

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE COUNTY MAYOR AND THE MAYOR OF THE CITY OF CHATTANOOGA TO EXECUTE A WARRANTY DONATION DEED TO TRANSFER A PORTION OF PROPERTY (13.75 ACRES, MORE OR LESS) OWNED JOINTLY BY HAMILTON COUNTY AND THE CITY OF CHATTANOOGA LOCATED ON MOCCASIN BEND, FORMERLY KNOWN AS THE MODEL AIRPLANE CLUB PROPERTY, TO THE UNITED STATES OF AMERICA FOR USE BY THE NATIONAL PARK SERVICE AND INCLUSION INTO THE MOCCASIN BEND NATIONAL ARCHAEOLOGICAL DISTRICT, BEING A UNIT OF THE CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK.

WHEREAS, on August 17 and 18, 2004, the Hamilton County Board of Commissioners (County) and the Chattanooga City Council (City) approved resolutions for the donation and transfer of approximately 400 acres of jointly-owned property located on Moccasin Bend, to the United States of America (USA) for use by the National Park Service (NPS) for the creation of the Moccasin Bend National Archaeological District; and,

WHEREAS, the acceptance of 13.75 acres (more or less), formerly known as the model airplane club property (City/County), identified as State Tax Map No. 145-001.02, was not included within the passage of Federal legislation approved by the United States Congress for inclusion and funding of Moccasin Bend into the National Park system; and,

WHEREAS, since said legislation did not include this property, the NPS initiated the lengthy boundary adjustment process to revise the current unit boundary to include this tract; and,

WHEREAS, this process has now been completed and approved, along with other due diligence the NPS must accomplish prior to completing the conveyance action; and,

WHEREAS, the City and County have subsequently expressed interest in donating this property to the USA and the NPS desires to accept; and,

WHEREAS, it is in the best interest of the citizens of Hamilton County to convey said property to the United States of America for use by the National Park Service and inclusion into the Moccasin Bend National Archaeological District.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that the County Mayor and City Mayor are hereby authorized to execute a Warranty Donation Deed to transfer a portion of property (13.75 acres, more or less) owned jointly by Hamilton County and the City of Chattanooga located on Moccasin Bend, formerly known as the model airplane cub property, identified as State Tax Map No. 145-001.02 to the United States of America for use by the National Park Service for inclusion into the Moccasin Bend National Archaeological District, being a unit of the Chickamauga and Chattanooga National Military Park.

ADOPTED: _____, 2013

/mms

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: August 13, 2013

Preparer: Cary Bohannon

Department: General Services

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # _____ Council District # _____ 1

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CHATTANOOGA, IN COOPERATION WITH THE MAYOR OF HAMILTON COUNTY TRANSFERRING THE COUNTY'S INTEREST, TO EXECUTE A WARRANTY DONATION DEED TO TRANSFER THE CITY'S INTEREST IN A PORTION OF PROPERTY, 13.75 ACRES MORE OR LESS, OWNED JOINTLY BY HAMILTON COUNTY AND THE CITY OF CHATTANOOGA, LOCATED ON MOCCASIN BEND, FORMERLY KNOWN AS THE MODEL AIRPLANE CLUB PROPERTY, TO THE UNITED STATES OF AMERICA FOR USE BY THE NATIONAL PARK SERVICE AND INCLUSION INTO THE MOCCASIN BEND NATIONAL ARCHAEOLOGICAL DISTRICT, BEING A UNIT OF THE CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK.

Name of Vendor/Contractor/Grant, etc.	<u>United States of America</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 \$	<u>N/A</u>	Provide Fund	<u>N/A</u>
City Amount Funded \$	<u>N/A</u>	Provide Cost Center	<u>N/A</u>
New City Funding Required \$	<u>N/A</u>	Proposed Funding Source if not budgeted	<u>N/A</u>
City's Match Percentage %	<u>N/A</u>	Grant Period (if applicable)	<u>N/A</u>

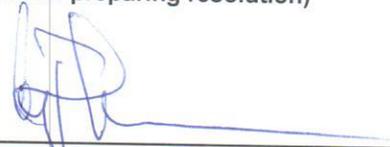
List all other funding sources and amount for each contributor.

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

Agency Grant Number _____

CFDA Number if known _____

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

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



United States Department of the Interior



NATIONAL PARK SERVICE
Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St., SW.
Atlanta, Georgia 30303

IN REPLY REFER TO:
I.A.1.(SER-L)

July 18, 2013

The Honorable Andy Berke
Mayor of Chattanooga
City Hall
101 East 11th Street
Chattanooga, Tennessee 37402

The Honorable Jim M. Coppinger
Mayor of Hamilton County
208 Courthouse
625 Georgia Avenue
Chattanooga, Tennessee 37402

Dear Mayors Berke and Coppinger:

Public Law 108-07 dated February 20, 2003, established the Moccasin Bend National Archeological District as a unit of the Chickamauga and Chattanooga National Military Park (CHCH). As a result of that legislation, on August 27, 2004, the City of Chattanooga and Hamilton County, after adopting a formal resolution, donated jointly owned property within the new unit to the National Park Service (NPS) to be included within the CHCH. Not included in the new unit at establishment was a 13.75 acre tract also jointly owned by the City of Chattanooga and Hamilton County and leased for use by a model airplane club. This property is shown on the enclosed map as the area hatched in red.

The City of Chattanooga and Hamilton County have subsequently expressed interest in donating this property, which is further identified as NPS Tract 11-109, to be included within the unit at CHCH, and the NPS desires to accept this property. However, since the legislation that established the new unit did not include this property, the NPS initiated the lengthy boundary adjustment process to revise the current unit boundary to include this tract. This process has now been completed and approved, along with all the other due diligence the NPS must accomplish prior to completing the conveyance action.

As such, we need the enclosed deed signed by each party and returned to us as soon as possible so that this donation action can be finalized. This tract of land will provide the NPS with critical access to the archeological sites protected in the National Archeological District. We look forward to adding this property to the unit at CHCH and are extremely appreciative of this donation.

Should you have any questions, please contact Nancy Carter at 404-507-5657, or write to her at the above address or by email to Nancy_Carter@nps.gov.

Sincerely,



James H. Strotman
Chief, Land Resources Program Center
Southeast Region

Enclosures:
Boundary Adjustment Map
Deed

cc: Paul Parker, Manager, Hamilton County Real Property Office

Deed prepared by:
National Park Service
Land Resources Program Center
Atlanta Federal Center, 1924 Building
100 Alabama Street, S.W.
Atlanta, Georgia 30303

WARRANTY DONATION DEED

Project: Chickamauga & Chattanooga
National Military Park

Tract: 11-109

THIS INDENTURE, made this _____ day of _____, 2013, by and between the THE CITY OF CHATTANOOGA, TENNESSEE, a Municipal Corporation, AND HAMILTON COUNTY, TENNESSEE, a Political Subdivision of the State of Tennessee, organized and existing under the laws of the State of Tennessee, whose addresses for the purpose of this instrument, respectively, are 100 East 11th Street, City Hall Annex, Chattanooga, Tennessee 37402 and 4th Floor, Mayfield Annex, 123 East 7th Street, Chattanooga, Tennessee 37402, GRANTORS, (the term "Grantor" includes masculine, feminine, singular and/or plural parties as the context indicates), its successors and assigns, and the UNITED STATES OF AMERICA, and assigns, GRANTEE, whose address is National Park Service, Land Resources Division, 1849 "C" Street, N.W., (2540), Washington, D.C. 20240.

WITNESSETH, that in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00), in hand paid, the receipt and sufficiency of which are hereby acknowledged, the said GRANTORS have granted, bargained, donated, and conveyed and do hereby grant, bargain, donate, and convey unto the GRANTEE and its assigns, in fee simple, all of the following land situate, lying and being in Hamilton County, Tennessee, described as follows:

Tract 11-109

All that tract or parcel of land located in the Third Civil District, Hamilton County, Tennessee and more particularly described as follows:

Commencing at a point of intersection of the southerly property line of a parcel identified as Tract 1 as described in Book 1431, Page 126, in the Register's Office of Hamilton County, Tennessee;

Thence, with said westerly right-of-way line of Moccasin Bend Road S 03° 32' 00" W 84.74 feet to a point being the **TRUE POINT OF BEGINNING**;

Thence, leaving said right-of-way with following courses:

N 86° 49' 50" W 942.22 feet to a point, S 04° 33' 06" W 892.42 feet to a point, and N 64° 53' 01" E 1,097.56 feet, more or less, to a point on the western right-of-way line of Moccasin Bend Road;

Thence, with said westerly right-of-way of Moccasin Bend Road northerly 370.97 feet, more or less, to the Point of Beginning.

Containing 13.75 acres more or less.

Being a portion of the property conveyed to the City of Chattanooga and Hamilton County, Tennessee, by Warranty Deed from Anne L. Carter recorded in Book 1442, Page 286, dated January 25, 1961, in the Register's Office, Hamilton County, Tennessee.

The acquiring federal agency is the National Park Service, Department of the Interior.

The GRANTORS release and quitclaim unto the GRANTEE all right, title and interest which the GRANTORS may have in and to any alleys, streets, ways, strips and gores abutting or adjoining said lands.

SUBJECT, HOWEVER, TO Easement and Rights to Chattanooga Tennessee River Power Company, New Electric Power Board of Chattanooga by instrument dated February 15, 1963, recorded in Book 752, Page 13, in the Register's Office of Hamilton County, Tennessee.

ALSO SUBJECT TO any easements as per plat recorded in Book 1592, Page 251, in the Register's Office of Hamilton County, Tennessee.

ALSO SUBJECT TO Restrictions recorded in Book 752, Page 13, in the Register's Office of Hamilton County, Tennessee, but omitting any covenant or restrictions based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

TO HAVE AND TO HOLD the premises herein bargained, sold and conveyed and all privileges and appurtenances thereunto belonging to the GRANTEE, and its assigns, forever.

AND SAID GRANTORS, its successors and assigns, do hereby covenant with the GRANTEE and assigns that GRANTORS are lawfully seized in fee simple of the aforesaid premises; and have full power, authority and right to convey the same; the said premises are free and clear from all encumbrances except as set forth herein, and that GRANTORS will forever warrant and defend the said premises and the title thereto against the lawful claims of all persons whomsoever.

STATE OF _____)
)ss:
COUNTY OF _____)

I hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$233,800, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

AFFIANT

Sworn to and subscribed before me this _____ day of _____, 2013.

_____(SEAL)
NOTARY PUBLIC
My Commission Expires: _____

This Donation Deed is accepted on behalf of the United States of America, Department of the Interior, National Park Service, by James H. Strotman, Chief, Land Resources Program Center, Southeast Region.

James H. Strotman
Chief, Land Resources Program Center
Southeast Region

Date: _____

Chickamauga & Chattanooga NMP

Proposed Boundary Adjustment

National Park Service
U.S. Department of the Interior



-  NOT INCLUDED WITHIN NPS BOUNDARY
-  CURRENT PARK BOUNDARY (NPS OWNED TRACTS)
-  PROPOSED ADDITION

OFFICE: Land Resources Program Center
 REGION: Southeast Region
 PARK: Chickamauga & Chattanooga NMP
 TOTAL PROPOSED ACREAGE: 13.75 ±
 MAP NUMBER: 301/112,683
 DATE: February 2012

