

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PAYMENT TO PAUL C. HANEY AND CATHERINE HANEY FOR A SANITARY SEWER EASEMENT RELATIVE TO CONTRACT NO. W-10-011, EAST BRAINERD ROAD SANITARY SEWER RELOCATION PROJECT, TRACT NO. 2, PROPERTY LOCATED AT 8253 EAST BRAINERD ROAD, CHATTANOOGA, TN, TAX MAP NO. 159O-A-033, FOR AN AMOUNT NOT TO EXCEED FOURTEEN THOUSAND SIX HUNDRED FORTY-SEVEN DOLLARS (\$14,647.00).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing payment to Paul C. Haney and Catherine Haney for a sanitary sewer easement relative to Contract No. W-10-011, East Brainerd Road Sanitary Sewer Relocation Project, Tract No. 2, property located at 8253 East Brainerd Road, Chattanooga, TN, Tax Map No. 159O-A-033, for an amount not to exceed \$14,647.00.

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 #

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Council approval is requested to authorize payment to Paul C. Haney and Catherine Haney, for a Sanitary Sewer Easement, relative to Contract No. W-10-011, East Brainerd Road Sanitary Sewer Relocation Project, Tract No. 2, property located at 8253 East Brainerd Road, Chattanooga, TN, Tax ID No. 159O-A-033, in the amount not to exceed \$14,647.00. 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>Paul C. Haney & Catherine Haney</u>	New Contract/Project? (Yes or No)	<u>No</u>
Total project cost \$	<u>14,647.00</u>	Funds Budgeted? (YES or NO)	<u>Yes</u>
Total City of Chattanooga Portion \$	<u>14,647.00</u>	Provide Fund	<u>6011</u>
City Amount Funded \$	<u>14,647.00</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>\$14,647.00</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

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. 159O
Group A
Tax Parcel No. 033

Project Parcel No. 2

MAIL TAX NOTICE TO: Paul C. and Catherine Haney
8253 East Brainerd Road
Chattanooga, Tennessee 37421
Tax Map No. 159O, Group A, Parcel No. 033

FOR AND IN CONSIDERATION of the sum of Fourteen Thousand Six Hundred Forty Seven Dollar (\$14,647.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, PAUL C. and CATHERINE HANEY, 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 1st Civil District of Hamilton County, Tennessee, to wit:

SITUATED at 8253 East Brainerd Road in the City of Chattanooga in Hamilton County, Tennessee, and being north of East Brainerd Road on Lot 1, Irwin Place, Plat Book 25, Page 113, and as described in the Deed of Record in Deed Book 2285, Page 53, 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 approximately 89 feet west of the right-of-way of McNichol Lane.

Said permanent easement being 89 feet, more or less, in total length and containing 1,674 square feet, more or less.

As shown on Drawing No. C11020-SE-2.0, 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 north side of and to

the new road right-of-way on the south side of and running adjacent to and parallel with the above-described permanent easement a distance of 89 feet, more or less.

Said temporary construction easement containing 1,359 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-2.0 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 reconnect existing sewer service line to the new sewer at no cost to the property owner.

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.

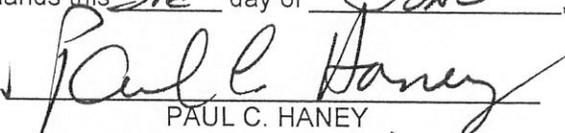
It is understood that the above-mentioned 20-foot easement will cross a vacant part of said property and that no buildings will be affected.

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 3rd day of June, 2012/13



PAUL C. HANEY

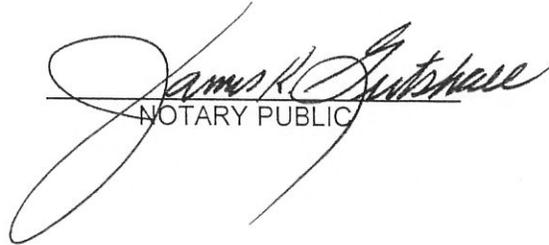


CATHERINE HANEY

STATE OF TENNESSEE §
COUNTY OF HAMILTON §

On this the 3rd day of JUNE, 201¹³~~2~~, before me personally appeared PAUL C. and CATHERINE HANEY, 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

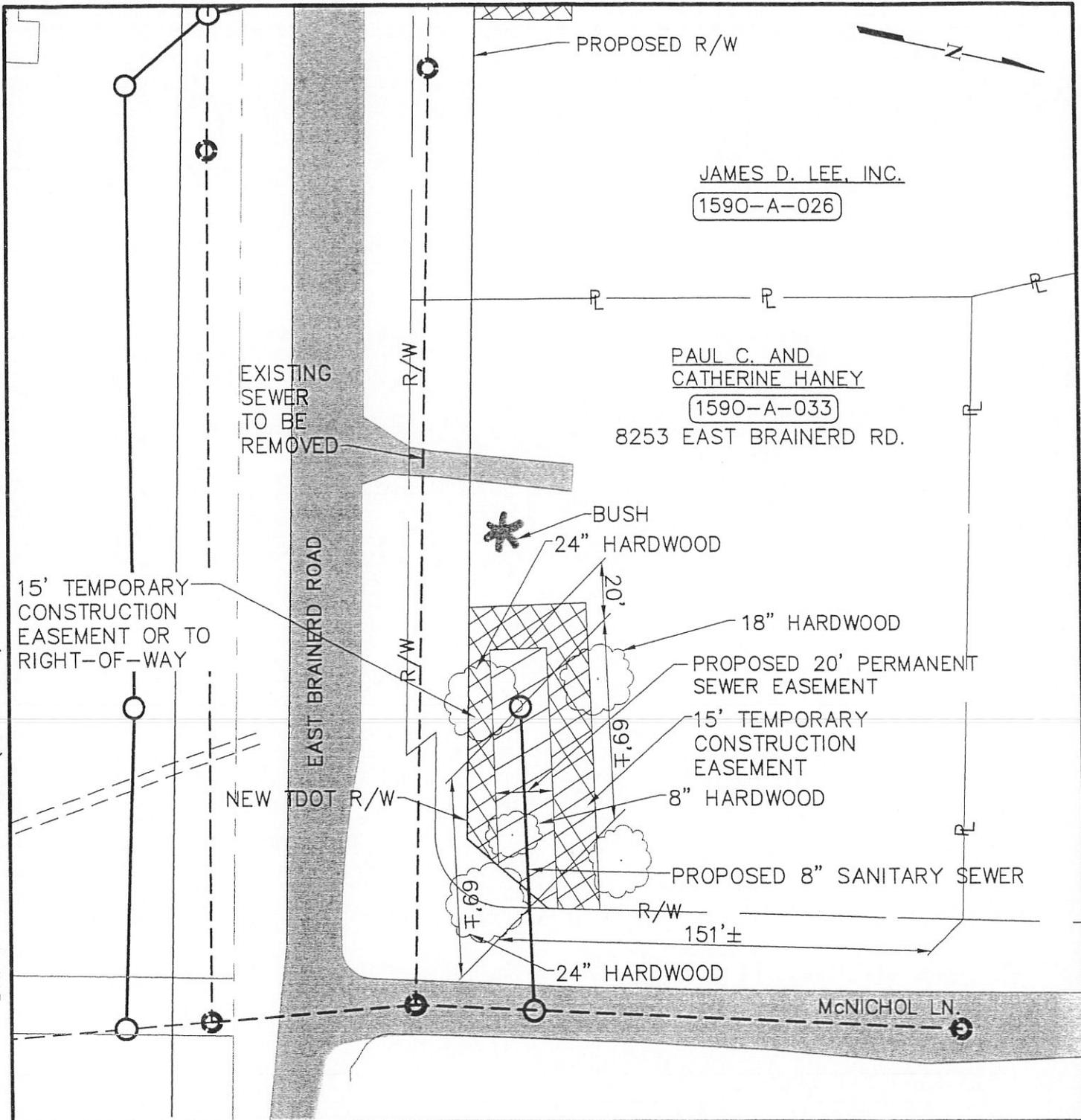
My Commission Expires

2-4-2014

SEAL



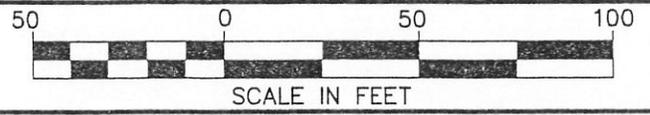
CTI PROJECT: C11020 Chattanooga East Brainerd Rd Sewer,
DRAWING: EASEMENTS (313743v9), LAYOUT: HANEY



Drawing of a portion of the Property of Paul C. and Catherine Haney

Showing Proposed Easement

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



Total Area (Sq. Ft.)

PERMANENT SEWER EASEMENT 1,674±
TEMPORARY CONSTRUCTION EASEMENT 1,359±

TAX MAP: 1590	SCALE: 1" = 50'	REVISIONS
TOPO:	PROPERTY INFORMATION	DATE:
DEED BOOK: 2285 PAGE: 53	HAMILTON COUNTY TAX MAPS	
BLOCK: A PARCEL: 033		REV.
 CTI ENGINEERS, INC. ENGINEERS IN WATER AND EARTH SCIENCES CHATTANOOGA, TENNESSEE	PROJECT TRACT NO. 2	DATE: APRIL, 2012
		DRAWING NO. C11020-SE-2

**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

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
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