

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FINAL PURCHASE OF RIGHT-OF-WAY FROM TPJS, LLC RELATIVE TO CONTRACT NO. E-08-010, SHALLOWFORD ROAD AT JENKINS ROAD INTERSECTION IMPROVEMENT PROJECT CONCERNING SETTLEMENT FOR RESOLUTION NO. 26688, EMINENT DOMAIN PROCEEDINGS FOR SAID PROPERTY WHEREIN THE CITY TENDERS THIRTEEN THOUSAND THREE HUNDRED SIXTY-EIGHT DOLLARS (\$13,368.00), WITH A BALANCE DUE OF NINE THOUSAND SIX HUNDRED THIRTY-TWO DOLLARS (\$9,632.00), FOR A TOTAL AMOUNT OF TWENTY-THREE THOUSAND DOLLARS (\$23,000.00).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby authorizing the final purchase of right-of-way from TPJS, LLC relative to Contract No. E-08-010, Shallowford Road at Jenkins Road Intersection Improvement Project concerning settlement for Resolution No. 26688, eminent domain proceedings for said property wherein the City tendered \$13,368.00, with a balance due of \$9,632.00, for a total amount of \$23,000.00.

ADOPTED: _____, 2013

/mms

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: August 23, 2013

Preparer: Kenneth O. Fritz

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # _____ Council District # 4

A City Council resolution is requested to approve the final purchase of Right-Of-Way from TPJS, LLC, for Tract No. 8, located at 7900 Shallowford Road, Chattanooga, Tennessee, more particularly described as Tax No. 149N-A-002, relative to Contract No. E-08-010, Shallowford Road at Jenkins Road Intersection improvement Project.

Settlement for Resolution No. 26688, Eminent Domain proceedings for said property. City prior tender of \$13,368.00, with a balance due of \$9,632.00 for a total amount of \$23,000.00.

Name of Vendor/Contractor/Grant, etc.	<u>TPJS, LLC</u>	New Contract/Project? (Yes or No)	<u>No</u>
Total project cost	\$ <u>23,000.00</u>	Funds Budgeted? (YES or NO)	<u>Yes</u>
Total City of Chattanooga Portion	\$ \$ <u>23,000.00</u>	Provide Fund	<u>4016</u>
City Amount Funded	\$ \$ <u>13,368.00</u>	Provide Cost Center	<u>K12133</u>
New City Funding Required	\$ \$ <u>9,632.00</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.

<u>Amount(s)</u>	<u>Grantor(s)</u>
\$ _____	_____
\$ _____	_____
\$ _____	_____

Agency Grant Number _____

CFDA Number if known _____

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

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

RESOLUTION NO. 26688

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST RAJESH KUMAR CHAUDNARI, TPJS LLC, AND ANY OTHER KNOWN OR UNKNOWN PARTY WITH INTEREST IN THE PROPERTY LOCATED AT 7900 SHALLOWFORD ROAD.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the Office of the City Attorney be and is hereby authorized to institute eminent domain proceedings against Rajesh Kumar Chaudnari, TPJS LLC, and any other known or unknown party with interest in the property located at 7900 Shallowford Road, Chattanooga, Tennessee, Tract No. 8, Tax Map and Parcel No. 149N-A-002 for Shallowford Road at Jenkins Road Intersection Improvements, Contract No. E-08-010.

ADOPTED: April 26, 2011

/mms/add

MAIL TAX BILL TO:
TPJS, LLC
118 Nelson Boulevard
Rome, GA 30165
(TAX MAP NO. 149N-A-002)

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

TRACT # 8

RIGHT-OF-WAY

FOR AND IN CONSIDERATION OF TWENTY THREE THOUSAND DOLLARS (\$23,000.00) to be paid upon council approval the sufficiency of which is hereby acknowledged, TPJS, LLC, the owner of Property No. 149N-A-002 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. 149N-A-002, as shown by deed of record in Book 9134, Page 291 and being lot 1 of the Favorite Market Subdivision as recorded in plat book 44, page 27, in the office of the Register of Hamilton County, Tennessee. Said right-of-way being more particularly described as follows:

To locate the point of beginning, start at a point on the existing eastern right-of-way line of Jenkins Road at the northern property line of Joseph M. Dzik as recorded in deed book 5986, page 249, in the office of the Register of Hamilton County, Tennessee; thence North 20 degrees, 41 minutes, 29 seconds East along said eastern right-of-way line, a distance of 103.12 feet, more or less, to the **POINT OF BEGINNING**; thence North 20 degrees, 41 minutes, 29 seconds East along said existing right-of-way line, a distance of 56.14 feet, more or less, to a point; thence along a curve to the right, having a radius of 25.00 feet, more or less, a chord bearing and distance of North 66 degrees, 23 minutes, 21 seconds East, 35.78 feet, more or less, to a point on the existing northern right-of-way line of Shallowford Road; thence South 67 degrees, 54 minutes, 45 seconds East along said existing right-of-way line, a distance of 38.42 feet, more or less, to a point; thence

along a curve to the left, having a radius of 748.00 feet, more or less, a chord bearing and distance of North 78 degrees, 10 minutes, 40 seconds West, 7.38 feet, more or less, to a point; thence along a curve to the left, having a radius of 59.00 feet, more or less, a chord bearing and distance of South 71 degrees, 58 minutes, 27 seconds West, 58.22 feet, more or less, to a point; thence along a curve to the left, having a radius of 184.00 feet, more or less, a chord bearing and distance of South 35 degrees, 31 minutes, 29 seconds West, 44.11 feet, more or less, to the **POINT OF BEGINNING**. Containing 1,114 square feet, or 0.026 acre, as shown on Drawing No. E08010-TRACT 8 attached and made a part of this document.

TEMPORARY CONSTRUCTION EASEMENT

Also included is a temporary construction easement on said lot for the purposes 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 4,711 square feet, or 0.108 acre, as shown on Drawing No. E08010-TRACT 8 attached and made a part of this document.

TPJS LLC, 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 it 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 a 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 ____ day of _____ 2013.

Name _____

Title _____

STATE OF TENNESSEE:

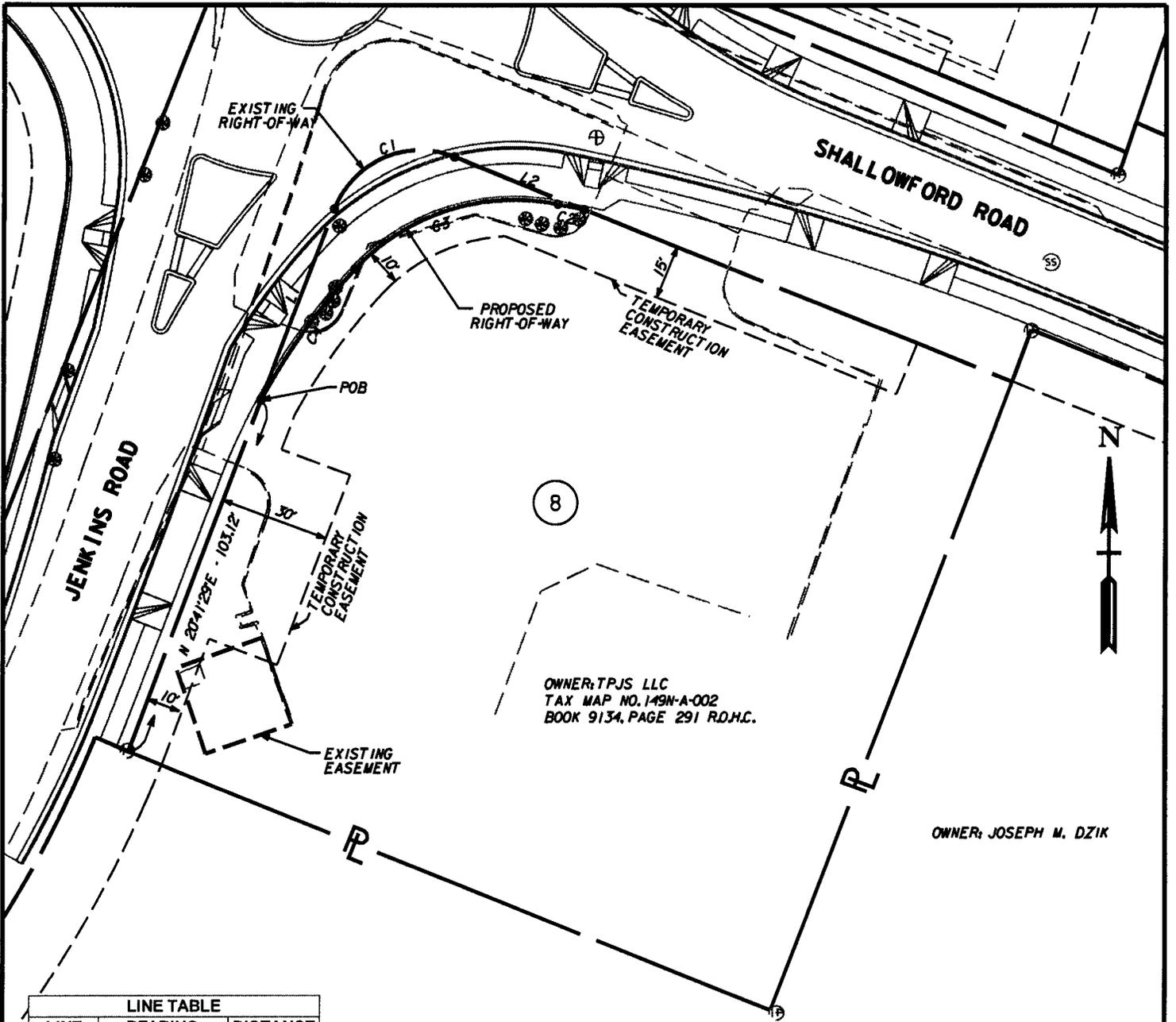
COUNTY OF HAMILTON:

On this ____ day of _____ 2013, before me personally appeared _____ with whom I am personally acquainted, and who upon oath acknowledged themselves to be the _____ and _____, respectively, of _____, within named bargainor, a corporation, and that they as such _____ 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 _____ and _____.

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

NOTARY PUBLIC

My Commission Expires: _____



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 20°41'29" E	56.14'
L2	S 67°54'45" E	38.42'

CURVE TABLE				
NAME	RADIUS	DIRECTION	CHORD BEARING	CHORD DISTANCE
C1	25.00'	Right	N 66°23'21" E	35.78'
C2	748.00'	Left	N 78°10'40" W	7.38'
C3	59.00'	Left	S 71°58'27" W	58.22'
C4	184.00'	Left	S 35°31'29" W	44.11'

THIS DOCUMENT WAS PREPARED WITH DEED BOOK 8335, PAGE 256 R.D.H.C. AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.

TRACT NO.	OWNERSHIP		BOOK	PAGE	RIGHT-OF-WAY REQUIRED	TEMP. CONST. ESMT. RECD.
	TPJS LLC					
8	TAX MAP # 149N-A-002		9134	291	1,114 S.F. 0.026 ACRE	4,711 S.F. 0.108 ACRE
CITY OF CHATTANOOGA DEPT. OF PUBLIC WORKS ENGINEERING DIVISION			SCALE: 1" = 40'		DATE: APRIL 24, 2009	
			REVISION: 10-22-10		DWG. E08010-TRACT 8	