

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

A RESOLUTION AUTHORIZING PAYMENT TO D&M PROPERTIES, LLP FOR A RIGHT-OF-WAY EASEMENT RELATIVE TO CONTRACT NO. E-03-027, GOODWIN ROAD EXTENSION – GUNBARREL ROAD TO JENKINS ROAD, FOR TRACT NO. 6, TAX MAP NO. 159A-B-021.01, FOR AN AMOUNT NOT TO EXCEED SIXTY-TWO THOUSAND NINE HUNDRED FORTY AND 78/100 DOLLARS (\$62,940.78).

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing payment to D&M Properties, LLP for a Right-of-Way Easement relative to Contract No. E-03-027, Goodwin Road Extension – Gunbarrel Road to Jenkins Road, for Tract No. 6, Tax Map No. 159A-B-021.01, for an amount not to exceed \$62,940.78.

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

/mms

# City of Chattanooga



## Resolution/Ordinance Request Form

Date Prepared: June 28, 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 D & M Properties, LLP, for a Right-of-Way Easement, relative to Contract E-03-027, Goodwin Road Extension - Gunbarrel Road to Jenkins Road, for Tract No. 6, property located at Tax Map No. 159A-B-021.01, in the amount not to exceed \$62,940.78.

Name of Vendor/Contractor/Grant, etc. D & M Properties, LLP

New Contract/Project? (Yes or No) No

Total project cost \$ 62,940.78

Funds Budgeted? (YES or NO) No

Total City of Chattanooga Portion \$ 62,940.78

Provide Fund 4016

City Amount Funded \$ 62,940.78

Provide Cost Center K12105

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)

Requested in FY14 Capital Budget

*(GENERAL FUNDS)*

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

MAIL TAX BILL TO:  
D & M Properties, LLP  
4414 Brainerd Road  
Chattanooga, Tennessee 37411  
(TAX MAP NO. 159A B 021.01)

THIS INSTRUMENT PREPARED BY:  
City of Chattanooga, Tennessee  
Department of Public Works  
Engineering Division  
Development Resource Center  
1250 Market Street  
Chattanooga, Tennessee 37402

TRACT # 6

RIGHT-OF-WAY

FOR AND IN CONSIDERATION OF SIXTY TWO THOUSAND NINE HUNDRED FORTY AND SEVENTY EIGHT ONE HUNDRETHS DOLLARS (\$62,940.78) to be paid upon council approval the sufficiency of which is hereby acknowledged, D & M Properties, LLP, the owner of Property No. 159A B 021.01 as shown on a Hunnicutt Tax Map, in the city of Chattanooga, Tennessee, does hereby give, grant, bargain, sell, and convey unto the City of Chattanooga, Tennessee, a municipal corporation, its successors and assigns, a right-of-way for public street purposes over and across the hereinafter described lands.

Said right-of-way is located in the City of Chattanooga, Hamilton County, Tennessee, and being designated as Hunnicutt Tax Map No. 159A B 021.01, as shown by deed of record in Book 7653, Page 194, and as recorded in plat book 58, page 155 in the office of the Register of Hamilton County, Tennessee. Said right-of-way being more particularly described as follows:

MAIL TAX BILL TO:  
D & M Properties, LLP  
4414 Brainerd Road  
Chattanooga, Tennessee 37411  
(TAX MAP NO. 159A B 021.01)

THIS INSTRUMENT PREPARED BY:  
City of Chattanooga, Tennessee  
Department of Public Works  
Engineering Division  
Development Resource Center  
1250 Market Street  
Chattanooga, Tennessee 37402

TRACT # 6

RIGHT-OF-WAY

\$ 62,940.78 J.A.

FOR AND IN CONSIDERATION OF ~~ONE DOLLAR (\$1.00)~~ in hand paid and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, D & M Properties, LLP, the owner of Property No. 159A B 021.01 as shown on a Hunnicutt Tax Map, in the city of Chattanooga, Tennessee, does hereby give, grant, bargain, sell, and convey unto the City of Chattanooga, Tennessee, a municipal corporation, its successors and assigns, a right-of-way for public street purposes over and across the hereinafter described lands.

Said right-of-way is located in the City of Chattanooga, Hamilton County, Tennessee, and being designated as Hunnicutt Tax Map No. 159A B 021.01, as shown by deed of record in Book 7653, Page 194, and as recorded in plat book 58, page 155 in the office of the Register of Hamilton County, Tennessee. Said right-of-way being more particularly described as follows:

**BEGINNING AT A POINT** on the existing southern right-of-way line of Goodwin Road at the northeastern property line of D & M Properties, LLP, as recorded in book 7653, page 194 plat book 58, page 155 in the office of the Register of Hamilton County, Tennessee; thence North 66 degrees, 16 minutes and 18 seconds West along said existing right-of-way line, a distance of 818.45 feet, more or less, to a point on the northwestern property line of Ram Ministries, LLC as recorded in book 7155, page 902 in the office of the Register of Hamilton County, Tennessee; thence South 23 degrees, 43 minutes and 42 seconds West along said property line, a distance of 10.00 feet, more or less, to a point; thence along the proposed right-of-way line South 66 degrees, 16 minutes and 18 seconds East, along the proposed right-of-way line a distance of 40.50 feet, more or less, to a point; thence along said right-of-way a curve to the right having a radius of 90.00 feet, a chord bearing and distance of South 23 degrees, 54 minutes and 58 seconds East, 31.62 feet, more or less, to a point; thence along said right-of-way a curve to the left having a radius of 85.50 feet, a chord bearing and distance of South 59 degrees, 17 minutes and 22 seconds East, 125.44 feet, more or less, to a point; thence along said right-of-way a curve to the right having a radius of 190.00 feet, a chord bearing and distance of South 86 degrees, 29 minutes and 08 seconds East, 129.82 feet, more or less, to a point; thence South 66 degrees, 30 minutes and 36 seconds East along said proposed right-of-way line, a distance of 112.98 feet, more or less, to a point; thence along said right-of-way a curve to the right having a radius of 2966.01 feet, a chord bearing and distance of South 63 degrees, 50 minutes and 01 second East, 276.98 feet, more or less, to a point; thence South 56 degrees, 19 minutes and 40 seconds East along said right-of-way line, a distance of 37.45 feet, more or less, to a point; thence South 33 degrees, 27 minutes and 22 seconds East along said right-of-way line, a distance of 97.24 feet, more or less, to a point on the northwest property line of Hamilton County Board of Education as recorded in book 9376, page 120 in the office of the Register of Hamilton County, Tennessee; thence North 23 degrees, 40 minutes and 52 seconds East along said property line, a distance of 72.17 feet, more or less, to the **POINT OF BEGINNING**, containing 15902 square feet, or 0.365 acre, as shown on Drawing No. E03027-TRACT 6 attached and made a part of this document.

#### TEMPORARY CONSTRUCTION EASEMENT

Also included is a temporary construction easement on said lot for the purpose of roadway and sidewalk construction and necessary appurtenances, including a reasonable working area adjacent to the sidewalk. Said temporary construction easement being more particularly described as follows:

containing 8706 square feet, or 0.200 acre, as shown on Drawing No. E03027-TRACT 6 attached and made a part of this document.

D & M Properties, LLP also by these presents does hereby transfer, convey, and grant unto the City above referenced easement 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.

TO HAVE AND TO HOLD the above-described property as a right-of-way and temporary construction easement for public street purposes unto the said City and its successors in title.

IN TESTIMONY WHEREOF, the grantors have hereunto set their signatures this the 24 day of June 2013.

Name 

Title Co-owner

Name \_\_\_\_\_

Title \_\_\_\_\_

STATE OF TENNESSEE:

COUNTY OF HAMILTON:

On this 24 day of June 2013, before me personally  
appeared Don Walker and \_\_\_\_\_ with whom I  
am personally acquainted, and who upon oath acknowledged themselves to be the  
CO OWNER and \_\_\_\_\_, respectively, of  
DJM Properties LLP, within named bargainor, a  
corporation, and that they as such CO OWNER and \_\_\_\_\_  
being authorized so to do, executed the foregoing instrument for the purposes therein  
contained, by signing the name of the corporation by themselves as such  
CO OWNER and \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

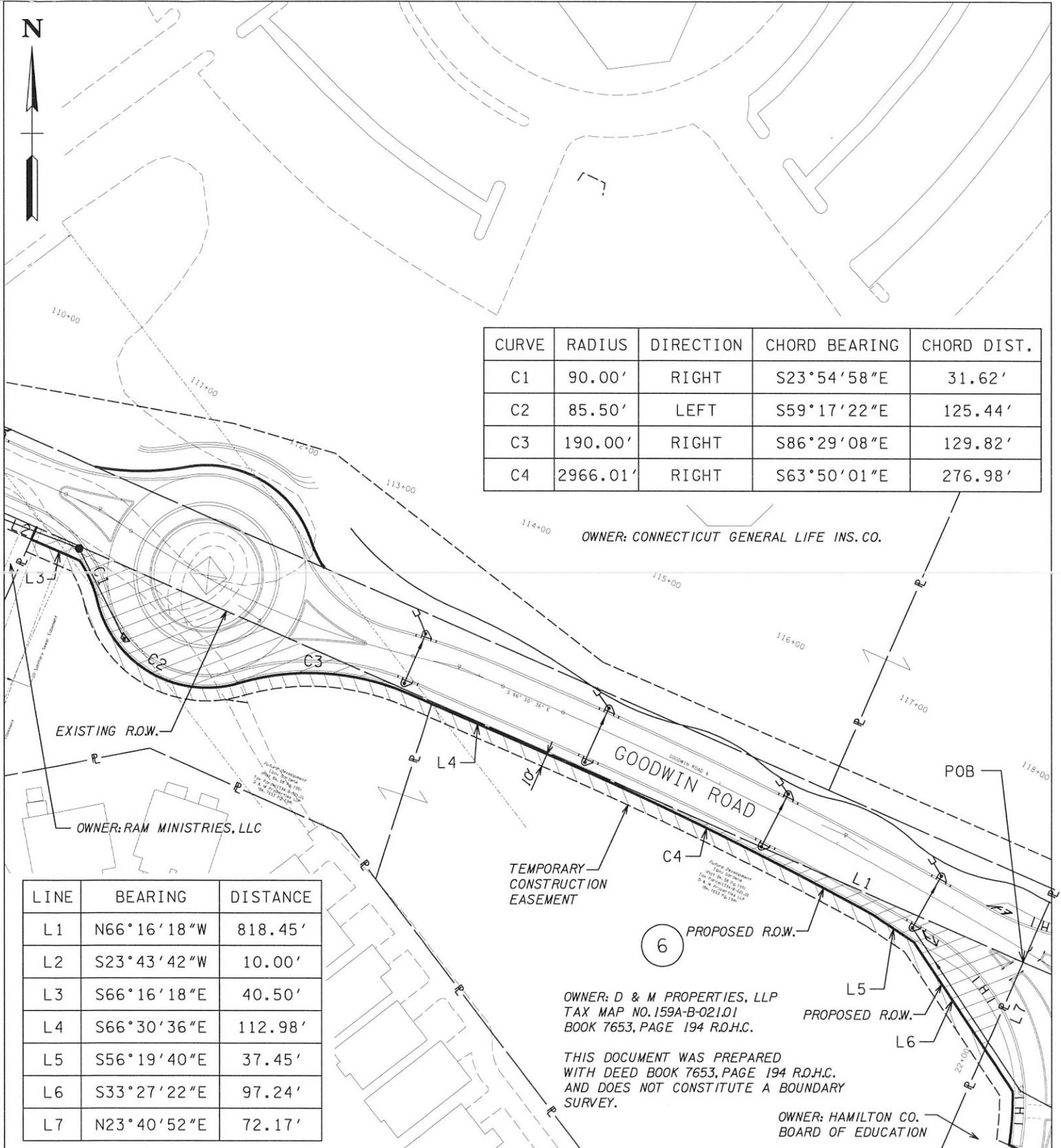


James K. Gutshall  
NOTARY PUBLIC

My Commission Expires: 2-4-2014



CURVE	RADIUS	DIRECTION	CHORD BEARING	CHORD DIST.
C1	90.00'	RIGHT	S23°54'58"E	31.62'
C2	85.50'	LEFT	S59°17'22"E	125.44'
C3	190.00'	RIGHT	S86°29'08"E	129.82'
C4	2966.01'	RIGHT	S63°50'01"E	276.98'



LINE	BEARING	DISTANCE
L1	N66°16'18"W	818.45'
L2	S23°43'42"W	10.00'
L3	S66°16'18"E	40.50'
L4	S66°30'36"E	112.98'
L5	S56°19'40"E	37.45'
L6	S33°27'22"E	97.24'
L7	N23°40'52"E	72.17'

OWNER: D & M PROPERTIES, LLP  
 TAX MAP NO. 159A-B-021.01  
 BOOK 7653, PAGE 194 R.O.H.C.

THIS DOCUMENT WAS PREPARED  
 WITH DEED BOOK 7653, PAGE 194 R.O.H.C.  
 AND DOES NOT CONSTITUTE A BOUNDARY  
 SURVEY.

OWNER: HAMILTON CO.  
 BOARD OF EDUCATION

TRACT NO.	OWNERSHIP		BOOK	PAGE	RIGHT-OF-WAY REQUIRED	TEMP. CONST. ESMT. REQD.
	D & M PROPERTIES, LLP					
6	TAX MAP # 159A-B-021.01		7653	194	15902 S.F. 0.365 ACRE	8706 S.F. .200 ACRE
CITY OF CHATTANOOGA DEPT. OF PUBLIC WORKS ENGINEERING DIVISION		SCALE: 1"= 100'	DATE: MARCH 14, 2013			
		REVISION:	DWG. E03027-TRACT 6			