

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING PAYMENT TO MILLION FAMILY PARTNERSHIP FOR A SANITARY SEWER EASEMENT RELATIVE TO CONTRACT NO. W-10-011, EAST BRAINERD ROAD SANITARY SEWER RELOCATION PROJECT, TRACT NO. 11, PROPERTY LOCATED AT 8821 EAST BRAINERD ROAD, CHATTANOOGA, TN, TAX MAP NO. 171C-B-006, FOR AN AMOUNT NOT TO EXCEED TWENTY-SEVEN THOUSAND ONE HUNDRED FIVE DOLLARS (\$27,105.00).

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing payment to Million Family Partnership for a sanitary sewer easement relative to Contract No. W-10-011, East Brainerd Road Sanitary Sewer Relocation Project, Tract No. 11, property located at 8821 East Brainerd Road, Chattanooga, TN, Tax Map No. 171C-B-006, for an amount not to exceed \$27,105.00.

This project is in conjunction with Tennessee Department of Transportation Widening of SR-320, East Brainerd Road, PIN #101431.00.

ADOPTED: \_\_\_\_\_, 2013

/mms

# City of Chattanooga



## Resolution/Ordinance Request Form

Date Prepared: June 5, 2013

Preparer: Dennis Malone

Department: Public Works

Brief Description of Purpose for Resolution/Ordinance:

Res./Ord. # \_\_\_\_\_ Council District # 4

Council approval is requested to authorize payment to Million Family Partnership, for a Sanitary Sewer Easement, relative to Contract No. W-10-011, East Brainerd Road Sanitary Sewer Relocation Project, Tract No. 11, property located at 8821 East Brainerd Road, Chattanooga, TN, Tax ID No. 171C-B-006, in the amount not to exceed \$27,105.00. Project is in conjunction with Tennessee Department of Transportation Widening of SR-320, East Brainerd Road, PIN #101431.00.

Name of Vendor/Contractor/Grant, etc.	<u>Million Family Partnership</u>	New Contract/Project? (Yes or No)	<u>No</u>
Total project cost \$	<u>27,105.00</u>	Funds Budgeted? (YES or NO)	<u>Yes</u>
Total City of Chattanooga Portion \$	<u>27,105.00</u>	Provide Fund	<u>6011</u>
City Amount Funded \$	<u>27,105.00</u>	Provide Cost Center	<u>K40152</u>
New City Funding Required \$	<u>0</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>\$2,625.00</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: Dennis Malone

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

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

Revised: 1/26/09

This instrument prepared By:

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

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. 006

Project Tract No. 11

MAIL TAX NOTICE TO: Million Family Partnership  
51 Autumn Trail  
Ringgold, GA 30736  
Tax Map No. 171 C, Group B, Parcel No. 006

FOR AND IN CONSIDERATION of the sum of Twenty-Seven Thousand One Hundred Five Dollars (\$27,105.00) to be paid upon council approval, the receipt and sufficiency of which are hereby acknowledged, the MILLION FAMILY PARTNERSHIP, VIRGINIA W. MILLION, Trustee, hereby referred to as GRANTOR, does 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 GRANTOR'S property located in the 1st Civil District of Hamilton County, Tennessee, to wit:

SITUATED at 8821 East Brainerd Road in the East Brainerd area of Hamilton County, Tennessee, and being approximately 72 feet east of the common property corner with land currently owned by Ash on SE 1/4, SEC 18, TWP 1, R-2, and as described in the Deed of Record in Deed Book 9835, Pages 94 and 104, and Deed Book 5653, Page 003, 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 varying in width from 30 feet to 25 feet along and parallel with the west property line and being 20 feet in width along and parallel with Ryall Springs Branch, with a side line crossing the branch near the southwest corner of the property.

Said permanent easement being 670 feet, more or less, in total length and containing 15,489 square feet, more or less.

As shown on Drawing Nos. C11 020-SE-8 and C11 020-SE-9, dated November 2012 and revised March 2013, 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 30 feet in width on the east side of the permanent easement from East Brainerd Road to the point where the sewer makes an eastward turn and 15 feet on the north and south sides of

the permanent easement where the sewer is parallel with Ryall Springs Branch a distance of 657 feet, more or less.

Said temporary construction easement containing 19,390 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 Nos. C11 020-SE-8 and C11 020-SE-9 dated November 2012 and revised March 2013, 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.

Said CITY OF CHATTANOOGA agrees to install a tee and extend a 4-inch service line to two residences on the property and to provide an additional three service tees on the property.

GRANTOR agrees 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 easement will cross a vacant part of said property and that no buildings will be affected.

It is further understood that the GRANTOR shall be allowed to relocate a section or sections of the sewer from the alignment described hereinbefore should GRANTOR decide to install site improvements (structures and/or other facilities) along said alignment. Such relocation(s) shall be made solely at GRANTOR'S 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 I, the GRANTOR of this easement, will not be relocated, I have rights under the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL-91-646). I have been advised of these rights of appraisal and negotiation and waive any rights that I 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, I have hereunto set my hand this 31<sup>st</sup> day of June, 2013.

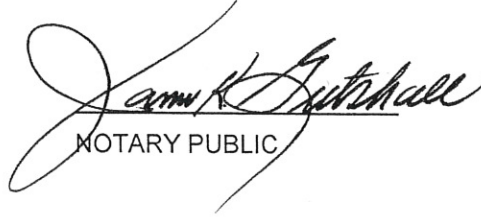
  
MILLIOFAMILY PARTNERSHIP  
VIRGINIA W. MILLION, TRUSTEE



STATE OF TENNESSEE §  
COUNTY OF HAMILTON §

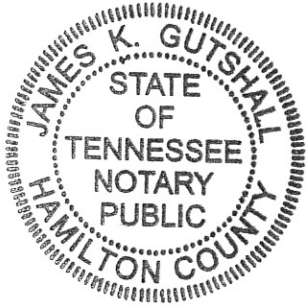
On this the 3rd day of June, 2013, before me personally appeared VIRGINIA W. MILLION, to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument, and acknowledged that she is the GRANTOR to execute the same and did so as her free act and deed.

WITNESS my hand and Notarial Seal.

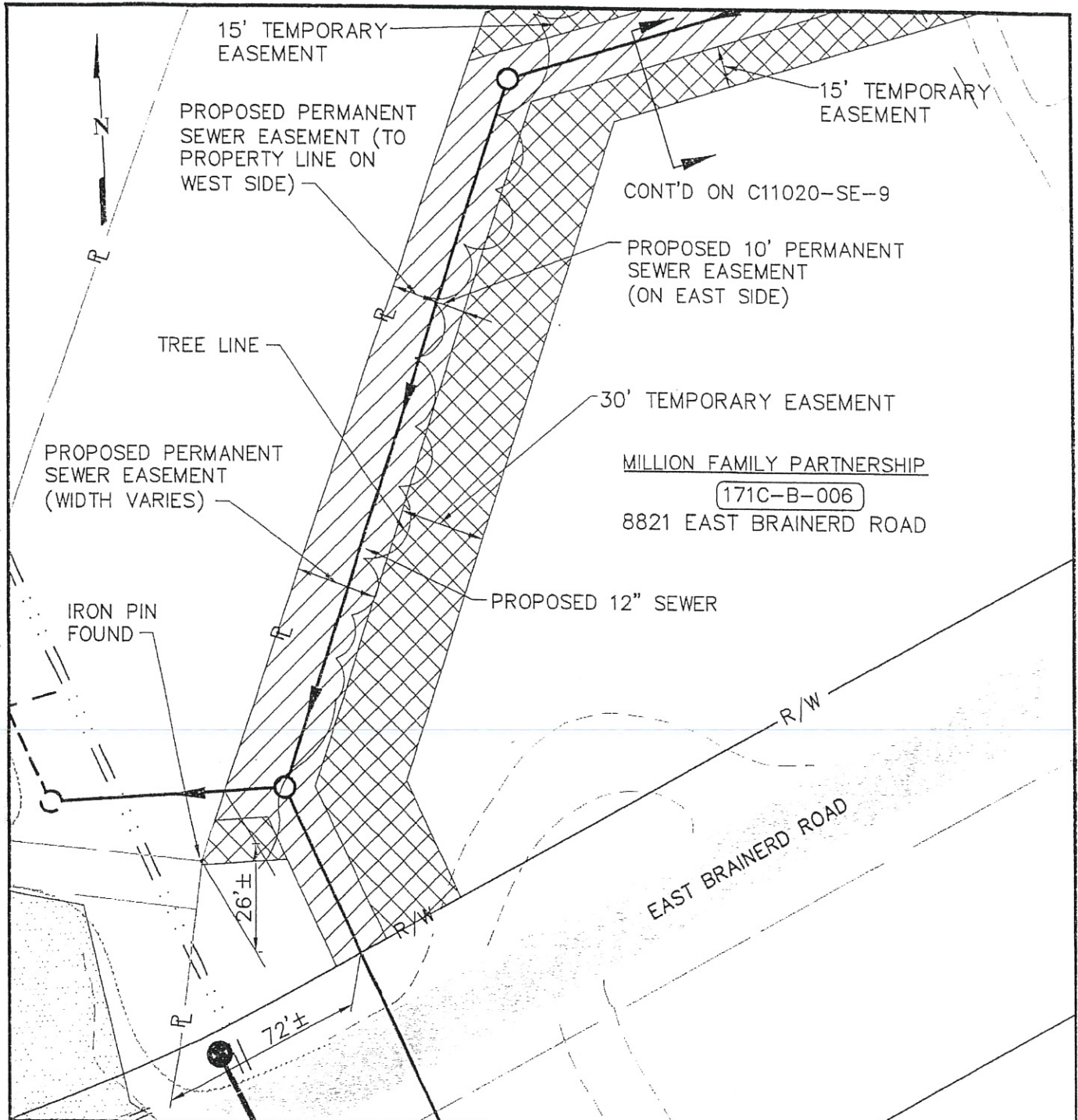
  
NOTARY PUBLIC

My Commission Expires 2-4-2014

SEAL

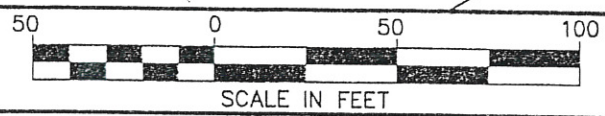


CTI PROJECT: C11020-11 Phase II Banks Road,  
 DRAWING: PHASE 2 EASEMENTS (328198v29), LAYOUT: MILLION 1



MILLION FAMILY PARTNERSHIP  
 171C-B-006  
 8821 EAST BRAINERD ROAD

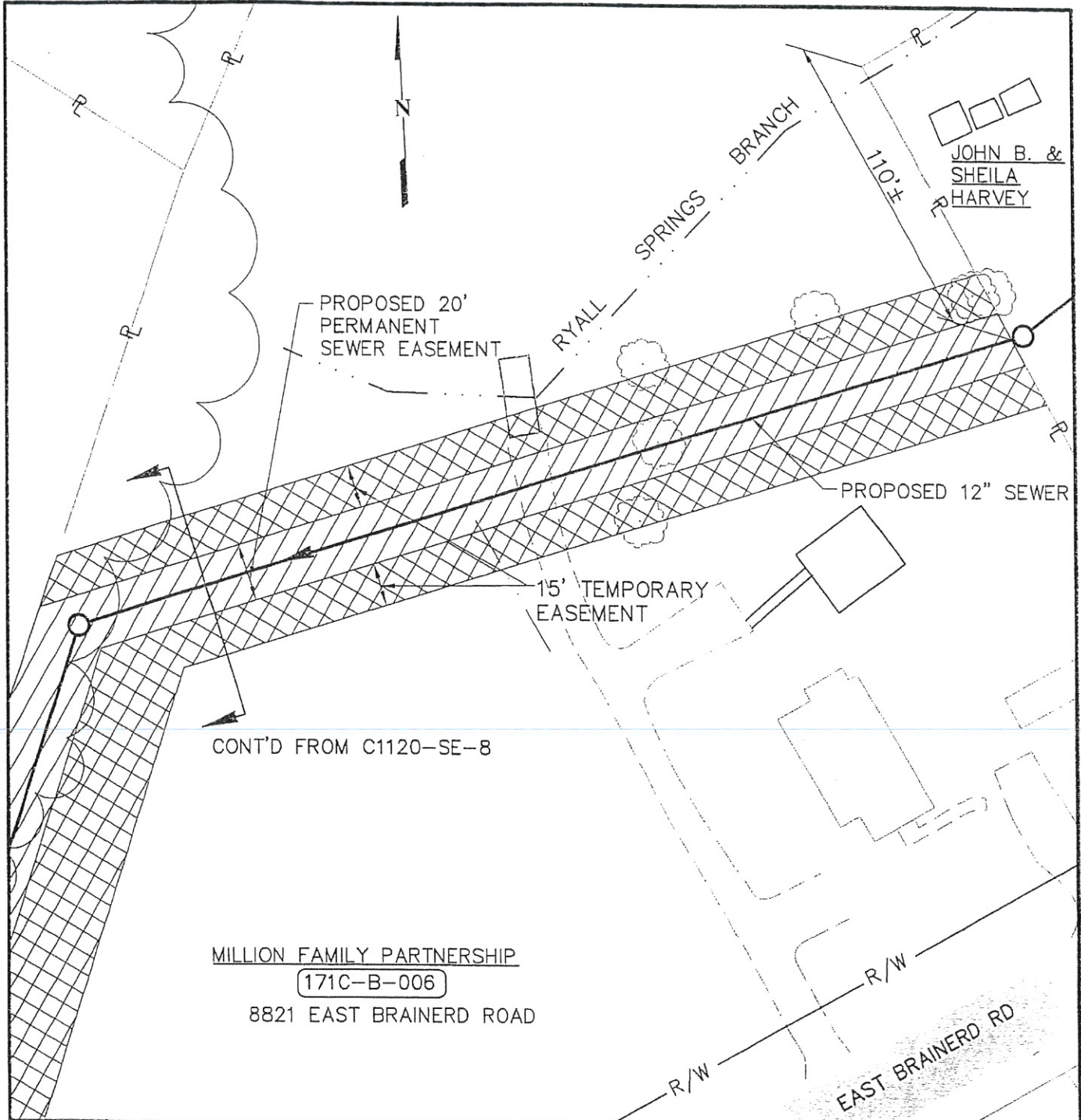
Drawing of a portion of the Property of  
 Million Family Partnership  
 Showing Proposed Easement  
 City of Chattanooga, Tennessee  
 1250 Market Street, 2nd Floor  
 Chattanooga, Tennessee 37402



Total Area (Sq. Ft.)
PERMANENT SEWER EASEMENT 15,489±
TEMPORARY CONSTRUCTION EASEMENT 19,390±

TAX MAP: 171C	SCALE: 1" = 50'	REVISIONS
TOPO:	PROPERTY INFORMATION	DATE:
DEED BOOK: 9835 PAGES: 94 & 104	HAMILTON COUNTY TAX MAPS	
BLOCK: B PARCEL: 006		REV.
		DATE: MARCH, 2013
CTI ENGINEERS, INC. ENGINEERS IN WATER AND EARTH SCIENCES CHATTANOOGA, TENNESSEE	PROJECT TRACT NO. 11	DRAWING NO. C11020-SE-8.1

CTI PROJECT: C11020-11 Phase II Banks Road,  
 DRAWING: PHASE 2 EASEMENTS (328198v29), LAYOUT: MILLION 2

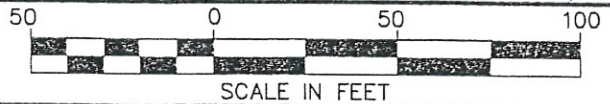


MILLION FAMILY PARTNERSHIP  
 171C-B-006  
 8821 EAST BRAINERD ROAD

Drawing of a portion of the Property of  
 Million Family Partnership

Showing Proposed Easement

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



Total Area (Sq. Ft.)

PERMANENT SEWER EASEMENT 15,489±  
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CTI ENGINEERS, INC. ENGINEERS IN WATER AND EARTH SCIENCES CHATTANOOGA, TENNESSEE	PROJECT TRACT NO. 11	DRAWING NO. C11020-SE-9.1



## Executive Summary

### Sanitary Sewer Easement

Million Family Partnership  
8821 East Brainerd Road  
Chattanooga, TN 37421  
Tract No. 11

Tennessee Department of Transportation (TDOT) plans to Widen SR-320, East Brainerd Road from Graysville Road to Bel-Air Drive, per PIN #101431.00. In doing such they have required the utilities to relocate out of the existing roadway. In 2011, the City contracted with CTI to design plans for the required relocation as well as for a future extension along East Brainerd Road up to Banks Road.

The original design alignment had the new line crossing the property at 8709 East Brainerd Road, Tax # 171C-B-009.01 as identified in the Summary Appraisal Report, provided by K. Lamar Thomas Associates in Real Estates, back on June 20, 2012. Upon contacting the owners of said property, Mrs. Ash, was adamant that she was not going to allow the City to cross her property. After several attempts to discuss the easement with her, it was determined that redesigning the crossing to be on the east side of the existing stream would be more advantageous for the project due to the fact that the City would have to pursue Eminent Domain against Mrs. Ash.

Tract No. 11, was not part of the original appraisal since it was not needed for the relocation project, however it was to be impacted by the future extension project. The Million's were agreeable to the new alignment of the proposed sanitary sewer at the \$1.75 SF cost, and we have determined that it would be in the best interest to acquire both the easement area for the relocated portion as well as the future extension at one time at the \$1.75 rate as opposed to the future inflated rate of what would be expected to be rezoned as commercial property once the roadway is widened.

So in conclusion, the City offered the easement cost of \$27,105.00 for the easement, based on the value established by the appraisal in today's dollars, and the Million Family Partnership is agreeable as represented by the easement agreement. The portion of the relocation work is refundable by TDOT in the amount of \$2,625.00, for 1500 SF.



**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 11<sup>TH</sup> 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-S/F	\$-VALUE	ITEM	S-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**

Size (Acre)	SIZE (s/f)	\$-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
<b>Total</b>			<b>30,589</b>	<b>\$175,000 (R)</b>

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