

First Reading: 1/13/15  
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, BEING TAX MAP NOS. 132A-A-001.04 AND 132A-A-001.08 TO THIS ORDINANCE LOCATED IN HAMILTON COUNTY, TENNESSEE, OWNED BY JOHNSTON SOUTHERN COMPANY, LLC BEING MORE FULLY DESCRIBED HEREIN.

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WHEREAS, the City of Chattanooga has been petitioned by the property owners of the affected territory to annex such territory, a copy of which Petitions executed by authorized representative of Johnston Southern Company, LLC and dated August 19, 2014, are 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 November 10, 2014, as required by law; and

WHEREAS, the Clerk of the Council gave notice of a public hearing on December 28, 2014, with reference to the annexation of the herein described territory, to be held January 13, 2015, at 6:00 p.m., which notice was published in the daily newspaper of Chattanooga, Tennessee at least fifteen (15) days before January 13, 2015; 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. § 6-51-122, 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 the Third Civil District of Hamilton County, Tennessee, owned by Johnston Southern Company, LLC lying contiguous to the present corporate limits, as shown on the attached map, and described as follows:

### **CAMBRIDGE SQUARE**

#### **Proposed Annexation Area**

Being a portion of Lots 6 & 7 Cambridge Square as shown in plat book 99, page 189 (ROHC), Registers Office of Hamilton County, Tennessee and more particularly described as follows:

Beginning at the northern most corner of lot 7, at the eastern ROW (right-of-way) of Ooltewah-Georgetown Road; thence along northern line of lot 7, South 66 degrees 37 minutes 40 seconds East, a distance of 79.44 feet to the common corner of lot 6 & 7; thence along the northern line of lot 6, South 66 degrees 37 minutes 40 seconds East, a distance of 137.0 feet to the eastern most corner of lot 6; thence along the eastern line of lot 6 South 23 degrees 10 minutes 27 seconds West, a distance of 80 feet more or less to a point in the current Chattanooga and Hamilton County annexation limit line; thence along the current limit line North 66 degrees 37 minutes 40 seconds West, a distance of 137 feet more or less to a point in the common line of lots 6 & 7; thence continuing along said existing limit line North 66 degrees 37 minutes 40 seconds West, a distance of 80 feet more or less to a point at the eastern ROW of Ooltewah-Georgetown Road; thence along

said eastern line North 23 degrees 48 minutes 11 seconds East, a distance of 80 feet more or less, to the POINT OF BEGINNING.

CONTAINING a total of 0.39 acres more or less. Being 0.14 acres more or less in lot 7 and 0.25 acres more or less in lot 6.

Tax Map Parcel Nos. 132A-A-001.04 and 132A-A-001.08

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(b), 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. § 6-51-122(a)(2)(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

\_\_\_\_\_, 2015.

\_\_\_\_\_

CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_, 2015.

\_\_\_\_\_

MAYOR

PAN/kac/mem

**PETITION**

WE, JOHNSTON SOUTHERN COMPANY, LLC, the sole owner of a tract of property in Hamilton County, Tennessee, more fully described as follows:

**Tax Map No. 132A-A-001.04**

See Exhibit "A" attached to this Petition.

Which tract is contiguous to the City of Chattanooga, do hereby petition said City to be annexed thereto by Ordinance, pursuant to the provisions of Tennessee Code Annotated § 6-51-102.

This the 19th day of August, 2014.

JOHNSTON SOUTHERN COMPANY, LLC

By: Pamala K Cuzzort

Printed Name: Pamala K Cuzzort

Title: Vice President

**PETITION**

WE, JOHNSTON SOUTHERN COMPANY, LLC, the sole owner of a tract of property in Hamilton County, Tennessee, more fully described as follows:

**Tax Map No. 132A-A-001.08**

See Exhibit "A" attached to this Petition.

Which tract is contiguous to the City of Chattanooga, do hereby petition said City to be annexed thereto by Ordinance, pursuant to the provisions of Tennessee Code Annotated § 6-51-102.

This the 19th day of August, 2014.

JOHNSTON SOUTHERN COMPANY, LLC

By: Pamala K Cuzzort

Printed Name: Pamala K Cuzzort

Title: Vice President



COLTEWAH GEORGETOWN ROAD

BRADMORE LANE

PROPOSED ANNEX LIMITS

PROPOSED AREA OF 9329 BRADMORE LANE (TAX PARCEL # 132H-A-001.08) TO BE ANNEXED = 0.14± ACRES (TYP WHERE )

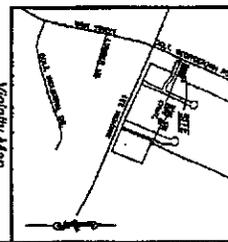
EX. BUILDING  
EX. CONCRETE

APPROX. ZONING LIMITS

PROPOSED AREA OF 9337 BRADMORE LANE (TAX PARCEL # 132H-A-001.04) TO BE ANNEXED = 0.25± ACRES (TYP WHERE )

APPROX. CITY OF CHATTANOOGA LIMITS  
APPROX. HAMILTON CO. LIMITS

ARBURY WAY



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DATE	BY	REVISION
08/11/11	MAP	ISSUE FOR PERMIT
08/11/11	MAP	ISSUE FOR PERMIT
08/11/11	MAP	ISSUE FOR PERMIT

**MAP ENGINEERS**

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Chattanooga, TN 37421  
Tel: (423) 865-8554  
Fax: (423) 495-0110  
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GRAPHIC SCALE



PROPOSED PLAN OF SERVICES  
IN ACCORDANCE WITH  
TENNESSEE CODE ANNOTATED § 6-51-102  
JOHNSTON SOUTHERN COMPANY LLC,  
TAX MAP NOS. 132A-A-001.04 AND 132A-A-001.08  
CONTAINING APPROXIMATELY 0.33 ACRES

The City Council of the City of Chattanooga, Tennessee hereby proposes the following Plan for Provision of Services for certain property, containing approximately 0.33 acres, more or less in Hamilton County, Tennessee, lying contiguous to the present corporate limits of the City of Chattanooga, Tennessee, adjacent to Old Lee Highway, owned by Johnston Southern Company, LLC, d/b/a Cambridge Square, and described as follows:

**CAMBRIDGE SQUARE**

**Proposed Annexation Area**

Being a portion of Lots 6 & 7 Cambridge Square as shown in plat book 99, page 189 (ROHC), Registers Office of Hamilton County, Tennessee and more particularly described as follows:

Beginning at the northern most corner of lot 7, at the eastern ROW (right-of-way) of Ooltewah-Georgetown Road; thence along northern line of lot 7, South 66 degrees 37 minutes 40 seconds East, a distance of 79.44 feet to the common corner of lot 6 & 7; thence along the northern line of lot 6, South 66 degrees 37 minutes 40 seconds East, a distance of 137.0 feet to the eastern most corner of lot 6; thence along the eastern line of lot 6 South 23 degrees 10 minutes 27 seconds West, a distance of 80 feet more or less to a point in the current Chattanooga and Hamilton County annexation limit line; thence along the current limit line North 66 degrees 37 minutes 40 seconds West, a distance of 137 feet more or less to a point in the common line of lots 6 & 7; thence continuing along said existing limit line North 66 degrees 37 minutes 40 seconds West, a distance of 80 feet more or less to a point at the eastern ROW of Ooltewah-Georgetown Road; thence along said eastern line North 23 degrees 48 minutes 11 seconds East, a distance of 80 feet more or less, to the POINT OF BEGINNING.

CONTAINING a total of 0.39 acres more or less. Being 0.14 acres more or less in lot 7 and 0.25 acres more or less in lot 6.

Tax Map Parcel Nos. 132A-A-001.04 and 132A-A-001.08

All roads and accepted right of ways within the boundaries shown on the attached map, including all properties including all property described in Exhibit "A" which is owned by Johnston Southern Company, LLC.

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. A study will be conducted within ninety (90) days of the effective date of annexation to consider the need for additional police personnel and equipment.

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. A study will be conducted within ninety (90) days of the effective date of annexation to consider the need for additional signs or other traffic control devices within the annexation area.

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 of Chattanooga's Fire Marshal's Office and fire investigation 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. Additional required hydrants will be installed in those areas where water mains of adequate size are available within eighteen (18) months after annexation. Placement of hydrants will be on the basis of nationally-accepted standards defined by adopted Codes for the City of Chattanooga. As additional water lines of adequate size are extended into the annexation area by Eastside Utility District, 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 Fire Chief, subject to appropriation of required funds.

4. An Agreement for Automatic Aid (dual response) will be developed with Tri-County Community Fire Department within six (6) months after annexation and until such time as a new fire station can be constructed to assure the continued compliance with standards established by the Insurance Service Organization (ISO) appropriate to maintain the existing fire insurance ratings in this annexation area which are comparable to existing fire insurance ratings in the other areas of the City.

D. REFUSE COLLECTION

Chattanooga currently provides its residents with certain refuse collection established under Chattanooga City Code § 18-101 *et seq.* The services currently provided by the City will be extended to the annexed area within ninety (90) days after the effective date of annexation.

E. ROAD AND STREET CONSTRUCTION AND REPAIR; SIGNS AND LIGHTING, AND STORMWATER AND DRAINAGE

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

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

3. Within six (6) months of the effective date 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 of Chattanooga. A study will be conducted within six (6) months of the effective date of annexation to consider the need for any additional street lights within the annexed area.

5. Stormwater and drainage services for all streets within the annexed area will be studied within six (6) months of the effective date of annexation for the need of any additional stormwater and drainage services.

6. Erosion and drainage services for the Water Quality Program currently provided to all streets within the City of Chattanooga shall be provided to the annexed area immediately following the effective date of annexation.

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. Chattanooga-Hamilton County Regional Planning Agency and the Chattanooga-Hamilton County Regional Planning Commission will thereafter encompass the annexed area. Pending a review of the zoning by the Chattanooga-Hamilton County Regional Planning Commission and the City Council, the property shall be reclassified to

a temporary classification which shall be rezoned in accordance with the City's Zoning Ordinances.

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 all residents of the annexed area in the same manner as current citizens of the City of Chattanooga.

2. Recreation programs such as swimming, summer camps, baseball, flag football, basketball, tennis will be made available to all residents of the annexed area in the same manner as the current residents of the City of Chattanooga.

H. WATER SYSTEM

Water for all annexed properties will continue to be provided in the same manner as it is currently provided by East Side Utility District.

I. ELECTRICAL SERVICE

Electricity 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

The Economic and Community Development Department of the City now provides plans review services inspection and code enforcement services (building, electrical, plumbing, gas, and unsafe building services, land use (zoning) and development, including flood plain NFIP/FEMA requirements, and for housing, litter, overgrowth, illegal dumping) to all areas of the City of Chattanooga. These same services will be provided to the newly annexed area when it becomes a part of the City of Chattanooga.

L. ANIMAL CONTROL

The McKamey Animal Care and Adoption Center currently provides the services of animal control by contract with the City 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.



**A RESOLUTION ADOPTING THE WRITTEN REPORT  
OF THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING  
AGENCY STAFF REGARDING THE REASONABLENESS OF THE  
SCOPE OF SERVICES TO BE PROVIDED AND THE TIMING OF SUCH  
SERVICES, AS REQUIRED BY T.C.A. § 6-51-102(b) FOR  
JOHNSTON SOUTHERN COMPANY, LLC,  
TAX PARCEL NOS. 132A-A-001.04 & 132A-A-001.08**

**WHEREAS**, the City of Chattanooga has provided a proposed Plan of Services to the Chattanooga-Hamilton County Regional Planning Commission which establishes the services to be delivered and the projected timing of services in accordance with T.C.A. § 6-51-102(b)(2); and

**WHEREAS**, the proposed Plan of Services includes, but is not limited to: police protection, fire protection, water service, electrical service, sanitary sewer service, solid waste collection, road and street construction and repair, recreational facilities and programs, street lighting, and zoning services; and

**WHEREAS**, it appears that the proposed Plans of Services provided for an area for Johnston Southern Company, LLC, Tax Parcel Nos. 132A-A-001.04 & 132A-A-001.08 includes a reasonable implementation schedule for the delivery of comparable services in the territory to be annexed with respect to the services delivered to all citizens of the municipality and properly excludes services that are being provided by other public agencies or private companies in the territories to be annexed as provided by T.C.A. § 6-51-120(b)(2); and

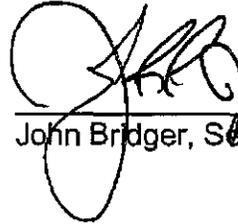
**WHEREAS**, the City of Chattanooga has submitted its proposed Plan of Services for areas provided to the Chattanooga-Hamilton County Regional Planning Commission for study and a written report in accordance with T.C.A. § 6-51-102(b)(4); and

**WHEREAS**, the staff of the Planning Commission has made a written report including recommendations with respect to the scope of services to be provided and the timing of such services and regarding certain mapping discrepancies in the boundary description for Johnston Southern Company, LLC, Tax Parcel Nos. 132A-A-001.04 & 132A-A-001.08, which does not materially affect the scope of services to be provided and the timing of such services but which should be considered by the City of Chattanooga City Council prior to the adoption of any annexation ordinances or Plans of Services.

**NOW, THEREFORE, BE IT RESOLVED** that the Chattanooga-Hamilton County Regional Planning Commission does hereby determine that the proposed Plan of Services for Johnston Southern Company, LLC, Tax Parcel Nos. 132A-A-001.04 & 132A-A-001.08 includes a reasonable implementation schedule and includes all services required by statute and that the services are reasonable with the scope of services to be provided and the timing of the services; and

**BE IT FURTHER RESOLVED** that the attached written report of the staff of the Chattanooga-Hamilton County Regional Planning Agency dated November 10, 2014, is adopted and approved by the Chattanooga-Hamilton County Regional Planning Commission and forwarded on to the Chattanooga City Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Bridger', is written over a horizontal line. The signature is stylized and cursive.

John Bridger, Secretary

Date of Adoption: November 10, 2014

JB:sh

To: Chattanooga Hamilton County Regional Planning Commission  
From: Chattanooga-Hamilton County Regional Planning Agency  
Date: November 10, 2014  
Re: Report on Plan of Service for City of Chattanooga Proposed Cambridge Square Annexation Area

**Scope:**

The Chattanooga-Hamilton County Regional Planning Agency has reviewed the proposed annexation for Tax Map Parcel Nos. 132A-A-001.04 and 132A-A-001.08 which is 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 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 and outline 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.