

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING PAYMENT TO LONDON CENTER, LLC FOR A RIGHT-OF-WAY DEED AND PERMANENT STORM DRAINAGE EASEMENT RELATIVE TO CONTRACT NO. S-12-003-503, MCCUTCHEON ROAD DRAINAGE IMPROVEMENT PROJECT, FOR TRACT NO. 3, PROPERTY LOCATED AT TAX MAP NO. 148D-E-001.03, FOR AN AMOUNT NOT TO EXCEED TWENTY-SEVEN THOUSAND FOUR HUNDRED FIVE DOLLARS (\$27,405.00).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing payment to London Center, LLC for a right-of-way deed and permanent storm drainage easement relative to Contract No. S-12-003-503, McCutcheon Road Drainage Improvement Project, for Tract No. 3, property located at Tax Map No. 148D-E-001.03, for an amount not to exceed \$27,405.00.

ADOPTED: _____, 2015

/mem

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: September 9, 2015

Preparer: Dennis Malone

Department: Public Works

Brief Description of Purpose for Resolution/Ordinance:

Res./Ord. # _____

Council District #

6

Council approval is requested to authorize payment to London Center, LLC, for a Right-Of-Way Deed and Permanent Storm Drainage Easement, relative to Contract S-12-003-503, McCutcheon Road Drainage Improvement Project, for Tract No. 3, property located at Tax Map No. 148D-E-001.03, in the amount not to exceed \$27,405.00.

Name of Vendor/Contractor/Grant, etc. London Center, LLC
Total project cost \$ 27,405.00
Total City of Chattanooga Portion \$ 27,405.00
City Amount Funded \$ 27,405.00
New City Funding Required \$ _____
City's Match Percentage % _____

New Contract/Project? (Yes or No) Yes

Funds Budgeted? (YES or NO) Yes

Provide Fund 6031

Provide Cost Center K80305

Proposed Funding Source if not budgeted _____

Grant Period (if applicable) _____

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)

Funded in Water Quality FY15 Capital Budget

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

MAIL TAX BILL TO:

London Center, LLC
Attn: Danny Proctor
1771 Holden Farmplace
Ooltewah, TN 37363

THIS INSTRUMENT PREPARED BY:

City of Chattanooga
Department of Public Works
Water Quality Division
Development Resource Center
1250 Market Street, Suite 2100
Chattanooga, TN 37402

TAX MAP NO. 148D-E-001.03

TRACT NO. 3

RIGHT-OF-WAY DEED

FOR AND IN CONSIDERATION OF TWENTY-SEVEN THOUSAND FOUR HUNDRED FIVE DOLLARS (\$27,405.00) to be paid upon council approval the sufficiency of which is hereby acknowledged, I, the authorized agent of the undersigned owner, London Center, LLC the owner of Property No. 148D-E-001.03 as shown on a Hunnicutt Tax Map, in the City of Chattanooga, Tennessee, located at said address, 6822 McCutcheon Road, Chattanooga, Tennessee 37421 hereby gives, grants, bargains, sells, and conveys unto the City of Chattanooga, Tennessee, a municipal corporation, its successors and assigns, a right-of-way for street purposes over and across the hereinafter described lands.

SITUATED in the City of Chattanooga, Hamilton County, Chattanooga, Tennessee, and being known and designated as Lot 1 of London Center Subdivision, as shown on Plat Book 57 Page 152, also being the same property referenced as Hunnicutt Tax Map No.

148D-E-001303, as shown by deed of record in Book 4781, Page 0120, in the office of the Register of Hamilton County, Tennessee. Said right-of-way being more particularly described as follows, to wit:

COMMENCE AT A POINT which is the Northeast corner of Lot 1 of London Center as shown on Plat Book 57 Page 152 also being the Northeastern point of tangency of the Western right-of-way of Lee Highway also being Northeastern point of tangency of the referenced property referenced as Hunnicut Tax Map No. 148D-E-001.03, said point being the point of beginning (P.O.B.); thence leaving said right-of-way in a curve to the left, said curve having a Chord Bearing of North 27 degrees 38 minutes 32 seconds West a Chord Distance of 24.92 feet, thence North 65 degrees 27 minutes 35 seconds West a distance of 104.44 feet; thence North 62 degrees 16 minutes 51 seconds West a distance of 100.15 feet; thence North 65 degrees 55 minutes 36 seconds West a distance of 68.74 feet to the subject property; thence North 21 degrees 47 minutes 57 seconds East a distance of 4.45 feet along said Western boundary to the existing Southern right-of-way of McCutcheon Road; thence along said Southern right-of-way South 66 degrees 24 minutes 37 seconds East a distance of 275.06 feet to a point of curvature to the right; said curve having a Chord Bearing of South 07 degrees 07 minutes 00 seconds East a Chord Distance of 34.39 feet said curve having a radius of 20.00 feet to the POINT OF BEGINNING; with a total area of 2737 square feet, more or less, all as shown on Drawing No. S-12-003SD_ROW, Tract No. 3, dated March 17, 2015.

TO HAVE AND TO HOLD the above described property as a right-of-way, for public street purposes unto the said City of Chattanooga, Tennessee and its successors and assigns.

PERMANENT SLOPE EASEMENT

Also included is a permanent slope easement on said lot for the purpose of constructing the storm drainage infrastructure improvement and necessary appurtenances, including reasonable working area adjacent to the improvement. Said permanent construction easement being more particularly described as follows:

TRACT 3

Included in this easement is a permanent slope easement containing 1758 square feet more or less, as shown on Drawing No. S-12-003SD-ROW, Tract 3, dated March 17, 2015, prepared by the City of Chattanooga; said drawing being made part hereof by attachment hereto.

London Center, LLC, said owners, 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 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.

IN WITNESS WHEREOF, the authorized agent of the undersigned owners set my hands this 11th day of August 2015.

Danny Proctor

The London Center, LLC

STATE OF TENNESSEE:

COUNTY OF HAMILTON:

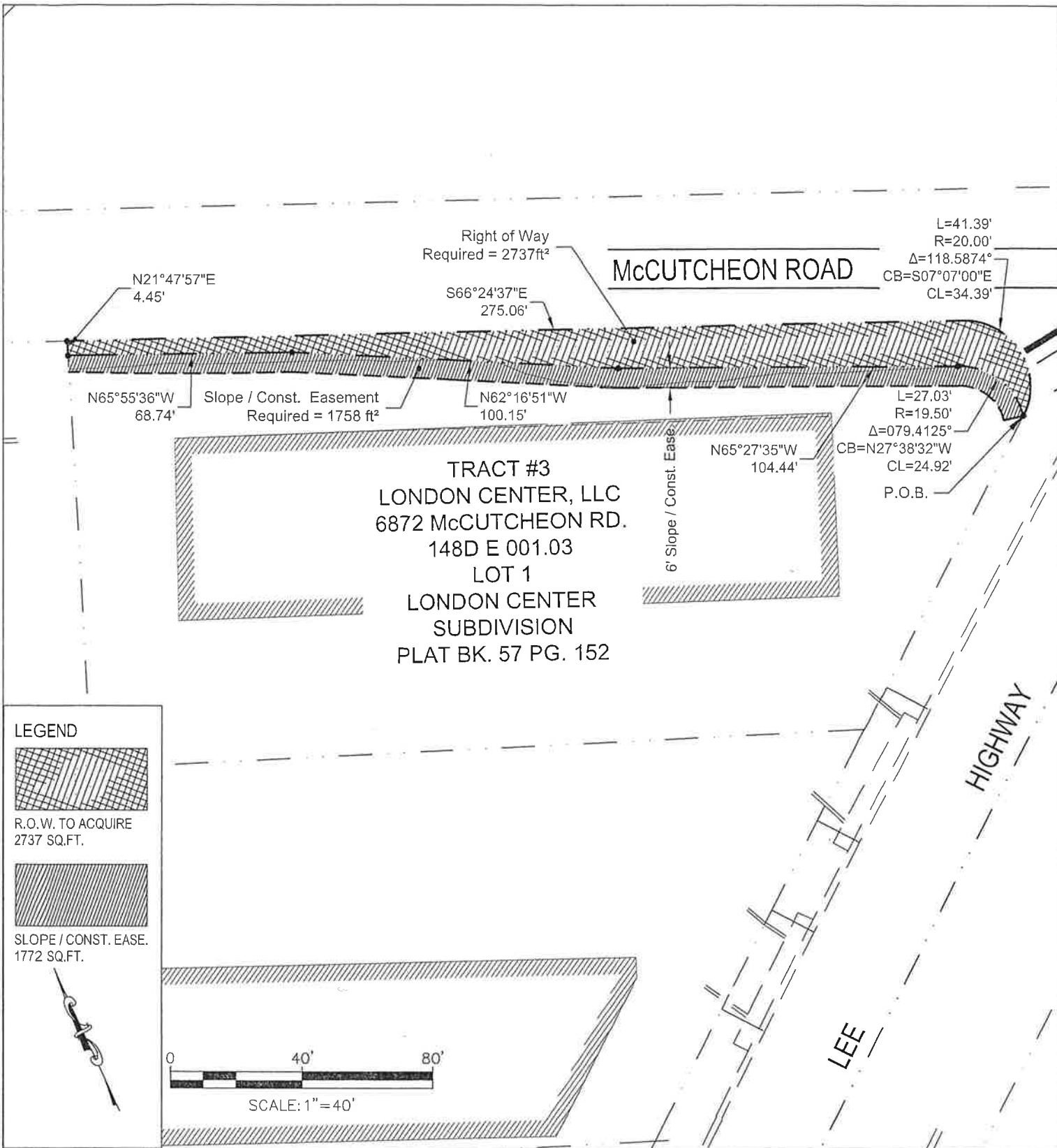
On this 11th day of August 2015, before me personally appeared Danny Proctor with whom I am personally acquainted, and who upon oath acknowledged himself to be the OWNER, of the London Center, LLC, within named bargainor, a corporation, and that they as such being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such OWNER.

WITNESS MY HAND and Notarial Seal in said State and County of the day and year above written.



James K. Gutshall
NOTARY REPUBLIC

My Commission Expires: 12-05-2017



TRACT NO.	OWNERSHIP	DEED BOOK	PAGE	R/W REQUIRED SQ. FEET
	3			
PREPARED BY AND FOR CITY OF CHATTANOOGA		SCALE: 1"=40'		DATE: 03/17/2015
		DRAWN: KSK		DWG. NO. S-12-003SD_ROW.DWG