

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT OF PROMPT NOTIFICATION SYSTEM EASEMENT WITH THE UNITED STATES OF AMERICA, TENNESSEE VALLEY AUTHORITY, FOR A WARNING SIREN AT 5401 SCHOOL DRIVE, TAX MAP NO. 100I-C-008, AS APPROVED IN RESOLUTION NO. 27333, AND TO EXECUTE CLOSING DOCUMENTS FOR THE RECEIPT OF TWO THOUSAND ONE HUNDRED DOLLARS (\$2,100.00) AS COMPENSATION FOR THE PERMANENT EASEMENT RIGHTS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing the Mayor to execute a grant of prompt notification system easement with the United States of America, Tennessee Valley Authority, for a warning siren at 5401 School Drive, Tax Map No. 100I-C-008, as approved in Resolution No. 27333, and to execute closing documents for the receipt of \$2,100.00 as compensation for the permanent easement rights.

ADOPTED: _____, 2013

/mms

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: July 23, 2013

Preparer: Cary Bohannon

Department: General Services

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # _____ Council District # _____ 3

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT OF PROMPT NOTIFICATION SYSTEM EASEMENT WITH THE UNITED STATES OF AMERICA, TENNESSEE VALLEY AUTHORITY, FOR THE WARNING SIREN AT 5401 SCHOOL DRIVE, TAX MAP NUMBER 100I-C-008, AS APPROVED IN COUNCIL RESOLUTION 27333, AND TO EXECUTE CLOSING DOCUMENTS FOR THE RECEIPT OF \$2,100 (TWO THOUSAND ONE HUNDRED AND 00/100) AS COMPENSATION FOR THE PERMANENT EASEMENT RIGHTS.

Name of Vendor/Contractor/Grant, etc.	<u>Tennessee Valley Authority</u>	New Contract/Project? (Yes or No)	<u>N/A</u>
Total project cost \$	<u>N/A</u>	Funds Budgeted? (YES or NO)	<u>N/A</u>
Total City of Chattanooga Portion \$	_____	Provide Fund	_____
City Amount Funded \$	_____	Provide Cost Center	_____
New City Funding Required \$	_____	Proposed Funding Source if not budgeted	_____
City's Match Percentage %	_____	Grant Period (if applicable)	_____

List all other funding sources and amount for each contributor.

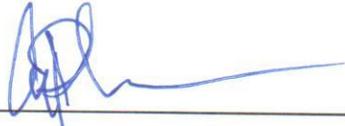
Amount(s)	Grantor(s)
\$ _____	_____
\$ _____	_____
\$ _____	_____

Agency Grant Number _____

CFDA Number if known _____

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

Structure permit for warning siren was approved in Council Resolution 27333.

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

RESOLUTION NO. 27333

A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO AN AGREEMENT FOR A STRUCTURE PERMIT WITH TENNESSEE VALLEY AUTHORITY FOR A WARNING SIREN WHICH WILL BE PART OF THE SEQUOYAH PROMPT NOTIFICATION SYSTEM.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing the Director of General Services to enter into an agreement for a structure permit with Tennessee Valley Authority for a warning siren which will be part of the Sequoyah Prompt Notification System.

ADOPTED: December 4, 2012

/mms.

STRUCTURE PERMIT

Date: November 20, 2012

Senior Manager
Realty Services and Land Records
Tennessee Valley Authority
1101 Market Street, BR 4N
Chattanooga, Tennessee 37402-2801

Tract No. SPNS-131

The undersigned are familiar with the surveys and plans of the Tennessee Valley Authority to acquire the right-of-way for a warning siren which will be part of the Sequoyah Prompt Notification System to be located on and over a portion of our land situated in Hamilton County, Tennessee, and grant to the Tennessee Valley Authority, its agents, employees, and contractors, the right to enter upon the property and clear the adjacent area and keep it cleared of brush, trees, building, and fire hazards; to destroy or otherwise dispose of such trees and brush; and to remove, destroy, or otherwise dispose of any trees which could come within 5 feet of the warning siren. See EXHIBIT "A", attached hereto and incorporated herein.

It is understood and agreed that TVA will acquire the easement for the warning siren and all of the specified rights in the name of the United States of America either by purchase or condemnation and will at that time compensate the owners for the fair market value and will remain liable for any damage done to the property of the owners or their tenants in the clearing and construction operations including damage to growing crops and any direct physical damage caused to the property of the owners by the Tennessee Valley Authority construction forces in exercising these rights together with the right of ingress and egress to and from said warning siren.

WITNESSES:

SIGNED:





Prepared by and return to:



Thomas E. Dixon, Attorney
Tennessee Valley Authority
1101 Market Street, BR 4B
Chattanooga, Tennessee 37402-2801
1-888-817-5201

TVA Tract No. SPNS-131

GRANT OF PROMPT NOTIFICATION SYSTEM EASEMENT

FOR AND IN CONSIDERATION of the sum of TWO THOUSAND ONE HUNDRED AND NO/100 DOLLARS (\$2,100.00), cash in hand paid, receipt whereof is hereby acknowledged, the undersigned,

CITY OF CHATTANOOGA, TENNESSEE, a Tennessee municipal corporation,
(hereinafter "GRANTOR")

has this day bargained and sold, and by these presents does hereby grant, bargain, sell, transfer, and convey unto the UNITED STATES OF AMERICA, permanent easement rights for the following purposes, namely: the perpetual right to enter at any time and from time to time and to erect, maintain, repair, rebuild, operate, and patrol a prompt notification system, consisting of one siren structure with sufficient wires, cables, and poles for tie-in electric power circuits and all necessary appurtenances, and to grade, level, fill, drain, build, maintain, repair, and rebuild a road with all necessary appurtenances, together with the right to use said road jointly with the owners of the land for ingress to and egress from the siren structure and electric tie-in facilities; and the right to clear and dispose of such brush and trees as is deemed necessary by the UNITED STATES OF AMERICA to protect the structure and tie-in electric power circuits; all over, upon, across, and under the land described in Exhibit A and shown on Exhibit B, both of which are hereto attached and by this reference hereby incorporated in and made a part of this instrument as fully as if here written.

The previous and last conveyance of this property is deed of record in Record Book 9152, page 76, in the office of the Register of Hamilton County, Tennessee.

TO HAVE AND TO HOLD the said easement and right-of-way to the UNITED STATES OF AMERICA and its assigns forever.

GRANTOR covenants with the said UNITED STATES OF AMERICA that it is lawfully seized and possessed of said real estate, has a good and lawful right to convey the easement rights hereinabove described, that said property is free of all encumbrances, and that it will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

GRANTOR agrees that the payment of the purchase price above stated is accepted by it as full compensation for all damage caused by the exercise of any of the rights above described; except that the UNITED STATES OF AMERICA shall remain liable for any damage to annual growing crops and any direct physical damage caused to the property of the undersigned by its construction forces or by the construction forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said structure and tie-in electric power circuits.

IN WITNESS WHEREOF, the CITY OF CHATTANOOGA, TENNESSEE, a municipal corporation, has caused this instrument to be executed by and through its Mayor, and duly attested by the _____, on this the _____ day of _____, 2013.

ATTEST:

CITY OF CHATTANOOGA, TENNESSEE

By: _____

By: _____
ANDY BERKE, MAYOR

STATE OF TENNESSEE)
) SS
COUNTY OF HAMILTON)

Before me, _____, of the state and county aforesaid, personally appeared ANDY BERKE and _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence; and who, upon oath, acknowledged themselves to be the MAYOR and _____, respectively, of the CITY OF CHATTANOOGA, TENNESSEE, within named bargainor, a municipal corporation and that they as such MAYOR and _____ executed the foregoing instrument for the purpose therein, by signing the name of the City of Chattanooga, Tennessee by themselves as MAYOR and _____.

WITNESS my hand and seal, at office in Chattanooga, Tennessee, this _____ day of _____, 2013.

NOTARY PUBLIC

My Commission Expires: _____

The name and address of the owner of the aforescribed easement are:

EASEMENT OWNER: United States of America [Tax Exempt
Tennessee Valley Authority TCA §67-5-203(a)(1)]
1101 Market Street, BR 4B
Chattanooga, Tennessee 37402-2801

The name(s) and address of the legal owner(s) are:

OWNER(S): City of Chattanooga, Tennessee (See D.B. 9152, page 76)
101 East 11th Street
Chattanooga, Tennessee 37402

Tax Map and Parcel: 100I-C-008

EXHIBIT A
LAND ACQUISITION
SEQUOYAH NUCLEAR PLANT
PROMPT NOTIFICATION SYSTEM

A parcel of land located in the First Civil District of Hamilton County, Tennessee, as shown on US-TVA Drawing No 45 MS 421 K 512 (D) R.0 and being more particularly described as follows:

Beginning at a rail road spike with a punch in a one way drive for the City of Chattanooga, also known as Hixson Junior High School, in the intersection of the northerly right-of-way of Thomas Lane and westerly right-of-way of School Drive, and with the north right-of-way of Thomas Lane N82°00'58"W, 19.85 feet to a point at the end and west edge of the drive of the City of Chattanooga; thence leaving the north right-of-way of Thomas Lane and along the west side of the drive the following bearings and distances, N31°32'42"E, 3.56 feet to a point; thence, N08°42'48"W, 9.31 feet to a point; thence, N14°56'09"W, 16.99 feet to a point; thence, N08°26'11"W, 24.29 feet to a point; thence leaving the west edge of the drive, N81°33'49"E, 25.67 feet to a point on the beginning of a non-tangential curve concave to the west, having a delta angle of 133°41'20", a radius of 10.00 feet, and a chord bearing and distance of S23°09'20"E, 18.39 feet to a point of intersection with a non-tangential line; thence, S31°50'01"E, 31.10 feet to the west right-of-way of School Drive the beginning of a non-tangential curve concave to the northwest, having a delta angle of 13°17'22", a radius of 25.00 feet, and a chord bearing and distance of S27°57'33"W, 5.79 feet to a point of intersection with a non-tangential line; thence, N31°50'01"W, 34.01 feet to the beginning of a non-tangential curve concave to the north, having a delta angle of 17°21'22", a radius of 10.00 feet, and a chord bearing and distance of S81°19'19"W, 3.02 feet to a point of intersection with a non-tangential line; Thence, S84°41'16"W, 3.79 feet to a point on the east side of the aforementioned drive of the City of Chattanooga; thence along the drive the following chord bearing and distances, S11°05'04"E, 24.91 feet to a point; thence, S20°03'36"E, 8.92 feet to a point; thence, S20°03'36"E, 5.75 feet to a point on the east corner of drive on the northerly right-of-way of Thomas Lane and leaving the east edge of drive and with the beginning of a non-tangential curve concave to the north having a delta angle of 09°55'43", a radius of 25.00 feet, and a chord bearing and distance of S81°46'41"W, 4.33 feet to the point of beginning, and containing 0.034 acre, more or less.

Positions of corners and directions of lines are referred to the Tennessee State Plane Coordinate System, NAD 83 Horizontal Datum.

Located on VTM Quad Daisy, TN 112-NW.

This description was prepared from the aforementioned US-TVA Drawing No. 45 MS 421 K 512 (D) R.0 and a survey dated 12/06/2012 by: A.J. Monsees RLS# 1843, Tennessee Valley Authority, 1101 Market Street, Chattanooga, TN 37402-2801

06/05/2013 Checked 07/08/2013 TED EMM

SUMMARY STATEMENT OF BASIS FOR OFFER

OWNER: CITY OF CHATTANOOGA, TENNESSEE

ACQUISITION: Acres: 0.034±
Interest Acquired: Prompt Notification System Easement

LOCATION:
A permanent easement for a siren structure, electrical tie-in facilities, and an access road located over property adjacent to School Drive.

ESTABLISHED JUST AND LIBERAL COMPENSATION: \$2,100

BASIS: This compensation is based on the full amount of an appraisal prepared by experienced TVA staff appraisers who are trained in the techniques of appraising and who by reason of their investigations are thoroughly familiar with real property values in the project area. Their investigations include a comprehensive, continuing physical inspection of sales throughout the area as well as thorough studies of other factors affecting the value of real property. The appraisers made a detailed inspection of the tract to be acquired, considered the effect of its acquisition on any remaining property, and compared this property with similar properties in the area which have been sold in the open market.

REMARKS: The consideration includes compensation for noise factor and for encumbrance of an electric supply line near frontage.

TENNESSEE VALLEY AUTHORITY

By *Aaron B. Nix*
Aaron B. Nix, Senior Manager
Realty, GIS and Land Records

OFFER MADE AND STATEMENT DELIVERED TO _____
ON _____ BY _____
TITLE _____

(Handwritten initials)

