonable variance with the above-mentioned drawings attached hereto.

Said City of Chattanooga agrees to see that the surface of the land is restored to as near the same condition as possible as it was before the construction or subsequent maintenance.

Said easement is conveyed for the purpose of permitting the City of Chattanooga to construct and/or maintain the aforementioned East Brainerd Road Sewer Relocation (gravity sewer) and appurtenances, and the hereinbefore recited considerations include any other incidental damages of any kind or nature that may now or hereafter result to said property as a result of the City of Chattanooga's constructing and/or maintaining the above-mentioned sewer and appurtenances on said easement.

GRANTORS agree to the purpose of said easement and shall provide the City of Chattanooga unobstructed access to said easement in order for the City of Chattanooga to carry out said purpose.

It is understood that the above-mentioned 20-foot easement will cross a vacant part of said property and that no buildings will be affected.

It is further understood that the GRANTORS shall be allowed to relocate a section or sections of the sewer from the alignment described hereinbefore should GRANTORS decide to install site improvements (structures and/or other facilities) along said alignment. Such relocation(s) shall be made solely at GRANTORS' expense, shall not diminish the carrying capacity of the gravity sewer, shall be installed with only short-term flow interruptions approved in advance by the City of Chattanooga, shall be constructed in complete compliance with the applicable facility construction standards of the City of Chattanooga, and shall be installed only after a revised easement document satisfactory to both parties shall be recorded for the new alignment.

It is understood that even though we, the grantors of this easement, will not be relocated, we have rights under the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL-91-646). We have been advised of these rights of appraisal and negotiation and waive any rights that we have under said act.

TO HAVE AND TO HOLD the above-described easement for sewer purposes unto the City of Chattanooga, its successors and assigns.

IN WITNESS, we have hereunto set our hands this 25 day of October, 2012.

JOHN K. GRAY John K. Gray

JANICE B. GRAY Janice B. Gray

STATE OF TENNESSEE §
COUNTY OF HAMILTON §

On this the 25th day of OCTOBER, 2012, before me personally appeared JOHN K. and JANICE B/GRAY, to me known (or proved to me on the basis of satisfactory evidence) to be the persons who executed the foregoing instrument, and acknowledged that they are the GRANTORS to execute the same and did so as their free act and deed.

WITNESS my hand and Notarial Seal.

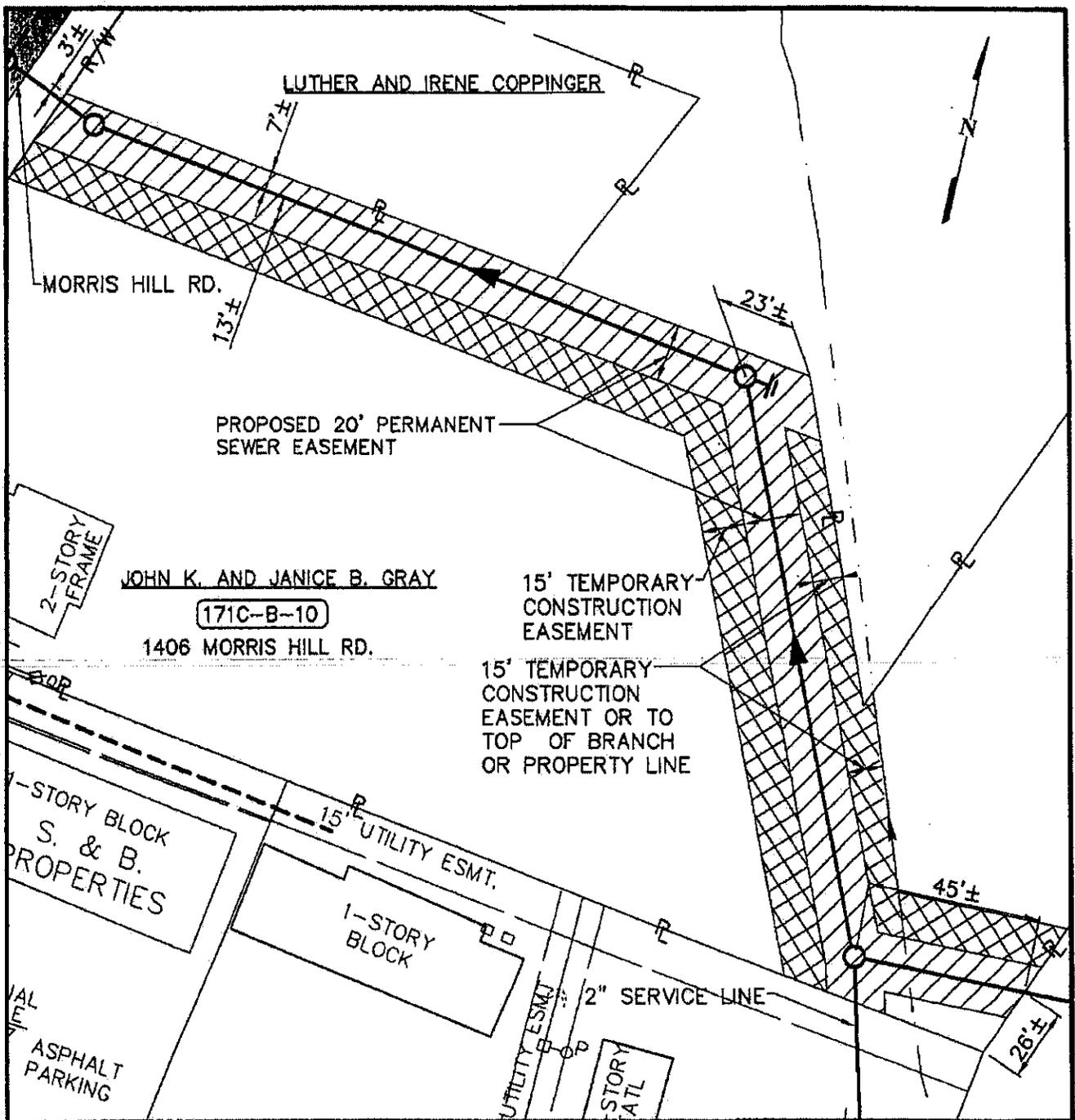
NOTARY PUBLIC

James K. Gutshall

My Commission Expires 2-4-2014
SEAL



CTI PROJECT: C11020 Chattanooga East Brainerd Rd Sewer,
 DRAWING: EASEMENTS (313743v19), LAYOUT: GRAY



Drawing of a portion of the Property of
 John K. and Janice B. Gray

Showing Proposed Easement

City of Chattanooga, Tennessee
 1250 Market Street, 2nd Floor
 Chattanooga, Tennessee 37402



Total Area (Sq. Ft.)

PERMANENT SEWER EASEMENT 10,941±
 TEMPORARY CONSTRUCTION EASEMENT 9,612±

TAX MAP: 171C	SCALE: 1" = 50'	REVISIONS
TOPO:	PROPERTY INFORMATION	DATE:
DEED BOOK: 8499 PAGE: 878	HAMILTON COUNTY TAX MAPS	
BLOCK: B PARCEL: 10		REV. OCTOBER 24, 2012
 CTI ENGINEERS, INC. ENGINEERS IN WATER AND EARTH SCIENCES CHATTANOOGA, TENNESSEE	PROJECT TRACT NO. 8	DATE: APRIL, 2012
		DRAWING NO. C11020-SE-5.1

**A SUMMARY APPRAISAL REPORT
OF A
REAL ESTATE APPRAISAL
OF
APPRAISAL ASSIGNMENT
TWO PROPOSED PERMANENT SANITARY SEWER EASEMENT PROJECTS
EAST BRAINERD ROAD @ HURRICANE CREEK ROAD
EAST BRAINERD ROAD @ McNICHOL LANE
CHATTANOOGA, HAMILTON COUNTY, TENNESSEE 37421**

AS OF

JUNE 20, 2012

Prepared for

**CITY OF CHATTANOOGA
100 EAST 11TH STREET
CHATTANOOGA, TN 37402**

Prepared by

**K. LAMAR THOMAS
ASSOCIATES IN REAL ESTATE
3500 RINGGOLD ROAD
CHATTANOOGA, TENNESSEE 37412**

SUMMARY ADJUSTED VALUE CHART FOR THE RESIDENTIAL SITES

ITEM	\$-S/F	\$-VALUE	ITEM	\$-S/F	\$-VALUE
High	\$2.87	\$38,369	Without High/Low	\$1.72	\$23,022
Mean	\$1.73	\$23,123	Without High	\$1.72	\$22,993
Low	\$0.82	\$10,908	Without Low	\$1.73	\$23,177
Std Dev	\$0.84	48.6%	Std Dev	\$0.01	0.4%

Using an estimate of \$1.75 per square foot for the proposed permanent sewer easement areas, the following chart offers a look at the combined resulting value as if available to be put to the defined highest and best use. Refer to the end of this section for individual value estimates per proposed permanent sewer easement areas.

COMBINED VALUE CHART FOR THE RESIDENTIAL SITES

ADJUSTED S/F	SQ FOOT	ADJUSTED S/F	AMOUNT
0.31	13,371	\$1.75	\$25,000 (R)

Note: The indicated value was not discounted for a marketing period that would extend beyond 12 months.

CONCLUDED VALUES FOR INDIVIDUAL PARCELS

TAX PARCEL	LOCATION	ZONING	EASEMENT - S/F	\$-AMOUNT
171B-C-014	8644 East Brainerd Road	C-2	7,304	\$63,910
171C-B-010	1406 Morris Hill Road	R-2A/A-1	10,275	\$17,981
171C-B-009.01	8709 East Brainerd Road	C-2	1,512	\$13,230
159O-A-026	8203 East Brainerd Road	R-1/R-2	3,096	\$5,418
171B-A-003	8244 East Brainerd Road	C-2/R-1	6,728	\$58,870
159O-A-033	8253 East Brainerd Road	C-2	1,674	\$14,648
		Total	30,589	\$175,000 (R)

The value estimates above do not include values for the loss of any existing improvements that cannot be reasonably replaced. There are, however, various existing site improvements or disturbance within the temporary easement areas that will require repair or replacement. The indicated value estimates here are exclusive of these items with the assumption that all repairs and replacements will be performed using good commercial grade materials and workmanship. Refer to the following chart for a list of these items, along with the corresponding site location. **Refer to Limiting Condition No. 18.**

LIST OF NOTED SITE IMPROVEMENTS

LOCATION	ITEMS
8644 East Brainerd Road	Asphalt Paving/Curbing
1406 Morris Hill Road	Grass and Natural Ground Cover
8709 East Brainerd Road	Grass
8203 East Brainerd Road	Grass
8244 East Brainerd Road	Grass
8253 East Brainerd Road	Possible Removal of shrubs and trees