

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PAYMENT TO DAVID AND JACQUELYN ROGERS, FOR A RIGHT-OF-WAY EASEMENT, RELATIVE TO CONTRACT NO. E-11-017, NORTH SEMINOLE DRIVE IMPROVEMENTS FOR TRACT NO. 1, PROPERTY LOCATED AT 409 N. SEMINOLE DRIVE, CHATTANOOGA, TN 37411, TAX ID NO. 146L-L-027, FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND THREE HUNDRED FORTY-FOUR DOLLARS (\$2,344.00).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing payment to David and Jacquelyn Rogers, for a right-of-way easement, relative to Contract No. E-11-017, North Seminole Drive Improvements for Tract No. 1, property located at 409 N. Seminole Drive, Chattanooga, TN 37411, Tax ID No. 146L-L-027, for an amount not to exceed \$2,344.00.

ADOPTED: _____, 2013

/mms

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: 7/30/12

Preparer: Dennis Malone

Department: Public Works

Brief Description of Purpose for Resolution/Ordinance:

Res./Ord. # _____ Council District # 9

Council approval is requested to authorize payment to David and Jacquelyn Rogers, for a Right-of-Way Easement, relative to Contract E-11-017, North Seminole Drive Improvements, for Tract No. 1, property located at 409 N. Seminole Drive, Chattanooga, TN 37411, Tax ID No. 146L-L-027, in the amount not to exceed \$2,344.00.

Name of Vendor/Contractor/Grant, etc.	David Rogers & Jacquelyn Rogers	New Contract/Project? (Yes or No)	No
Total project cost \$	2,344.00	Funds Budgeted? (YES or NO)	Yes
Total City of Chattanooga Portion \$	2,344.00	Provide Fund	4016
City Amount Funded \$	2,344.00	Provide Cost Center	K12142
New City Funding Required \$	0	Proposed Funding Source if not budgeted	
City's Match Percentage %		Grant Period (if applicable)	

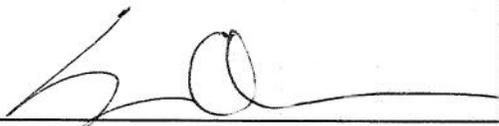
List all other funding sources and amount for each contributor.

Amount(s)	Grantor(s)
\$	

Agency Grant Number _____

CFDA Number if known _____

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

Approved by: 

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

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

Revised: 1/26/09

David and Jacquelyn Rogers
409 North Seminole Drive
Chattanooga, Tennessee 37411

THIS INSTRUMENT PREPARED BY:
City of Chattanooga
Engineering Division
Room 201, City Hall
Chattanooga, Tennessee 37402

Property No. 146L-L-027
Tract No. 1

TEMPORARY CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION

IN CONSIDERATION OF TWO THOUSAND THREE HUNDRED AND FORTY FOUR DOLLARS (\$2,344.00), to be paid upon Council approval, we, David and Jacquelyn Rogers, hereby referred to as GRANTORS, the undersigned owners of Property No. 146L-L-027, located at 409 North Seminole Drive in the City of Chattanooga, Tennessee, do hereby sell, bargain, transfer and convey unto the City of Chattanooga, a municipal corporation, a temporary construction easement and permanent right-of-way acquisition through, over and under, hereinafter described portion of GRANTORS' property to improve portion of said property with a turnaround as shown plan and profile, File No. E-11-017, on file in the office of the City Engineer, and for that purpose, grant a Temporary Construction Easement and Right-of-Way Acquisition on said lot for the necessary construction associated with a Turnaround, Wall and appurtenances to bring said turnaround to the grade as shown on the aforesaid plan and profile, all as shown on the attached plat with said easement being more particularly described as follows:

SITUATED in the City of Chattanooga, Hamilton County, Chattanooga, Tennessee, and being known and designated as Lot 2 of the West Ensign Subdivision, as shown on the map of the same as recorded in Plat Book 44, Page 89, also being the same property referenced as Tax Map No. 146L-L-027, in the office of the Register of Hamilton County, Tennessee. Said easement being more particularly described as follows, to wit:

COMMENCE AT A POINT which is the northeastern corner of Lot 2 referenced as Tax Map No. 146L-L-027, as referenced by Warranty Deed of record in Book 8668 page 922, said point being marked by an iron pin being the westerly right-of-way line of North Seminole Drive; thence from the POINT OF COMMENCEMENT (POC) South 23°03'37" West along the westerly said right-of-way a distance of 11.78 feet, more or less, to the POINT OF BEGINNING (POB); thence North 81°09'35" West a distance of 4.23 feet; thence North 65°52'23" West a distance of 26.91 feet; thence South 23°03'37" West a distance of 37.01 feet; South 65°52'23" East a distance of 17.73 feet; thence South 55°52'02" East a distance of 5.56 feet; thence South 45°19'12" East a distance of 8.41 feet, more or less, to the said westerly right-of-way; thence North 23°03'37" East a distance of 42.04 feet, more or less, to the POINT OF BEGINNING, with a total area of 1,172 square feet, more or less, as shown on Drawing No. E-11-017, Tract No. 1, dated September 12, 2012, a copy of which is made a part hereof by attachment hereto

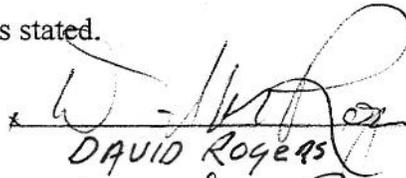
The GRANTORS also by these presents does hereby transfer, convey, and grant unto the City above referenced easement and right-of-way acquisition on, through, under, and across the portion of said property for said purposes, and does hereby release and discharge the City from any and all damages and claims whatsoever resulting from such construction and maintenance; provided, however, that said City, where and when required or necessary, will restore said premises and any and all shrubbery, fences, or walks, as near as is feasible, to the same conditions as they were before the construction.

The City of Chattanooga shall be responsible for the future maintenance of the Turnaround, Retaining Wall and appurtenances.

The Grantor, its successors, and assigns, agrees that it will not, without the consent of the Grantee, alter, erect, or maintain any building or improvement, including landscaping, upon the above described easement area that may unreasonably interfere with or endanger the above-granted rights and easement or the operation and maintenance thereof, and that the City may cause to have removed any such building or improvement,

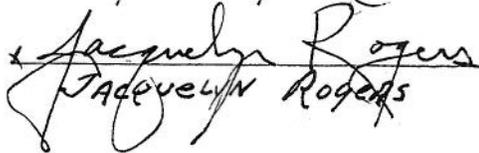
including landscaping, that may be wholly or partly within the above-described easement and right-of-way area at the expense of the then owner of the land upon which the above-described easement lies.

We, the undersigned, do hereby grant the City of Chattanooga an easement for said Permanent Access/Maintenance Easement purposes and the temporary right to enter upon our property for the other purposes stated.



DAVID ROGERS

STATE OF TENNESSEE:



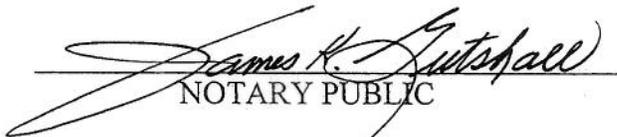
JACQUELYN ROGERS

COUNTY OF HAMILTON:

On this 25th day of March 2013, before me personally appeared DAVID ROGERS and JACQUELYN ROGERS with whom I am personally acquainted, and who upon oath acknowledged themselves to be the person(s) described in the foregoing instrument and acknowledged that they executed the same as his free act and deed.

WITNESS MY HAND and Notarial Seal in said State and County of the day and year above written.





NOTARY PUBLIC

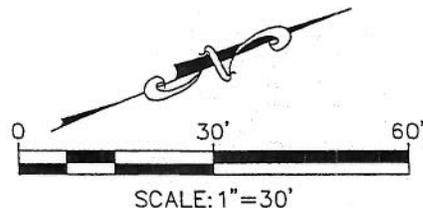
Commission Expires: 2-4-2014

FRANK AND RUTH PATRICK
 120 SHALLOWFORD ROAD
 TAX MAP NO. 146L-L-015

PLAT BOOK 6, PAGE 43

RECORD INFORMATION:

(M) MEASURED
 (R) PB44 PG89



JOHN W. HOLDEN, JR.
 122 SHALLOWFORD ROAD
 TAX MAP NO. 146L-L-016

PART OF LOT A
 RICKEYS SUBDIVISION
 PLAT BOOK 6, PAGE 75

DAVID AND
 JACQUELYN ROGERS
 409 NORTH SEMINOLE DRIVE
 TAX MAP NO. 146L-L-027

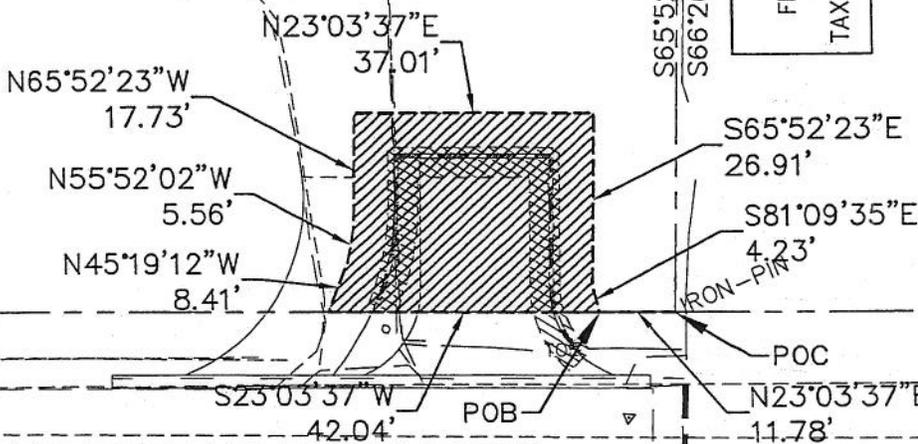
LOT 3
 WEST ENSIGN SUBDIVISION
 PLAT BOOK 44, PAGE 89

DAVID AND JACQUELYN ROGERS
 407 NORTH SEMINOLE DRIVE
 TAX MAP NO. 146L-L-028

LOT 2
 WEST ENSIGN SUBDIVISION
 PLAT BOOK 44, PAGE 89

JAMES V. III AND
 FRANCES P. ORLANDO
 6 RIDGESIDE ROAD
 TAX MAP NO. 146L-L-077

LOT 1
 WEST ENSIGN SUBDIVISION
 PLAT BOOK 44, PAGE 89



N. SEMINOLE DRIVE

TRACT NO.	OWNERSHIP	PLAT BOOK	PAGE	RIGHT OF WAY REQUIRED SQ. FEET
	1			

PREPARED BY AND FOR
 CITY OF CHATTANOOGA

SCALE: 1"=30'

DATE: 9/12/2012

DWG. NO. E-11-017



File No. 13022707

The Haisten Group Inc.
Residential & Commercial Appraisers

APPRAISAL OF



LOCATED AT:

409 North Seminole Drive
Chattanooga, TN 37411

CLIENT:

The City of Chattanooga
100 East 11th Street - Suite 101
Chattanooga, TN 37402

AS OF:

March 25, 2013

BY:

**Summary
Land Appraisal Report**

File No. 13022707

PURPOSE	The purpose of this appraisal report is to provide the client with a credible opinion of the defined value of the subject property, given the intended use of the appraisal.			
	Client Name/Intended User The City of Chattanooga		E-mail hart_g@chattanooga.gov; thornton_dan@mail.chattanooga.gov	
	Client Address 100 East 11th Street - Suite 101		City Chattanooga State TN Zip 37402	
	Additional Intended User(s)			
Intended Use Fair market value of subject properties underlying land.				

SUBJECT	Property Address 409 North Seminole Drive		City Chattanooga		State TN Zip 37411	
	Owner of Public Record David / Jacquelyn Rogers				County Hamilton	
	Legal Description Lot 2 W S Ensign Sub					
	Assessor's Parcel # 027		Tax Year 2012		R.E. Taxes \$ 1,765.58	
Neighborhood Name Brainerd Map Reference 146L-L-027 Census Tract 29.00						
Property Rights Appraised <input checked="" type="checkbox"/> Fee Simple <input type="checkbox"/> Leasehold <input type="checkbox"/> Other (describe)						

SALES HISTORY	My research <input type="checkbox"/> did <input checked="" type="checkbox"/> did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.					
	Prior Sale/Transfer: Date 05/15/2008		Price \$209,900		Source(s) Courthouse Records	
	Analysis of prior sale or transfer history of the subject property (and comparable sales, if applicable) History of subject properties and comparable sales taken from Hamilton County Courthouse Records.					
	Offerings, options and contracts as of the effective date of the appraisal No current offerings, options, and/or contracts are noted at this time.					

NEIGHBORHOOD	Neighborhood Characteristics		One-Unit Housing Trends			One-Unit Housing		Present Land Use %	
	Location	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural	Property Values	<input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining	PRICE	AGE	One-Unit	88 %	
Built-Up	<input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%	Demand/Supply	<input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply	\$(000)	(yrs)	2-4 Unit	4 %		
Growth	<input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow	Marketing Time	<input type="checkbox"/> Under 3 mths <input checked="" type="checkbox"/> 3-6 mths <input type="checkbox"/> Over 6 mths	20 Low	0	Multi-Family	2 %		
Neighborhood Boundaries	The Ridgeside neighborhood is bound on the east by Tunnel Blvd., north and west by Shallowford Road, south by Pleasant Gardens Cemetary and Cresnet Circle.			900 High	85	Commercial	3 %		
Neighborhood Description	The subject is located in a prestigious older area with adequate access to all necessary facilities including schools, shopping, recreation, employment, and major traffic arteries. Overall employment security and appeal to the market is considered good. The subject improvements conform to the surrounding properties and area maintenance levels are considered good.			150 Pred.	50	Other Vacant	3 %		
Market Conditions (including support for the above conclusions)	In the Brainerd area in the past 12 months, a total of 500 sales have occurred in the price range of \$6,000 to \$700,000, with an average of 119 DOM. There are a total of 344 active listings ranging from \$16,900 to \$945,000 with an average of 154 DOM. Sales price to list price ratio is 96%.								

Dimensions 157x189	Area 26,394 Sq.Ft.	Shape Irregular	View Average
Specific Zoning Classification R-1	Zoning Description Residential Single Family Dwellings		
Zoning Compliance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal Nonconforming (Grandfathered Use) <input type="checkbox"/> No Zoning <input type="checkbox"/> Illegal (describe)			
Highest and best use of the subject property Single Family Residence			

SITE	Utilities	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Other (describe)	Public	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Other (describe)	Off-site Improvements—Type	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private
	Electricity	<input checked="" type="checkbox"/> <input type="checkbox"/>	Water	<input checked="" type="checkbox"/> <input type="checkbox"/>	Street	<input checked="" type="checkbox"/> <input type="checkbox"/>
	Gas	<input checked="" type="checkbox"/> <input type="checkbox"/>	Sanitary Sewer	<input checked="" type="checkbox"/> <input type="checkbox"/>	Alley	<input type="checkbox"/> <input type="checkbox"/>
	FEMA Special Flood Hazard Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		FEMA Flood Zone X	FEMA Map # 47065C0342F	FEMA Map Date 11/7/2002	
Site Comments The subject site is located on N. Seminole Road within the immediate proximity of Shallowford Road. The site exhibits approximately 157 feet of frontage and an average approximate depth of 160 feet. The site is irregularly shaped and increases in elevation approximately 20 feet from front to rear.						

MARKET DATA ANALYSIS	ITEM	SUBJECT	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
	Address	409 North Seminole Drive Chattanooga	0 Ridgeside Road Chattanooga, TN 37411	3429 Alta Vista Drive Chattanooga, TN 37411		308 Rowe Road Chattanooga, TN 37411		
Proximity to subject		0.36 miles ESE	0.77 miles S		0.19 miles SE			
Sales Price	\$ N/A	\$ 52,000	\$ 13,000		\$ 11,500			
Price \$/ SF	N/A	2.52	0.72		0.61			
Data Source	CRS/Reg of Deeds	CRS/Register of Deeds		CRS/Register of Deeds		CRS/Register of Deeds		
Date of Sale and Time Adjustment	DESCRIPTION	DESCRIPTION	+(-) Adjust.	DESCRIPTION	+(-) Adjust.	DESCRIPTION	+(-) Adjust.	
Location	N. Seminole Drive	Similar	0.00	Similar	0.00	Similar	0.00	
Site/View	Average	Similar	0.00	Similar	0.00	Inferior	0.31	
Size (SF)	26,394	20,600	-0.13	18,000	-0.07	18,900	-0.06	
Zoning	R-1	R-1	0.00	R-1	0.00	R-1	0.00	
Topography	Sloping	Superior	-0.13	Similar	0.00	Similar	0.00	
Sales or Financing Concessions	N/A	Conventional		Conventional		Conventional		
Net Adj. (Total)		<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ 0.26	<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ 0.07	<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 0.25	
Indicated Value		Net Adj. -10.3%		Net Adj. -9.7%		Net Adj. 41.0%		

Scope of Work, Assumptions and Limiting Conditions

Scope of work is defined in the Uniform Standards of Professional Appraisal Practice as " the type and extent of research and analyses in an assignment." In short, scope of work is simply what the appraiser did and did not do during the course of the assignment. It includes, but is not limited to: the extent to which the property is identified and inspected, the type and extent of data researched, the type and extent of analyses applied to arrive at opinions or conclusions.

The scope of this appraisal and ensuing discussion in this report are specific to the needs of the client, other identified intended users and to the intended use of the report. This report was prepared for the sole and exclusive use of the client and other identified intended users for the identified intended use and its use by any other parties is prohibited. The appraiser is not responsible for unauthorized use of the report.

The appraiser's certification appearing in this appraisal report is subject to the following conditions and to such other specific conditions as are set forth by the appraiser in the report. All extraordinary assumptions and hypothetical conditions are stated in the report and might have affected the assignment results.

1. The appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or title thereto, nor does the appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
2. Any sketch in this report may show approximate dimensions and is included only to assist the reader in visualizing the property. The appraiser has made no survey of the property.
3. The appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless arrangements have been previously made thereto.
4. Neither all, nor any part of the content of this report, copy or other media thereof (including conclusions as to the property value, the identity of the appraiser, professional designations, or the firm with which the appraiser is connected), shall be used for any purposes by anyone but the client and other intended users as identified in this report, nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, without the written consent of the appraiser.
5. The appraiser will not disclose the contents of this appraisal report unless required by applicable law or as specified in the Uniform Standards of Professional Appraisal Practice.
6. Information, estimates, and opinions furnished to the appraiser, and contained in the report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished to the appraiser is assumed by the appraiser.
7. The appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The appraiser assumes no responsibility for such conditions, or for engineering or testing, which might be required to discover such factors. This appraisal is not an environmental assessment of the property and should not be considered as such.
8. This appraisal report should not be used to disclose the condition of the property as it relates to the presence/absence of defects. The client is invited and encouraged to employ qualified experts to inspect and address areas of concern. If negative conditions are discovered, the opinion of value may be affected.
9. Appraisals involving hypothetical conditions related to completion of new construction, repairs or alteration are based on the assumption that such completion, alteration or repairs will be competently performed.

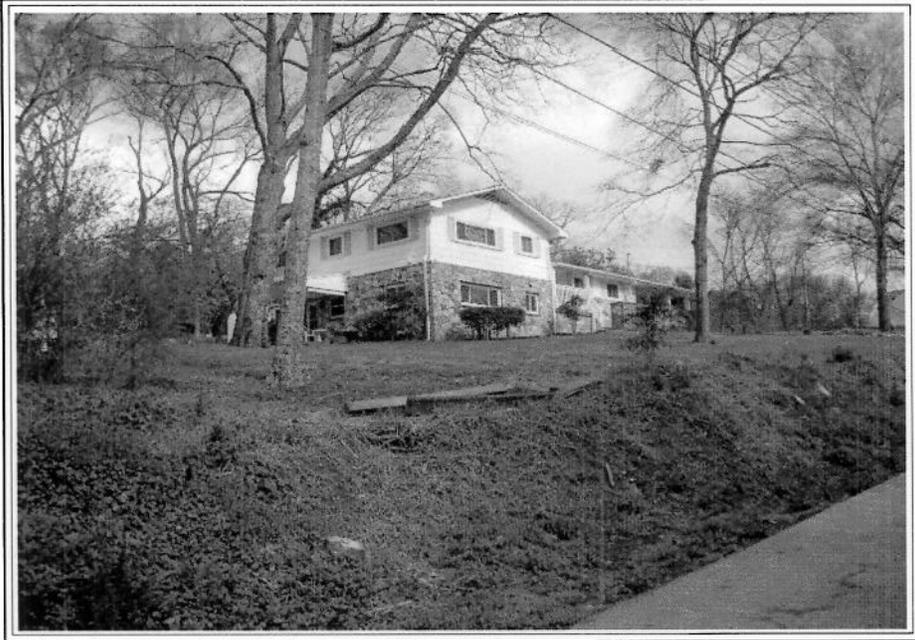
Additional Comments Related To Scope Of Work, Assumptions and Limiting Conditions

EXPOSURE TIME: estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

Exposure time is a retrospective opinion based on an analysis of past events assuming a competitive and open market. Subjects estimated exposure time is 6-12 months

SUBJECT PROPERTY PHOTO ADDENDUM

Client: The City of Chattanooga	File No.: 13022707
Property Address: 409 North Seminole Drive	Case No.:
City: Chattanooga	State: TN Zip: 37411



**FRONT VIEW OF
SUBJECT PROPERTY**

Appraised Date: March 25, 2013
Appraised Value: \$ 1.85 - \$2.15



**REAR VIEW OF
SUBJECT PROPERTY**

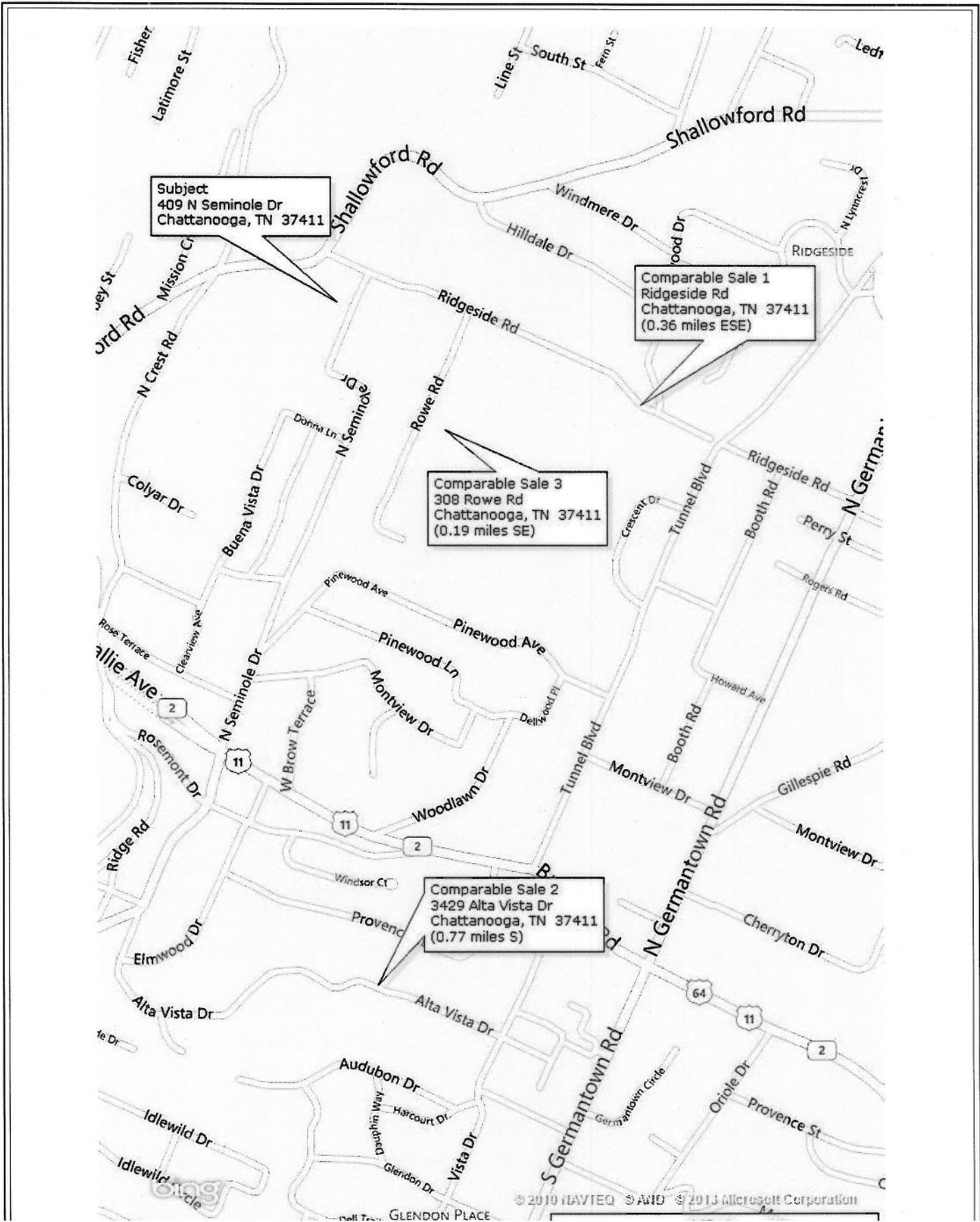


STREET SCENE

LOCATION MAP

Client: The City of Chattanooga
Property Address: 409 North Seminole Drive
City: Chattanooga

File No.: 13022707
Case No.:
State: TN
Zip: 37411



Subject
409 N Seminole Dr
Chattanooga, TN 37411

Comparable Sale 1
Ridgeside Rd
Chattanooga, TN 37411
(0.36 miles ESE)

Comparable Sale 3
308 Rowe Rd
Chattanooga, TN 37411
(0.19 miles SE)

Comparable Sale 2
3429 Alta Vista Dr
Chattanooga, TN 37411
(0.77 miles S)

Appraiser's Certification

The appraiser(s) certifies that, to the best of the appraiser's knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are the appraiser's personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. Unless otherwise stated, the appraiser has no present or prospective interest in the property that is the subject of this report and has no personal interest with respect to the parties involved.
4. The appraiser has no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. The appraiser's engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. The appraiser's compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. The appraiser's analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
8. Unless otherwise noted, the appraiser has made a personal inspection of the property that is the subject of this report.
9. Unless noted below, no one provided significant real property appraisal assistance to the appraiser signing this certification. Significant real property appraisal assistance provided by:

Additional Certifications:

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

Definition of Value: Market Value Other Value: _____

Source of Definition: The Dictionary of Real Estate Appraisal, Fourth Edition, The Appraisal Institute, Chicago, Illinois (U.S., 2001), p. 178

Market value is defined as follows:

The most probable price which a specified interest in real property is likely to bring under all of the following conditions:

- >Consummation of a sale occurs as of a specific date;
 - >An open and competitive market exists for the property interest appraised;
 - >The buyer and seller are each acting prudently and knowledgeably;
 - >The price is not affected by undue stimulus;
 - >The buyer and seller are typically motivated;
 - >Both parties are acting in what they consider their best interest;
 - >Marketing efforts were adequate and a reasonable time was allowed for exposure in the open market;
 - >Payment is made in cash in United States dollars or in terms of financial arrangements comparable thereto;
- The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions by anyone associated with the sale.

ADDRESS OF THE PROPERTY APPRAISED:

409 North Seminole Drive
Chattanooga, TN 37411

EFFECTIVE DATE OF THE APPRAISAL: March 25, 2013

APPRAISED VALUE OF THE SUBJECT PROPERTY \$ 1.85 - \$2.15

APPRAISER

SUPERVISORY APPRAISER