

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

A RESOLUTION AUTHORIZING PAYMENT TO JAMES D. LEE, INC. FOR A SANITARY SEWER EASEMENT RELATIVE TO CONTRACT NO. W-10-011, EAST BRAINERD ROAD SANITARY SEWER RELOCATION PROJECT, TRACT NO. 1, PROPERTY LOCATED AT 8244 EAST BRAINERD ROAD, CHATTANOOGA, TN, TAX MAP NO. 171B-A-003, FOR AN AMOUNT NOT TO EXCEED FIFTY-EIGHT THOUSAND FIFTY-SIX DOLLARS (\$58,056.00).

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing payment to James D. Lee, Inc. for a sanitary sewer easement relative to Contract No. W-10-011, East Brainerd Road Sanitary Sewer Relocation Project, Tract No. 1, property located at 8244 East Brainerd Road, Chattanooga, TN, Tax Map No. 171B-A-003, for an amount not to exceed \$58,056.00.

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: July 17, 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 James D. Lee, Inc., for a Sanitary Sewer Easement, relative to Contract No. W-10-011, East Brainerd Road Sanitary Sewer Relocation Project, Tract No. 1, property located at 8244 East Brainerd Road, Chattanooga, TN, Tax ID No. 171B-A-003, in the amount not to exceed \$58,056.00. 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>James D. Lee, Inc.</u>	New Contract/Project? (Yes or No)	<u>No</u>
Total project cost \$	<u>58,056.00</u>	Funds Budgeted? (YES or NO)	<u>Yes</u>
Total City of Chattanooga Portion \$	<u>58,056.00</u>	Provide Fund	<u>6011</u>
City Amount Funded \$	<u>58,056.00</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>\$58,056.00</u>	<u>TDOT</u>
_____	_____
_____	_____

Agency Grant Number \_\_\_\_\_

CFDA Number if known \_\_\_\_\_

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

Funded by ISS Funds

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

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, 2<sup>nd</sup> Floor  
Chattanooga, Tennessee 37402

State Tax Map No. 171B  
Group A  
Tax Parcel No. 003

Project Parcel No. 1  
(Revised June 2013)

MAIL TAX NOTICE TO: James D. Lee, Inc.  
6618 Waconda Bay Drive  
Harrison, Tennessee 37341  
Tax Map No. 171B, Group A, Parcel No. 003

FOR AND IN CONSIDERATION of the sum of Fifty Eight Thousand Fifty Six Dollar (\$58,056.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, JAMES D. LEE, INC., 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 1<sup>st</sup> Civil District of Hamilton County, Tennessee, to wit:

SITUATED at 8244 and 8250 East Brainerd Road in the City of Chattanooga in Hamilton County, Tennessee, and being south of East Brainerd Road on LT 43C J.C. Finley Property, and as described in the Deed of Record in Deed Book 7530, Page 338, 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 327 feet, more or less, generally parallel with East Brainerd Road.

Said permanent easement being 327 feet, more or less, in total length and containing 6,635 square feet, more or less.

As shown on Drawing No. C11020-SE-1.0, 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 south side of and to the new road right-of-way on the north side of and running adjacent to and parallel with the above-described permanent easement a distance of 327 feet, more or less.

Said temporary construction easement containing 7,122 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-1.1 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 lines 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.

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.

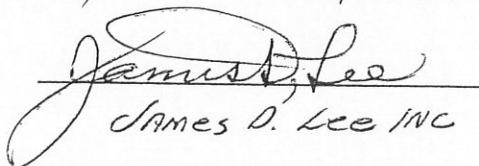
It is understood that the above-mentioned 20-foot easement will cross a vacant part of said property and that no buildings will be affected.

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 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, I have hereunto set my hand this 16th day of JULY, 2013.

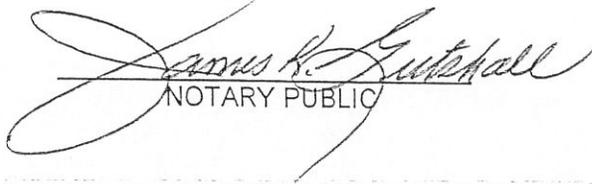
  
James D. Lee INC

for JAMES D. LEE, INC.

STATE OF TENNESSEE §  
COUNTY OF HAMILTON §

On this the 16th day of July, 2013, before me personally appeared James D. Lee, 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 he is authorized by GRANTOR to execute the same and did so as his free act and deed.

WITNESS my hand and Notarial Seal.

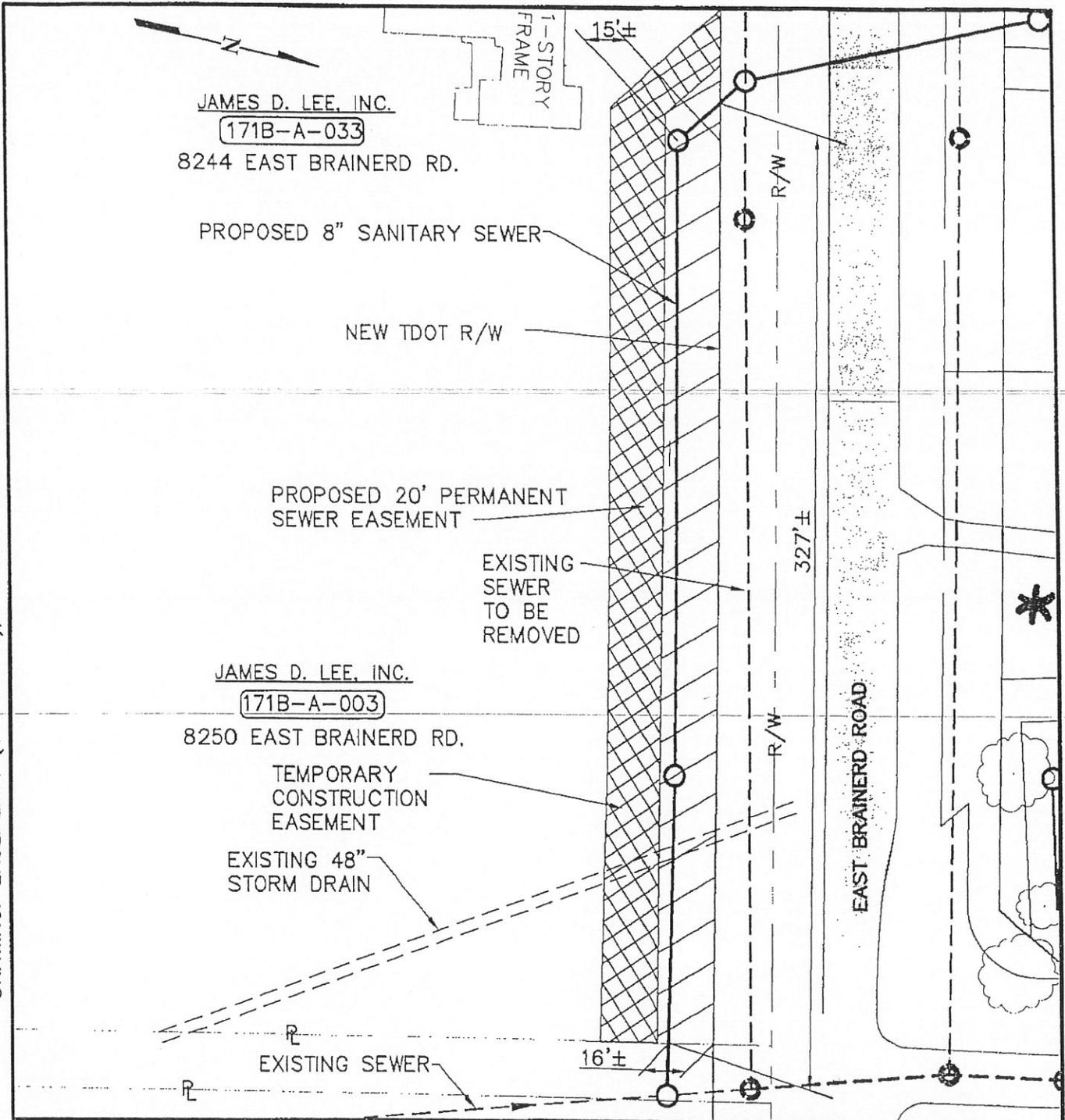
  
NOTARY PUBLIC

My Commission Expires \_\_\_\_\_

SEAL



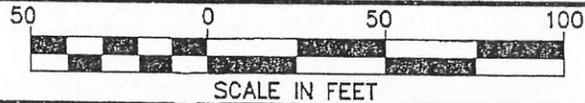
CTI PROJECT: C11020 Chattanooga East Brainerd Rd Sewer,  
 DRAWING: EASEMENTS (313743v29), LAYOUT: LEE 2



Drawing of a portion of the Property of James D. Lee, Inc.

Showing Proposed Easement

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



Total Area (Sq. Ft.)

PERMANENT SEWER EASEMENT 6,635±  
 TEMPORARY CONSTRUCTION EASEMENT 7,122±

TAX MAP: 171B	SCALE: 1" = 50'	REVISIONS
TOPO:	PROPERTY INFORMATION	DATE: JUNE 2013
DEED BOOK: 7530 PAGE: 338	HAMILTON COUNTY TAX MAPS	
BLOCK: A PARCEL: 003		
CTI ENGINEERS, INC. ENGINEERS IN WATER AND EARTH SCIENCES CHATTANOOGA, TENNESSEE	PROJECT TRACT NO. 1	DATE: APRIL, 2012
		DRAWING NO. C11020-SE-1.1