First Reading:_____
Second Reading:_____

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, OWNED BY THE IRREVOCABLE FAMILY TRUST DATED AUGUST 4, 2004, UNDER WILL OF FRANCES C. CANNON AND THE ESTATE OF ALVIN F. CANNON, BEING MORE FULLY DESCRIBED HEREIN.

WHEREAS, the City of Chattanooga has been petitioned by the property owners of the affected territory to annex such territory, a copy of which Petition executed by authorized representatives of the Irrevocable Family Trust dated August 4, 2004, under Will of Frances C. Cannon and the Estate of Alvin F. Cannon and dated June 26, 2013, is attached hereto and made a part hereof by reference; and

WHEREAS, the Plan of Services, which is attached to this Ordinance and incorporated herein by reference, was submitted to the Chattanooga-Hamilton County Regional Planning Commission, and a written report was prepared and approved by the Chattanooga-Hamilton County Regional Planning Commission on January 13, 2014, as required by law; and

WHEREAS, the Clerk of the Council gave notice of a public hearing on January 22, 2014, with reference to the annexation of the herein described territory, to be held February 11, 2014, at 6:00 p.m., which notice was published in the daily newspaper of Chattanooga, Tennessee at least fifteen (15) days before February 11, 2014; and

WHEREAS, after such public hearing and investigation by the City Council, it now appears that the prosperity of the City and of the territory herein described and as described in

said notice will be materially retarded and the safety and welfare of the inhabitants and property of the City and the herein described territory endangered if such territory is not annexed; and

WHEREAS, the annexation of the hereinafter described territory is deemed necessary for the health, welfare and safety of the residents and property owners thereof, as well as of the City of Chattanooga as a whole;

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That under the authority conferred by Chapter 113, Public Acts of 1955, and the amendments thereto (T.C.A. § 6-51-101, et seq.), there be and hereby is annexed to the City of Chattanooga, Tennessee, and included within the corporate boundaries of said City, certain territory in Hamilton County, Tennessee, owned by Irrevocable Family Trust dated August 4, 2004, under Will of Frances C. Cannon and the Estate of Alvin F. Cannon, lying contiguous to the present corporate limits, as shown on the attached map, and described as follows:

(i) The following Tax Map Parcels owned 29.74% by the Irrevocable Family Trust Dated August 4, 2004 under Will of Frances C. Cannon and 70.26% by the Residual Marital Trust under the Last Will and Testament of Frances C. Cannon dated August 4, 2004:

Tax Map No. 120E-A-002

Being a part of the Rex A. Richey Farm in the Southwest Quarter of Section Sixteen (16), Township Five (5), Range Three (3), and being described as follows: Beginning on the Western line of Hickory Valley Road at the Northeastern corner of Lot One (1), Subdivision of part of the Rex Richey Tract, as shown by plat of record in Plat Book 14, Page 82, in the Register's Office of Hamilton County, Tennessee; thence North sixty-five (65) degrees West along the Northern line of said Lot One (1) five hundred thirty-one and 45/100 (531.45) feet to the Western line of said Southwest Quarter; thence North twenty-six (26) degrees, fifty-nine (59) minutes East, along said line, two hundred (200) feet; thence South sixty-four (64) degrees, fifty-six (56) minutes East, five hundred forty-three and 83/100 (543.83) feet, more or less, to the Western line of the said

Hickory Valley Road; thence Southwardly along said road two hundred (200) feet to the point of beginning.

Tax Map No. 120E-A-004

Being Lot No. Two (2), and a part of Lot No. Three (3), Subdivision of a part of the Rex Richey Tract in Section Sixteen (16), Township Five (5), Range Three (3), West of the Basis Line, Ocoee District, as shown by plat of record in Plat Book 14, Page 82, in the Register's Office of Hamilton County, Tennessee, being described as follows: Beginning at a point in the Western line of Hickory Valley Road at the Northeast corner of Lot No. Two (2) of said subdivision; thence Westwardly along the dividing line of Lots No. One (1) and Two (2) five hundred forty-one and 1/10 (541.1) feet to the Northwest corner of said Lot No. Two (2); thence Southwardly three hundred fifty (350) feet to the Southwest corner of Lot No. Three (3) of said subdivision; thence Eastwardly along the dividing line of Lots No. Three (3) and Four (4) three hundred thirty-two and 8/10 (332.8) feet, more or less, to the Southwest corner of the property conveyed to Mary Trotter by deed recorded in Book 830, Page 696, in the said Register's Office; thence Northwardly along said tract seventy-five (75) feet, more or less, to the Northern line of said tract two hundred fifty (250) feet to the Western line of Old Hickory Valley Road; thence Northwardly along the Western line of said road and continuing along the Western line of said present Hickory Valley Road two hundred seventy-eight and 2/10 (278.2) feet, more or less, to the point of beginning.

Except therefrom that part of said property conveyed to the State of Tennessee for the widening of Hickory Valley Road, as set out in deed recorded in Book 2183, Page 881, in the Register's Office of Hamilton County, Tennessee.

Tax Map No. 120E-A-010

Being a part of the Northeast Quarter of Section Thirty (30), Township Five (5), Range Three (3), West of the Basis Line, Ocoee District, and bounded as follows: Beginning on a stake in the northeast corner of said Quarter Section; thence running south 247.5 feet to a stake; thence North 67 degrees, 08 minutes West, along the northern boundary of property conveyed to Wall by deed recorded in Book 2427, Page 425, in the Register's Office of Hamilton County, Tennessee, 397.56 feet, more or less, to a stone corner in a fence line; thence North 22 degrees, 33 minutes East, along said fence line, which is the boundary of property conveyed by deed recorded in Book 2057, Page 676, said Register's Office, 258.36 feet to a stone corner; thence South 65 degrees, 32 minutes East, 408.57 feet, more or less, to the point of beginning.

The source of petitioner's interest is found in deed of record in Book 8809, Page 932, in the Register's Office of Hamilton County, Tennessee.

(ii) And the following tax map parcel, owned by the Estate of Alvin F. Cannon:

Tax Map No. 120E-A-003
All that tract or parcel of land lying and being in the Second Civil District of Hamilton County, Tennessee, being Lot One (1) of Part of Rex Ritchie Tract, as shown by plat recorded in Plat Book 14, Page 82, in the Register's Office of Hamilton County, Tennessee.

SECTION 2. BE IT FURTHER ORDAINED, That residents of and persons owning property in the above-described territory shall be entitled to all the rights and privileges of citizenship in accordance with the provisions of the Charter of the City of Chattanooga, Tennessee, immediately upon annexation as though the above-described territory annexed has always been part of said City of Chattanooga, Tennessee.

SECTION 3. BE IT FURTHER ORDAINED, That the proposed plan of services attached hereto, pursuant to T.C.A. § 6-51-102, as amended, is adopted as the plan of services for this annexation area and such plan shall be implemented in accordance with the term periods of implementation contained therein.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall become operative thirty (30) days from and after its passage, or as otherwise provided by the provisions of T.C.A. § 6-51-102(a).

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect, as distinguished from becoming operative, two (2) weeks from and after its passage.

Passed on second and final reading:_____

_____
CHAIRPERSON

APPROVED:____ DISAPPROVED:____

_____

_____
MAYOR

/mms

MILLER & MARTIN PLLC

ATTORNEYS AT LAW

SUITE 1000 VOLUNTEER BUILDING
832 GEORGIA AVENUE
CHATTANOOGA, TENNESSEE 37402-2289
(423) 756-6600
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JIMAR A. SANDERS
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Direct Fax (423) 321-1581
jasanders@millermartin.com

July 8, 2013

VIA HAND DELIVERY:

Wade Hinton, Esq.
City Attorney
City of Chattanooga
100 E. 11th Street, Suite 200
Chattanooga, Tennessee 37402

RE: Highway 58 and N. Hickory Valley Road Annexation

Dear Wade:

Please find enclosed a fully-executed Petition, whereby the Irrevocable Family Trust Dated August 4, 2004 under Will of Frances C. Cannon and the Estate of Alvin F. Cannon are respectfully requesting that the City of Chattanooga consider the annexation of certain real property located on Highway 58 and N. Hickory Valley Road (Tax Map Nos. 120E-A-002, 120E-A-004, 120E-A-010 and 120E-A-003).

We greatly appreciate the City's consideration with this request. If you have any questions, please contact me at (423) 785-8281.

Sincerely,

Jimar A. Sanders

Jimar A. Sanders

cc: Mr. Mark Stuermann
Michael N. St. Charles, Esq.
Kirby W. Yost, Esq.
Evan A. Allison, Esq.

PETITION

WHEREAS, the **IRREVOCABLE FAMILY TRUST DATED AUGUST 4, 2004 UNDER WILL OF FRANCES C. CANNON** is the sole owner of those certain tracts of property in Hamilton County, Tennessee, more fully described as follows:

Tax Map Nos. 120E-A-002, 120E-A-004, and 120E-A-010

See **Exhibit "A"** attached to this Petition.

WHEREAS, the **ESTATE OF ALVIN F. CANNON** is the sole owner of that certain tract of property in Hamilton County, Tennessee, more fully described as follows:

Tax Map No. 120E-A-003

See **Exhibit "B"** attached to this Petition.

WHEREAS, said tracts are contiguous to the City of Chattanooga, the owners of said tracts do hereby petition said City to be annexed thereto by Ordinance, pursuant to the provisions of Tennessee Code Annotated § 6-51-102.

This the 26th day of June, 2013.

IRREVOCABLE FAMILY TRUST DATED AUGUST 4, 2004 UNDER WILL OF FRANCES C. CANNON

Cassidy Turley, authorized Agent for SunTrust Bank, Trustee

By: _____
Print Name: DAVID P. ROGERS
Title: ASSOCIATE VICE PRESIDENT

ESTATE OF ALVIN F. CANNON

Cassidy Turley, authorized Agent for SunTrust Bank, Co-Executor

By: _____
Print Name: DAVID P. ROGERS
Title: ASSOCIATE VICE PRESIDENT

By: Anne Cannon Crais
Print Name: Anne Cannon Crais, Co-Executor

EXHIBIT "A"

Tax Map No. 120E-A-002 (8619 N. Hickory Valley Road)

Being a part of the Rex A. Richey Farm in the Southwest Quarter of Section Sixteen (16), Township Five (5), Range Three (3), and being described as follows: Beginning on the Western line of Hickory Valley Road at the Northeastern corner of Lot One (1), Subdivision of part of the Rex Richey Tract, as shown by plat of record in Plat Book 14, Page 82, in the Register's Office of Hamilton County, Tennessee; thence North sixty-five (65) degrees West along the Northern line of said Lot One (1) five hundred thirty-one and 45/100 (531.45) feet to the Western line of said Southwest Quarter; thence North twenty-six (26) degrees, fifty-nine (59) minutes East, along said line, two hundred (200) feet; thence South sixty-four (64) degrees, fifty-six (56) minutes East, five hundred forty-three and 83/100 (543.83) feet, more or less, to the Western line of the said Hickory Valley Road; thence Southwardly along said road two hundred (200) feet to the point of beginning.

Tax Map No. 120E-A-004 (8607 N. Hickory Valley Road)

Being Lot No. Two (2), and a part of Lot No. Three (3), Subdivision of a part of the Rex Richey Tract in Section Sixteen (16), Township Five (5), Range Three (3), West of the Basis Line, Ocoee District, as shown by plat of record in Plat Book 14, Page 82, in the Register's Office of Hamilton County, Tennessee, being described as follows: Beginning at a point in the Western line of Hickory Valley Road at the Northeast corner of Lot No. Two (2) of said subdivision; thence Westwardly along the dividing line of Lots No, One (1) and Two (2) five hundred forty-one and 1/10 (541.1) feet to the Northwest corner of said Lot No. Two (2); thence Southwardly three hundred fifty (350) feet to the Southwest corner of Lot No. Three (3) of said subdivision; thence Eastwardly along the dividing line of Lots No. Three (3) and Four (4) three hundred thirty-two and 8/10 (332.8) feet, more or less, to the Southwest corner of the property conveyed to Mary Trotter by deed recorded in Book 830, Page 696, in the said Register's Office; thence Northwardly along said tract seventy-five (75) feet, more or less, to the Northern line of said tract two hundred fifty (250) feet to the Western line of Old Hickory Valley Road; thence Northwardly along the Western line of said road and continuing along the Western line of said present Hickory Valley Road two hundred seventy-eight and 2/10 (278.2) feet, more or less, to the point of beginning.

Tax Map No. 120E-A-010 (Highway 58)

Being a part of the Northeast Quarter of Section Thirty (30), Township Five (5), Range Three (3), West of the Basis Line, Ocoee District, and bounded as follows: Beginning on a stake in the northeast corner of said Quarter Section; thence running south 247.5 feet to a stake; thence North 67 degrees, 08 minutes West, along the northern boundary of property conveyed to Wall by deed recorded in Book 2427, Page 425, in the Register's Office of Hamilton County, Tennessee, 397.56 feet, more or less, to a stone corner in a fence line; thence North 22 degrees, 33 minutes East, along said fence line, which is the boundary of property conveyed by deed recorded in Book 2057, Page 676, said Register's Office, 258.36 feet to a stone corner; thence South 65 degrees, 32 minutes East, 408.57 feet, more or less, to the point of beginning.

EXHIBIT "B"

Tax Map No. 120E-A-003 (8613 N Hickory Valley Road)

All that tract or parcel of land lying and being in the Second Civil District of Hamilton County, Tennessee, being Lot One (1) of Part of Rex Ritchie Tract, as shown by plat recorded in Plat Book 14, Page 82, in the Register's Office of Hamilton County, Tennessee.

PROPOSED PLAN OF SERVICES
IN ACCORDANCE WITH
TENNESSEE CODE ANNOTATED § 6-51-102

The City Council of the city of Chattanooga, Tennessee hereby proposes the following Plan for Provision of Services for certain property located on Highway 58 and North Hickory Valley Road, lying contiguous to the present corporate limits of the City of Chattanooga, Tennessee, owned by the Estate of Alvin F. Cannon, which are shown on the attached map for Area 6C and described as follows:

Tax Map No. 120E-A-002

Being a part of the Rex A. Richey Farm in the Southwest Quarter of Section Sixteen (16), Township Five (5), Range Three (3), and being described as follows: Beginning on the Western line of Hickory Valley Road at the Northeastern corner of Lot One (1), Subdivision of part of the Rex Richey Tract, as shown by plat of record in Plat Book 14, Page 82, in the Register's Office of Hamilton County, Tennessee; thence North sixty-five (65) degrees West along the Northern line of said Lot One (1) five hundred thirty-one and 45/100 (531.45) feet to the Western line of said Southwest Quarter; thence North twenty-six (26) degrees, fifty-nine (59) minutes East, along said line, two hundred (200) feet; thence South sixty-four (64) degrees, fifty-six (56) minutes East, five hundred forty-three and 83/100 (543.83) feet, more or less, to the Western line of the said Hickory Valley Road; thence Southwardly along said road two hundred (200) feet to the point of beginning.

Tax Map No. 120E-A-003

All that tract or parcel of land lying and being in the Second Civil District of Hamilton County, Tennessee, being Lot One (1) of Part of Rex Ritchie Tract, as shown by plat recorded in Plat Book 14, Page 82, in the Register's Office of Hamilton County, Tennessee.

Tax Map No. 120E-A-004

Being Lot No. Two (2), and a part of Lot No. Three (3), Subdivision of a part of the Rex Richey Tract in Section Sixteen (16), Township Five (5), Range Three (3), West of the Basis Line, Ocoee District, as shown by plat of record in Plat Book 14, Page 82, in the Register's Office of Hamilton County, Tennessee, being described as follows: Beginning at a point in the Western line of Hickory Valley Road at the Northeast corner of Lot No. Two (2) of said subdivision; thence Westwardly along the dividing line of Lots No. One (1) and Two (2) five hundred forty-one and 1/10 (541.1) feet to the Northwest corner of said Lot No. Two (2);

thence Southwardly three hundred fifty (350) feet to the Southwest corner of Lot No. Three (3) of said subdivision; thence Eastwardly along the dividing line of Lots No. Three (3) and Four (4) three hundred thirty-two and 8/10 (332.8) feet, more or less, to the Southwest corner of the property conveyed to Mary Trotter by deed recorded in Book 830, Page 696, in the said Register's Office; thence Northwardly along said tract seventy-five (75) feet, more or less, to the Northern line of said tract two hundred fifty (250) feet to the Western line of Old Hickory Valley Road; thence Northwardly along the Western line of said road and continuing along the Western line of said present Hickory Valley Road two hundred seventy-eight and 2/10 (278.2) feet, more or less, to the point of beginning.

Except therefrom that part of said property conveyed to the State of Tennessee for the widening of Hickory Valley Road, as set out in deed recorded in Book 2183, Page 881, in the Register's Office of Hamilton County, Tennessee.

Tax Map No. 120E-A-010

Being a part of the Northeast Quarter of Section Thirty (30), Township Five (5), Range Three (3), West of the Basis Line, Ocoee District, and bounded as follows: Beginning on a stake in the northeast corner of said Quarter Section; thence running south 247.5 feet to a stake; thence North 67 degrees, 08 minutes West, along the northern boundary of property conveyed to Wall by deed recorded in Book 2427, Page 425, in the Register's Office of Hamilton County, Tennessee, 397.56 feet, more or less, to a stone corner in a fence line; thence North 22 degrees, 33 minutes East, along said fence line, which is the boundary of property conveyed by deed recorded in Book 2057, Page 676, said Register's Office, 258.36 feet to a stone corner; thence South 65 degrees, 32 minutes East, 408.57 feet, more or less, to the point of beginning.

The source of petitioner's interest is found in deed of record in Book 8809, Page 932, in the Register's Office of Hamilton County, Tennessee.

A. POLICE

Patrolling, radio directed response to calls for assistance, crime prevention services, traffic control and accident prevention services and other police protection and support using present personnel and equipment will be provided on the effective date of annexation.

B. TRAFFIC ENGINEERING

Traffic Engineering and installation of signs and other traffic control devices to be installed as required throughout the annexation area, when the need is established by appropriate traffic studies.

C. FIRE

1. Fire protection by present personnel and the equipment of the fire fighting force within the limitations of available water and distance from fire stations will be provided on the effective date of annexation.

2. Additional fire services such as those made available through the City's fire prevention bureau and its arson investigation unit will be made available on the effective date of annexation.

3. Within six (6) months after annexation, the location of fire hydrants shall be determined and installed in those areas where water mains of adequate size are available. Placement of hydrants will be on the basis of nationally-accepted standards defined by the National Fire Underwriters' Association. As additional water lines are extended into the annexation area, if not presently served, fire hydrants shall be installed as required by the above-mentioned standard when the population density or need for hydrant services is sufficient to cost effectively extend hydrant services to the annexed property in the discretion of the Mayor and the City Council.

4. Within six (6) months after annexation, a study will be completed to determine the need for the establishment of a fire substation in or near the annexed area to assure the continued compliance with standards established by the National Fire Underwriters appropriate to the existing fire insurance rating.

D. REFUSE COLLECTION

The same regular refuse collection now provided by the City will be extended to the annexed area on the effective date of annexation.

E. ROAD AND STREET CONSTRUCTION AND REPAIR; SIGNS AND LIGHTING

1. Emergency maintenance of streets (repair of hazardous chuck holes, measures necessary to maintain normal traffic flow), removal of snow and/or sanding of streets during icing conditions will being on the effective date of annexation.

2. Routine maintenance, on the same basis as in the present City, will begin in the annexed area following the effective date of annexation.

3. Within six (6) months of annexation, street name signs will be installed as needed in all substantially developed areas.

4. Street lights will be installed under the same standards as now prevail in the City.

F. PLANNING AND ZONING

The planning and zoning jurisdiction of the City will be extended to the annexed area of the effective date of annexation. City planning will thereafter encompass the annexed area. Pending a review of the zoning by the Chattanooga-Hamilton County Regional Planning Agency and the City, the property shall be reclassified to a temporary classification pursuant to Article X, Section 100 of the City's Zoning Ordinance.

G. RECREATION FACILITIES AND PROGRAMS

1. All of the recreational areas and programs provided for the present City residents will be made available immediately to the residents of the annexed area.

2. Summer recreation programs such as softball tournaments and Little League will be made available to all residents.

H. WATER SYSTEM

Water for domestic, commercial and industrial uses will continue to be provided to residents of the newly annexed area by the Eastside Utility District.

I. ELECTRICAL SERVICE

Electricity for domestic, commercial and industrial uses will continue to be provided to residents of the newly annexed area by the Electric Power Board of Chattanooga.

J. SEWER SYSTEM

The City of Chattanooga will provide sewer services to the annexed area within three (3) years of the effective date of annexation, as provided in Paragraph 6(C) of the Master Interlocal Agreement approved by the City of Chattanooga dated May 23, 2001, if the Hamilton County Water and Wastewater Treatment Authority, (hereinafter "WWTA"), cedes its service area to the City within thirty (30) days of the date of annexation. If sewer services for properties within the annexed area are not ceded to the City of Chattanooga or allowed to be provided by the City of Chattanooga because this area is retained by the WWTA, such services will be provided to the residents of the newly annexed area by the WWTA to the extent that lines are available within the annexed area and density of development makes new sewer lines feasible and funds for construction of necessary sewer lines are available as determined by the WWTA Board.

K. INSPECTION/CODE ENFORCEMENT

Chattanooga now provides inspection and code enforcement services (building, electrical, plumbing, gas, and better housing) to all areas of the City. These same services will be provided to the newly annexed area when it becomes a part of the municipality.

L. ANIMAL CONTROL

The Chattanooga Animal Services provides the services of animal control and enforces the City's leash laws and other animal control ordinances. This service will be available in the new area when the annexation becomes effective.

Chattanooga-Hamilton County
RPA
Regional Planning Agency

Executive Office
Development Services
Transportation Planning Organization (TPO)

A RESOLUTION TO RECOMMEND THE ADOPTION OF THE PLAN OF SERVICES FOR THE ANNEXATION OF CERTAIN REAL PROPERTY LOCATED ON HIGHWAY 58 AND N. HICKORY VALLEY ROAD (TAX MAP NOS. 120E-A-002, 120E-A-004, 120E-A-010 AND 120E-A-003)

WHEREAS, the property owner petitioned the City of Chattanooga for annexation; and

WHEREAS, the State of Tennessee enabling legislation requires a Plan of Services be prepared prior to the finalization of any annexation; and

WHEREAS, the Chattanooga Zoning Ordinance requires review of the Plan of Services by the Chattanooga-Hamilton County Regional Planning Commission before adoption by the Chattanooga City Council; and

WHEREAS, the Chattanooga-Hamilton County Regional Planning Agency Staff has reviewed said Plan; and

WHEREAS, the staff finds that the elements of the Plan meet the requirements of the State of Tennessee and the City of Chattanooga.

NOW, THEREFORE BE IT RESOLVED, that on January 13, 2014, the Chattanooga-Hamilton County Regional Planning Commission does respectfully recommend to the Chattanooga City Council that the attached Plan of Services be adopted for said property.

Respectfully submitted,

John Bridger, Secretary

Date of Adoption: January 13, 2014

Attachment

JB:GH:sh

xecutive Office/TPO
423)757-5216
ax:(423)757-5532

1250 Market Street • Suite 2000, Development Resource Center
Chattanooga, Tennessee 37402

Development Services
(423)668-2287
Fax:(423)668-2289

RPA STAFF REPORT
PROPOSED PLAN OF SERVICES

To: Chattanooga Hamilton County Regional Planning Commission

From: Chattanooga-Hamilton County Regional Planning Agency

Date: January 3, 2014

Re: Report on Plan of Service for City of Chattanooga annexation of certain real property located on Highway 58 and N. Hickory Valley Road (Tax Map Nos. 120E-A-002, 120E-A-004, 120E-A-0 I0 and 120E-A-003).

Scope:

The Chattanooga-Hamilton County Regional Planning Agency has reviewed the proposed annexation for Tax Map Nos. 120E-A-002, 120E-A-004, 120E-A-0 I0 and 120E-A-003 which are being considered for annexation pursuant to authority granted by the State of Tennessee in T.C.A. Secs. 6-51-101 and following. The Regional Planning Agency acts as staff to the Chattanooga-Hamilton County Regional Planning Commission. It should be noted that the scope of this Report is delimited by and prepared in accordance with the strictures of T.C.A. Sec. 6-51-102(b). Specifically, it is not the province of the Planning Commission to pass on or even to comment on whether the Plan of Annexation is lawful or appropriate. That determination is left to the City of Chattanooga City Council. Rather, the Planning Commission reports only on the reasonableness of the proposed Plan of Service for the areas considered for annexation.

The Regional Planning Agency has reviewed and considered the Urban Growth Plan, the Proposed Plans of Service and attached maps, and their professional knowledge or inspection of the subject areas in making this Report.

Recommendation:

The proposed annexation area is not contained within the City of Chattanooga's Urban Growth Boundary/Master Interlocal Agreement as agreed to in May 2001. This area is however, contiguous to the current City of Chattanooga boundary.

The Regional Planning Agency finds that the proposed Plan of Service is reasonable and meets the letter and spirit of the governing statutory standard set forth in T.C.A. Sec. 6-51-102(b).

The Plan of Services includes a reasonable implementation schedule for the delivery of comparable services in the annexation area with respect to the services provided to all

residents of the City of Chattanooga. The implementation schedule addresses both the timing of the delivery of services and the immediate action items. Services will be delivered upon adoption or within a reasonable period of time following annexation. It appears that the City will be able to provide the same level of service to the annexation area as it does to the rest of the City and that, in doing so, it will not diminish the level of service to the rest of the City.

Additional fire protection, police protection, storm water management, refuse collection, street maintenance and clearing, traffic signs and control devices, zoning, inspection and code enforcement, animal control, and recreational facilities and programs access will be to the benefit of the area proposed for annexation. Water and electric services are being provided by other entities as detailed and will not be affected by implementation of the proposed Plan of Service.

Sewer service provision is as detailed in the Urban Growth Plan Master Interlocal Agreement (Paragraph 6c) and outlined in Section J of the Plan of Services. If the Hamilton County Water and Wastewater Treatment Authority (WWTA) cedes its service area within thirty (30) days of annexation, the City of Chattanooga will provide sewer service to the annexed area within three (3) years of the effective date of annexation. If the sewer service for properties is not ceded by WWTA, sewer service provision shall be the responsibility of WWTA.

NOTICE

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Assembly Room of the City Council Building, 1000 Lindsay Street, on Tuesday, February 11, 2014, at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in the proposed annexation being an area located on Highway 58 and North Hickory Valley Road in Hamilton County, Tennessee, owned by (i) the Irrevocable Family Trust Dated August 4, 2004, under Will of Frances C. Cannon and the Residual Marital Trust under the Last Will and Testament of Frances C. Cannon dated August 4, 2004; and (ii) the Estate of Alvin F. Cannon, respectively, being more fully described herein:

(i) The following Tax Map Parcels owned 29.74% by the Irrevocable Family Trust Dated August 4, 2004 under Will of Frances C. Cannon and 70.26% by the Residual Marital Trust under the Last Will and Testament of Frances C. Cannon dated August 4, 2004:

Tax Map No. 120E-A-002

Being a part of the Rex A. Richey Farm in the Southwest Quarter of Section Sixteen (16), Township Five (5), Range Three (3), and being described as follows: Beginning on the Western line of Hickory Valley Road at the Northeastern corner of Lot One (1), Subdivision of part of the Rex Richey Tract, as shown by plat of record in Plat Book 14, Page 82, in the Register's Office of Hamilton County, Tennessee; thence North sixty-five (65) degrees West along the Northern line of said Lot One (1) five hundred thirty-one and 45/100 (531.45) feet to the Western line of said Southwest Quarter; thence North twenty-six (26) degrees, fifty-nine (59) minutes East, along said line, two hundred (200) feet; thence South sixty-four (64) degrees, fifty-six (56) minutes East, five hundred forty-three and 83/100 (543.83) feet, more or less, to the Western line of the said Hickory Valley Road; thence Southwardly along said road two hundred (200) feet to the point of beginning.

Tax Map No. 120E-A-004

Being Lot No. Two (2), and a part of Lot No. Three (3), Subdivision of a part of the Rex Richey Tract in Section Sixteen (16), Township Five (5), Range Three (3), West of the Basis Line, Ocoee District, as shown by plat of record in Plat Book 14, Page 82, in the Register's Office of Hamilton County, Tennessee, being described as follows: Beginning at a point in the Western line of Hickory Valley Road at the Northeast corner of Lot No. Two (2) of said subdivision; thence Westwardly along the dividing line of Lots No. One (1) and Two (2) five hundred forty-one and 1/10 (541.1) feet to the Northwest corner of said Lot No. Two (2); thence Southwardly three hundred fifty (350) feet to the Southwest corner of Lot No. Three (3) of said subdivision; thence Eastwardly along the dividing line of Lots No. Three (3) and Four (4) three hundred thirty-two and 8/10 (332.8) feet, more or less, to the Southwest corner of the property conveyed to Mary Trotter by deed recorded in Book 830, Page 696, in the said Register's Office; thence Northwardly along said tract seventy-five (75) feet, more or less, to the Northern line of said tract two hundred fifty

(250) feet to the Western line of Old Hickory Valley Road; thence Northwardly along the Western line of said road and continuing along the Western line of said present Hickory Valley Road two hundred seventy-eight and 2/10 (278.2) feet, more or less, to the point of beginning.

Except therefrom that part of said property conveyed to the State of Tennessee for the widening of Hickory Valley Road, as set out in deed recorded in Book 2183, Page 881, in the Register's Office of Hamilton County, Tennessee.

Tax Map No. 120E-A-010

Being a part of the Northeast Quarter of Section Thirty (30), Township Five (5), Range Three (3), West of the Basis Line, Ocoee District, and bounded as follows: Beginning on a stake in the northeast corner of said Quarter Section; thence running south 247.5 feet to a stake; thence North 67 degrees, 08 minutes West, along the northern boundary of property conveyed to Wall by deed recorded in Book 2427, Page 425, in the Register's Office of Hamilton County, Tennessee, 397.56 feet, more or less, to a stone corner in a fence line; thence North 22 degrees, 33 minutes East, along said fence line, which is the boundary of property conveyed by deed recorded in Book 2057, Page 676, said Register's Office, 258.36 feet to a stone corner; thence South 65 degrees, 32 minutes East, 408.57 feet, more or less, to the point of beginning.

The source of petitioner's interest is found in deed of record in Book 8809, Page 932, in the Register's Office of Hamilton County, Tennessee.

(ii) And the following tax map parcel, owned by the Estate of Alvin F. Cannon:

Tax Map No. 120E-A-003

All that tract or parcel of land lying and being in the Second Civil District of Hamilton County, Tennessee, being Lot One (1) of Part of Rex Ritchie Tract, as shown by plat recorded in Plat Book 14, Page 82, in the Register's Office of Hamilton County, Tennessee.

A written report on the Plan of Services for this area was approved by the Chattanooga-Hamilton County Regional Planning Commission on January 13, 2014. Three (3) copies of the Plan of Service for this area are available for public inspection at the Office of the City Council Clerk, 1000 Lindsay Street, Chattanooga, Tennessee 37402, (423) 757-5196, during all business hours from the date of this Notice until the public hearing.

This the _____ day of _____, 2014.

_____

Sandra Freeman
Clerk of the City Council